



JUVENILE JUSTICE IN 2020

Briefing for Criminal Justice Reform Subcommittee

Roadmap

- The Annie E. Casey Foundation
- Cornerstones of 21st Century Youth Justice Reform
 1. Relentless Drive to do Better by Young People, Families and Communities
 2. Laser Focus on Racial/Ethnic Equity
 3. Partnership with Communities Most Impacted by the Justice System
 4. Commitment to Collect and Use Comprehensive Data
- Discussion



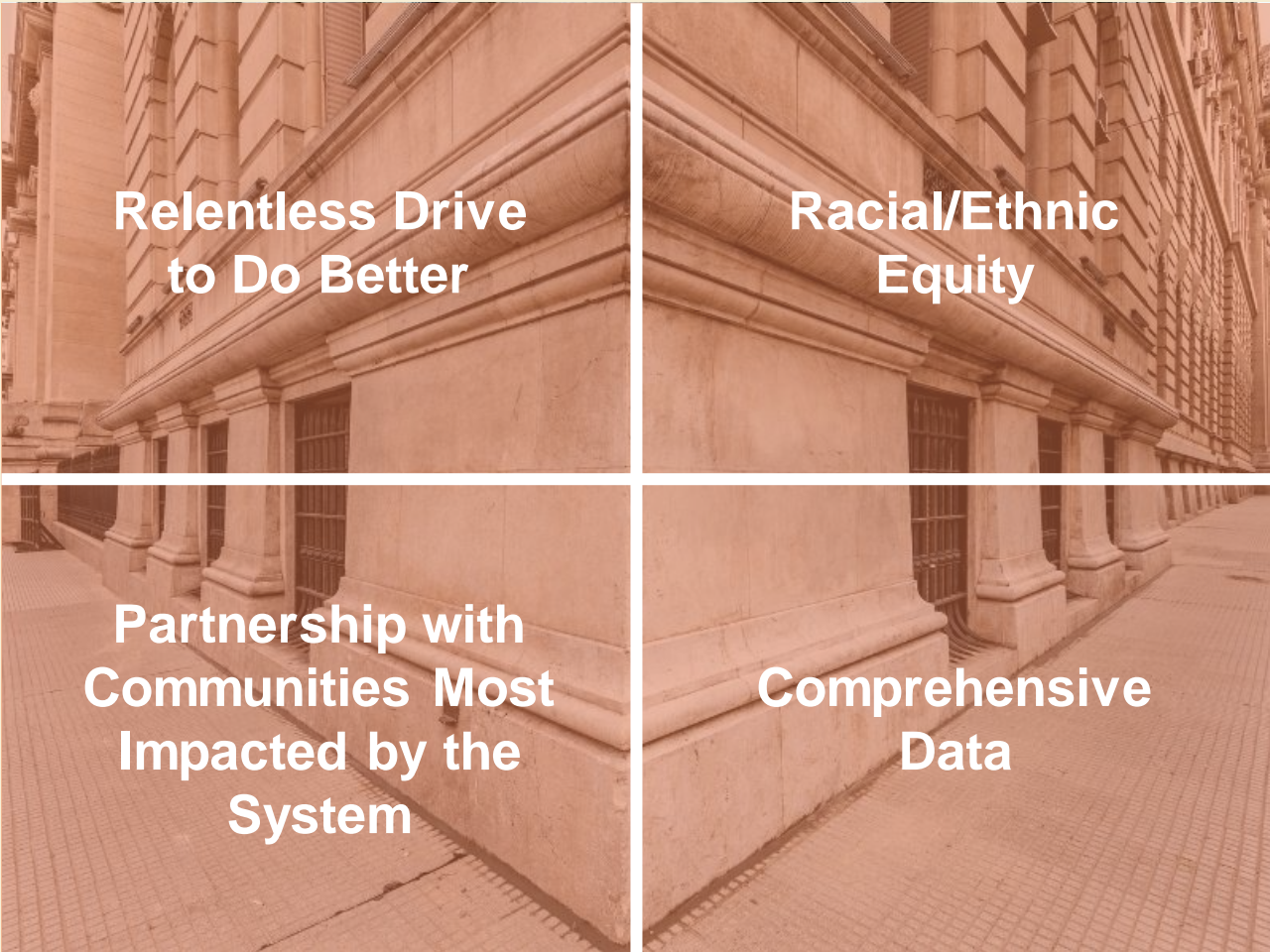
The Annie E. Casey Foundation develops solutions to build a brighter future for children, families and communities.

Dr. MARTINEZ
ELEMENTARY
SCHOOL

SANTA FE
HIGH SCHOOL
FOUNDED 1899



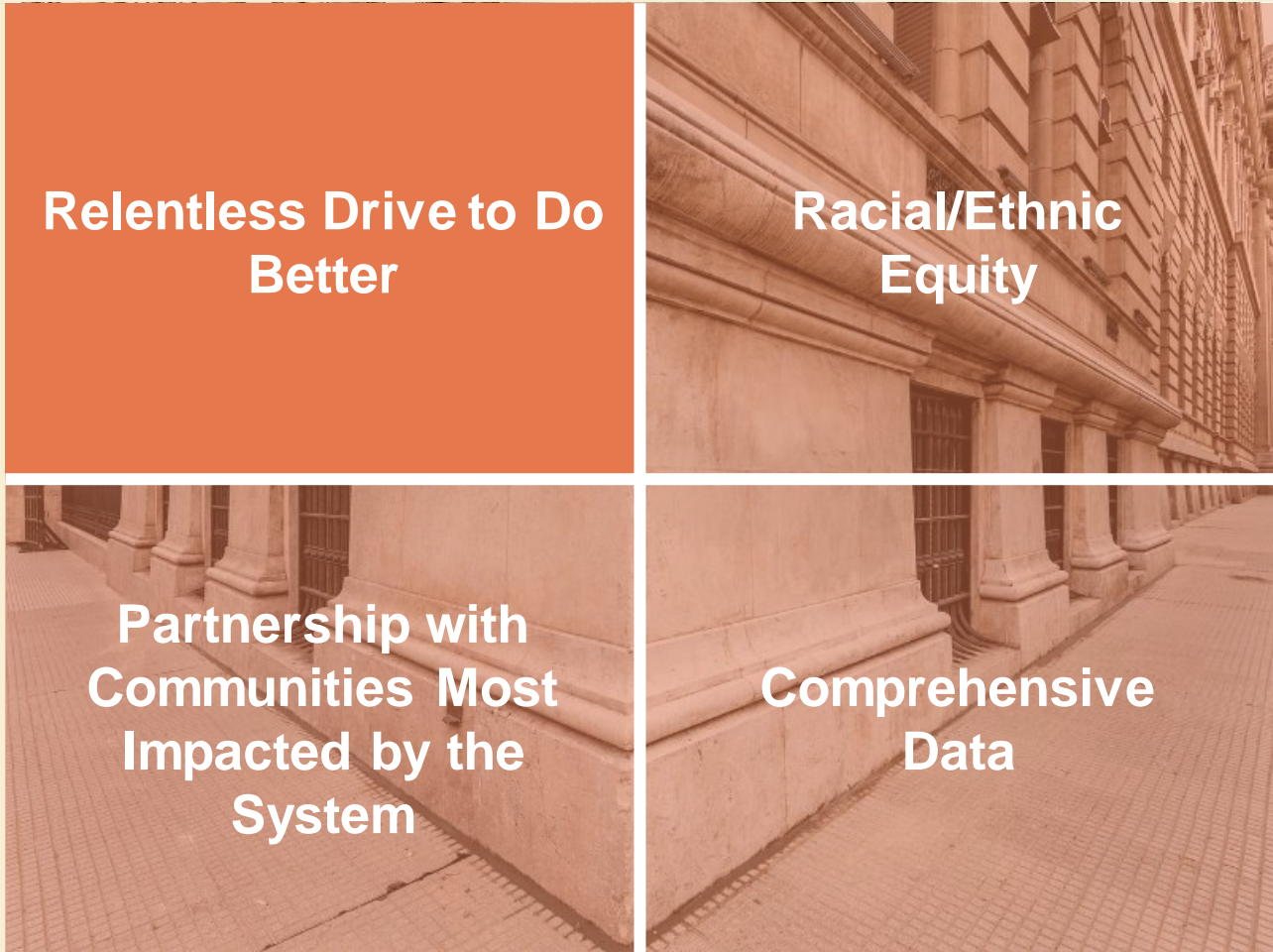
Cornerstones of Youth Justice Reform



Youth Justice Decoder

- **Detention** is the juvenile justice equivalent of jail. A very specific kind of juvenile incarceration, but often used in the media to refer to juvenile incarceration generally. Like jail, juvenile detention centers are usually operated by the county.
- **JDAI** stands for the Juvenile Detention Alternatives Initiative, a juvenile justice reform initiative supported by the Casey Foundation and operating in more than 250 jurisdictions nationally, including parts of New Mexico. JDAI is a process, not an achievement.

Cornerstones of Youth Justice Reform





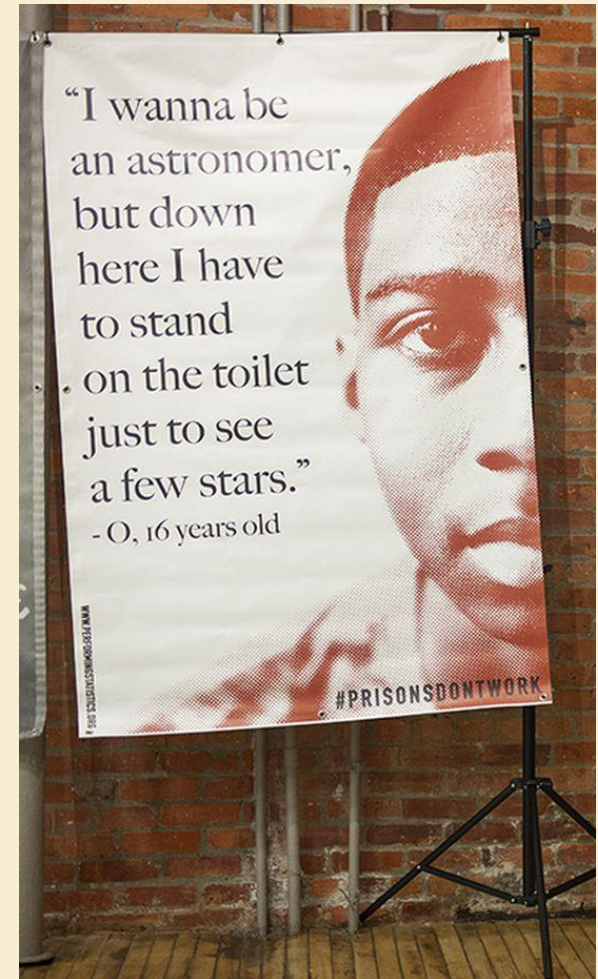
Once you make up your mind that you are "pretty good," you will no longer feel the urge to do better.

Lean a little the other way - be constructively dissatisfied with yourself - and you'll go further.

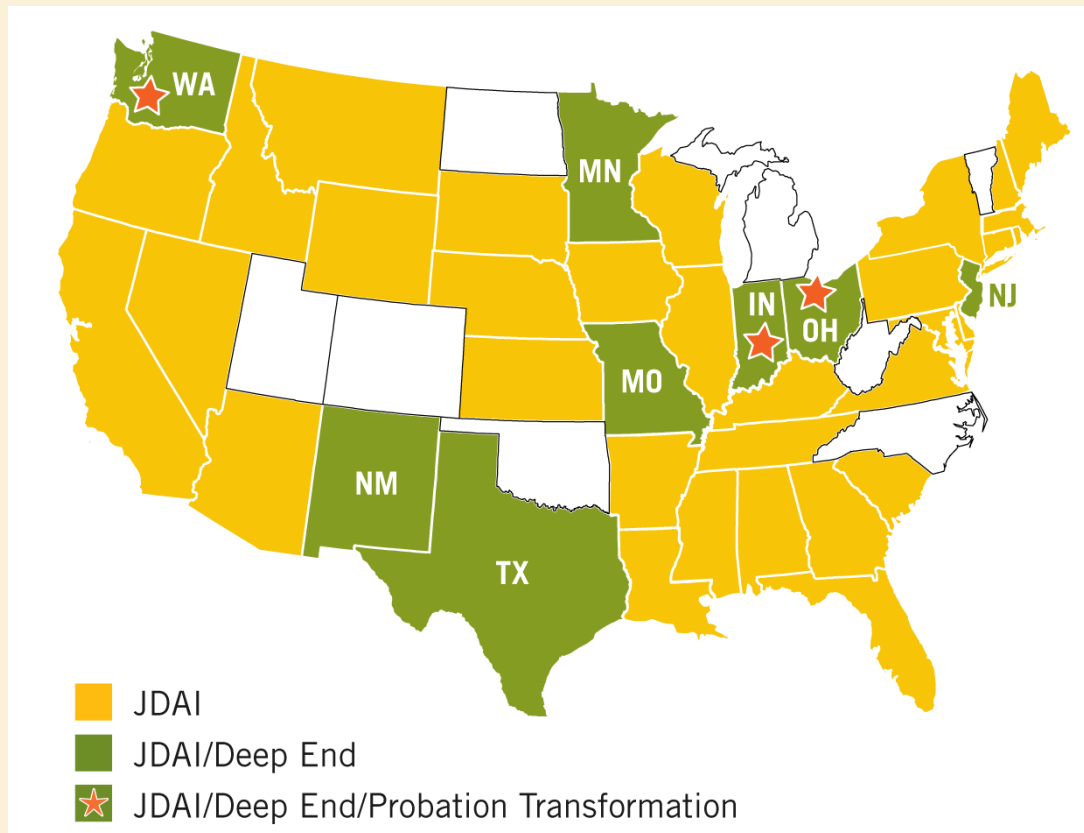
**~ Jim Casey
UPS Founder**

As a field, Youth Justice is in a state of constant evolution.

- Narrow focus on programs for young people → Expanded focus to include adult decision-making
- Shifts in how we approach race: Disproportionate Minority Confinement → Disproportionate Minority Contact → Racial/Ethnic Disparities → Racial/Ethnic Equity and Inclusion
- Paradigm shifts in how we view young people: **villains** to be punished → **victims** to be fixed → **resources** to be engaged
- Risk Assessment cures implicit bias → Risk Assessment enforces structural bias
- Trauma-Informed Care → Healing-Centered Engagement
- Steadily growing research base establishing the dangers of out-of-home placement



Evolution of the Juvenile Detention Alternatives Initiative® (JDAI)



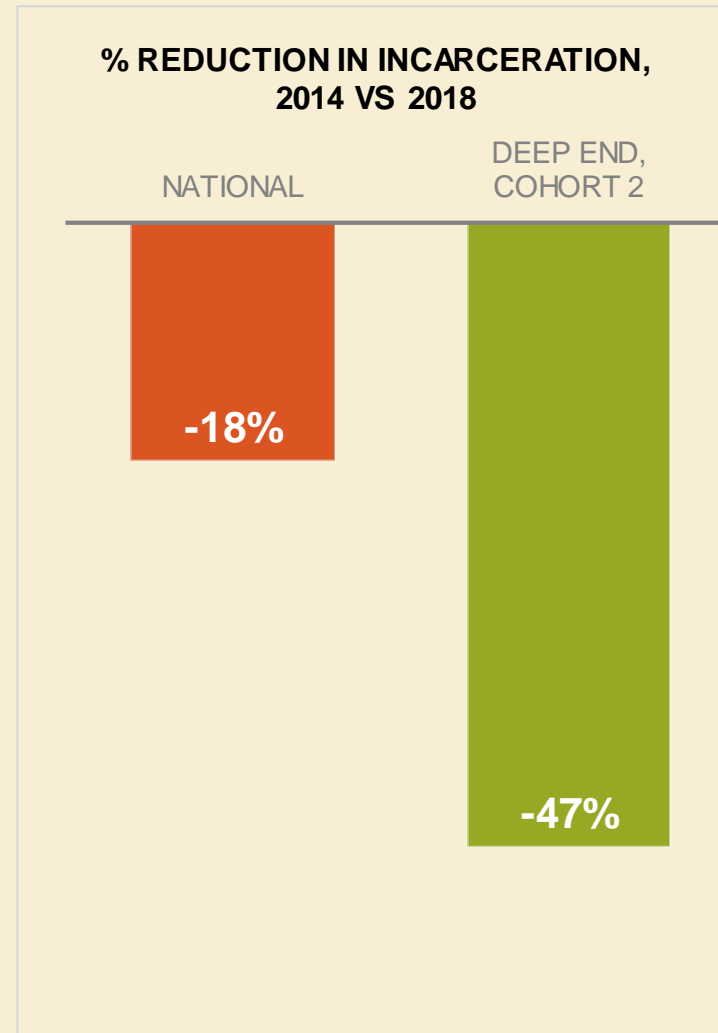
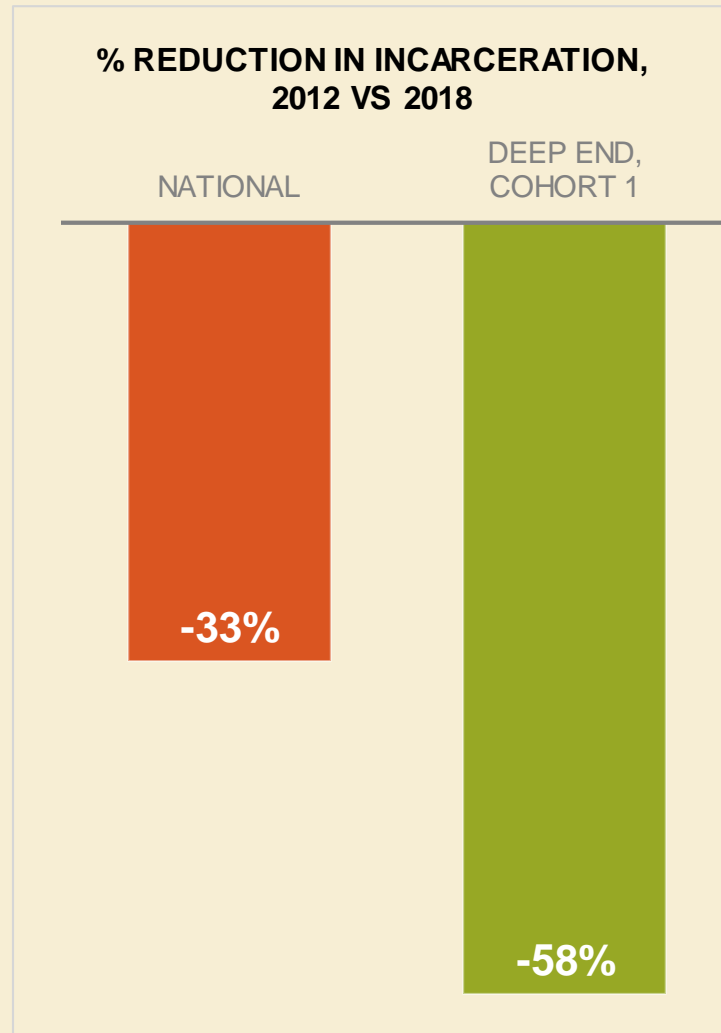
- Began as a pilot in five jurisdictions in the early 1990s, narrowly focused on detention
- Locally-controlled and driven, with Foundation support and guidance
- Model Sites as learning laboratories
- JDAI® is now a network, a movement and the most widely replicated juvenile justice reform initiative in the country, operating in more than 250 jurisdictions
- JDAI 2.0 expansion initiatives include Deep End, Probation Transformation, and Ending the Youth Prison Model

JDAI 2.0 elevates racial equity from one of eight core strategies to the central goal.

- Collaboration among agencies has always been a JDAI core value.
- In JDAI 2.0, collaboration includes meaningful inclusion of young people and families with lived experience.
- One of JDAI's innovations was its focus on policy and practice – not just programs.
- JDAI 2.0 includes policy, practice, programs and **COMMUNITY PARTNERSHIPS**.

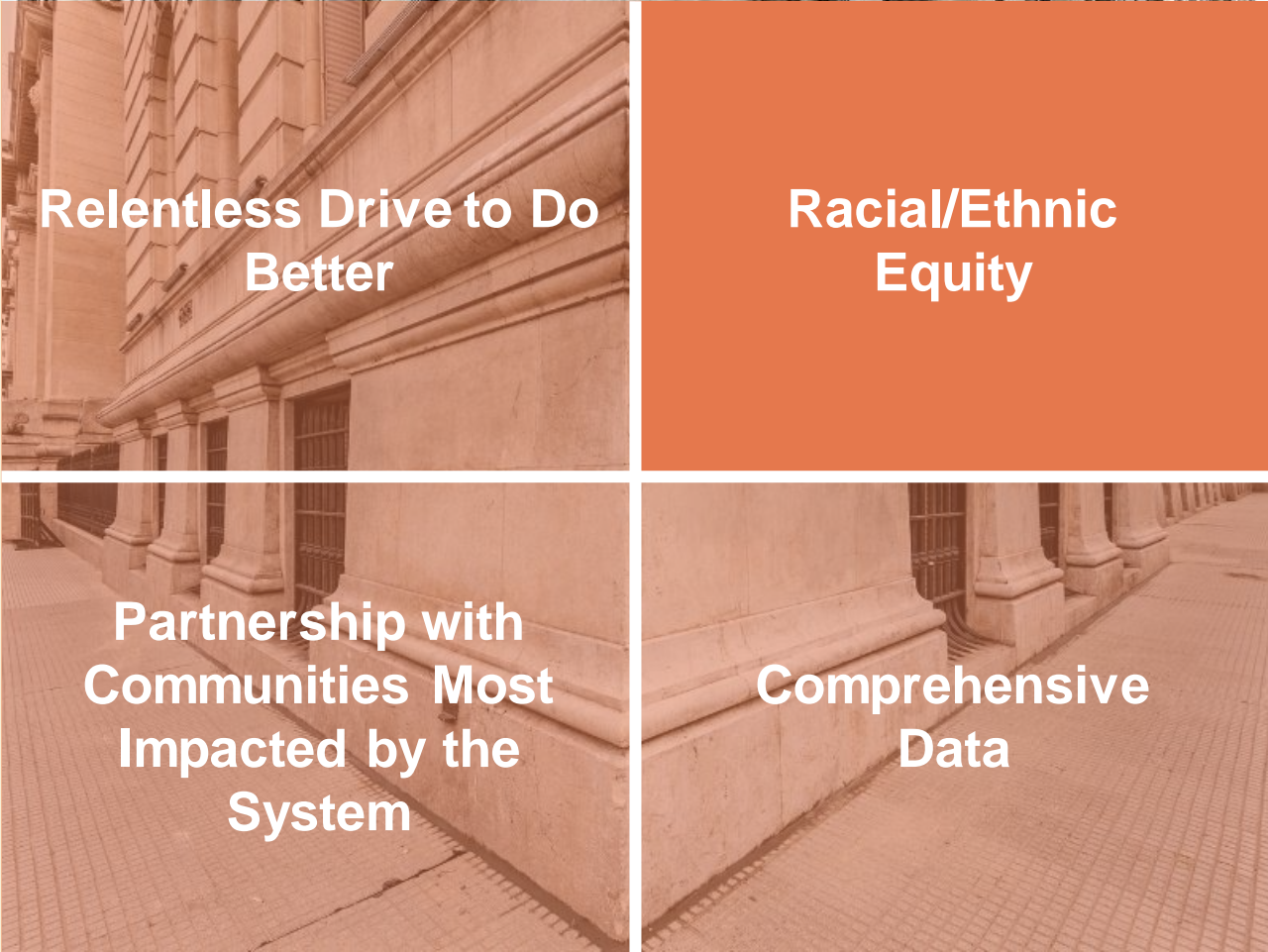


Results: JDAI 2.0 sites are reducing incarceration at a rate that dramatically outpaces national trends.



- 2012 to 2018: 58% reduction in JDAI 2.0 sites vs. 33% nationally.
- 2014 v. 2018: 47% reduction in JDAI 2.0 sites vs. 18% nationally.

Cornerstone #2: Racial/Ethnic Equity



Youth Justice Decoder

- **Disposition** is the juvenile justice equivalent of sentencing.
- **Placement** refers to all institutions in which young people are confined as a result of a judge's disposition order. Includes **state-operated correctional facilities, AND privately-operated institutions** like residential treatment centers and group homes.
- **Equity** involves trying to understand and give people what they need to enjoy full, healthy lives. It is not the same thing as *equality*, which sets a lower bar and ignores baseline differences.

So important that it needs its own slide....

Structural racism (or **structural racialization**) is the racial bias across institutions and society. It describes the cumulative and compounding effects of an array of factors that systematically privilege white people and disadvantage people of color. Since the word “racism” often is understood as a conscious belief, “racialization” may be a better way to describe a process that does not require intentionality.

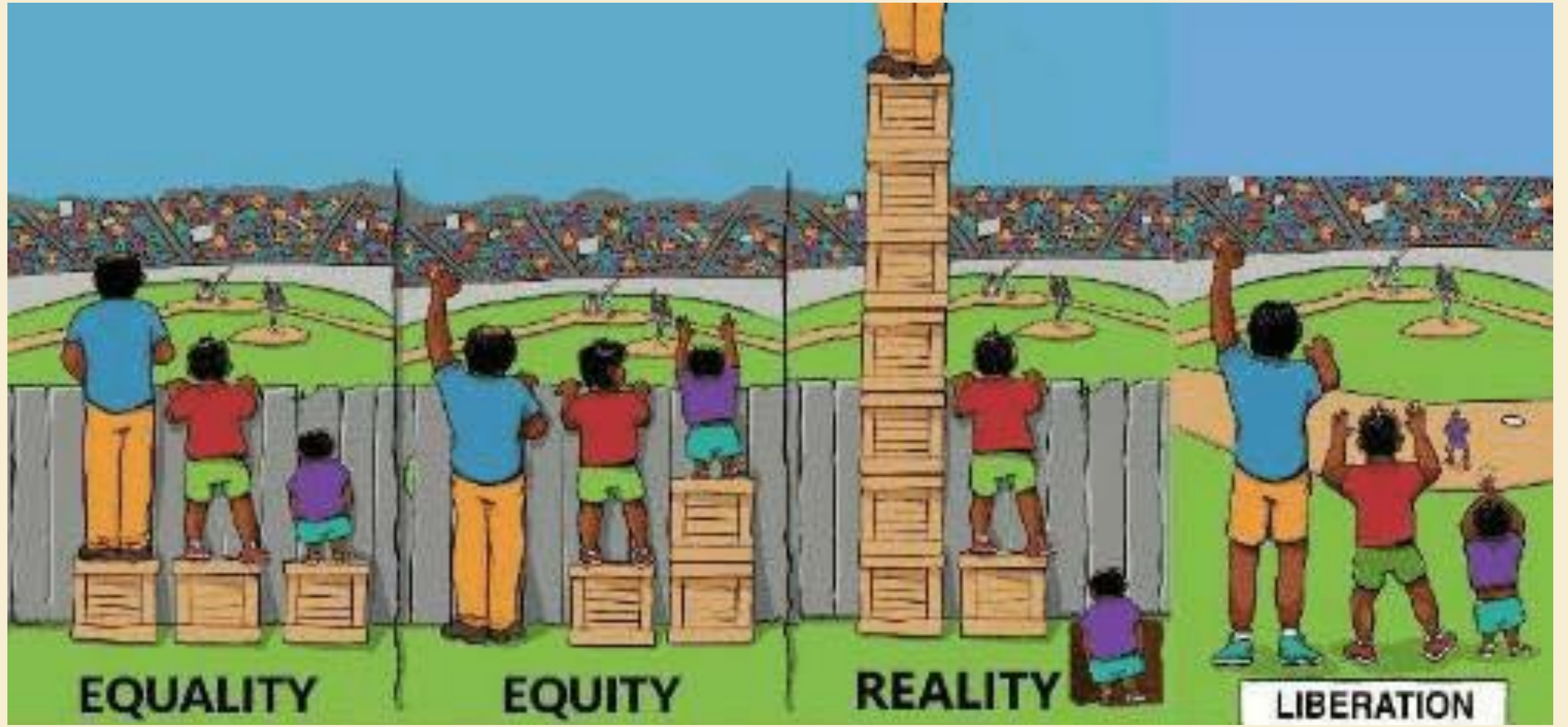
Race equity expert John A. Powell writes: “ ‘Racialization’ connotes a process rather than a static event. It underscores the fluid and dynamic nature of race... **‘Structural racialization’ is a set of processes that may generate disparities or depress life outcomes without any racist actors.**”

-- The Annie E. Casey Foundation, Race Equity and Inclusion Action Guide (2014)

COVID-19 has proved once again: we do not live in a race-neutral world.

- Nationally, Black people are dying at 2.3 times the rate for White people. The COVID death rate for Native and Hispanic Americans is also much higher than the rate for White Americans.
- In New Mexico, Native Americans are 10% of the population but account for 30% of COVID-19 cases and 50% of COVID-19 deaths.
- As of August, the COVID-19 death rate among Native American rate was 216 per 100,000 – 18 times higher than Hispanic New Mexicans and 23 times higher than for White New Mexicans.





EQUALITY

EQUITY

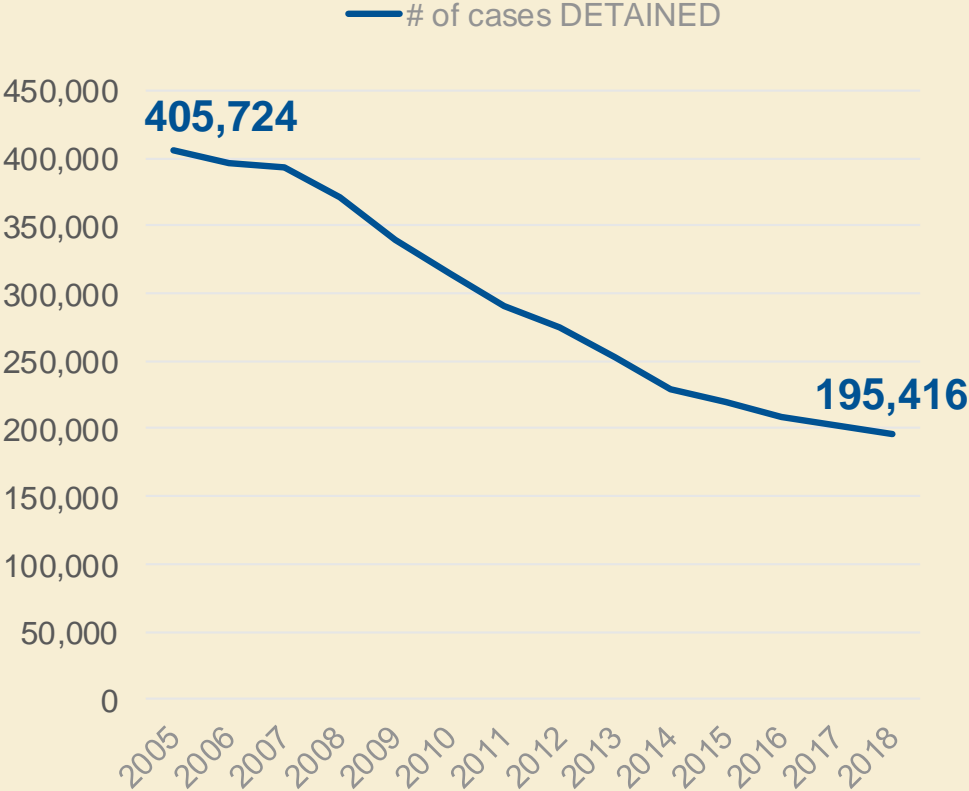
REALITY

LIBERATION

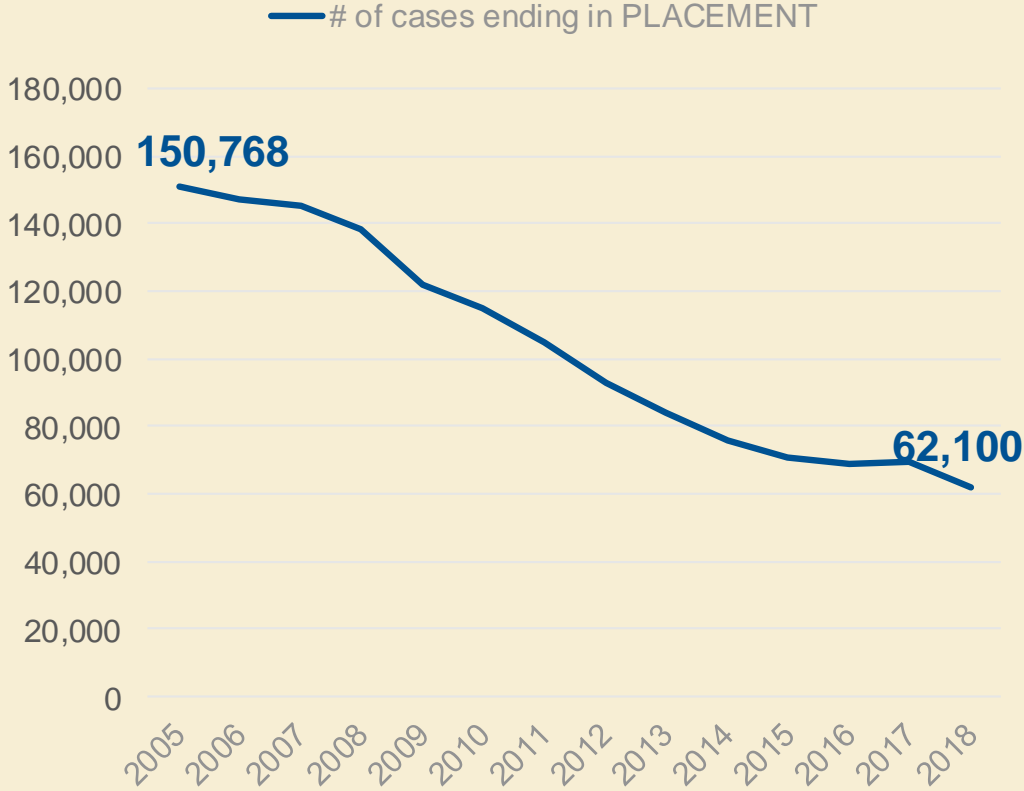
What's happening with Youth Justice nationally?

The past decade has seen deep declines in the number of young people incarcerated in the United States...

U.S.: Juvenile Detention Trends



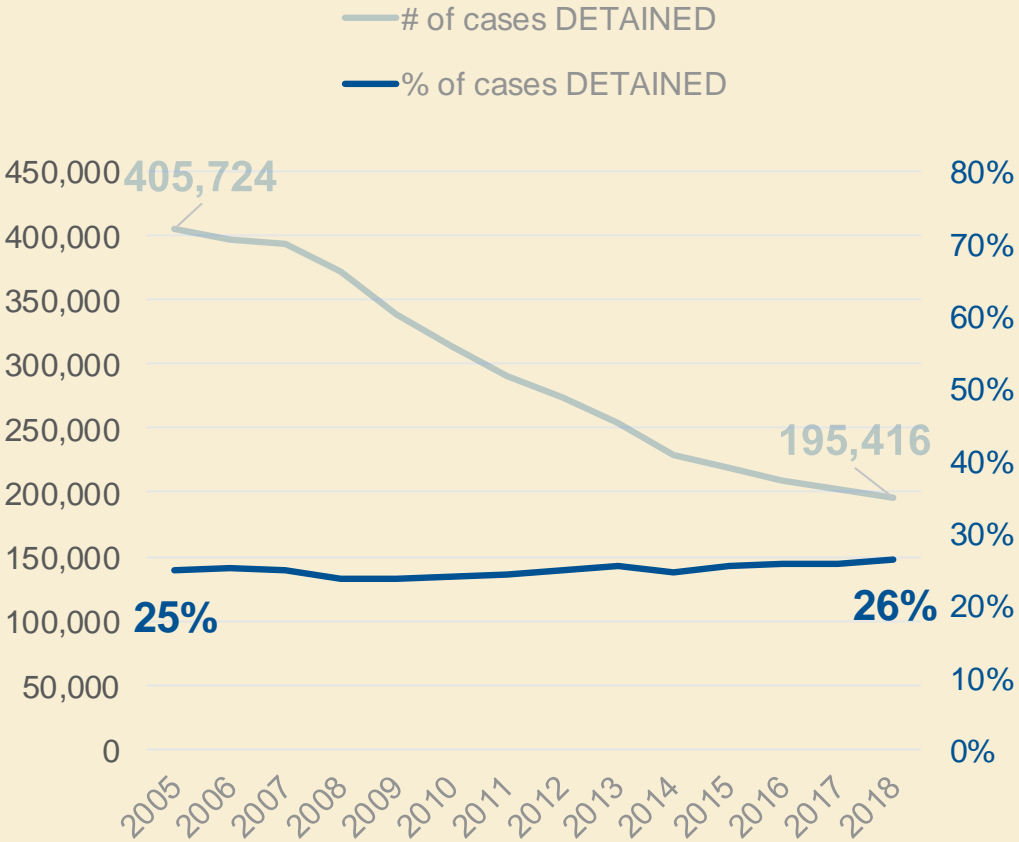
U.S.: Juvenile Placement Trends



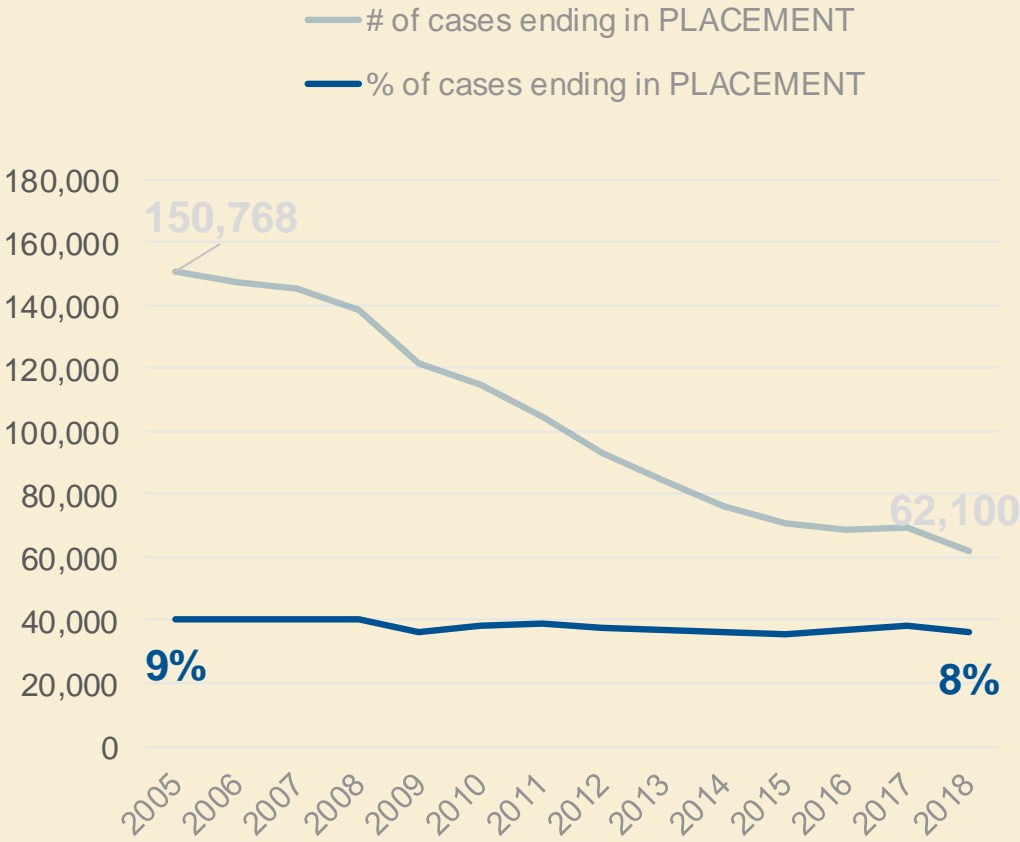
Source: Easy access to juvenile court statistics: 1985–2018. Washington, DC: National Center for Juvenile Justice. Retrieved from www.ojjdp.gov/ojstatbb/ezajcs

...but the tendency of systems to use incarceration has barely changed...

U.S.: Juvenile Detention Trends



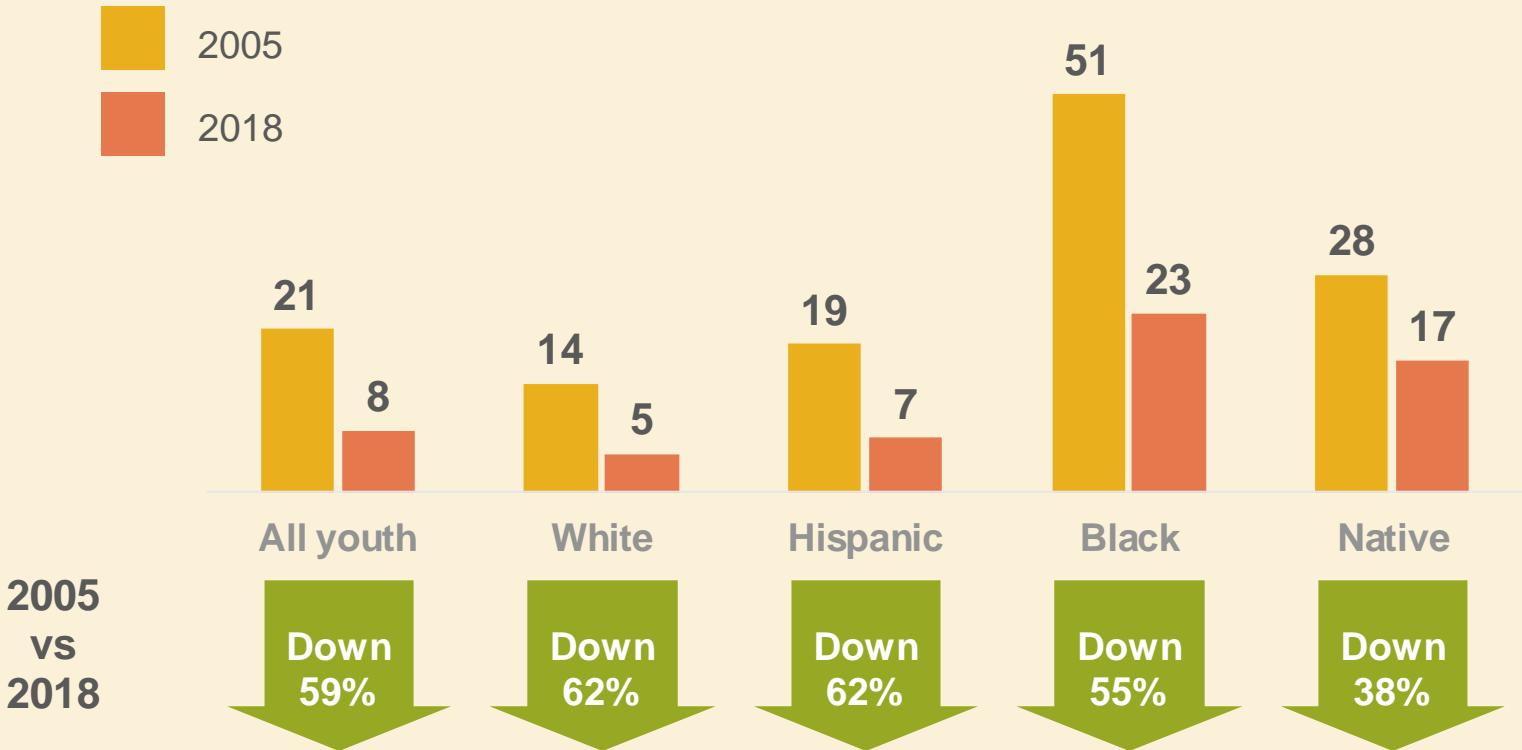
U.S.: Juvenile Placement Trends



Source: Easy access to juvenile court statistics: 1985–2018. Washington, DC: National Center for Juvenile Justice. Retrieved from www.ojjdp.gov/ojstatbb/ezajcs

...and Black, Native and Hispanic youth are still far more likely to be confined at disposition (sentencing) than white youth.

Confinement Rates per 10,000 youth under 18, by Race/Ethnicity (2005 v 2018)



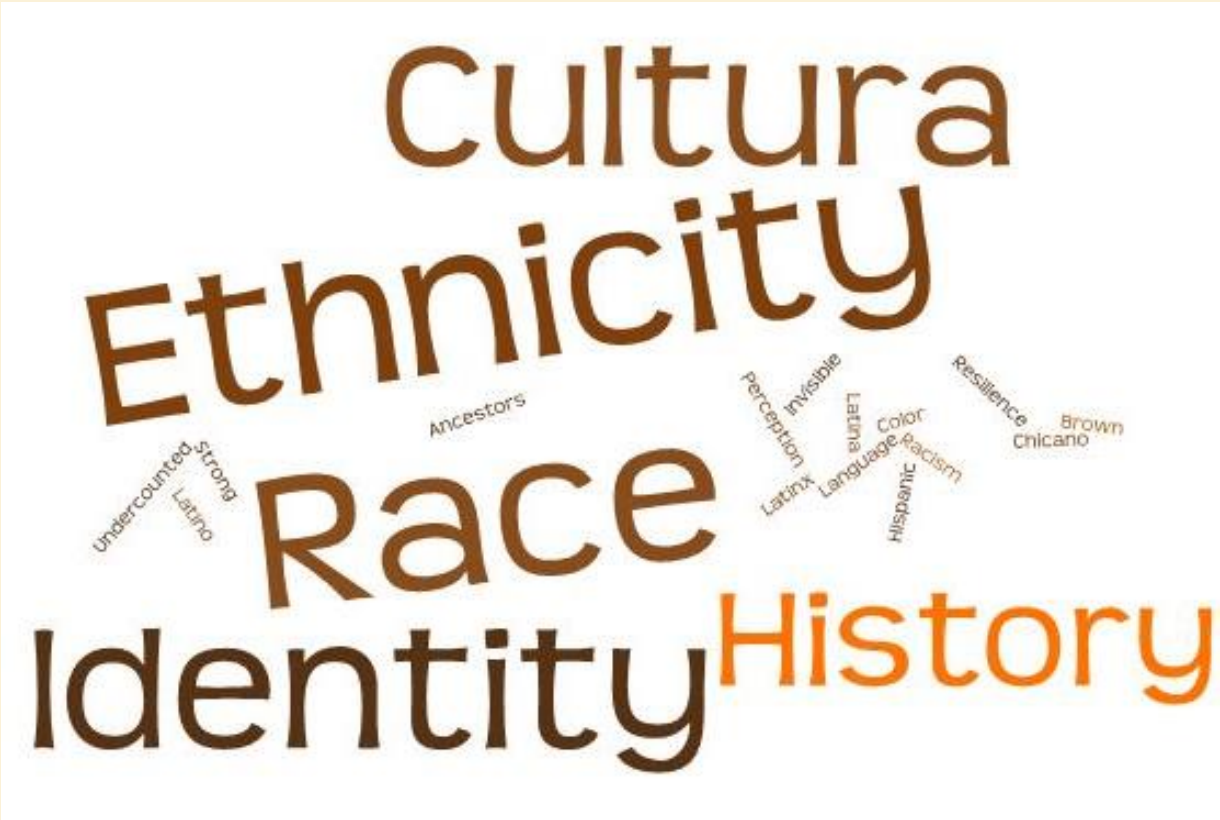
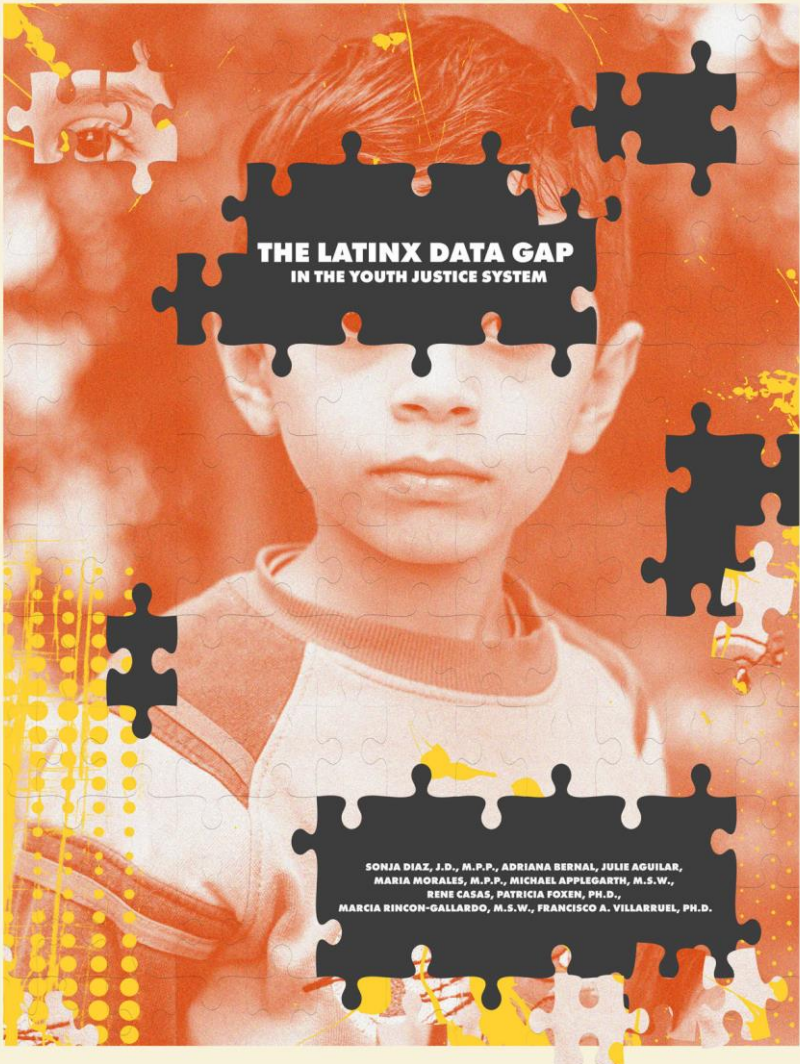
Because youth justice data often ignores ethnicity and culture, the Hispanic rates are probably higher than they appear, while the White rates are probably even lower.

In 2018, Native American youth were more than twice as likely to be confined than white youth.

Black youth were nearly five times more likely to be confined than white youth.

Source: Easy access to juvenile court statistics: 1985–2018. Washington, DC: National Center for Juvenile Justice. Retrieved from www.ojjdp.gov/ojstatbb/ezajcs

Throughout the nation, Hispanic and Latino youth are consistently miscounted and undercounted – especially in the justice system.



Source: [The Latinx Data Gap in the Youth Justice System](#), UCLA Latino Politics & Policy Initiative (2020)

Cornerstone #3: Community Partnerships



Youth Justice Decoder

- **Partnership** is an authentic relationship characterized by mutual respect, trust and investment in a shared goal.
- An individual has **Lived Experience** if they or a close family member has been directly involved in the youth justice or criminal legal system. Lived experience can include probation, participation in a specialty court, jail or detention, confinement in a correctional or other institution, or navigating the court system.

To be complete, Youth Justice Reform must be protective and creative.

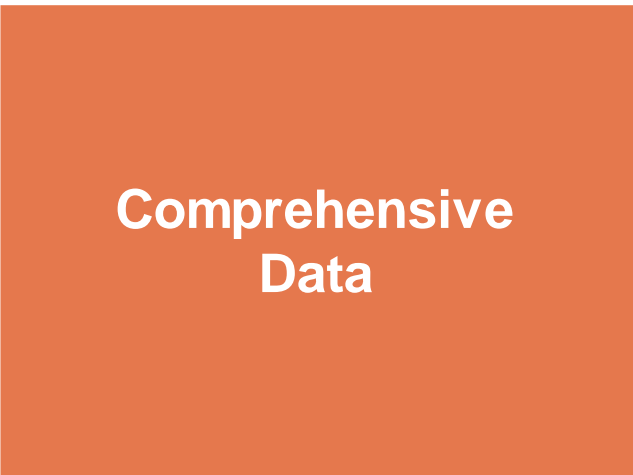
- Protective against harm
- Creative of the opportunities, supports and connections that allow young people to thrive
- No public system can achieve these goals without **authentic and empowering partnerships** with impacted communities and individuals with lived experience

Examples from Pierce County (Tacoma), Washington





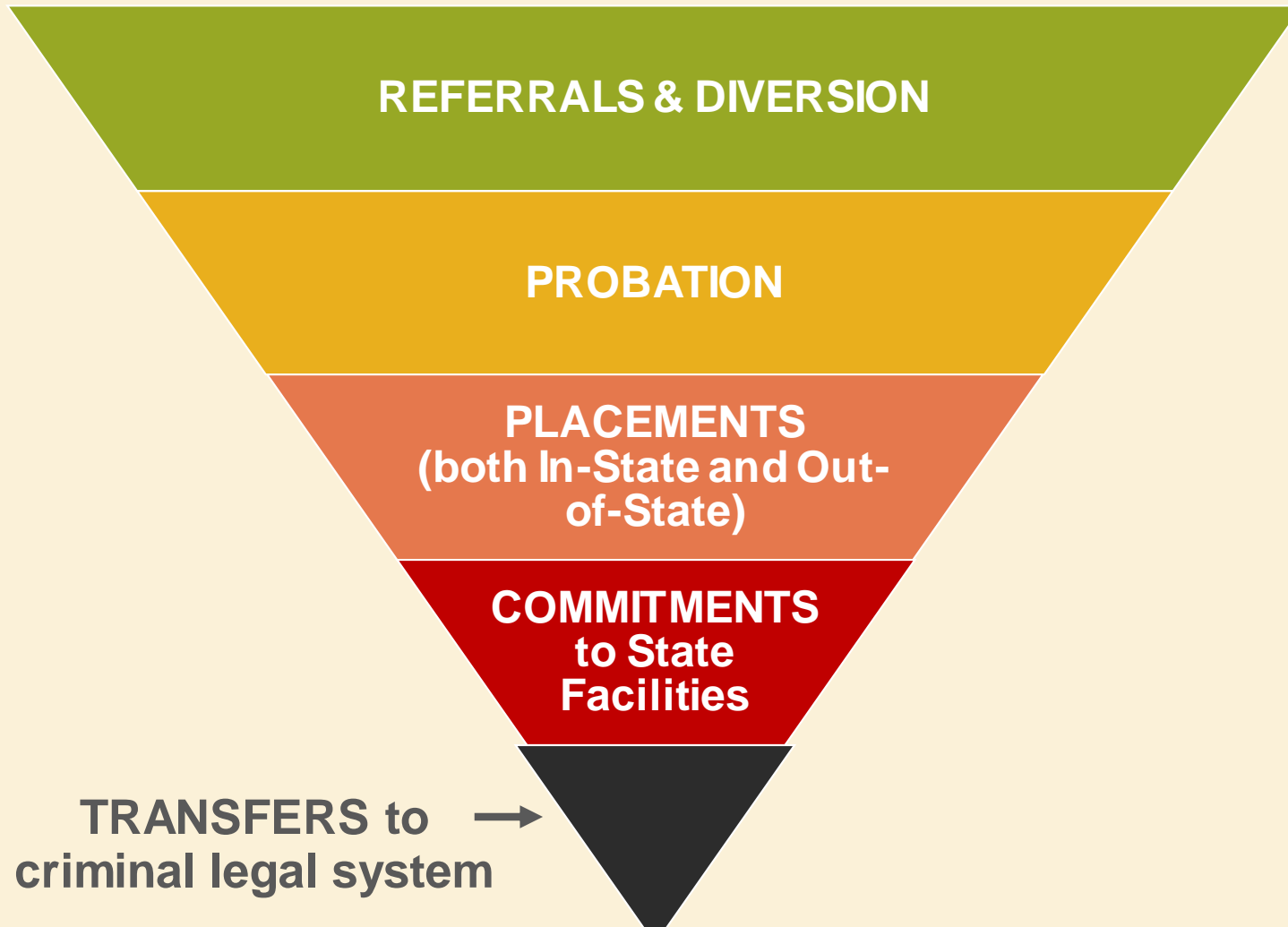
Cornerstone #4: Comprehensive Data



Youth Justice Decoder – Last One!

- A **Referral** is how a youth justice case begins, usually with an arrest that is brought to the attention of the court, the prosecutor or a probation agency.
- **Diversion** refers to any process by which an accusation of delinquency is handled informally. Diversion decisions can be made by different actors at different times:
 - a) by police before arrest/referral,
 - b) by a probation agency before it is passed on to a prosecutor,
 - c) by a prosecutor before formal charges are filed, or
 - d) by a court before an adjudication.
- **Adjudication** is the juvenile term for conviction.
- **Probation** is the most common disposition in youth justice.

Cheat Sheet for Essential Youth Justice Data

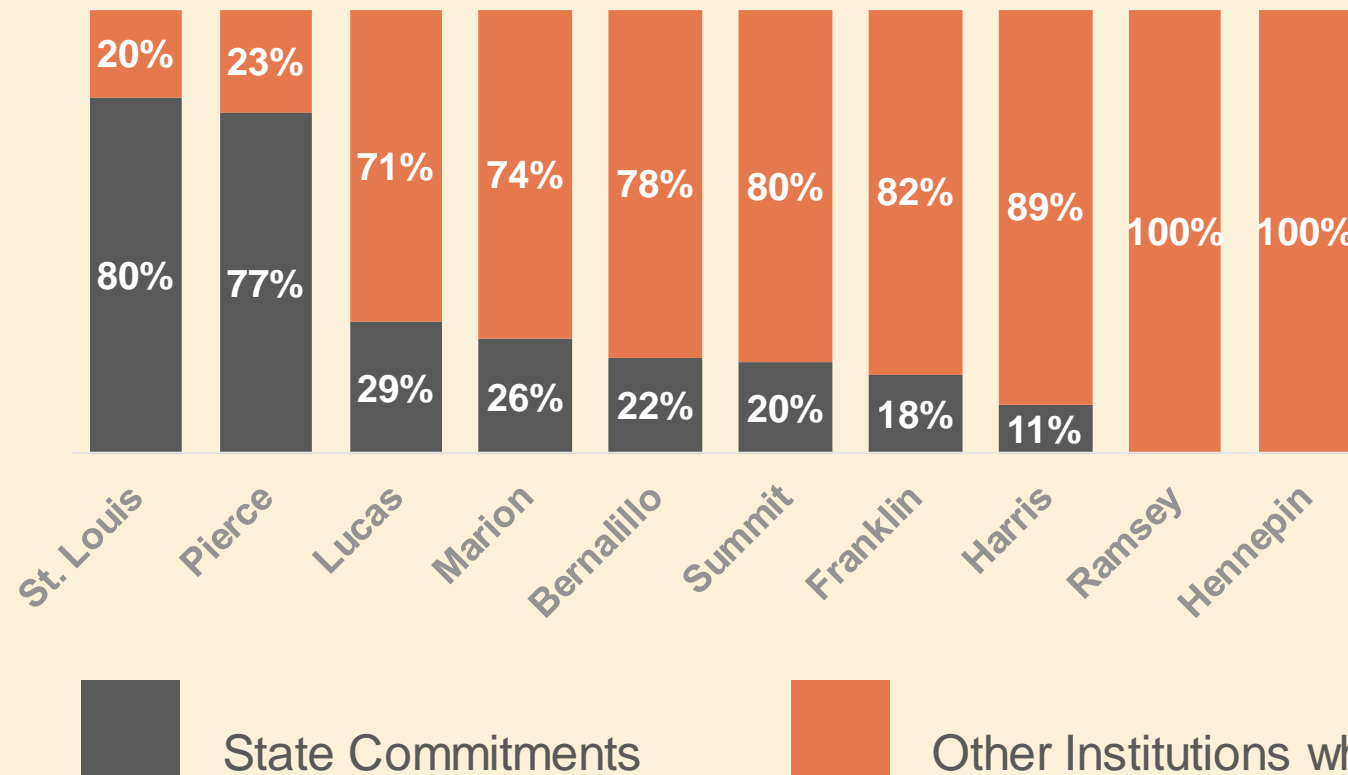


Ask:

- Is data disaggregated by race/ethnicity and by gender?
- Is it backed by policies to maximize accuracy?
- Is it transparent?
- Is it used to drive decision-making and assess progress

Why look at confinement in institutions that are not operated by the state?

**JUVENILE INCARCERATION IN DEEP END SITES:
COMMITMENTS TO STATE FACILITIES V. OTHER
PLACEMENTS (2019)**



State-operated facilities often account for a fraction of all juvenile confinement.

Wouldn't it be a lot easier to only count state facilities?

- Yes.
- But even if institutions are a condition of probation, even if institutions have slick comforting websites, even if institutions have names that suggest treatment, even if institutions actually do provide treatment -- institutions are expensive, disrupt family ties, and can be deadly. At a minimum, states need to count.



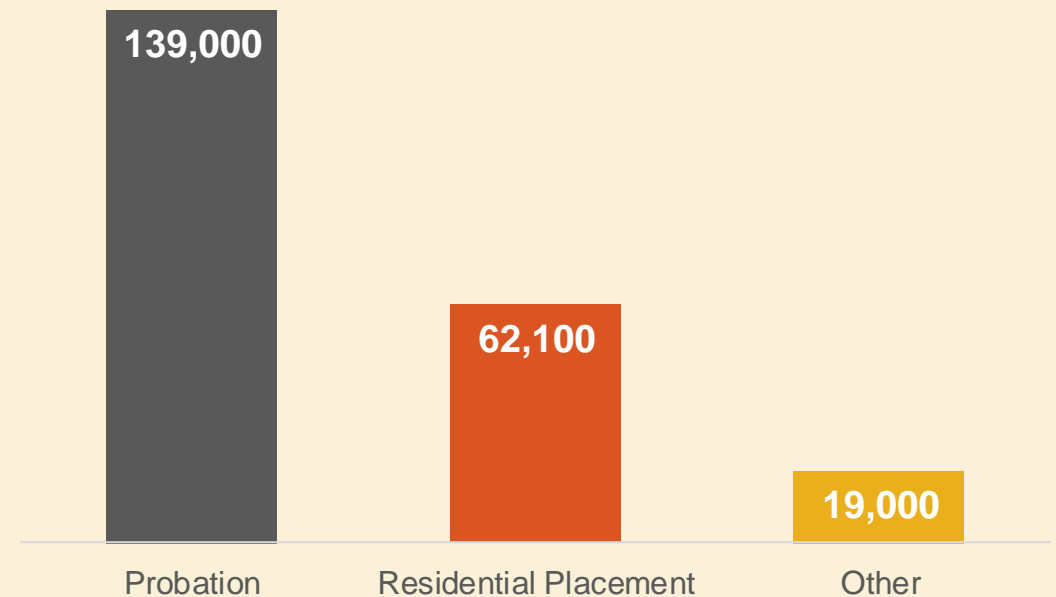
A couple of national examples from this year:

- April 29, 2020: Cornelius Frederick threw a sandwich in the lunchroom of a residential treatment center in Michigan. He was restrained by at least 6 staff members and died 2 days later. He was 16-years-old. The medical examiner ruled his death a homicide.
- May 2020: Huge COVID-19 outbreak in a residential treatment facility for girls in Arizona.

Why look at Probation Data?

- Probation is the most common disposition.
- Its reach extends to youth never found guilty of a crime
 - Almost half of young people on probation (121,300) in 2018 were informal cases — status offenses or non-adjudicated
- Opportunity to improve the entire youth justice system.

Dispositions for Youth Adjudicated Delinquent by U.S. Juvenile Courts in 2018



Source: Sickmund, M., Sladky, A., and Kang, W. (2020). "Easy Access to Juvenile Court Statistics: 1985-2018." Available at <https://www.ojdp.gov/ojstatbb/ezaics>.

Why Look at Diversion?

Do more good.

Most young people who break the law can be held accountable by their families and communities and be connected to appropriate community resources. Community-led diversion builds on youth's strengths; keeps them connected to positive influences; and encourages normal adolescent development and maturation

Push back against upstream racial disparities.

Diversion is the earliest and most powerful place to counter disparities in arrest.

Avoid harm.

Juvenile justice systems can do more harm than good by actively intervening with youth who are at low risk of reoffending, including exacerbating disparities.

Waste fewer resources.

Infrequent contact, such as once a month, is effectively no treatment at all.*

For more information –

Casey Foundation Publications:

- [Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative](#) (2020)
- [Expand the Use of Diversion From the Juvenile Justice System](#) (2020)
(summarizing the research supporting diversion)
- [Transforming Juvenile Probation: A Vision for Getting it Right](#) (2018)
- [Race Equity and Inclusion Action Guide](#) (2014)

Other Resources:

- [The Latinx Data Gap in the Youth Justice System](#), UCLA Latino Politics & Policy Initiative (2020)



THE ANNIE E. CASEY FOUNDATION

*Developing solutions to build a brighter future
for children, families and communities*

www.aecf.org