

# Trends and Challenges in Juvenile Justice Reform: Experiences of Three States



## **Moderator:**

**Dana Shoenberg, Deputy Director, Center for  
Children's Law and Policy**

## **Panel:**

**Abby Anderson, Executive Director,  
Connecticut Juvenile Justice Alliance**

**Sue Burrell, Staff Attorney, Youth Law Center**

**Ana Yáñez-Correa, PhD, Executive Director,  
Texas Criminal Justice Coalition**

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# Dana Shoenberg

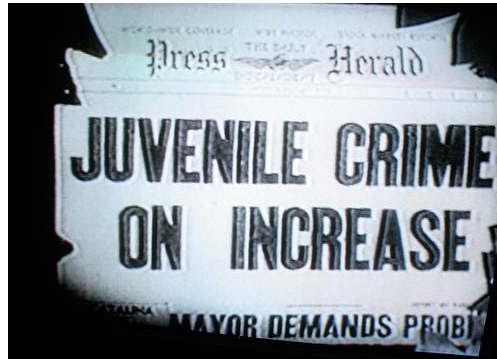
Deputy Director, Center for Children's Law and Policy



**Moderator**

# Backdrop for this Discussion

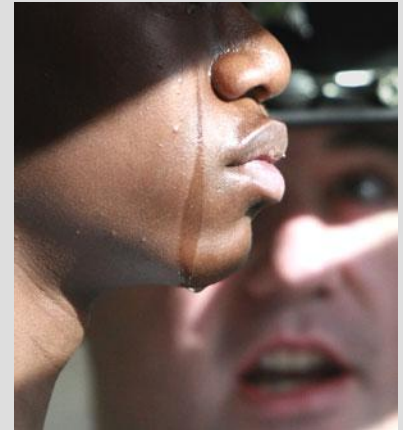
- 1980's and 90's increasing rates of incarceration.
- The growth was fuelled by skepticism about rehabilitation and flawed predictions of teenage male super-predators.



# The Pendulum Swings: “Get-Tough” Policies



- United States Sentencing Guidelines established and upheld.
- Boot camps and other get-tough programs grow.
- Mechanisms for youth transfer to the adult system increase.
- More youth correctional facilities built.



Times photos: John Pendygraft



Photo by Richard Ross ©

# Pendulum Begins to Swing Back



- The number of youth in custody rose rapidly (by almost 50%) between 1983 and 1997.
- The number of youth in residential placement in publicly and privately operated juvenile facilities has declined steadily since 2000 high of 108,802.
- In 2008, fewer than 81,000 youth were housed in juvenile facilities. This is the fewest youth counted in a national census of juvenile facilities since 1993, when the tally was slightly less than 79,000.



# What We Know Now



- Studies that claimed that rehabilitation wasn't possible were based on faulty methodology.
- In stark contrast to the dire predictions of super-predators, the juvenile arrest rate for all offenses reached its highest level of the last two decades in 1996, and then declined 33% by 2008, to a rate lower than the rate in 1980.
- The legacy of the 1990's, a broken system with large, ineffective facilities, is still present in many states.
- Incarcerating youth in the adult system increases recidivism.

# Context for Reform



- Mounting evidence about the effectiveness of community-based practices and the ineffectiveness of large correctional facilities.
- Litigation, independent monitoring, citizen oversight and U.S. Department of Justice findings of federal civil rights violations have increased publicity and public concern about harmful institutions.
- Creative advocacy and collaboration have created new partnerships for reform.

# Context, *continued*



## JDAI HELP DESK

*Sharing What Works in Juvenile Detention Reform*



What is...

**Family Engagement?**

- Increased attention to conditions in large secure facilities has encouraged legal system to look for alternatives.
- Initiatives like Annie E. Casey's JDAI and MacArthur's Models for Change have increased the pace of reform by offering strategies, systems and technical assistance.
- Missouri Model
- Fiscal incentives in OH, IL and PA serve as model for encouraging localities to keep kids close to home
- Increased mobilization of youth and families brings new and powerful voices to the table and adds urgency.

# Meet the Panel



Abby Anderson is the Executive Director of the Connecticut Juvenile Justice Alliance



Sue Burrell is a Staff Attorney at the Youth Law Center in San Francisco, California



Ana Yáñez-Correa is the Executive Director of the Texas Criminal Justice Coalition



# Abby Anderson

*Executive Director*  
*Connecticut Juvenile Justice Alliance*





**CONNECTICUT  
JUVENILE  
JUSTICE  
ALLIANCE**

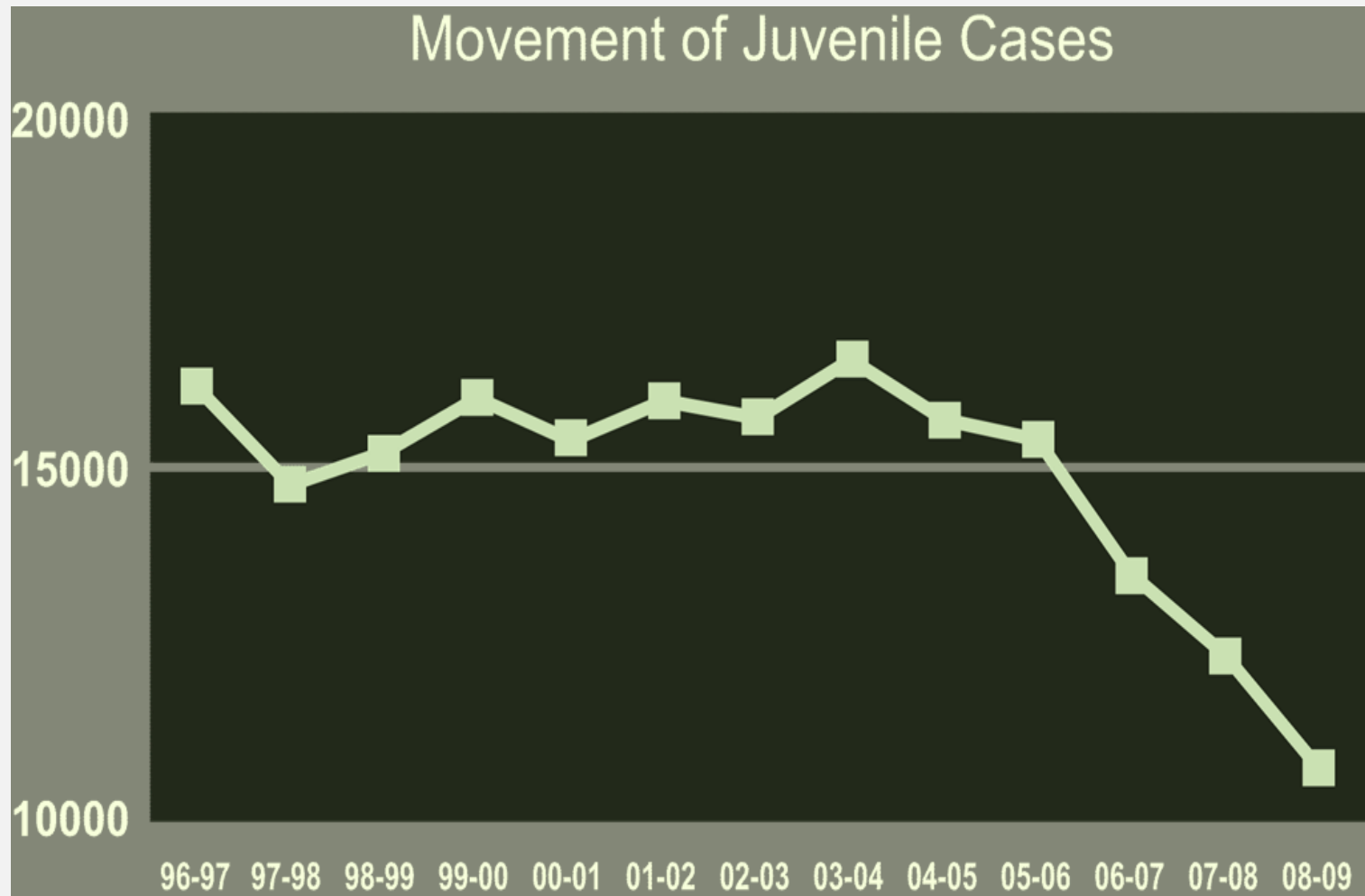
## CJJA's Mission

- (A) reduce the number of children and youth entering the juvenile and criminal justice systems, and
- (B) advocate a safe, effective, and fair system for those involved.

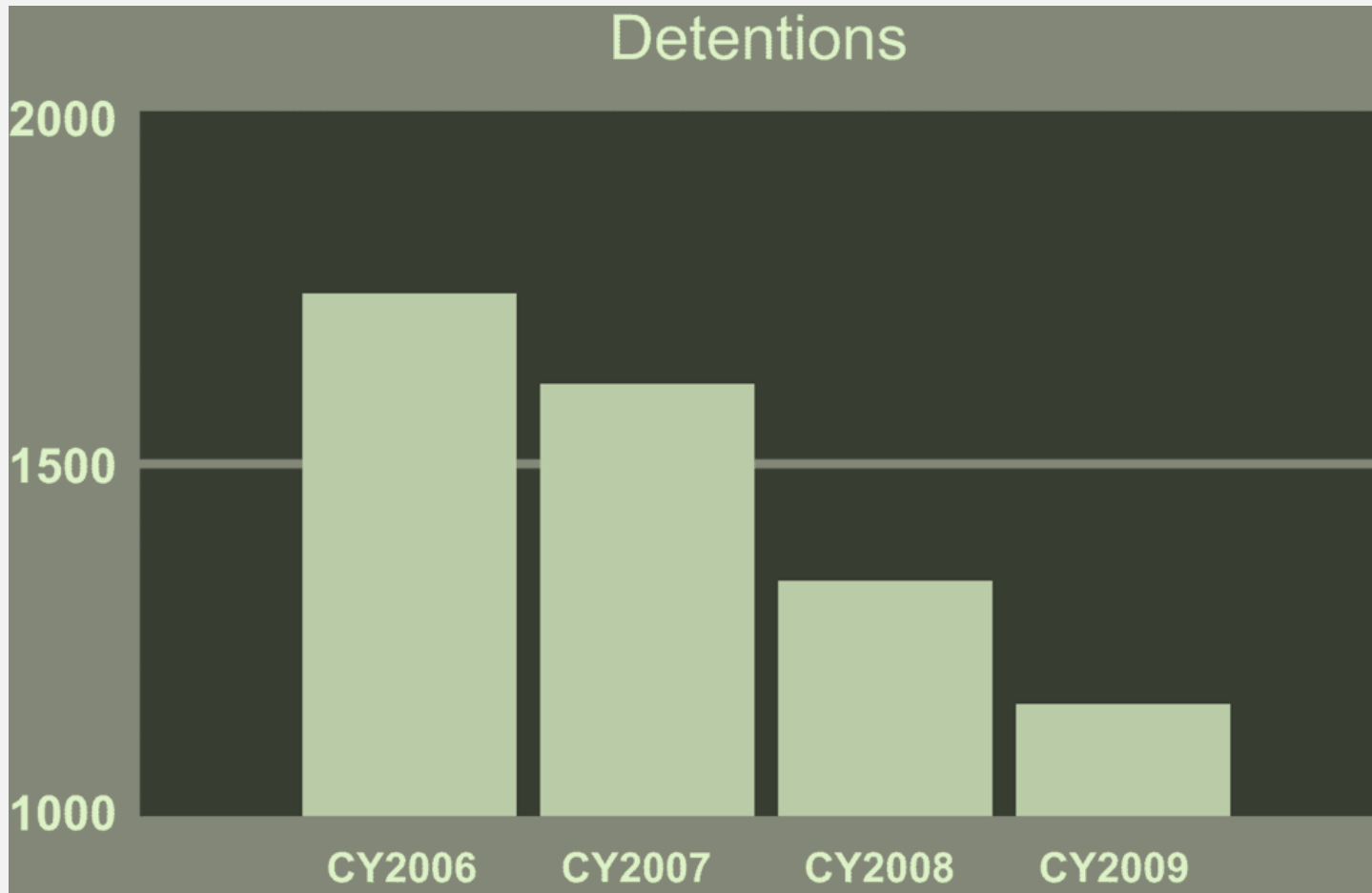
## Results

During the past ten years, reforms have significantly reduced the size of the entire juvenile justice system - front end to deep end.

# System Shrinking: Fewer Kids Going to Court

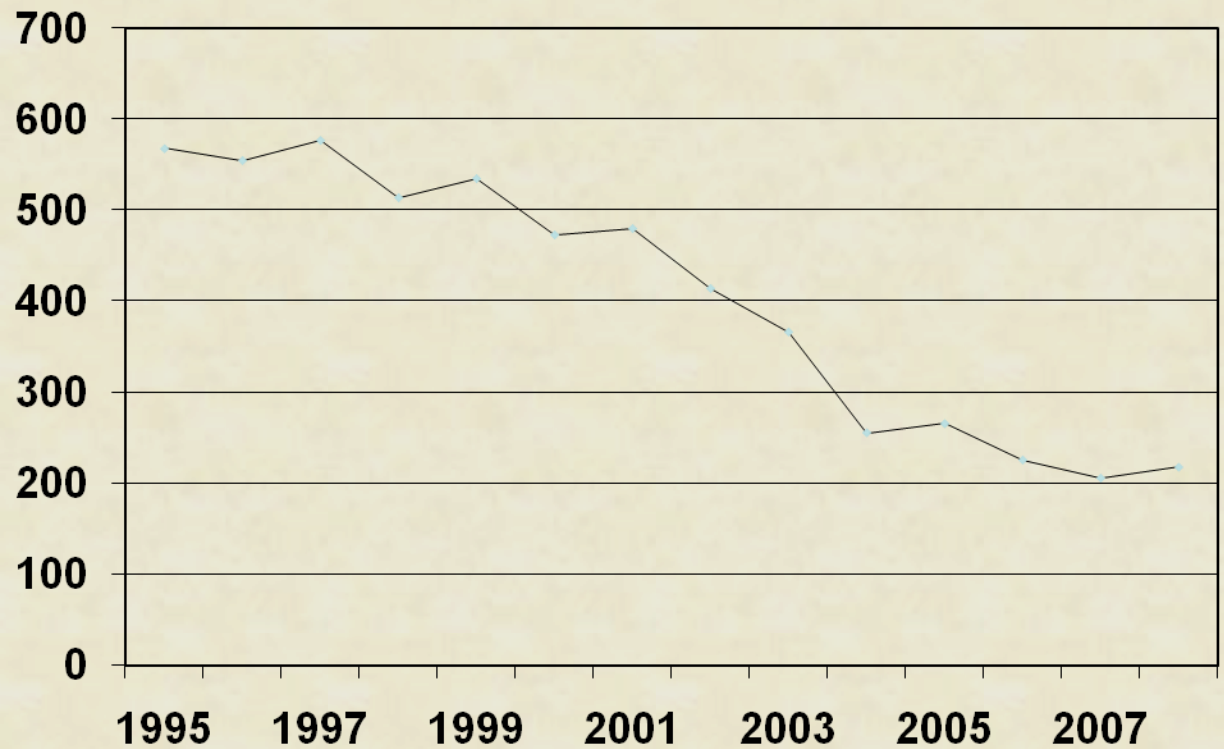


# System Shrinking: Fewer Kids in Detention



Source: Judicial Branch

# System Shrinking: Fewer Kids Committed



## Why is the System Shrinking?

- Smart investments in prevention.
- A commitment to serve kids in the least restrictive environment.
- Home-based, evidence-based, family-centric interventions.

## How Did We Get Here?

### Reform Through:

- Litigation
- Legislation
- Community Organizing



# Litigation

Center for Children's Advocacy – Martha Stone  
“Emily J”



- Mid 90's through late 00's
- Conditions of confinement in detention; specific focus on youth in detention awaiting inpatient psychiatric evaluation or residential facility placement
- Ongoing stipulated and settlement agreements outlining requirements for appropriate community-based services

# Litigation Results



- Better screening and evaluation in detention
- Secured funding streams because of agreements
- Expansion of alternative to detention
- Decrease length of detention stays
- Increase trauma and gender-specific services
- Increase community-based mental health services



# Legislation



- Close status offender valid court order (VCO) loop hole.
- Family with Service Needs (FWSN) advisory board created to determine how to implement change within two years.
- ALL stakeholders included: courts, DCF, prosecutors, defenders, providers, advocates, and parents.

# Legislation Results



- 498 status offenders in detention in FY 06-07
- ZERO status offenders in detention in FY 08-09
- 7 stand-alone “Family Support Centers” for status offenders and their families across the state. “Add-on” services in 5 other court districts



# Community Organizing



- Community education – breakfasts , video and road show, monthly statewide advocacy meetings and online “spark plug” advocacy community.
- Legislation to study – another balanced group with all stakeholders required to be at the table according to legislation.
- Recommended Raise the Age (RTA) occur with a 24 month planning period.

# Community Organizing Results

- Continued community organizing and advocacy to ensure implementation – leaders on ALL juvenile justice issues.



- 4,000 16 year olds kept out of adult system in 2010.
- Tens of millions of dollars appropriated for RTA-related juvenile justice system investments.



# Sue Burrell

*Staff Attorney*  
*Youth Law Center*





## Organizational and Fiscal Context



- State runs institutional system for deep end youth - Division of Juvenile Justice
- Counties run juvenile detention centers and camps, but some have no (or very limited) detention, and only 28 of 58 have camps
- State has no juvenile justice agency – duties divided between agencies in charge of prisons and standards/grants
- Most juvenile system funding comes from the state; every year is a cliff hanger

# Prelude to Reform



- State had been national model in 60's-70's
- Juvenile crime spike in late 80's led to “get tough” policies (longer confinement, trying kids as adults, Prop 21)
- State facilities became overcrowded and dangerous (suicides, kids in cages, lockdowns, beatings, deficient education & mental health)
- Local juvenile justice policy was driven by funding

# Stoking the Fire for Change

- Media attention about abuses.
- Courageous legislators got angry (hearings, bills, budget )
- The “Terminator” became Governor
- The cost of state confinement soared
- Juvenile crimes rates dropped



Photo courtesy Youth Justice Coalition

- Litigation – *Farrell* lawsuit and joint expert reports confirmed failure of current system

## Role of Advocates/ Community

- Ready to go since the 80's
- Connected with media, legislative staff on abuses and better options
- Educated juvenile system professionals
- Used litigation to create a public record of abuses and failure to reform
- Loosely coordinated efforts

## Legislature's Role

- Kept crisis in the limelight through hearings and reports
- Imposed sliding scale fees for state commitments (1996) and program funds for counties (JJCPA 2000)
- Expanded discretion of judges to reduce confinement time and to bring kids back; restricted parole board powers; increased reporting requirements (2003, SB 459)

# Role of Legislature, *continued*



*Image by Dana Gonzales*

- Narrowed eligibility for commitment to state facilities (2007, SB 81) & gave money to counties to serve youth locally
- Closed facilities beginning 2004
- Realigned parole to the counties (2010, AB 1628)
- Fate of state system currently pending in 2011 budget process

# Role of Court and Legal Community



- Judges, probation, defenders became more educated about state system problems
- Defenders became more active in preventing/recalling commitments
- Some counties stopped using state facilities; some developed better local options
- Probation increased scrutiny of kids in state facilities

# Accomplishments



- State facilities population has dropped from 10,000 in 1996 to 1,232 youth in April 2011 (which includes > 200 adult prison housing cases)
- State has closed most of its juvenile institutions - from 11 down to 4
- Counties have received “realignment” money to serve more low level youth and parolees locally
- Public policy discussion is shifting toward outcome-based, based cost-effective services





# Bottom Line



- Timing is everything, but you have to be ready
- Undeniable evidence of crisis and system failure helped to drive change
- High cost of long-term confinement got the governor & legislature engaged
- A consistent set of values helped
- Successive small changes enabled stakeholders to adjust
- A seemingly intractable systemic crisis really wasn't
- It isn't over yet...

# Dangers and Unfinished Business



- Number of kids tried as adults has doubled (from 535 in 2004 to 1,115 in 2009); many went to prison or jail
- State still fails to provide policy leadership or technical assistance in juvenile justice
- State lacks meaningful oversight mechanism for county facilities
- State has inadequate data systems to measure what it is doing or what works (a few county exceptions)
- Budget uncertainties impede innovation

# Shut Down State System?

## - Arguments for Yes -

- State facilities represent outmoded model of care
- Better to serve kids in community, close to families
- Reform is slow
- State system has poor outcomes
- Ridiculously expensive
- No oversight exists beyond litigation
- Change is always messy; better to run with the opportunity
- If we don't do it now, it may never happen



[schools-not-jails\\_6-17-09...](#)

# Shut Down State System?

## - Arguments for No -

- More youth will wind up in adult system
- Cheaper than paying for lengthy sentences for kids tried as adults
- If the state system closes, we will lose the ability to “house” youth tried as adults outside of state prisons
- Needed programs do not yet exist and some counties have horrible conditions
- Can't assume counties will have better outcomes
- Oversight of county facilities is poor
- Better to keep whittling away state system and monitoring adult court spillover while we build credible local options

# Goals?

- Develop and enforce standards for programs
- Provide full continuum of effective rehabilitation, reentry and transition services
- Minimize number of youth tried as adults, or placed in adult prisons
- Ensure data-based evaluations and fiscal plans based on system needs
- Provide policy leadership and support to local juvenile justice systems





# Ana Yáñez-Correa

## Executive Director

### Texas Criminal Justice Coalition



# Background Juvenile Justice in Texas



<http://thecrimereport.org/topics/juvenile-justice/juvenile-courts/>

- Pre-2005: juvenile justice was a back-burner issue.
- 2005: 2 juvenile justice bills filed addressing youth length-of-stay requirements, lack of cultural competence and the lack of independent investigation of abuse and neglect in Texas Youth Commission (TYC).
- 2006: interim study on abuse and neglect in TYC.
- 2006-2007: Intense media and governmental scrutiny exposed abuse and violence taking place in TYC.
- Spring 2007: The U.S. DOJ's Special Litigation Section issued a formal findings letter regarding violent conditions of confinement and state leaders effected an immediate change in agency leadership (via appointment of a conservator).

# SB 103: Key Components

May 2007 passed with unanimous bi-partisan support containing more than 150 specific reforms.

- Created system for the inspection/supervision of all locally operated detention/ secure post-adjudication facilities, public or private.
- Misdemeanor s handled locally.
- Increased, specialized training programs for JCO's .
- Appointment of a TJPC caseworker for every youth.
- Implemented 1-to-12 staff to youth ratios.

- Established an Office of the Independent Ombudsman.
- Established a zero-tolerance sexual abuse/contact policy.
- Expanded the Special Prosecution Unit to include TYC and created an Office of Inspector General (OIG).
- Installed more than 12,000 cameras at facilities.
- Required gender parity in programs, treatment, and facilities, and created female-specific programming.

# Advocacy

After passage of SB 103, advocates took part in various activities intended to ensure that the changes required by law found their way into agency policy and led to an improved system.

- Advocates took part in a Blue Ribbon Task Force creating a “blueprint for reform.”
- Advocates participated in a variety of working groups and convening of Texas Juvenile Justice Roundtable which worked ardently to monitor the law’s implementation.
- TCJC partnered to create a 2-part series with information on the unique structure, history, and philosophy of the juvenile justice system.



*As of today, the agency has implemented all 150 reforms*



# Sunset Review Process

Beginning in 2008, Texas' juvenile justice agencies underwent Sunset review.

Throughout the Sunset process, policy-makers held a series of hearings to solicit stakeholder and public input which created the basis for Sunset legislation that effectively continued the functions of the juvenile agencies, with relevant modifications.

## First Sunset Review – HB 3689

- Created the Coordinated Strategic Planning Committee
- Required Memorandum of Understanding to ensure continuity of care for system-involved juveniles with mental impairments.
- Created a pilot project to promote community-based alternatives.
- Required TYC to develop a comprehensive re-entry plan for each youth, beginning at intake, focusing on the youth's risk and protective factors, and enhancing family and community involvement.
- Required a follow-up Sunset review in 2 years.



# Second Sunset Review & SB 653

- 2011 Senate and House budgets reduced TYC's institutional capacity, calling for the closure of up to three facilities.
- Members of the Juvenile Justice Roundtable created eleven *Guiding Principles of Juvenile Justice Reform in Texas*, many of which were key in driving the results of the Sunset legislation.
- Abolishes TYC and TJPC and creates new Texas JJ Department (merger must be completed by December 1, 2011). Responsible for delinquency prevention and intervention.



graphic by: Todd Wiseman

# SB 653, *continued*



- Prioritizes use of community and/or family-based programs over secure facilities.
- Establishes a new 13-member, Governor-appointed board.
- Maintains the Office of Independent Ombudsman, while also allowing OIO to review local probation department data on complaints.
- Creates a toll-free number.
- Mandates individualized reentry plans.



## Reform and Sunset Outcomes

- The number of youth incarcerated has decreased by 58% from 2006-2010 [4,705 youth to 1,977 youth].
- The agency has closed several maximum-security facilities.
- Filings to revoke probation for a new offense or rule violation dropped 6.3% from 2008 to 2009.
- Following implementation of the Community Corrections Diversion Program many youth were placed in largely nonresidential programming .
- In the first three quarters of FY 2010, more than 2,200 youth were served through diversion pilots.

# Lessons Learned



The real work begins *after* the passage of policies. Monitoring implementation and providing feedback to stakeholders is key.

One organization cannot do this advocacy and evaluation work alone. Coalition work is critical.

Leadership must appoint juvenile justice experts with an effective track record to operate programs and agencies.



# Lessons Learned, *continued*



The state must provide sufficient resources and proper staffing levels to meet youths' needs and adequately implement age-appropriate services and programs.

County-based treatment infrastructures are critical for handling youth diverted from state confinement.

Where possible, advocates should seek to provide a voice to humanize youth and family experiences.

# Questions & Answers



# Panel Discussion Topics



**Education and Mobilization of Public  
Legislative Reform**

**Impact of Economy on Reform**

**Pros and Cons of Different Efforts**

**Collaborating Around Reform**

**Lessons Learned**

**Ongoing Debates about Juvenile Justice**

# Resources

- Juvenile Detention Alternatives Initiative  
<http://www.jdaihelpdesk.org/Pages/Default.aspx>
- Models for Change System Reform in Juvenile Justice  
<http://modelsforchange.net/index.html>
- The John D. and Catherine T. MacArthur Foundation  
<http://www.macfound.org>
- Campaign for Youth Justice  
<http://www.campaignforyouthjustice.org/>
- United States Department of Justice  
<http://www.justice.gov/>
- Office of Juvenile Justice and Delinquency Prevention  
<http://www.ojjdp.gov/>
- National Center for Juvenile Justice  
<http://www.ncjservehttp.org/NCJJWebsite/main.html>
- Reclaiming Futures  
<http://www.reclaimingfutures.org/blog/>



# For More Information



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