

CREATING JUVENILE JUSTICE MODELS FOR CHANGE

BY LA WANDA JOHNSON



STEVE LISS / IN OUR OWN BACKYARD

The recent story of two corrupt Pennsylvania judges who admitted to receiving millions in secret payments from operators of private for profit juvenile facilities—reportedly in exchange for ordering youth to be detained in those same facilities—shocked the conscience of the nation. Although obviously an extreme and unusual case, the scandal served as a useful reminder of the extraordinary vulnerability of youth who come into conflict with the law, and called attention to the gap that often exists between the philosophy and the actual practices of the juvenile justice system.

Fortunately, in Pennsylvania and elsewhere across the country, thousands of professionals are participating in a broad movement to embrace reform and regenerate the juvenile justice system in America. That initiative, called Models for Change, seeks to accelerate the nation's momentum toward more rational, fair, effective, and developmentally appropriate responses to juvenile delinquency through research, development, and support of innovative policy and practice models.

More than 100 years ago, a separate justice system was created to address the different developmental needs of youth. In response to some high profile juvenile cases in the 1990s, this orientation was challenged, and youth were increasingly treated like "little adults," through more punitive reactions to delinquency and the expansion of transfers from the juvenile to the adult criminal justice system.

In recent years, however, the trend appears to be shifting back toward a more developmentally appropriate, rehabilitative approach. More is known today than ever before about what works to reduce crime and rehabilitate troubled young people. Many jurisdictions are turning

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away from failed, punitive "get tough" approaches that do nothing to reduce crime. Public support for investments in youth is growing, and policymakers are beginning to understand and act upon the steadily expanding body of research that documents the differences between youth and adults.

The Models for Change initiative was launched by the John D. and Catherine

T. MacArthur Foundation in 2004 to help sustain and spread this movement. With a commitment of over \$100 million to juvenile justice research and reform, this initiative is a comprehensive, state-based approach to juvenile justice systems improvement. By making targeted investments in 16 states, Models for Change seeks to capture the strengths of diversity, and create a variety of effective models and approaches that can be adopted by other states and communities.

Building momentum

Models for Change grew out of years of MacArthur Foundation investments in developmental research, beginning with the creation of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice in 1996. Those original research grants produced a series of groundbreaking findings that expanded basic knowledge regarding the differences between adolescents and adults. The Models for Change Initiative was launched to spread this knowledge, disseminate best practices, and ultimately create models of reform that could be adopted nationwide.

The initiative's premise is to bring about change in a few carefully chosen areas, thus stimulating change throughout the system. In partnership with four key states—Pennsylvania, Illinois, Louisiana and Washing-

ton—chosen for their prominence, diversity, and readiness for change, Models for Change supports reforms aimed at issues that are considered to be “leverage points,” where success will influence and radiate further change. The initiative also draws in partners from 12 additional states through “Action Networks,” which provide a venue and serve as a mechanism to support peer development and learning on certain issues critical to juvenile justice reform. In all, Models for Change is active in 16 states with diverse strengths and challenges, presenting different demographic profiles and political climates, and starting from different points along the reform spectrum. The approach will produce no single blueprint for change, but rather a variety of models for system reform.

The core states

Pennsylvania. Pennsylvania was the first state chosen to be a part of the Models for Change initiative in 2004. State and local leaders began work on three main leverage issues: reducing racial and ethnic disparities; improving the capacity to assess and divert youth with mental and behavioral health needs; and enhancing services for youth returning to their communities after placement.

The Pennsylvania Models for Change initiative supports a group of key state agencies to develop and implement a joint policy statement around the need to assess, identify, and treat youth with mental health needs and divert them from the juvenile justice system. As a result, more than a third of Pennsylvania counties have now adopted a mental health screening tool to flag youth with possible mental health issues at probation intake.

The Models for Change Mental Health/Juvenile Justice State Work Group successfully drafted and promoted legislation to protect juveniles from self incrimination during court ordered screening, assessment, or evaluation.

Act 109 became effective on December 8, 2008, and helps to ensure that the legal rights of youth

are protected at the same time their needs are appropriately identified and addressed. This legislation opens the door for additional counties to implement behavioral health screens early in the court process.

In one Models for Change site, implementing a detention assessment instrument provided a more structured, objective approach to detention decision making that resulted in a 45 percent decrease in the detention population.

Models for Change efforts have also resulted in the launch of a unique, collaborative effort between the state’s largest counties and its busiest residential facilities to improve and coordinate educational and career training opportunities – substantially increasing the chances for youth to become successful, productive members of the community.

Illinois. As the birthplace of the juvenile court, Illinois led the world in its conception of individualized and developmentally appropriate justice for youth. Now, Illinois is seeking to adapt that original vision by implementing basic changes in the legal, fiscal, and organizational infrastructure of juvenile justice. Models for Change in Illinois began in 2005, focusing on three main leverage issues: “right-sizing” the jurisdictional boundaries, responsibilities, and resources of the juvenile justice system; reducing racial and ethnic disparities; and encouraging the expansion of local and informal alternatives to juvenile justice involvement.

Models for Change grantees and partners successfully used research, public education, and outreach strategies to roll back the state’s automatic transfer of youth charged with drug offenses and to raise the state’s upper age of juvenile court jurisdiction to include 17-year-olds charged with misdemeanors. Grantees have also successfully promoted the expansion of “Redeploy Illinois,” an innovative state law that provides incentives to local jurisdictions to treat and rehabilitate youth in their communities rather than send them into the youth corrections system. In the first three years of the program, 400 youth were

diverted, representing a potential savings of \$18.7 million. Based on the success of the pilot program, 70 additional counties are now eligible for the Redeploy Illinois program.

Models for Change-supported demonstration projects in five local jurisdictions are strengthening their local governance structures and making data-driven decisions to divert youth from court involvement and detention. Grantees worked closely with the Chicago Public Schools to remove “zero tolerance” provisions from the CPS student code of conduct and to incorporate balanced and restorative justice provisions to help students, teachers, and administrators resolve conflicts without referring youth to the juvenile justice system. These tools were also used in a Peoria high school and reduced juvenile justice referrals by 43 percent.

Louisiana. Louisiana has come a long way since the 1990s, when crowded and substandard conditions in the state’s juvenile corrections facilities prompted a U.S. Department of Justice civil rights lawsuit. The state’s dramatic progress towards creating a more humane and effective system of community-based responses to delinquency is proof of the sustained commitment and focus of its juvenile justice leadership.

Despite the effects of Hurricanes Katrina and Rita, Louisiana remained committed to juvenile justice reform. Thus the Models for Change initiative was launched in 2006 to help state and local leaders plan for and build a local infrastructure to support three key focus areas: expanding alternatives to formal processing and secure confinement; increasing access to evidence-based services; and reducing disproportionate minority contact.

The initiative is helping to lay the groundwork for a more flexible community-based and treatment-oriented response to delinquency. Data collection has begun for an evaluation of a locally developed early intervention program for middle school students—which, if results warrant, will be made accessible for replication elsewhere in the state.

The initiative is also seeking to expand the availability of scientifically supported community-level interventions in Louisiana, as well as the use of valid screening and assessment practices that effectively channel youth into those interventions rather than to more costly out-of-home residential placements and secure facilities. Local jurisdictions are now using risk assessment instruments to guide and inform decision making and have developed Functional Family Therapy (FFT) teams to provide proven treatment alternatives to out of home placements.

Early results have been promising. Rapides Parish referred 176 youth to FFT with 118 (67 percent) completing the program. Of those youth that completed the program, there was a 12.7 percent rate of recidivism. The site also reported a 20 percent decrease in the detention numbers for African-American youth.

In addition, Models for Change-supported researchers are helping to guide and inform state and local

reform planning, ensuring that the work in the parishes is structured and documented in such a way that its results can be accurately tracked and assessed.

Washington. In 2007, Washington was chosen to participate in Models for Change for its pioneering support for research-based practices, including evaluation, quality assurance, and cost-benefit analysis of juvenile justice programming, and ongoing work on such issues as reducing disproportionate minority contact and fostering multi-system collaboration. As in other states, reform efforts in Washington are focused on three target goals: expanding alternatives to formal processing and secure confinement; reducing racial and ethnic disparities in the juvenile justice system; and improving the way the system identifies and responds to the mental health needs of youth. In addition, Models for Change partners are working to enhance the quality of legal representation in delinquency cases, and improve overall communi-

cation, coordination, and collaboration across systems.

Although still in its early stages, Washington is already engaged in work that will likely yield replicable models. For example, the initiative is helping state and local partners find effective ways to use truancy laws to reengage youth in school without unnecessary use of detention. In Pierce County, the initiative has enhanced engagement of African-American youth with Functional Family Therapy (FFT) from 45 to 83 percent by creating a specialized FFT caseload with an African-American FFT provider. Washington State Models for Change partners are developing mental health screening protocols to reduce unnecessary referrals to juvenile court.

Most recently, Washington had the unique distinction of becoming the only Models for Change state to expand the juvenile justice reform effort to American Indian Country. With a Models for Change grant, the University of Washington Law School Native American Law Center will bring the Models for Change initiative to tribes located within Washington, assisting with identifying targeted areas of improvement and facilitating reform efforts within the tribal communities.

Multi-state networks

In addition to the four core states, Models for Change convenes collaborators from other states, selected through a competitive application process, to work in three knowledge- and skill-sharing "Action Networks" devoted to accelerating reform on particular issues. Each network provides peer-to-peer support in an issue-focused forum, as well as opportunities to learn from national experts.

Disproportionate Minority Contact Action Network. One of the primary values of the initiative is that all children who enter the juvenile justice system have a right to fair and unbiased treatment, regardless of their race or ethnicity. All core Models for Change states are taking steps to understand the causes of racial and ethnic disparities in their juvenile justice systems

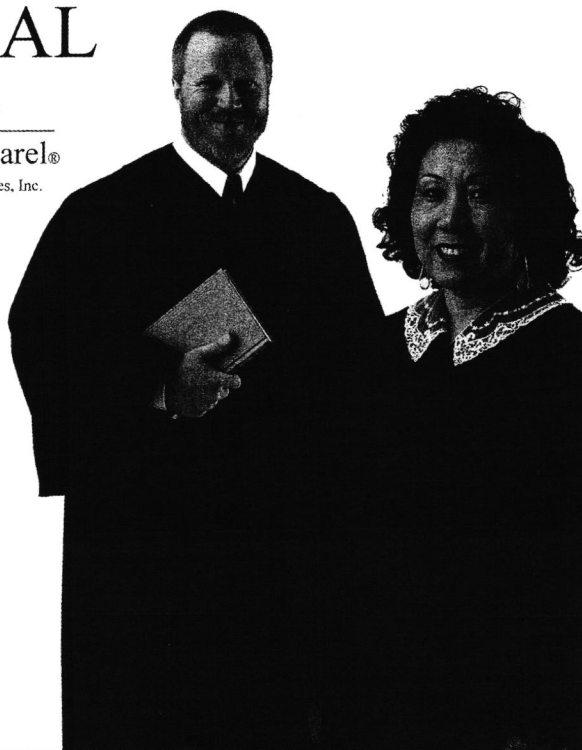
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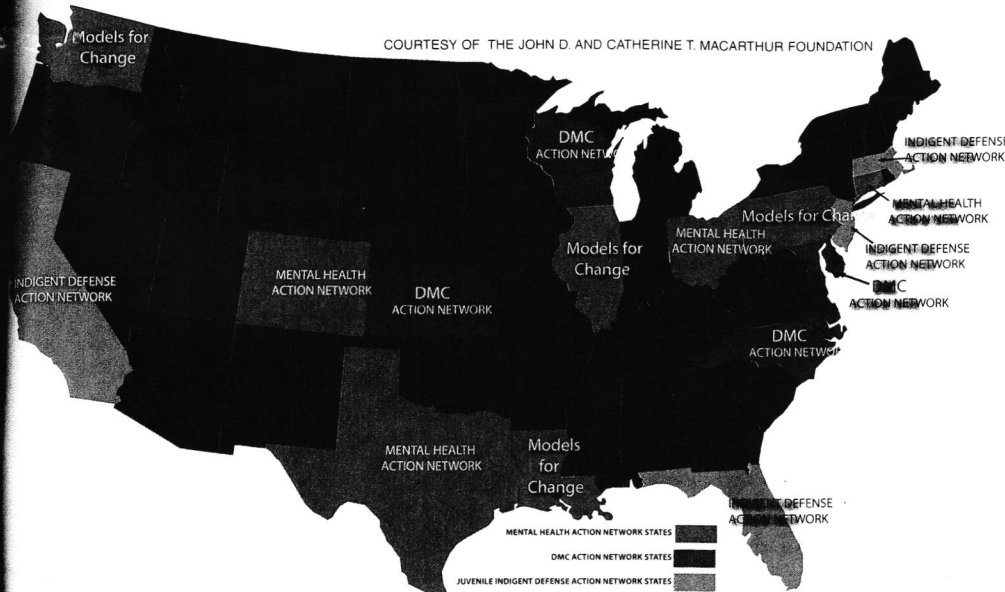
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and to find ways to reduce them. To support these efforts, the Disproportionate Minority Contact (DMC) Action Network, which began in 2007, has been bringing together teams from local jurisdictions across the country providing a forum for sharing strategies and ideas and accessing expert resources. In addition to local jurisdictions in the four core states, the network includes representatives of sites in Kansas, Maryland, North Carolina, and Wisconsin.

A major focus of the DMC Action Network is on collecting detailed data and using it to track problems to their sources and identify targeted solutions. For example, close analysis of juvenile arrest data in one Action Network site revealed that the majority of arrests and detentions for "aggravated battery" could be traced to incidents in which teachers and other legally-protected school personnel were hurt attempting to break up fights among students. After alternative conflict resolution techniques were introduced at five local schools, cases of aggravated battery to school personnel dropped sharply, with referrals of African-American youth falling 43 percent in one year.

Mental Health/Juvenile Justice Action Network. The Mental Health/Juvenile Justice Action Network is a partnership of states working to improve services and policies for youth with mental health needs involved with the juvenile justice system. Established in June 2007, it has brought

select states together with the common goal of working collaboratively to establish a national leadership community of states at the forefront of mental health and juvenile justice policy and practice. It involves the four Models for Change states as well as representatives from four new partner states: Connecticut, Colorado, Ohio and Texas.

State teams are using Strategic Innovation Groups to drive the development and implementation of intensive front end diversion strategies focused on law enforcement, schools, and probation intake to reduce the number of youth with mental health needs entering the juvenile justice system, and to link these youth with effective treatment services. State teams are also collaborating on the development of a comprehensive workforce development training initiative on adolescent development and mental health for staff working in a variety of juvenile justice settings.

Juvenile Indigent Defense Action Network. Barriers to adequate legal representation for youth can be found across the United States. Many juvenile defenders face inadequate pay and resources, unmanageable case-loads, and little or no administrative support. Specific training and mentoring in juvenile defense practice is rare, and there is often no meaningful oversight for inexperienced attorneys.

First convened in 2008, the Juvenile Indigent Defense Action Network seeks to improve access to

quality counsel for youth in delinquency proceedings nationwide. This network brings together teams of practitioners and policymakers from eight states—the four Models for Change core states and California, Florida, Massachusetts, and New Jersey—to exchange ideas and devise strategies to address common problems, receive training and technical assistance, and become involved in strategic innovation groups targeting specific areas of reform. The network will create Juvenile Defender Resource Centers to provide juvenile defense attorneys across the country with opportunities for leadership, education, training, and mentoring.

Research Initiative. In addition to all of the above, a Models for Change Research Initiative has brought together a consortium of scientists to oversee nine research projects that will support and inform the substantive reform work occurring in the Models for Change states. Initiative researchers are collaborating with state and local practitioners and policymakers to expand the field's knowledge in a number of vital areas, including mental health screening, the potential causes of disproportionate minority contact, and the ways in which juvenile justice systems respond to changes in their structure and financing.

Efforts highlighted here represent only a snapshot of activities for Models for Change; much more is on the horizon. For comprehensive listings of Models for Change partners, sites, and events, as well as accounts of state and local reform work, profiles of reformers, updates of reform progress, and free downloads of Models for Change publications, go to www.modelsforchange.net. More information about the MacArthur Foundation is available at www.macfound.org.

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