NO TURNING BACK

Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System

A project of the Building Blocks for Youth initiative

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INTRODUCTION

In the twenty-seven years I have worked at the Youth Law Center, the most pervasive, difficult, and intractable problem I have seen nationwide is racial and ethnic disparities faced by youth of color in the justice system. Youth Law Center staff and I have made hundreds of visits to juvenile facilities throughout the country over the years, and we have been alternately depressed, frustrated, and angry at the constant sight of so many African-American and Latino youth behind bars.

Though the problem is everywhere, there has historically been little open discussion about its causes or extent, or about effective remedies. Research for decades has demonstrated the harsher treatment that youth of color receive compared with their white counterparts, and Congress amended the Juvenile Justice and Delinquency Prevention Act in 1988 to require states to address disproportionate confinement of youth of color. But race has been one of the most sensitive topics to talk about in this country, in the justice field as in so many others. When public officials fear being labeled as racists, they avoid the discussion in any way possible. Yet without broad public debate to support a commitment to reform, the problems will certainly persist.

To change this dynamic, ten years ago Youth Law Center staff began to consider the components of a coordinated strategy to address the treatment of youth of color in the justice system. We benefited at the outset from the wise counsel of Angela Glover Blackwell, who urged us to think big and long-term. When she became Senior Vice-President of the Rockefeller Foundation, she gave us much-needed funding for planning and convening meetings of key people in the field. We spent two years reviewing the literature, meeting with people who worked at every stage of the system, from arrest to incarceration, taking in ideas, and developing a plan.

From this process came Building Blocks for Youth, a multi-strategy initiative with the goals (a) to reduce the overrepresentation and disparate treatment of youth of color in the justice system and (b) to promote fair and effective juvenile justice policies. The initiative has had five components:

1. New research on the disparate impact of the justice system on youth of color;

2. **Site-based work**, including close analysis of decision-making at the points of arrest, detention, and disposition, and focused projects in particular cities, counties and states;

3. **Direct advocacy** on behalf of youth of color, especially regarding conditions of confinement in juvenile and adult facilities;

4. **Constituency-building** among civil rights and other organizations, policymakers, and leaders, particularly those who have not previously worked in the juvenile justice area; and

5. **Development of effective communications strategies** to provide accurate, up-to-date information to constituent organizations and individuals, as well as to the media, and through the media to the general public.

The partners in carrying out the initiative, in addition to the Youth Law Center, have been the Justice Policy Institute, W. Haywood Burns Institute, Juvenile Law Center, Pretrial Services Resource Center, National Council on Crime and Delinquency, American Bar Association Juvenile Justice Center (and its successor, the National Juvenile Defender Center), and Minorities in Law Enforcement. Building Blocks has been governed by a Core Working Group consisting of representatives of partner organizations, as well as other researchers and representatives of constituent groups (e.g., Native Americans, juvenile court judges). The initiative has received financial support from a number of national foundations and from agencies of the U.S. Department of Justice.

Between February, 2000, and April, 2004, Building Blocks issued ten major reports on over-incarceration of youth of color; transfer of youth to adult court; portrayals of youth, race, and crime in the media; Latino youth in the justice system; the effects of "zero tolerance" school suspension and expulsion policies; and lessons for advocates from public opinion research on youth, race, and crime. The reports, some the first ever done on these specific issues, received widespread media coverage in newspapers, magazines, network and cable television, National Public Radio, and local radio stations. All are available on the Building Blocks website *(www.buildingblocksforyouth.org)*.

This is the final Building Blocks report, marking the end of the initiative. Its purposes are (1) to document effective efforts that advocates around the country have made to reduce disparate treatment of youth of color (often referred to as "disproportionate minority contact," or DMC) and (2) to provide strategies, ideas, and models for advocates, community organizations, public officials, and others addressing DMC.

In March, 2004, Building Blocks hosted a meeting in Baltimore which brought together a diverse group of experienced advocates to discuss effective strategies, challenges, and "lessons learned" in campaigns to reduce DMC. The meeting involved presentations on several of the campaigns and workgroups on internal and external challenges in addressing DMC. Many of the issues and ideas discussed at that meeting feature prominently in the chapters in this report.

We asked advocates and others who had worked on successful campaigns across the country to describe the problems they sought to address, the steps they took, the results they achieved, and the lessons they learned. The result is the rich, diverse, and inspiring collection of stories that follow. This volume does not (and could not) include every worthwhile attempt to address DMC in the United States: in addition to the initial chapter on the landmark efforts in Santa Cruz and Multnomah counties, it focuses on those efforts in which Building Blocks or the Youth Law Center played some part and which have achieved a significant level of success.

- In Santa Cruz, California, and Multnomah County (Portland), Oregon, as part of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative, county officials pioneered efforts to reduce DMC in their juvenile detention populations through a combination of leadership, collaboration, research, diversification of staff, outreach to families and community organizations, and development of new community-based alternatives to detention.

- In Seattle and other sites, the W. Haywood Burns Institute has brought together key stakeholders in the system (judges, police, prosecutors, public defenders, probation, political leaders, service providers) with community groups and young people to analyze DMC arrest and detention data, as well as community strengths and problem areas, at the neighborhood level, in order to develop and implement specific recommendations for reform.

- In Massachusetts, Citizens for Juvenile Justice worked with the ACLU and local advocates to obtain basic data on

race and ethnicity in the justice system, open up the state decision-making process, and require the Commonwealth to use federal funds to address DMC issues.

- In Illinois, the Juvenile Justice Initiative and the Cook County Public Defender's Office partnered with local, state and national organizations to expose the extreme disparities affecting youth of color in the state's automatic transfer statute that a Building Blocks report called "among the most racially inequitable laws in the country." The advocates succeeded in amending the statute to provide a "reverse waiver" for transferred youth, then successfully promoted a second amendment that requires youth to be charged in juvenile court, rather than adult criminal court.

- In Alameda County, California, through research, organizing, and direct action protests, a youth-led coalition conducted a "Campaign to Derail the Super-Jail" and stopped county plans to build an enormous new facility for detained youth, primarily youth of color.

- In South Dakota, two mothers and the "Parents Who Care Coalition" challenged the most powerful politician in the state and led a grassroots effort to reform a juvenile justice system that disproportionately impacts Native American children, while a lawsuit brought the closure of the State Training School.

- In Maryland, the Maryland Juvenile Justice Coalition focused on abusive conditions in the Cheltenham Youth Center, a state juvenile facility originally called "The House of Reformation for Colored Boys," where over 80% of incarcerated youth were African-American. The "Close Cheltenham Now" campaign helped lead to the closure of two other state facilities and the significant downsizing of Cheltenham.

- In New York City, the youth-led "No More Youth Jails" campaign stopped the city's $50-60 million plans to build 200 new detention beds at a time when juvenile crime was down 30%, the city's existing juvenile facilities were under-used, and, in 2002 in the wake of the 9/11 attacks, there were pressing needs for funds for other city services.

- In Los Angeles, Youth Law Center staff, the Faith Communities for Family and Children coalition, and a courageous chaplain succeeded in moving public officials to transfer children prosecuted in adult court, who were disproportionately youth of color, from horrible conditions in the Los Angeles County Jail to juvenile facilities in the county.

- In Louisiana, the "Close Tallulah Now" campaign, led by the Juvenile Justice Project of Louisiana and the Families and Friends of Louisiana's Incarcerated Children coalition, coordinated a comprehensive multi-strategy effort that led to closing the notorious Tallulah Youth Center (where over 80% of confined youth were African-American and 75% were locked up for non-violent offenses), re-directing funds to community-based programs, and separating youth services from the Department of Public Safety and Corrections.

We have also included in this volume materials on two exciting new developments that advocates, public officials, and others will want to follow.

First, addressing DMC issues is one of the basic components of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). Because DMC affects every part of the initiative, and should be considered in all the other components, JDAI is developing a matrix of "JDAI Core Strategies: Through a Racial Lens." Although this matrix is still in the draft stage, it is such a thoughtful and important contribution to the field that we have included it as an appendix to this volume.

Second, the John D. and Catherine T. MacArthur Foundation, through its "Models for Change" state-based juvenile justice reform initiative, is supporting a new method of analyzing state and county DMC data that makes it possible for the first time to pinpoint where in the justice system disparate treatment of youth of color occurs. This effort, too, is in its initial stages, and we have included a brief description of the effort thus far.

We have also included as an appendix a list of other resources: contacts for each of the campaigns described in the chapters; other individuals, organizations and agencies working on DMC issues; and particularly useful reports and other written materials.

LESSONS LEARNED

It is not possible to summarize all the key points in the chapters that follow, but several themes or lessons emerge from the collection of case studies.

1. **Advocates should intentionally focus on racial and ethnic disparities**. DMC reform usually does not occur as an afterthought. Because race is such a sensitive and potentially explosive issue, public officials have a strong incentive to avoid the topic or divert attention to other matters, including mega-issues such as "How can we end poverty?" which can be so enormous that they breed paralysis. As the Burns Institute emphasizes, an intentional approach is necessary to achieve significant, sustained reductions to DMC.

2. **Solid research and relevant data are powerful tools for reform**. Advocates, public officials, and funders often talk about "data-driven" reforms, and nowhere is this more important than in addressing DMC. In an area where stereotypes are at the center of the problem, advocates must have solid data to support their claims of unfairness and ineffectiveness of existing policies. All of the advocacy efforts described in this report utilized data as a core component of their campaigns.

3. **There are many ways to address racial and ethnic disparities**. Just as DMC can manifest in a variety of ways — in police arrests, detention decisions, prosecutorial discretion, probation reports, judicial adjudications, commitments to locked facilities — so are there many ways to address the problem. In Santa Cruz and Portland, the effort grew out of the Casey Foundation's JDAI, and probation department personnel took the lead. In Seattle and other Burns Institute sites, the focus is at the neighborhood level. In Massachusetts, advocates concentrated on obtaining data and opening up and diversifying the key state funding committee. In the MacArthur "Models for Change" initiative in Pennsylvania, a comprehensive method of DMC data analysis and targeted strategies holds great promise. In Illinois, the effort was to change an extraordinarily biased transfer law. In Alameda County, South Dakota, Maryland, New York, and Louisiana, advocates worked to close or stop the expansion of juvenile facilities that primarily incarcerated youth of color. In Los Angeles, children of color were removed from the horrors of the county jails.

4. **There are many types of advocates**. The list of advocates for DMC reform goes far beyond attorneys like those at the Youth Law Center and the Juvenile Justice Project of Louisiana and staffs of advocacy nonprofits such as the Burns Institute, Justice Policy Institute, Citizens for Juvenile Justice in Massachusetts, the Illinois Juvenile Justice Initiative, and the Maryland Coalition for Juvenile Justice. As the chapters in this volume demonstrate, advocates for reform are system insiders as well as outsiders, young people, parents, community activists, and leaders in the faith community.

5. **Effective reform usually requires multiple strategies**. Since race is such an exceptionally difficult issue to address, advocates need to consider multiple strategies to bring about reform. The campaigns described in this report used a wide variety of strategies, including research, public education and media advocacy, litigation, legislative advocacy, administrative advocacy, parent outreach, youth activism, and community organizing.

6. **Media advocacy can level the playing field**. In confronting public officials and official policies that support DMC, advocates often feel like the proverbial David setting out against Goliath. Media advocacy can even the odds. Powerful stories, particularly those putting a human face on the problem, can draw the attention of the public and generate broad support for reform. Media advocacy can be low tech — indeed, the best spokespeople are often those who have been through the system themselves, or whose children have been there, simply telling their stories. By communicating the issue to a widespread audience, media advocacy can also provide support for other strategies, such as legislation and organizing.

7. **There are many ways to define success.** The ultimate goal of DMC reform efforts is to reduce the overrepresentation and disparate treatment of youth of color at every point in the justice system. But there are many paths toward that goal. In Santa Cruz and Portland, DMC reduction occurred as part of overall detention reform. The Burns Institute has pioneered a model in several states that actively engages all stakeholders, public officials and members of the community. In Massachusetts, the state committee which holds the power of the purse to support DMC reforms was opened up to advocates for children. In Illinois, advocates moved the state legislature to amend the state transfer law, then amended it with further reforms. In Alameda County and New York City, expansion of detention beds was halted. In South Dakota, Maryland, and Louisiana, state facilities that housed mostly youth of color were closed. In Los Angeles, children were moved out of an abusive environment. In all of these places, the public and public officials came to know about DMC concerns, many for the first time. All of these efforts contributed to improved lives for troubled young people of color.

8. **There is a long way to go.** Congress formally recognized DMC as an issue seventeen years ago. Since that time, there have been a number of successes around the country, as demonstrated by this report, but DMC continues to be a pervasive and difficult problem in all regions. While we acknowledge the energy and talents that advocates have brought to the struggle, we need renewed commitment to continue the effort until the justice system is fair and effective for all children, regardless of their race or ethnicity.

We hope this report will provide ideas, strategies, and resources for advocates to continue to address racial and ethnic disparities all over the country.

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Organizations

We are especially proud of the new organizations and efforts that Building Blocks has supported or nurtured, including the W. Haywood Burns Institute, which Building Blocks initially funded, and which now has sites across the country; the National Juvenile Justice Network, which Building Blocks initially organized and is now sponsored by the Coalition for Juvenile Justice; the new role for the National Council of La Raza as a primary resource on juvenile justice issues affecting Latino youth, after years of close coordination with Building Blocks on those issues; and the Campaign 4 Youth Justice, which is working with advocates in three states on the issue of children transferred to adult criminal court.

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Participants at Meeting in March, 2004

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by Eric Lotke[1] and Vincent Schiraldi[2]

THE JUVENILE DETENTION ALTERNATIVES INITIATIVE: THE SANTA CRUZ AND PORTLAND MODELS

This chapter is about reform from within. It is about two large counties with major metropolitan centers that also had substantial racial and ethnic disparities in their juvenile justice systems. In the 1990's, they decided to do something about it. There were no protests, court orders, or media exposes. Rather, professionals within the system looked critically at the situation and decided it had to change. In Santa Cruz, the Probation Department took the lead and made changes internally. In Portland, the process was more collaborative with participants from the many agencies with responsibility for juveniles, including the courts, police, district attorney and probation authorities. Both jurisdictions produced excellent results. This chapter describes what they did and how they did it.

Santa Cruz: Context and Background

Santa Cruz County, population 250,000, is a mid-sized California county on the Pacific coast just south of San Francisco. Like many places, Santa Cruz had longstanding racial and ethic disparities in the juvenile justice system. In the 1990's, Latinos constituted one-third of the county's youth population, but two-thirds of its detention population. When John Rhoads became the Chief Probation Officer of Santa Cruz in 1997, he decided to challenge these disparities. Rhoads had been the Deputy Chief Probation Officer in Sacramento County, one of the original sites selected by the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). This experience grounded his efforts to reduce disproportionate minority confinement and enabled him to tap into the Casey Foundation's national network of people dedicated to solving the problem. [3]

People in the department already knew about the issue, of course. They had even researched it. They had read the statistics and could see racial disparities simply by walking into the detention facility. But staff were discouraged, defensive, and did not initially embrace change. First, previous research made the disparities seem justifiable: minority youth in custody appeared to have more serious offense histories and presenting offenses than their white counterparts. Second, they knew that minority youth suffered disproportionately from large scale socio-economic risk factors, and that those risk factors created problems

[1] Former Research and Policy Director, Justice Policy Institute.
[2] Former Executive Director, Justice Policy Institute; presently Director of the District of Columbia Department of Youth Rehabilitation Services.
[3] For a full description of the Casey Foundation's Juvenile Detention Alternatives Initiative, see the *Pathways* series published by the Foundation. The chapter dedicated to racial disparities is: Hinton Hoytt, Eleanor, Schiraldi, Vincent, Smith, Brenda V., Ziedenberg, Jason, *Pathways 8, Reducing Racial Disparities in Juvenile Detention*, The Annie E. Casey Foundation (2004).

that ultimately brought some of them into confinement. But those risk factors could only be solved by improving social and economic conditions over which the department had no control, so department staff believed they could do little to remedy the resultant disparities. They simply accepted them.

New leadership brought a different attitude. The department started to conduct internal audits and collect data at each decision point, and to identify spots where disparities emerged and started to accumulate. Close examination revealed items that made a difference and that staff could control. In the words of Santa Cruz' current Chief Probation Officer, Judith Cox:

> When we looked for clients who experienced barriers to service or lack of access, we found them. When we looked for points of subjective rather than objective decision making, we found them. When we looked for examples of cultural insensitivity, we found them. When we looked for unnecessary delays, which contributed to longer lengths of stay in detention, we found them.[4]

The flip-side was true as well: after the problems were identified, they could be solved. The macro-social risk factors never went away, but decisions made by the department and subject to change by the department had aggravating effects that could be reversed. In the first two years of operation, the average daily population of the juvenile detention center dropped 25% and the Latino representation in the facility dropped 53%.[5] The fast results in response to deliberate choices proved to the management and staff that their own hard work could make a difference.

Santa Cruz County Detention Trends[6]

Measure	Pre-JDAI (1997)	2003
Average Daily Population	47	27
Total Annual Admissions	1,591	972
Average Length of Stay	13	11
Average Case Processing Time	15	23
% Youth of Color in Detention	72%	70%
Re-arrest Rate	N/A	2%
Failure to Appear Rate	N/A	3%
Juvenile Arrests		-38%

Santa Cruz also found that the financial costs to the system went down as the reforms took effect. Detention in the juvenile hall cost $184 per youth per day, compared to $65 per youth per day for full supervision in the community with wraparound services. With daily populations in detention cut nearly in half, the county avoided nearly a million dollars annually in detention costs.

Multnomah County: Context and Background

Multnomah County is the largest county in Oregon and home to the largest city, Portland. It has a population of 670,000 with significant ethnic diversity including African-Americans, Asians, Latinos, and Native Americans. Unlike Santa Cruz, which achieved success almost as soon as it set its mind to it, change in Multnomah happened slowly. Also unlike Santa Cruz, reform in Multnomah was conceived as a partnership involving multiple agencies with diverse responsibilities. Seats at the table included the juvenile court, the police department, the district attorney, the public schools, the county commission, Portland State University and the juvenile justice agency (i.e., probation). The process was slow and included failed beginnings, but after an arduous journey, efforts to reduce disproportionality in Multnomah County showed impressive results.

Multnomah's effort began when the state of Oregon was selected for focused study under the disproportionate minority confinement mandate in the federal Juvenile Justice and Delinquency Prevention Act. The study revealed that Multnomah's only secure juvenile detention facility always operated at capacity — and might have exceeded capacity but for a court-ordered cap — and that minority youth were significantly overrepresented. In 1990, Latino youth were more than twice as likely to be detained as white youth (34% compared to 15%). Asians, African-Americans, and Native Americans were detained at rates that were 47% to 60% higher than white youth. This subject had previously been studied by Professor William Feyerherm of Portland State University, a nationally recognized expert, who made his research and expertise available to policymakers working to solve the problem.

Shortly afterwards, Multnomah was selected by the Casey Foundation as a JDAI site. Multnomah's first official step under JDAI was to create a Disproportionate Minority Confinement Committee chaired by the presiding juvenile court judge. This committee achieved few tangible results although its very existence kept attention on the issue. However, when the county expanded system-wide detention reform efforts through JDAI, the mission of this committee was integrated into the overall

[4] Cox, Judith A. and Bell, James, *Addressing Disproportionate Representation of Youth of Color in the Juvenile Justice System*, Journal of the Center for Families, Children and Courts, Vol. 3, 2001.
[5] The minority fraction of youth in custody increased in recent years, partly as a result of rapidly rising Latino community in the county, but mostly as a result of the Proposition 21, a 2000 ballot initiative that reduced judicial discretion and increased the use of adult prison for juveniles.
[6] Casey Foundation working paper, *The Juvenile Detention Alternatives Initiative*, A Report on Results, March 2004.

policy goals. The change to a system-wide perspective made the reduction of disproportionality possible as one part of a comprehensive reform package. By 1998, the likelihood that arrested minority youth would be detained was the same as it was for white youth.

Multnomah County Detention Trends[7]		
Measure	Pre-JDAI (1994)	2003
Average Daily Population	96	33
Total Annual Admissions	2,915	348
Average Length of Stay	7	10
Average Case Processing Time	160	92
% Youth of Color in Detention	73%	50%
Re-arrest Rate	33%	9%
Failure to Appear Rate	7%	7%
Juvenile Arrests		-45%

Multnomah county's detention population decreased so dramatically, the county was able to close three units of its detention center (48 beds). The cost savings increased over time as the population stabilized at a lower level with lower per diem costs.

Change: How It Happened

The drive to change in Santa Cruz and Multnomah came from the top. County and department leadership decided that business-as-usual was not serving their constituents. Change was especially difficult because in the mid-1990's juvenile crime was high and the media and politicians were fanning flames that demonized youth and labeled reform as "soft on crime." Nonetheless, county and department leadership thought that reform could be enacted without jeopardizing public safety and would, in fact, decrease juvenile crime in the long run. They also designed long-range plans and the intermediate steps needed to achieve them.

Some changes required a straightforward shift in practice. Other changes required additional or transitional resources. In Multnomah, the Casey Foundation provided very significant direct financial support during the early stages, plus technical assistance and other supports. In Santa Cruz, the Foundation did not provide funds until the jurisdiction became a model site. In both sites, the counties have found that reduced confinement has resulted in financial saving that significantly exceeded their start-up costs. The following is a step-by-step account of how these jurisdictions achieved their results. The first several items all occur within the government and among government actors; the last several items apply to the relationship between the government and the community.

[7] *Id.*

Leadership

The first step is leadership from responsible government authorities. In Santa Cruz, the probation department took the lead. Within the department, the changes started at the top but the entire staff needed to embrace the goal. Department resources, personnel practices, outcome indicators, and program strategies were all subject to modification, so everyone needed to be involved. Feedback and understanding were essential up and down the chain of command. Focusing on racial and ethnic disparities, the Santa Cruz Probation Department started by developing a cultural competency plan and appointing a cultural competency coordinator to oversee the process. They created the list below of specific steps that needed to happen, along with timetables and specific assignment of responsibility for accomplishing each step.

Probation officials also recognized that community advocates and activists were an important and necessary component in the effort to reform. An Association of Latino Executive Directors of community-based non-profit agencies and a Strategic

SANTA CRUZ PROBATION DEPARTMENT

Disproportionate Minority Confinement Work Plan and Checklist

- ☐ Stated administrative value
- ☐ Working group charged with outcomes
- ☐ Cultural competency coordinator
- ☐ Cultural competency plan
- ☐ Regular cultural competency training
- ☐ Staff reflects bilingual, bicultural levels of client base
- ☐ Key positions have bilingual staff
- ☐ Key decision points mapped
- ☐ Data available for each decision point
- ☐ Quarterly review of decision point data (trends)
- ☐ Customer surveys identify service barriers
- ☐ Parental involvement at all levels
- ☐ Detention alternatives with community partners and more than one level of alternative
- ☐ Tracking outcomes of alternatives by ethnicity
- ☐ Risk-based detention criteria without racial bias
- ☐ Stakeholders involved in development of risk assessment instrument
- ☐ Efficient court and placement system with short length of stay in detention—Measure
- ☐ Length of stay by ethnicity
- ☐ Clear criteria for assignment to intensive caseloads
- ☐ Clear criteria for removal from intensive caseloads
- ☐ Administrative sanctions for probation violations
- ☐ Sufficient diversion options
- ☐ Extensive graduated continuum of services with wrap around services and community partners
- ☐ Culturally competent residential programs

Planning Collaborative comprised of Latino leaders joined with the Probation Department to lead a powerful working group to address DMC. Rather than resisting critique and defending against questions raised by Latino activists, the Probation Department embraced the opportunity to learn how its policies, programs, procedures and practices were creating barriers to success for youth of color.

Consequently, the trust that was built with members of the Latino community became the foundation for an enduring alliance from which a robust continuum of detention alternatives has grown. The leaders of the agencies, which were once so critical of the justice system, are now an active part of the solution.

In Multnomah, efforts to reduce racial disparities were broader than the probation department, involving multiple agencies and stakeholders. A culturally diverse group of approximately 40 members — including justice system professionals, elected official and community members — met regularly for a full year, seeking consensus and understanding. Together they reached the conclusion that the justice system needed to distinguish between "high-risk youth" and "high-need youth," that is, youth who were more likely to reoffend or not appear for court dates, compared to youth with special physical or mental health needs. They decided that detention was for high-risk youth not high-need youth, and that youth arrested for status offenses and low-level misdemeanors were never to be detained.

The larger committee created sub-committees with more precise responsibilities for definition and implementation, but the reduction of racial disproportionality was an express goal. Both Multnomah and Santa Cruz discovered that focusing on risk factors, case processing and other "good government" reforms were worthwhile in themselves, but they did not reduce disproportionate confinement. The target had to be intentional.

Collaboration

Both counties realized the importance of collaboration, and both counties hired a person with the express responsibility of coordinating reform efforts. Santa Cruz's reforms were primarily internal to the probation department, but Multnomah's more multi-dimensional reforms required acceptance throughout the justice system. Community members and justice system professionals such as police, prosecutors, and judges needed to understand that there were more effective ways to meet juveniles' needs than using secure confinement. The entire range of justice system agencies needed to be involved because decisions in one department could affect others. For example, the Portland police department included the probation department's juvenile detention reform in its training curriculum and ultimately changed its practice in ways that prevented many youth from being brought to the justice system in the first place. In addition, the county public defender's office hired four half-time assistants to expand capacity on the non-legal dimensions of each case — such as improving pre-trial placement planning by gathering relevant information about the children with hearings approaching, and identifying strengths, resources, and potentially appropriate placements in the community. These assistants were present for meetings involving the defense attorneys and district attorneys, probation officers, and others, so that decisions could be made with more complete information and perspective.

Mapping decision points and collecting data

The second step was to map the key decision points in the juvenile justice process and to collect data relevant at each point, including arrest, charging, detention, release, and placement. While some of the decision points were beyond control of the probation department (e.g., arrest), identifying them and collecting data still advanced the overall goal by documenting differential treatment. Allowing idiosyncratic, personal approaches to decision-making is a major contributor to racial and ethnic disparities; collecting data is an antidote that substitutes objective measures for subjective preferences.

Santa Cruz developed a core working group with people from various agencies to identify these decision points and analyze what the data told them about how their system treats youth. The Santa Cruz working group also reviewed the number of days spent in secure confinement between the dispositional hearing and placement in a program. The group found no disparities in court processing or placement, but it did identify unnecessary delays that increased time awaiting placement for all youth.

Objective criteria for decision-making

After the stakeholders identified key decision points, they developed objective instruments at multiple decision points (e.g., detention, diversion, placement) to guide future decisions. In both sites, decisions to release or detain, for example, were

based on risk assessment instruments using quantifiable risk factors. The committee identified objective risk factors such as severity of the current offense or past record of delinquent acts. Factors such as "gang affiliation" came under close scrutiny and were tested for disproportionate impact on minority youth, since the difference between a gang and a group of friends can be subjective or stylistic. In Santa Cruz, the committee decided that gang affiliations needed to be current and proven in court. Similarly, in Multnomah, the committee replaced "school attendance" as a positive or mitigating factor with "productive activity," defined to include training or part-time employment, because school attendance alone skewed the assessment to the disadvantage of minority youth. The committees continued to monitor the performance of the new risk assessment instruments to see if they were achieving the intended goals. The stakeholders in both Multnomah and Santa Cruz decided to allow probation staff to override the risk assessment instrument findings in individual cases under certain specified conditions. However, the departments tracked overrides closely to ensure that racial or ethnic disparities could be noted and addressed immediately.

Culturally competent staff

Minority communities may have differences in culture or language that make it difficult for non-minority staff to operate effectively. In Santa Cruz, investigation revealed that the lack of Spanish-speaking staff at the intake and case management stages made it difficult to move youth back to their families even when it was appropriate to do so. Staff was often unable to speak with parents, and parents were unable to ask questions. In response, the department made it a goal to have Latino or Spanish-speaking staff at every stage in the process, and at least in proportion to the youth in the detention center. Staff assignments and new hires were made accordingly.

Partnerships with families

Moving beyond the corridors of government, relationships with families and other community members are fundamental. Programs and services have higher failure rates if they exclude the families of youth on probation or fail to address their personal needs. For example, the personal questions that probation officers ask family members during intake can make parents feel threatened or defensive. The families may appear to be or may actually become uncooperative, which can increase the likelihood that their child will be detained. This problem can be aggravated by ethnic, socio-economic, or language differences between families and agency personnel.

In response, Santa Cruz developed programs such as family conferencing and parental outreach, as well as information sessions and written material. The purpose was to describe the court process and clarify expectations. The department also developed user surveys and contracted with parent advocates to identify barriers to service and improve relations. As a result, the department changed the tone of some formal communications and shifted the hours of operation to include evenings and weekends. The goal was to develop an atmosphere of trust and cooperation, so communities and government officials felt like they were working together to solve a shared problem — not blaming each other for failing to do their part.

Alternatives to formal handling and incarceration

Whoever they are and whatever role they play, decision-makers need choices. If the only option for handling a troubled youth is detention, then detention is where the youth will go. To solve this problem, Santa Cruz developed a series of community based alternatives so system actors ranging from police to judges had options to choose from. The programs involved community-based organizations and the children's parents or caregivers. In addition to tracking and supervision, programs provided crisis response, wraparound services, and training based on the children's strengths and interests rather than weaknesses and failings. The programs were designed to be linguistically and culturally appropriate.

Efforts to help youth overcome their problems began while they were still in the midst of the judicial process. Some goals such as attending court hearings and not committing new crimes provided their own criteria for success. Youth who attended their court dates and did not present new risks were more likely to be kept in the community rather than sanctioned with confinement.

In the first years of operation, Santa Cruz doubled the number of children diverted from the juvenile justice system by adding four new diversion programs. These programs used a variety of strategies, including assessment and educational services, peer court, neighborhood accountability boards, cognitive-behavior groups, youth development services, and family

support. The programs were geographically and linguistically accessible, and were conceived around partnerships between law enforcement, community-based organizations and citizen volunteers. Placement and length-of-stay data were collected by race and ethnicity to ensure that youth of color had equal access to these programs.

A full continuum of treatment, supervision, and placement options

The Casey Foundation's JDAI focused on all populations housed in the detention facilities, post-adjudication as well as pre-trial. Many of the same principles apply after adjudication because the lack of alternatives continues to drive the use of secure confinement. In Santa Cruz, for example, local stakeholders carefully developed the continuum of services and defined their conditions for use. Services included shelter care, foster homes, home detention, and a day reporting center. They were provided on contract by local providers established in the communities where the majority of detained youth lived.

In Santa Cruz, development of a family preservation program, a school-based day treatment program, and a culturally sensitive drug treatment program particularly helped to reduce disproportionate confinement of minority youth. Adding these new programs enabled probation staff in Santa Cruz to demonstrate that they were no longer just monitoring compliance; instead, they were working with community partners to build the success of youth involved in the system. The success of programs was measured with the same data-gathering resources used to measure racial disparities; programs with superior performance were rewarded and inferior performance could be phased out.

Dealing with failure

Every child will not succeed at the first effort to reform. The challenge is to hold children accountable for lapses without creating an escalating spiral of failure and punishment. As in sentencing, jurisdictions need a range of choices and a system for determining what option to use when something goes wrong, so decisions are consistent and failures become steps on the path to success.

In Multnomah County, prior to the reforms, roughly a third of the admissions to detention were for process failures such as probation violations or failures to appear. The county's first response was to quantify the reasons for return to detention to better understand the situation. Orders issued by judges required a different analysis than orders made by probation officers; technical violations such as missed appointments required a different response than new crimes. Examination revealed, for example, that judicial orders bypassed the screening process for risk assessment and, as a result, they sometimes led to needless detention. Furthermore, a frequent reason to issue the warrant was failure to appear, and the reasons for failure to appear ranged from purposeful defiance to notices being sent to incorrect addresses or lengthy delays in court processing with no reminders. Of course, the minors and their families have primary responsibility for remembering court dates and keeping addresses current, but improved communication systems led to better results for lower cost than automatic recourse to detention upon issuance of a warrant.

Similar analysis led to changes in the recommendations of probation officers. Nationally, nearly two thirds of minors adjudicated in the juvenile courts are released into the community on probation.[8] These orders of probation often place broad restrictions on youth behavior — with orders such as 10 p.m. curfews or "obey all parental orders." Because such orders are difficult for any adolescent to follow, probation officers have ample opportunity to order revocation. Different probation officers will have different standards for non-compliance — ranging from zero-tolerance to ample forgiveness — and can apply those standards inconsistently across communities. The result can be inappropriate use of detention and racial and ethnic disparities.

Santa Cruz and Multnomah counties both developed structured approaches for responding to probation violations based upon the seriousness of the violation and the risk the youth posed (as determined by their basic probation classification instrument). All juveniles referred to intake for an alleged probation violation were screened, and could be sent to a range of sanctions and systems for matching violations with appropriate responses. Again, interagency collaboration, especially between police, probation and the courts, was necessary to match incidents with responses. All these decisions were tracked by race and ethnicity and continuously evaluated to ensure that graduated responses to violations were based on objective criteria rather than idiosyncratic choices by individual probation officers.

[8] Adapted from Puzzanchera, C., Stahl, A., Finnegan, T., Tierney, N., and Snyder, H. *Juvenile Court Statistics 2000* . Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. Accessed on-line in November 2004 at *http://ojjdp.ncjrs.org/ojstatbb/court/qa06501.asp?qaDate=2003011*. See also *OJJDP Statistical Briefing Book*, August 11, 2003.

Conclusion

The specific techniques are obviously important, but few of them are new or unique. Rather, the key to detention reform in these jurisdictions was the implementation of all of these techniques simultaneously, and a willingness to undertake wholesale reform. Scott MacDonald, Director of Juvenile Probation in Santa Cruz, offered this perspective: "We stopped looking at what was wrong with the kids and trying to fix them. Instead, we looked at ourselves and tried to fix the system. The result was a better use of resources, better behavior by the kids, and reductions in racial and ethnic disparities."

In addition to individual techniques, the major lessons learned fall along these lines:

1. Reduction of disproportionate minority confinement does not happen all by itself. It happens in the context of overall system reform, including the development of community sanctions and risk assessment instruments dedicated to matching children with placements.

2. The reduction of disparities must be an express goal of reform, not expected as a by-product of overall reforms. The overall reforms are necessary but specific attention is needed as well.

3. Leadership and collaboration are essential. The tone and energy may start with a few, but widespread acceptance throughout the staff is needed for change. Collaborators will include justice system professionals like judges, probation, and police, as well as stakeholders in the community.

4. The problem must be defined in terms that can be changed with specific actions by responsible actors. Reducing the effects of historical and structural racial injustice and poverty cannot be conditions or goals; instead, reform must focus on items like developing databases, risk assessment instruments, or reducing case processing time. These specific strategies can lead to the overall goal of reducing the detention populations generally and racial and ethnic disparities in particular.

5. Emphasize action, not just discussion or training.

6. Collect data; analyze it continuously. The development of variables helps to set priorities, and the continued analysis shows progress towards goals.

7. Expect results. Reducing disproportionate confinement of minorities is hard work, but it is just work. It can be done, and the success is worth the investment.

by James Bell[9] , David Onek[10], and Michael Finley[11]

REDUCING DISPROPORTIONATE MINORITY CONFINEMENT IN SEATTLE:
THE W. HAYWOOD BURNS INSTITUTE APPROACH

The W. Haywood Burns Institute works intensively with local jurisdictions across the nation to reduce the overrepresentation of youth of color in their juvenile justice systems. Youth of color are grossly overrepresented in juvenile justice systems throughout the United States. Statistics reveal that minority youth represent 34% of the overall U.S. youth population, but represent a whopping 62% of youth in detention. This overrepresentation is often referred to in the juvenile justice field as disproportionate minority contact or DMC.

Despite numerous studies from jurisdictions throughout the nation detailing alarming levels of disproportionate minority contact, few jurisdictions have implemented successful reforms to reduce DMC. Some jurisdictions remain in denial about the extent of their DMC problem and steadfastly refuse to act. Other jurisdictions know they have a problem but are paralyzed by the faulty assumption that DMC cannot be reduced until the problems of racism and poverty are eliminated. Still others have decided to address DMC by funding well-meaning prevention programs that have not resulted in an actual DMC reduction.

The Burns Institute (BI) was founded in 2001 specifically to work with local jurisdictions to reduce DMC. The BI model requires the active commitment and participation of the key traditional and non-traditional stakeholders in the juvenile justice system in each jurisdiction — including judges, prosecutors, public defenders, police, probation, political leaders, service providers and community groups. The BI leads these stakeholders through a data-driven, consensus-based process that focuses on changing policies, procedures and practices to reduce DMC.

The BI process is modeled in many ways on the pioneering work of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). JDAI began in 1992 as a response to unprecedented growth in the overall number of youth held in secure detention — a number that increased by 72% between 1985 and 1995. Less than a third of these youth were held for violent offenses. JDAI's goal is to reduce the overall detention population by eliminating the inappropriate use of detention, without compromising public safety. The JDAI process relies on intensive interagency collaboration and data-driven decision-

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making. JDAI's four model sites — Multnomah County (Portland), OR; Cook County (Chicago), IL; Santa Cruz County, CA; and Bernalillo County, NM — have all achieved significant reductions in their detention populations. The JDAI process led to the reduction of disproportionate minority confinement in some sites but not in others.

The BI approach builds on JDAI in two important respects. First, the BI process focuses specifically and intentionally on the overrepresentation of youth of color in juvenile justice systems, with the belief that a significant, sustained reduction in the overrepresentation of youth of color can only be achieved by this intentional approach. Second, the BI approach brings non-traditional, community-based stakeholders to the table alongside the traditional systems stakeholders, and gives them equal decision-making power over systems reform.

The BI's work began in the pilot site of Seattle, WA in 2000. At the time, the BI was a project of the Youth Law Center; since then, the BI has spun off to become its own non-profit organization. The work was originally funded by Building Blocks for Youth and the Ford Foundation.

When the BI began work in Seattle in 2000, African- American youth comprised 9% of the overall youth population King County, but 39% of the youth in detention. The clear goal of the BI process was to reduce this appalling level of disproportionality.

The first step in Seattle was to get the key local juvenile justice stakeholders to support and actively participate in the BI process. At the outset, it was unclear whether stakeholders would be willing to come together to discuss the highly-charged issue of race in the juvenile justice system. It took the better part of a year for all the key stakeholders to agree to participate. As King County Superior Court Judge Patricia Clark stated, "It was tough to get everyone to buy in."[12] The BI process was a brand-new approach with no track record, so officials were wary. However, through extensive and repeated discussions with key stakeholders — stressing that the BI process was data-driven and would not point fingers — the BI was able to convince these decision-makers that the BI would create a safe space where they could feel comfortable talking about DMC and developing an action plan to reduce it.

Once all of the key stakeholders had signed on to the BI process, a Seattle Advisory Board was formed. The Advisory Board included high-level representation from all of the key agencies in the juvenile justice system — judges, prosecutors, public defenders, probation, police, and political leaders — as well as representation from community groups and youth advocates. The Advisory Board had excellent leadership from its co-chairs, Judge Bobbe Bridge of the King County Superior Court (who later became a Washington State Supreme Court Justice) and Councilmember Larry Gossett of the Metropolitan King County Council. According to Gossett, "The benefit of having the King County sheriff, the Seattle police, the prosecutor, the public defenders, superior court judges, elected officials, and youth and community-based organizations come together is that it creates an integrated system of change, where each stakeholder can play a role."[13]

The Seattle Advisory Board brought groups that historically may have been at odds with one another to the same table, on equal footing. Public defenders worked with prosecutors, community groups worked with the probation department. These groups learned to work together and fashion compromises because the Advisory Board made decisions only through a consensus process.

Traditionally, juvenile justice reform efforts have focused on systems representation and have not included much community representation. In Seattle, the BI made an intentional effort to include non-traditional community representatives on the Advisory Board, and to give these community representatives equal decision-making power with other Advisory Board members. Still, this remained a challenge, as the Seattle Advisory Board had strong systems representation without as much community representation as hoped. One reason for this was that the Advisory Board meetings were held at the courthouse during the workday. This made the meetings very convenient for the key systems people, but made it difficult for community members and youth to attend. The BI has learned from this and tried to include more community representation from the outset in subsequent BI sites, in part by holding meetings in the community and/or in the evenings to make it easier for community members and youth to participate.

Once the Seattle Advisory Board was formed, it was still unclear how well the groups represented on the Board would work

[12] Quoted in Dave Moore, "Lessons learned in Washington's King County," *Columbia Daily Tribune*, February 8, 2004.
[13] Quoted in Dara Myers, "Scales of Justice Unbalanced," *Ford Foundation Report*, Spring 2003.

together. As stated above, the BI approach requires a consensus-based decision-making process. This consensus requirement can slow the process down, as contentious issues may take many months to be hashed out, but the BI believes that this deliberative effort is critical to success. If Advisory Board decisions were instead reached by majority vote, decisions would be made more quickly, but implementation of these decisions would be more difficult. For example, if a decision were made by 6-5 vote, the five agencies that voted against the proposal could potentially undermine it in the implementation phase. By contrast, once the Advisory Board makes a consensus decision, all agencies have signed on to the decision and implementation can move forward more smoothly.

With all the groups at the table for the initial BI Advisory Board meetings, the Seattle Police Department took the lead and set a tone of cooperation and openness that would permeate the rest of the BI process. Early in the process, the police agreed to collect data on both traffic and pedestrian stops of youth by race and ethnicity, and to share this data with the rest of the Advisory Board. The police officer's union even voted to support these efforts. Susan Waild of the King County Probation Department stated, "I've been here 15 years, and I've never seen anything like this. I'm surprised that people are really willing to look at themselves. I've been really impressed with the police. The cops sat down with prosecutors, the public defenders, community members and opened their books — and the earth did not stop rotating!"[14] Advisory Board Co-Chair Justice Bridge similarly stated that "a critical component has been the law enforcement connection."[15] The Police Department's openness set the tone for other agencies for the rest of the process and led to a significant policy change, which will be discussed below.

The BI posited from the beginning that in order to bring the intentionality and focus required to address DMC, an on-site local site coordinator was required. The BI was fortunate to hire first Aaron Dixon and then Sherry Rials for this role in Seattle — both of whom had extensive community experience that offset the systems-heavy makeup of the Advisory Board. Dixon and Rials served as contract employees of the BI but worked locally in Seattle. Dixon and Rials were responsible for the planning and implementation of the BI process. It was critical that they were able to work independently, have an understanding of both the local juvenile justice system and the local community, be comfortable analyzing juvenile justice data, be adept at public speaking, and be able to interact well with the diverse members of the Advisory Board — high-level systems leaders as well as community groups and community members — and BI staff.

One of the central tenets to the BI approach is that it is data-driven. Initially, the Seattle Advisory Board gathered baseline data to determine the extent of DMC in the site. This was done by comparing the percentage of minority youth in the overall youth population with the percentage of minority youth in the detention population. The baseline data for Seattle revealed, as noted above, that 9% of the overall youth population was African-American but 39% of the detention population was African-American. Seattle officials continue to monitor these numbers on at least a quarterly basis.

Next, the Seattle Advisory Board analyzed local juvenile crime data by race, offense, time, and location. The data on race and offense let the Advisory Board know whether certain groups of youth were committing certain types of offenses, so that appropriate interventions and services could be tailored to such youth. The data show that African-American youth are disproportionally committing drug offenses while Asian-American youth are disproportionally committing vehicle and theft offenses.

The data on time of offense informed decisions concerning what times programs in the community should be open. In Seattle, juvenile crime spikes at 3:00 p.m. and remains high until 10:00 p.m. Clearly, the Advisory Board recognized that the after-school hours are a key time to have programs up and running in the community.

Seattle's crime location data led it to focus its efforts on three neighborhoods that contributed heavily to juvenile detention — West Seattle, Central, and Rainier Valley. Site coordinator Aaron Dixon then led a community mapping process in these neighborhoods. The mapping consisted of hiring youth from these communities — and from both inside and outside the juvenile justice system — to identify their communities' strengths and deficits and make recommendations for improvement. The youth noted both positives — such as recreation centers, schools and minority-owned businesses — and negatives — such as empty lots, broken street lights, and liquor stores. They also noted public transportation options in the community, and pointed out where they think

[14] Quoted in Dara Myers, "Scales of Justice Unbalanced," Ford Foundation Report, Spring 2003.
[15] Quoted in Keith Martin, "Communities Take the Lead in Reducing DMC," Corrections.com, December 23, 2002.

crime "hot spots" exist in the community. The community mapping is a unique aspect of the BI process — it is unusual for a systems reform process to engage youth and community members in this way.

The Seattle Advisory Board next worked to implement systems changes based on what it had learned from the data analysis and community mapping. The focus was on changing policies, procedures, and practices to reduce DMC.

The first major systems change came from the police. The Seattle Police Department agreed to revise its police-booking protocol. Under the new policy, prior to bringing a youth to detention, police were required to call detention screening to see if the youth met the detention intake criteria. If the youth did not meet these criteria, the youth could not be transported to detention by the officer. To help implement this new policy, police officers were given wallet-sized cards with a list of the basic detention intake criteria and the phone number of the detention screening unit. This change in policy and procedure led to a dramatic reduction in the number of youth being brought to the front door of detention.

A second major systems change was that probation and the court greatly expanded the use of alternatives to secure detention (ASDs) and closely monitored the racial and ethnic composition of these alternatives. Seattle stakeholders knew that in order to decrease their detention population, they needed to develop alternative programs in the community to serve youth who would otherwise be detained. Since the BI process began, Seattle has developed multiple new alternative programs. The average daily population of youth in ASDs has increased every year since 2000, while the average daily population in secure detention has decreased every year during this same period.

At first, these new alternatives actually made DMC worse, because white youth were disproportionally sent to alternatives while African-American youth disproportionally remained in secure detention. But by 2003, African-Americans were represented in ASDs at almost the same percentage as they were in secure detention. This is something that jurisdictions must keep a close eye on — when new alternatives programs are created, their racial and ethnic composition must be monitored closely to ensure that minority youth are receiving slots at least in proportion to their numbers in secure detention. Seattle monitored this closely, detected a problem, and was able to fix the problem.

Another significant systems change in Seattle is the intense focus on data. Data is routinely gathered for all of the key decision-making points in the juvenile justice system, and this data is always analyzed by race and ethnicity. Decision-makers regularly review this data to monitor the level of racial disparity at various decision-making points. The availability of this data leads to a level of accountability that is uncommon in most juvenile justice systems. The data allow Seattle leaders to know where the problems are, which is the first step in devising effective solutions to DMC.

Unfortunately, Seattle began implementing an objective risk assessment instrument (RAI) late in the process. The risk assessment is used to determine whether a young person should be detained or not, based on a series of objective factors. A RAI scores youth according to offense severity, prior offense history, and other factors, and the decision to detain or not is based on a youth's score. Youth should be detained only if they are at risk of reoffending prior to their court hearings or of failing to appear at their court hearings. Seattle is now in the final stages of implementing a RAI and measuring its impact on detention.

One reason there have not been more systemic changes in Seattle is that key political leaders from the city were not brought into the process. The Advisory Board was co-chaired by Councilmember Larry Gossett of the King County Council, but there were no representatives from city government. Support from city leaders is crucial to getting recommendations from the data analysis and community mapping actually implemented. The BI has learned from this, and in subsequent sites has tried to get city leaders integrated into the BI process from the outset.

What are the results in Seattle? In terms of DMC reduction, there is some progress. When the BI process began in 2000, African-Americans comprised 42% of the detention population. By 2003, African-Americans ranged from 36% to 38% of the detention population. There are more promising signs as well. African-American youth are being referred to alternative placements at an increasing rate, and reform efforts are focusing specifically on bench warrants. In addition, the overall number of African-Americans in detention has declined

dramatically. In 2000, the average daily population for African-Americans in detention was 58. In 2005, this number was reduced to 30.

The main reason for optimism in continued sustained improvement in Seattle is that key systems stakeholders have institutionalized the BI process. As stated above, juvenile justice decision-making points are routinely monitored through the lens of race and ethnicity. The Probation Department absorbs the costs of these data runs, which were originally funded by the BI. While the BI Advisory Board no longer meets as a stand-alone group, it has been seamlessly integrated into King County's Juvenile Detention Oversight Committee (JDOC), which the BI continues to advise. JDOC is an overall juvenile justice reform process that, thanks to the work of the BI, places a great deal of focus on DMC issues. The extremely hard work of getting the key stakeholders to the table has paid great dividends, as these stakeholders remain at the table and focused on DMC issues even without stand-alone BI-specific meetings.

The BI now has multiple sites across the country that are implementing the BI model that was pioneered in Seattle — Baltimore, MD; Cook County and Peoria County, IL; Louisville, KY; St. Clair County, IL; San Francisco and San Jose, CA; and Tucson, AZ. While the original BI work in Seattle was funded by the Ford Foundation, currently the BI model requires local jurisdictions to demonstrate buy-in and intentionality by investing in a local coordinator, research, and consultation, which involves specific timelines and deliverables.

The BI has learned from its work in Seattle and subsequent sites that jurisdictions greatly benefit from the intentionality, focus, and strategies that the BI provides in order to reduce disproportionality. Without the BI intentionality, jurisdictions may lose momentum because of changes in stakeholders, inconsistent approaches, and short attention spans. Based on its work in Seattle and other early sites, the BI has developed a BI Site Manual and BI Site Workbook to guide sites through the process and keep them focused. In addition, a BI staff member is assigned to each site, attends all the local meetings, and is constantly available for the local site coordinator and stakeholders to contact for technical assistance and guidance. The BI's work in Seattle was crucial to the development of the BI model being used today in sites across the country.


NBA
STARTER
NCAA

by Lael E. H. Chester[16]

THE POWER OF PAPER:
THE IMPACT OF THE ACLU'S REPORT ON THE OVERREPRESENTATION OF MINORITIES IN MASSACHUSETTS' JUVENILE JUSTICE SYSTEM

Identifying the Problem of DMC in Massachusetts: The Need for an Advocacy Campaign

In 2002, anyone familiar with the Massachusetts' juvenile justice system knew that there was a disproportionate number of children and youth of color in our system. Walking through a courthouse hallway outside a juvenile session, it was obvious that a large number of the children waiting anxiously for their cases to be heard were black or Hispanic. And the problem became even more apparent in a brief tour of any of the Commonwealth's secure juvenile facilities, where one saw that youth of color always represented the majority. But although the problem was undeniable, the juvenile justice advocacy community did not know the exact extent of the problem. Where was the data? Who was tracking it? And, most importantly, what was Massachusetts doing to address the problem?

In early 2002, my organization, Citizens for Juvenile Justice (CfJJ), a small nonprofit organization that seeks to ensure that the Commonwealth's juvenile justice system is both fair and effective, began to search for some basic information and data on the Massachusetts juvenile justice system. For example, CfJJ had previously published A Fact Book: Trends and Issues in Juvenile Delinquency, a short report that provided the public with basic information about the juvenile justice system (e.g., arrest rates in Massachusetts and the nation, most common offenses charged). Although these reports were successful both in educating the public about the juvenile justice system and in establishing the organization as a credible and useful source of information, missing from our past reports were any data and discussion of race and ethnicity. As the new Executive Director of CfJJ, I was interested in including more information about who was "being served" in our system — including the gender and race of youths at each stage of the system.

What CfJJ quickly discovered was that the data available to the public on race was extremely limited and, in certain circumstances, unreliable. In addition, the data on race and gender combined (e.g., the number of girls of color in our system) were not being recorded together. Only one state

[16]Executive Director, Citizens for Juvenile Justice (CfJJ).

agency, the Department of Youth Services (DYS), had been partially tracking the race of the children in its custody (specifically, data on children detained pretrial and/or committed post-disposition) and, equally important, was willing to disseminate what information it had to the public. There was little to no information from the other key stakeholders: the police, the prosecutors, the Probation Department, and the Juvenile Court.

As CfJJ began drafting a new Fact Book, we began to wonder about some of the statistics that were being reported at a national level by various federal agencies and private institutions. How did these researchers get information from Massachusetts to use in their reports and whose numbers were they using? Even after filing formal Freedom of Information Act Requests, CfJJ had been unable to get useful data from any agency other than DYS. We decided to try to track the flow of information from the state to the federal level, a line of investigation that led us to our State Advisory Group.

Under the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), a State Advisory Group (SAG) decides how to allocate the federal Formula Grant monies, advises the state government on juvenile justice issues, and ensures that the state is in compliance with the four "core requirements" of the Act. The amount of money allocated to the states varies each year: in fiscal year 2004, Massachusetts received $1,287,000. Fortunately for CfJJ's efforts to root out the data, one of the core requirements of the Act requires states to identify the extent to which minorities are overrepresented at each stage of the juvenile justice system, a problem labeled by the Act as "Disproportionate Minority Contact" (DMC). The Act also requires states to assess the underlying causes of DMC, and take steps to address the problem.

In Massachusetts, our SAG is called the Juvenile Justice Advisory Committee (JJAC). Its members are appointed by the Governor, and the Committee is housed within the Executive Office of Public Safety (EOPS). Although CfJJ is the only independent, nonprofit, statewide organization working exclusively on juvenile justice reform in Massachusetts, we had not had any contact with this Committee. And when we asked for information about the JJAC from our Board of Directors and other people from across the state with knowledge and expertise in the field, we discovered that remarkably few people knew anything about the JJAC.

Still on the trail of how national reporting of DMC was accounted for in Massachusetts, we decided to attend the JJAC's next meeting. I asked an intern to call the Executive Office of Public Safety to find out when and where the next meeting would be held; to my surprise, the intern returned to my office flustered and told me that EOPS would not give her the information. Instead, they advised CfJJ to file an official Freedom of Information Act (FOIA) request. This clearly violated Massachusetts law: like most states, Massachusetts has a "sunshine law" that allows the public to attend meetings designed to benefit the public. In order to test EOPS's position, CfJJ sent them an official FOIA request. Since our curiosity had been raised, we added a number of other requests for information, including a request for basic information about JJAC members (their names, affiliations and/or occupations), and copies of minutes from prior JJAC meetings, neither of which could be found on the official web page. CfJJ received a written response from legal counsel: our request for the date, time, and place of the next JJAC meeting was denied.

Advocates Coming Together: The Formation of a Campaign

Taken aback by the JJAC's negative response to our request to attend a meeting, CfJJ turned to our closest allies — other juvenile justice advocates in Massachusetts — for their thoughts and suggestions. What should we do next? As so often happens in the world of advocacy, we soon discovered that we were not alone in our investigation or concerns. At least three other parties had also been seeking reliable data on DMC and wondering what role, if any, the JJAC had taken to address the problem:

1. Josh Dohan, Director of the Youth Advocacy Program at the Committee for Public Counsel Services (our state public defender agency), had made a considerable effort to be permitted to make a presentation to the JJAC with some other juvenile justice advocates on DMC in Massachusetts. However, he was asked to wait in the hall prior to and after the meeting, and never had an opportunity to see the Committee in action. After the presentation, he never heard from the JJAC again.

2. Lisa Thurau-Gray, Managing Director and Policy Specialist of the Juvenile Justice Center at Suffolk University Law School, had been collecting materials on the JJAC, especially

its composition. She found that the current membership of the Committee appeared unduly weighted toward law enforcement, and lacked the diversity of opinions and background normally sought for an advisory group. Furthermore, the membership appeared to be out of compliance with the requirements under both federal and state law that one-fifth of the members be under the age of 24 at the time of appointment, that at least three members have been or are currently under the jurisdiction of the juvenile justice system, and that the majority of members not be full-time employees of the federal, state, or local government.

3. Robin Dahlberg, Senior Litigator at the National Office of the ACLU in New York City, and her colleagues had been working on the overarching goal of reducing racial disparities in state juvenile justice systems. After looking at individual states nationwide, the National ACLU had decided to focus on a particularly problematic state; ironically, "liberal Massachusetts" stood out as one of the states with the worse record for addressing DMC. They also decided to use the Juvenile Justice and Delinquency Prevention Act as a "hook" in their advocacy efforts. Over a two-year period, the National ACLU requested and reviewed relevant documents from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Program Division of the Executive Office of Public Safety to determine what, if anything, Massachusetts had done to comply with the JJDPA's clear mandate to identify and address minority overrepresentation.

It quickly became clear to one and all that these different advocates needed to work more closely and strategically on the issue. The National Office of the ACLU took the lead in organizing a meeting with what I soon came to call the "DMC Working Group." Along with CfJJ, the Youth Advocacy Project, and the Juvenile Justice Center, other attendees included the Criminal Justice Institute at Harvard Law School and the Institute for Race and Justice at Northeastern University. The first meeting with all these players was held at the offices of the ACLU of Massachusetts in late 2002. It was a very productive introduction to our work together, with each advocacy group using the opportunity to introduce itself and to describe the work it had already done.

At this first meeting, participants expressed both frustration and optimism. On the one hand, they were frustrated that Massachusetts appeared to have done almost nothing to address DMC even though the federal government had provided financial support and a statutory framework for each state to identify and assess the problem. On the other hand, there was a shared feeling of optimism since the problems with the JJAC — its membership, procedures and inactivity — could not have been more at odds with the law. In fact, the federal government had already documented some of the problems. For example, OJJDP had found that the Commonwealth's DMC indexes, which reflect the amount of DMC at each point in the juvenile justice system, were inadequate. Specifically, because the indexes were based on data from different years, OJJDP had asked for revisions. Furthermore, Massachusetts was among the five states that participated in OJJDP's DMC Intensive Technical Assistance Initiative which began in November, 2000. The subsequent reports from the DMC Technical Advisors showed the reluctance of the JJAC to work effectively on the issue and thus supported our own concerns.

Raising the greatest hopes of the juvenile justice advocacy community was news from the National Office of the ACLU. Using the documents it had managed to collect from federal and state agencies, the ACLU had produced an initial draft of a report documenting the serious racial disparities in Massachusetts' juvenile justice system and the Commonwealth's inadequate response to the problem. Further, the National ACLU intended to include in the report detailed recommendations for reform, and it was eager to work with state and local advocates in shaping these recommendations.

Although I cannot remember anyone at this meeting articulating this as the start of a focused advocacy campaign, a campaign had clearly begun. We were now working in a coordinated and strategic manner to address the racial disparities in Massachusetts' juvenile justice system and we were going to use the Juvenile Justice and Delinquency Prevention Act — and its mandate and required methods to identify and address DMC — as our "hook."

Developing the Strategies of the Campaign: The Focus on the ACLU's Report

The key findings of the ACLU's draft report served as our foundation and guide in setting out the general campaign strategies. These findings showed that Massachusetts had failed

to take any meaningful steps to address the racial disparities in its juvenile justice system. Highlighted in the final version of the report were the following findings:

- No single entity or individual has taken a leadership role in addressing the issue;
- The Commonwealth has yet to identify adequately the nature and scope of the racial disparities;
- The Commonwealth has yet to determine the true causes of these disparities;
- Although the Commonwealth has developed some plans to reduce minority overrepresentation, these plans have not been implemented; and
- Almost none of the millions of federal dollars received by the Commonwealth for youth-related efforts (including juvenile delinquency programs) have been allocated to minority overrepresentation.

Over the course of the next four months, the DMC Working Group hammered out the details of its strategies through a few face-to-face meetings and more frequent conference calls. At times, we averaged one conference call per week, often lasting over two hours. Although at times it felt unnecessarily laborious, the process ultimately worked due in large part to Robin Dahlberg, the lead author of the ACLU's report. She arranged and led the conference calls, worked hard to build consensus, and ensured that all the advocates were comfortable with our strategies and approaches. She encouraged brainstorming sessions where numerous ideas were floated for discussion.

One of the group's most important tasks was to develop recommendations for the ACLU's report. These recommendations needed both to address all the key findings highlighted in the report and to be feasible — or at least be made feasible with additional advocacy efforts. As the following brief summary of the recommendations shows, we focused heavily on the role of the Juvenile Justice Advisory Committee (JJAC):

1. The Governor should reconfigure the JJAC to ensure that it adequately represents the broad spectrum of individuals and entities who work with at-risk youth and communities and people of color.

2. At the same time the Governor reappoints the JJAC, he should issue an Executive Order directing the Executive Office of Public Safety (EOPS) to make the reduction of racial disparities in the Commonwealth's juvenile justice system a priority.

3. Starting with the City of Boston, the Governor, the Legislature and the Judiciary should take immediate steps to identify the root causes of the racial disparities in the juvenile justice system. By July, 2004, the Governor should issue a report examining decision-making by law enforcement personnel who interact with Boston's youth of color, and the Judiciary should issue a report examining decision-making by court personnel in the Boston juvenile and criminal court systems. Both reports should identify actions that contribute to minority overrepresentation and steps that will be taken to reduce overrepresentation. The legislature should appropriate the funds necessary to prepare the reports within the time periods indicated.

4. The JJAC and EOPS should develop the capacity to monitor statewide, countywide, and municipality-wide trends on the overrepresentation of youth of color by July, 2004.

5. During the next legislative cycle, the Legislature should condition state funding for the Judiciary, the District Attorney's Association, the Department of Youth Services, the Office of the Commissioner of Probation, and local police departments on their collaboration and cooperation with the JJAC and EOPS in collecting and analyzing relevant data.

6. By April, 2004, the JJAC and EOPS should review and revise existing federal grant programs to ensure that youth of color have equal access to appropriate community-based alternatives to detention and are provided with a local continuum of culturally sensitive post-adjudicative services, including treatment, supervision and placement options.

7. EOPS, working in partnership with the Committee for Public Counsel Services, should contract with an independent evaluator with extensive experience in indigent defense delivery systems to conduct a thorough review of defender services available to indigent youth of color throughout the state. To the extent that indigent defense providers do not have the resources to provide all minority youth with constitutionally adequate legal representation, the Commonwealth should take immediate steps to rectify this deficiency.

Another important task was identifying our allies and potential foes. This was not done in any organized manner, but rather throughout our ongoing strategy sessions.

Identifying Potential Allies

Although we had already identified some of the key advocates early on, we probably could and should have spent some more time identifying others. But there was an early understanding among the DMC Working Group that if and/or when others were identified, they would be included. As advocates, we had too often felt the effects of exclusionary processes; indeed, it was the exclusionary process of the JJAC that we wanted to change.

The question was immediately raised about whether Mitt Romney, our new Governor, could be an ally. He had focused a considerable amount of his campaign on his reputation as a successful businessman who could govern the state in a straightforward, orderly fashion. He pointed to his work for the U.S. Olympics in Utah as proof of his talents. He also came into office promising to reform the bureaucratic system, including substantially restructuring state agencies to make them more "consumer friendly" and cost-effective. Perhaps, we hoped, he would be interested in fixing the problems of the JJAC and setting the committee on a different course.

The timing was perfect; because Governor Romney was brand new, we could make it clear that our criticism of Massachusetts for failing to address DMC was not directed at his Administration. Furthermore, we hoped we could persuade him to view our outspoken advocacy for reform as helpful to his own plans to "reform" state government.

To address our concerns directly with the new Administration, we requested a meeting as soon as possible. The meeting was held in early March 2003, within the first months of Governor Romney's inauguration. Present at the meeting were the Lieutenant Governor Kerry Healey, the Administration's point person for criminal justice issues; Dan Winslow, the Governor's Chief Legal Counsel; Jane Tewksbury, the newly appointed Chief of Staff of EOPS; John Reinstein, Legal Director of the ACLU of Massachusetts; Lisa Thurau-Gray from the Juvenile Justice Center at Suffolk University Law School; and myself.

The meeting went as smoothly as we could have hoped. The Lieutenant Governor understood our goal — to address the racial disparities in the juvenile justice system — and our interest in the JJAC. She expressed her own concern with the current composition of the JJAC, as we described both the apparent failure to comply with the law and the lack of diversity of people, backgrounds, expertise and professions. She agreed to change the membership and invited us to submit recommendations for candidates. Finally, she expressed her commitment to keep the JJAC meetings and process open to the public.

Another ally that we quickly identified was the Executive Office of Public Safety. The new administration found what can only be called a mess when they arrived at the Executive Office in January, one that resulted in investigations for alleged financial improprieties by both state and federal agencies, and a considerable amount of negative publicity in the press. The staff at EOPS was almost all new. It was clearly unpleasant to inherit so many problems, and they were anxious to fix the problems quickly. Once again, the timing of our campaign seemed just right.

The working group was careful to keep the Lieutenant Governor and EOPS aware of our advocacy plans. We did not want these allies to be caught off guard and made to feel defensive. For example, we told them when the ACLU's report was going to be released and provided them with advance copies.

Neutralizing Foes and Limiting Antagonism

We knew that the folks who were going to chafe the hardest at our advocacy efforts were the current JJAC members. We also knew that some of the members were lobbying to remain on the Committee. The DMC Working Group decided that we would not comment about this process. Instead, we focused our attention on creating a list of qualified candidates that would bring useful experience and talents to the Committee. In March, 2003, we sent the Lieutenant Governor approximately 40 names and resumes for the Administration's consideration. In the end, a substantial number of these people were appointed to a newly reconstituted JJAC; only two former members of the JJAC were re-appointed to the Committee.

The ACLU's reliance on data from the state's own reports to the federal government turned out to be remarkably effective in neutralizing criticism of the report. Although the ACLU

noted that some of the information used by the state was "incomplete, inaccurate or unverifiable," the ACLU did not engage in a numbers battle. Instead, it used the state's data to illustrate the disturbing finding that "Massachusetts' youth of color have been over-represented at every decision-making point in the Commonwealth's juvenile justice system."

Finally, the DMC Working Group spent considerable time talking about how to advocate on such a sensitive topic as race. To the degree we could influence the debate, we wanted to avoid the traditional "finger pointing" of blame when the topic is race. Instead, the group tried hard to frame the issue in such a way that would allow each of the key players within the juvenile justice system — the police, prosecutors, defense attorneys, probation officers, judges, service providers, etc. — to consider and adopt ways to reduce racial disparities within the system. This is a nuanced and difficult message, especially when communicating with the media, which tends to ignore the complexity of the issue by focusing on simplistic accusations and potentially unwarranted conclusions.

Working with the Media to Expand the Campaign's Audience and Increase its Impact

The National ACLU report was entitled *Disproportionate Minority Confinement in Massachusetts: Failures in Assessing and Addressing the Overrepresentation of Minorities in the Massachusetts Juvenile Justice System.* As soon as the report was completed, the DMC working group spent some time discussing when and how to release it. Looking for expertise, our group relied heavily on two advocates who were particularly experienced with the media: Carol Rose, the Executive Director of the ACLU of Massachusetts, and Marc Schindler, an attorney from the Youth Law Center in Washington DC. The ACLU prepared a draft press release and shared it with the working group. This allowed the other advocates to get a clear picture of the ACLU's message and to write their own press releases to support the ACLU's message. For the first time, CfJJ issued press releases in both English and Spanish.

A press conference was scheduled in Boston for June 2, 2003. Those in the working group coordinated efforts to reach out to the reporters whom we knew. We chose three particularly articulate politicians to speak at the conference: Jarrett Barrios, a Latino State Senator; Chuck Turner, an African-American City Councilor; and Felix Arroyo, the only Latino Boston City Councilor. We also included a juvenile court judge, Leslie Harris, a founder of CfJJ. He spoke directly from the heart: "As a person of color who also sits as a judge, it hurts me to read this report. Because I recognize I am one of the people this report is talking about."

The working group spent the afternoon of June 2 visiting the editorial staff of *The Boston Globe*. The result of the meeting was a powerful editorial in the next morning's paper, entitled "Juvenile Injustice." Once again, the working group coordinated among themselves to ensure that points were made from the perspectives of the different advocates. Carol Rose, the Executive Director of the ACLU of Massachusetts also had an op-ed published on the same subject the next day.

Finally, on the evening of June 2, the ACLU hosted a Community Forum at a church in Roxbury, a predominately minority neighborhood in inner-city Boston, with the assistance of the Institute on Race and Justice at Northeastern University and input from other DMC Working Group members. The panel discussion included representation from CfJJ and other advocates working directly in the community. The event introduced the DMC Working Group to a potentially effective way to reach out to the community most affected by DMC.

Campaign Strategies After the Release of the ACLU's Report: The Implementation Stage

The successful collaboration between the participants in the DMC Working Group had culminated in the well-publicized release of the ACLU's carefully researched report. We were particularly heartened when less than a month after the report had been released, the Governor officially disbanded the JJAC — the first recommendation made in the ACLU's report. This was a critical step since so many of the other recommendations depended on a fully functioning and effective JJAC.

But then the summer started to pass, and the Governor did not announce new members of the JJAC. Even more worrying, the Executive Office of Public Safety issued RFP's for federal money without a functioning JJAC in place to take the legally mandated steps of reviewing and approving the grants.

The working group considered ways we could continue to apply pressure to ensure the establishment of a new and

improved JJAC. After participants in the DMC Working Group made friendly phone calls inquiring about the timeframe for the reconfiguration of the JJAC, the ACLU wrote formal letters of inquiry. As a result of this persistent pressure, the Lieutenant Governor officially swore in new JJAC members in September 2003. There was still some question as to whether the membership was in compliance with the law. For instance, it remained unclear whether there was sufficient youth representation and whether there were enough members who had experienced the juvenile justice system first hand. However, for the first time, the new JJAC consisted of a truly diverse group of individuals, both racially and professionally. In what we took to be a demonstration of good faith, the Administration appointed a juvenile defender. And, to the particular surprise of this author, the Administration also appointed me to my position as CfJJ's Executive Director. For the first time, the juvenile justice advocacy community had a voice on this Committee.

The working group was heavily invested in the success of this new JJAC, and remained concerned about the Committee's ability to work with the key stakeholders in the system. The DMC Working Group, led again by Robin Dahlberg from the National ACLU, began to discuss what timely and supportive activities it could undertake. Although a number of options were raised initially, the one that was deemed to be the most helpful was to conduct a day-long conference appropriately entitled DMC in the Massachusetts Juvenile Justice System. Held in February, 2004, at Northeastern University, the conference was hosted by the ACLU and the Institute of Race and Justice. Through their financial support, the conference was free to all attendees (a tremendous assistance in ensuring a good attendance). The conference was organized in collaboration with the other organizations in the core DMC Working Group (CfJJ, YAP, JJC, and CJI), and was done with three complimentary goals in mind: (1) to educate people further about the problem of DMC in Massachusetts, particularly the new JJAC members and staff at EOPS; (2) to provide people working in Massachusetts with some model approaches that had been successfully demonstrated in other parts of the country by the Annie E. Casey Foundation and the Haywood Burns Institute; and (3) to provide a forum for the Massachusetts juvenile justice community to think and discuss creatively and collectively what each of us can do to help reduce the racial disparities in our system. To a large extent, the conference achieved all its goals. Except for the absence of the Department of Probation (a missing partner in the discussions about DMC even today in Massachusetts), the key players were not only present but actively participated as speakers and panelists.

Next Steps

It has now been more than three years since the DMC Working Group met for the first time. Since then, the Governor has disbanded the JJAC and appointed almost entirely new members. The JJAC is now diverse and qualified, and is Chaired by Robert Gittens, a former Commissioner of the Department of Youth Services and Secretary of Health and Human Services, who is well-respected in the juvenile justice community.

It has taken the new JJAC longer than any of the advocates anticipated to become a fully-functional group. The delay partly resulted from the members being new and knowing little to nothing about the Committee's role or function, and partly resulted from the staff at EOPS also being new. But there have been some notable achievements to date.

First, the JJAC created a separate DMC Subcommittee, which I chair in my position as the Executive Director of CfJJ. The Subcommittee has met every month for two hours, opened its meetings to the public, pro-actively sought input from the community, and maintained a vibrant, diverse, and committed membership that includes non-JJAC members.

Second, through a strategic planning process, the JJAC has consciously chosen the reduction of DMC as a focus and priority of its work. Every juvenile justice grant proposal reviewed by the JJAC is evaluated and scored for both the applicant's understanding of DMC and its commitment to reducing DMC in the Commonwealth.

Third, the JJAC has finally spent a significant (if not sufficient) amount of federal funds on DMC reduction work in the Commonwealth. Most notably, in January 2005, the JJAC voted to award The Robert F. Kennedy Children's Action Corp a $350,000 grant to implement a three year detention-reduction pilot project in Dorchester, a predominantly minority community in inner-city Boston. In addition, at the recommendation of the DMC Subcommittee, the JJAC set aside an additional $100,000 from last year's federal funds for future DMC reduction efforts. Although not finalized, it

appears likely that the JJAC will invest these funds on a long-overdue assessment of DMC in Massachusetts in order to get a better understanding of the underlying causes of the racial disparities in at least one key decision point within the juvenile justice system.

The National ACLU, as well as the ACLU of Massachusetts and the other members of the DMC Working Group, continue to monitor the Commonwealth's work to assess and address DMC in Massachusetts. The National ACLU is planning a follow-up report to assess the Commonwealth's progress on all eight of the recommendations and, we hope, continue to educate, motivate and guide the Commonwealth to invest in effective efforts to eliminate the racial disparities in the juvenile justice system.

Concluding Thoughts and Lessons Learned

The campaign to eliminate the racial disparities in Massachusetts has, in many respects, just begun. But, there is a feeling among those working together over the past two years that we have at least won some important battles. Furthermore, the establishment of an effective and functioning JJAC not only benefits our efforts to reduce DMC, but also helps address many of the other problems facing the juvenile justice system.

Two particular elements of the campaign are worth noting because they could be replicated in other states. First, the federal Juvenile Justice and Delinquency Prevention Act became an effective leverage point for focusing the public's attention to the problem of DMC in the Commonwealth. This law acted simultaneously as a carrot and a stick. If Massachusetts were to stay in compliance with the law by addressing the overrepresentation of minorities in the juvenile justice system, it would continue to receive federal dollars at a time when state monies were particularly tight. On the other hand, non-compliance would entail the state losing a significant amount of federal funding.

The second replicable element of our campaign concerns the importance of collaboration between national and state advocates. This campaign would never have achieved so much without the commitment of time, energy, talent, and financial resources of the National ACLU. Yet neither would it have achieved so much had the National ACLU not partnered with the ACLU of Massachusetts and local juvenile justice advocates, who laid the groundwork for the report and navigated among the known pitfalls and personalities. In sum, it was the powerful combination of a national group working in partnership with the state and local advocates that made this campaign so effective.


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by Mark Soler[17]

ANALYZING DMC DATA: THE MODELS FOR CHANGE INITIATIVE IN PENNSYLVANIA

"Models for Change: Systems Reform in Juvenile Justice" is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states. The John D. and Catherine T. MacArthur Foundation provides long-term funding and support.

The Foundation selected Pennsylvania as the first state for the initiative. One of the target areas in the state, and in the overall initiative, is DMC reform. Part of the DMC effort in the state involves a partnership between the National Center for Juvenile Justice (NCJJ), the research arm of the National Council of Juvenile and Family Court Judges, and the Youth Law Center, to analyze DMC data and develop interventions.

Most states report DMC data in broad categories and statewide. That is usually of little help in determining where in the system DMC actually occurs, since juvenile justice processes are primarily local. In addition, previous research has shown that disproportionality does not occur uniformly throughout the juvenile justice system, but instead tends to occur at certain decision points (arrest, detention, disposition) and for certain offense categories (violent and drug crimes).

In the Models for Change initiative in Pennsylvania, NCJJ and YLC are undertaking a comprehensive application of OJJDP's newly-developed Relative Rate Index, applying it at both the state and county levels to identify points in the system where high DMC occurs and to develop targeted intervention strategies to reduce DMC. During the summer and fall of 2004, NCJJ staff and YLC staff met to discuss a model for DMC data analysis. NCJJ had been analyzing existing statewide population, arrest, detention admissions and juvenile court data and preparing the required county and state tables for Pennsylvania's submission to OJJDP since 1994 and determined that these datasets were sufficiently robust to expand analysis. NCJJ and YLC staff agreed that a model data analysis should be able to break out DMC data separately by gender, race, and ethnicity; by each of the nine key decision points in the system (arrest, court referral, informal processing, detention, petitioning, adjudication, probation, placement, and waiver); by major category of offense (person, property, drug, public order); for each county in the state. This method of analysis will allow every county in the state to identify exactly where disproportionality occurs (e.g., in a particular county, for African-American males, at the point of detention, on drug offenses). That makes it possible to develop effective remedies (e.g., community-based programs with drug treatment components as alternatives to detention).

NCJJ prepared a draft analysis that includes all fifteen variables (demographics, offenses, and processing points), for each of the 67 counties in Pennsylvania. Because the counts at some stages of processing for some case types were small in some counties, NCJJ combined data for 2000 through 2002, the most recent years for which complete data were available. This yielded better data for several counties. Race data on African-American youth were considered reliable, but ethnicity data on Latino youth in the juvenile justice system were inaccurate or missing in many counties. As in other states, race and ethnicity are often combined into a single question ("Are you white, African-American, Hispanic/Latino....?"), even though race and ethnicity are separate concepts. Using a single question leads to inaccurate data on race and on ethnicity. Consequently, NCJJ felt that it could prepare a DMC analysis only on African-American youth. However, that analysis was sufficient to demonstrate the value of the effort.

Pennsylvania is upgrading much of its juvenile justice data collection to include separate questions on race and ethnicity, similar to the U.S. Census. Data for 2004 will be available by the end of calendar 2005, and NCJJ will prepare a new analysis with updated data on African-American and Latino youth. The Youth Law Center will use the data to develop targeted advocacy for DMC reform in several counties in the state. The method of DMC data analysis and development of targeted interventions will be utilized in other Models for Change states, and made available generally to the juvenile justice field.

[17] President, Youth Law Center.

by Elizabeth Kooy[18]

CHALLENGING THE AUTOMATIC TRANSFER LAW IN ILLINOIS: RESEARCH AND ADVOCACY WORKING TOGETHER FOR CHANGE

Since 1985, Illinois has had legislation to automatically transfer to the adult court 15- and 16- years-olds accused of drug crimes within 1,000 feet of schools or public housing. Supporters of the legislation wanted to simultaneously solve the soaring drug problem and the juvenile gang problem. This tough on crime legislation was promoted in response to statistical data showing increasing drug crimes by teenagers. It was also intended to help solve the problem of older gang members using young teenagers to sell drugs. Virtually everyone agreed that automatic transfer for drug offenses was an initiative that would solve the teenage crime problem. All the major newspapers in Illinois advocated for automatic transfer for drug crimes, and the Illinois Legislature easily passed the legislation to transfer these youth to adult court. Communities were in favor of automatic transfer — even the public housing communities advocated for the drug transfer law. There was only a small contingent of children's rights advocates who argued that the law was inherently unfair and would end up causing more problems for youth and the criminal justice system.

From the beginning, children's rights advocates argued that youth should not be transferred to the adult court for drug offenses. Instead, they argued, these youth should remain in the juvenile court where they could benefit from rehabilitative programs and services. Although statistics showed an increase in drug crime activity, advocates maintained that youth needed services of the juvenile court rather than the punishment and ramifications of the adult court system. These advocates feared that the law would not be applied fairly and that youth would not receive services such as drug treatment. They feared that instead, youth would be warehoused in the adult system with virtually no chance to become productive citizens in society. Advocates vehemently argued that if adult court was an option, it should be reserved for only the most violent offenders for whom services have already been provided by the juvenile court. In addition, adult court should never be an option without a full review of the minor's life and chances for rehabilitation from a neutral third party, i.e., a juvenile court judge.

For 17 years, the "law and order" supporters and the children's rights advocates publicly debated the merits of automatic

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transfer for drug crimes. In 2002, the Illinois Legislature agreed with the children's rights advocates and passed a law designed to move many of the youth drug offenders out of the adult system and back into the juvenile system. As an effort to curb youth drug crime and gang activity, the original Illinois legislation ended up failing youth who became caught up in a system in which low-level youth drug offenders were sent to the adult court and virtually all those prosecuted were youth of color. The following tells the tale of changing the transfer law in Illinois.

Previous Challenges to the Automatic Transfer Law

In the early 1990's, advocates became concerned about the growing number of non-violent juveniles prosecuted in the adult court system. It appeared to them that increasingly more youth were coming in for low-level drug offenses rather than violent offenses. Moreover, most of these youth were receiving adult probation as a sanction without any specialized services to meet their needs. Advocates from Northwestern University's Children and Family Justice Center engaged in a research project on transfer and found that 25% of all youth who were automatically transferred were coming in for drug offenses and all of these were youth of color. Two additional studies came out showing an even higher percentage of drug offenders in adult court and confirming that they were all youth of color — one from Elizabeth Clarke of the Juvenile Justice Commission and one from the Illinois Criminal Justice Information Authority. Despite statistics showing the clear bias against minority youth, children's rights advocates were unable to generate interest in the Illinois Legislature or public support for a change in the law. Many communities still believed that the law would help solve the drug problem. Supporters of the legislation maintained that in order to see the positive effect of the law, Illinois had to continue treating juvenile drug offenders as adults. They believed that once youth understood that they would be prosecuted as adults, they would stop engaging in drug crimes.

In the early 1990s, an Illinois trial court found that the automatic drug transfer law was unconstitutional based on an equal protection claim. Advocates argued that the law was applied solely to youth of color because public housing was mostly comprised of low-income minorities. A Cook County judge, presented with statistics showing that no white youth was ever charged with an automatic drug transfer offense, agreed and declared the 1000-foot transfer statute unconstitutional. However, in 1994 the Illinois Supreme Court overturned the decision and found the law constitutional. Community advocates from public housing had testified that they approved of the law and felt that it might help solve the drug problems in public housing. The Supreme Court held that public housing residents were entitled to the same protections as other citizens.

Helping Youth Through the Transfer Advocacy Unit

In the late 1990's, as virtually every state changed its laws to provide for increased transfer of youth to adult court, juvenile justice advocates across the nation developed new ways to systemically advocate for these children and to defend juveniles charged as adults. In most major metropolitan areas, defender offices developed specialized advocacy units, including non-attorney professionals, to return juveniles to juvenile court through extensive mitigation preparation. Non-attorney professionals researched the entire life backgrounds of youth and prepared written reports for attorneys or the court to aid in trial or sentencing. In other instances, these units tried to lessen the sentences juveniles would receive in adult court. In Cook County, a direct advocacy unit worked with youth. The unit also worked collaboratively with other agencies and organizations on systemic change for youth in the adult court system.

The Cook County Public Defender's office was deeply concerned about the growing number of juvenile drug transfers to adult court. The laws seemed to be applied only in Cook County and the City of Chicago, and only to youth of color. In 1998, the Law Office of the Cook County Public Defender, through a grant from the Illinois Criminal Justice Information Authority, developed an advocacy unit to work with the youth automatically transferred to the adult court. Termed the Juvenile Transfer Advocacy Unit (JTAU), social workers and paralegals provided services to the youth and their families and designed a research project on youth in the adult system.

Research from the Juvenile Transfer Advocacy Unit

The JTAU and its research project brought the transfer laws to the forefront of criminal justice policy. The JTAU obtained data on many different variables on the juveniles automatically prosecuted as adults, including charge, race, sex, previous juvenile court and adult court history, previous abuse and neglect history, and police district. Through close to

1000 hours of work, the JTAU got a detailed picture of the application of the automatic transfer laws.

The JTAU found that, from October 1999 through September 2000:

- 393 Automatic Transfers occurred in Cook County
- Over 99% were youth of color
- 66% were drug offenders
- 39% had no previous referrals to juvenile court prior to the automatic transfer
- 61% had no previous services in juvenile court prior to the automatic transfer
- 37% had their cases dismissed
- 74% received adult probation rather than incarceration
- Less than 1% came from suburban Cook County, outside the City of Chicago

The JTAU also found that, from October 2000 through September 2001:

- 438 automatic transfers occurred in Cook County (10% more than the previous year)
- 437 were youth of color
- 66% were drug offenders (20% more than the previous year)
- 45% had no previous referrals to the juvenile court prior to the automatic transfer
- 68% had no previous services in the juvenile court prior to the automatic transfer

Beginning of Campaign: Local and National Presentations of the Statistics

The data shocked advocates, legislators, and the community. Advocates were particularly concerned about the secondary and very punitive consequences of the transfer laws. Youth convicted of drug crimes as adults are ineligible for federal financial aid for important needs such as college tuition. Drug offenders lose certain housing privileges, and foster parents are not allowed to have convicted drug offenders in their homes. The employment opportunities for convicted felons are severely limited. Armed with the data and the impact information, advocates began a campaign to challenge the Illinois drug transfer law.

In the beginning, the campaign consisted of educating other advocates on the transfer statistics and the consequences of adult court convictions. The statistics were first presented to the Juvenile Justice Initiative (JJI) meeting in the summer of 2000. The JJI is a statewide advocacy coalition dedicated to transforming the juvenile justice system in Illinois. The JJI advocates work to reduce reliance on confinement, enhance fairness for all youth, and develop adequate community-based resources throughout the state. The JJI, outraged by the data, decided to set one of its priorities as challenging the automatic transfer laws in Illinois. During 2000, 2001, and 2002, Elizabeth Kooy of the Juvenile Transfer Advocacy Unit presented the data on automatic transfer to agencies and organizations throughout Illinois.

Michael Mahoney of the John Howard Association and Betsy Clarke of the Juvenile Justice Initiative made presentations to national and Chicago-area meetings.

First Legislative Attempt: Advocating for Removal of All Drug Offenders

With the data, advocates went to State Representative Barbara Flynn Currie in January, 2001, and persuaded her to sponsor a bill to remove all drug offenses from the automatic transfer statute. House Bill 1028 was the first legislative attempt at challenging the automatic drug transfer law. The bill not only sparked debate within the legislature but also increased public awareness of the unfair and biased impact of the automatic transfer statute.

HB 1028 had it first hearing in the Judiciary Committee on Criminal Law in the House. For the first hearing, Elizabeth Kooy of the Juvenile Transfer Advocacy Unit and Frank Kopecky of the University of Illinois at Springfield testified. In addition, approximately 15 organizations — from the ACLU to the Catholic Conference — signed in support of the legislation. The Illinois State's Attorneys' Association opposed the bill and attempted to persuade the legislators that this effort was a significant "softening" on crime. Many legislators, however, were outraged at the impact of the automatic transfer provision.

Illinois Groups Weigh In: Bringing Together Advocates to Work for Change

Simultaneously with the introduction of HB 1028, Illinois groups began to mobilize to bring about change. The Juvenile Justice Initiative was instrumental in bringing the debate to the forefront of criminal justice policy in the state.

Many groups put transfer policy on their agendas and began to think creatively about how to challenge the existing law. More importantly, advocates throughout Illinois framed a consistent message about Illinois transfer policies — that they were racially biased, unnecessary, and unfair. A variety of groups — including the League of Women Voters, Illinois State PTA, Illinois State Bar Association, and ACLU of Illinois — all supported a complete removal of all drug offenders from the automatic transfer statute.

The Juvenile Justice Initiative created a videotape of judges, advocates, and youth supporting the challenge to the automatic transfer laws. This video was released with a press conference to support the legislative challenge to the law.

National Advocacy Groups Weigh In

National organizations and coalitions, including Building Blocks for Youth, also weighed in, characterizing the Illinois drug transfer law as the most racially biased youth drug law in the nation. Building Blocks contracted with its partner, the Justice Policy Institute (JPI), to research a report about the automatic transfer laws in Illinois. Working closely with the Juvenile Transfer Advocacy Unit, JPI prepared a report that included Illinois statistics within a national context.

Building Blocks Report: Press Conference and Press Coverage

Building Blocks released *Drugs and Disparity — The Racial Impact of Illinois' Practice of Transferring Young Drug Offenders to Adult Court,* by Jason Ziedenberg, on April 25, 2001. Ziedenberg used data from the Juvenile Transfer Advocacy Unit's study on automatic transfers in writing the report, and labeled the Illinois automatic transfer law as the most racially-biased law in the nation. Building Blocks organized a press conference call on the day of the release.

Marc Schindler of the Youth Law Center introduced the telephonic press conference and spoke about why the report was written. Jason Ziedenberg spoke about the report and the findings. Elizabeth Kooy spoke about the Juvenile Transfer Advocacy Data. Randolph Stone of the Mandel Legal Aid Clinic reacted to the statistics and spoke about the two systems of justice, one for inner city minorities and one for white suburban youth. James Compton of the Urban League stated that the impact is discriminatory and anything but color blind. He expressed concern and asked that policymakers promote a fair and effective approach to juvenile justice. Patricia Mendoza spoke about the educational and employment problems for youth with adult felony convictions. She pointed out that 21,000 people will lose federal financial aid in the year 2001-2002 due to drug convictions. Brandon Maxwell gave a testimonial about how juvenile court helped him turn his life around. Reverend Collins discussed his concerns and his religious colleagues' ethical and moral outrage with the statistics. Marc Mauer of The Sentencing Project finished by discussing the statistics in the national context and pointed out more consequences of adult felony convictions for these youth.

There was extensive press coverage of the Building Blocks report and the press conference, including articles in the *Chicago Tribune*, *USA Today*, *St. Louis Dispatch*, *Washington Post*, *Denver Post*, *Chattanooga Times*, and *Pittsburgh Post-Gazette*.

Columnist William Raspberry wrote in the Washington Post, "However innocent — even constructive — the original intent of that [drug transfer] law, Illinois legislators now know its hugely unfair consequences. They must know, too, how such manifest unfairness erodes and undermines respect for the law in general. It's time for Illinois to revisit automatic transfers."

The Initiative Gains Momentum

Building Blocks for Youth, through the Youth Law Center and the Justice Policy Institute, as well as Illinois groups, including the Juvenile Justice Initiative, the Cook County Public Defender's Office, Northwestern's Children and Family Justice Center, and the Mandel Legal Aid Clinic, organized an education campaign about the disparity in drug transfers. The report and the press coverage encouraged others to join in the movement to change the transfer laws. For example, former U.S. Senator for Illinois Paul Simon said, "The racial disparities uncovered by this report are appalling and cry out for correction."

The Catholic Conference of Illinois called for "a re-examination of laws that have resulted in an alarming number of youth, especially youth from African-American and Hispanic communities, being transferred from the juvenile court to the adult court system."

James W. Compton, president and CEO of the Chicago Urban League, said, "The impact of these laws is

discriminatory, negative, and anything but color-blind as is shown in the study just released by the Building Blocks for Youth Initiative . . . . By sending more and more black youth to prison, state officials are contributing to the incapacitation of future black generations and deeply exacerbating persistent problems of crime, poverty, addiction, and hopelessness in the black community."

State's Attorney's Legislative Response

Realizing that there was a problem with the current state of the transfer law, the Cook County State's Attorney submitted a bill to repeal part of the drug transfer law but not all of it. In addition, the state's attorney's office asked for an *increase* in automatic transfer offenses to include more gun offenses. House Bill 2087, sponsored by Representative Art Turner, allowed for juveniles charged with possession with intent to deliver to be charged originally in juvenile court and not as automatic transfers. At the same time, it expanded the automatic transfer statute by providing for three gun offenses to become automatic transfers.

Advocates opposed the bill, but it passed the Judiciary Committee and the full House. However, youth advocates continued lobbying against the bill and it eventually died in the Senate.

Youth Weigh In: Teenagers Rally at Daley Plaza

The Community Justice Initiative and the Youth First Campaign decided to take on the cause of automatic drug transfers. Both were youth-led advocacy groups advocating for better services for young people. With the help of the Justice Policy Institute, they organized a youth rally in Daley Plaza in front of Cook County States Attorney Dick Devine's office. Young people dressed in graduation robes gathered for a rally to challenge the transfer laws. The teenagers were presented with "diplomas" stating, "Congratulations — You Have Now Graduated to Become a Felon." The youth demonstrated and then delivered 259 diplomas to Dick Devine's office — one for each youth charged with a drug offense under the automatic transfer statute from October, 2000, to September, 2001. Univision, a Latino television network, covered the event.

Public Defender's Report Released: More Press Coverage

The Cook County Public Defender released another report, *The Status of Automatic Transfers — September 1999 through October 2000*, in August 2001. Much of the statistical information had already been released to the public either through the Building Blocks report or through the many presentations of the statistics. However, this report detailed more information about the outcomes of the cases and the police districts where the arrests occurred.

At a press conference in Springfield, Elizabeth Kooy presented the report and the statistics, and State Representative Lou Jones, Betsy Clarke of the Juvenile Justice Initiative, and Mary Dixon of the ACLU provided reactions. *The Springfield News* and National Public Radio covered the report.

Continuation of the Movement

Although the first legislative attempt at change did not result in the removal of automatic drug transfers, it did educate the public and the legislature about the problems with the automatic transfer statute. It also allowed for a continuation of the movement for change.

In addition to more presentations, advocates also gathered more data — including the fact that less than 5% of all automatic transfers were outside of Cook County. Advocates continued to discuss the problem in juvenile justice forums and public meetings and continued to build a strong Collaborative effort toward change.

Second Legislative Attempt: Reverse Waiver for Drug Offenders

Advocates realized that change in the Legislature was going to be more difficult that initially expected. They decided that getting a judicial review for each juvenile, whether in juvenile or adult court, would begin to correct the biased nature of the law.

House Bill 4129, sponsored by Representative Currie, was the vehicle to gain changes in the legislature. HB 4129 originally allowed for reverse waiver for *all* automatic transfer offenses. That would mean that all youth who were automatically charged as adults could move for a hearing in adult court to determine if they could be waived back to the juvenile court for trial and sentencing. The bill was modified throughout the legislative session to allow for non-class X drug offenders to petition the adult court judge for a reverse waiver hearing to go back to juvenile court for trial and sentencing. A class X felony is the highest level of felony (except for murder)

and requires mandatory prison time. Current law provides that possession of over 15 grams of a controlled substance such as heroin or crack cocaine is considered a class X felony. However, the "within 1,000 feet" provision enhances all felonies one class. Thus, any amount over *1 gram* and within 1,000 feet is considered a class X felony.

HB 4129 was assigned to the Judiciary Committee on Criminal Law and had its first hearing in February 2002. Angela Coin of Northwestern University's Children and Family Justice Center testified about the data and the impact of adult court convictions for these youth. Frank Kopecky of the University of Illinois, Springfield, also testified, and approximately 20 organizations signed in support of the bill. Opposition came again from the Illinois State's Attorneys' Association. The bill passed out of Committee 9-3 and picked up an additional five co-sponsors.

HB 4129 passed through the full House with a vote of 65-46-1 after lobbying efforts by Mary Dixon of the ACLU and Jim Covington of the Illinois State Bar Association. After passing the House, the bill was picked up in the Senate by a Republican sponsor, Ed Petka of Will County. For years, this particular Senator was known as being very tough on crime so advocates felt it was a coup to have Senator Petka sponsor the bill. The bill was assigned to the Judiciary Committee and passed 8-1 after a short debate and questions about the data and impact of the new law. After more lobbying, HB 4129 passed the full Senate with a vote of 43-11-1. Governor Ryan approved the Bill in July, 2002, and Public Act 92-0665 took effect on January 1, 2003.

In 2004 and 2005, advocates mounted another challenge to the automatic transfer statutes. Starting with a bipartisan Legislative Transfer Task Force and moving to an agreed-upon bill with no known opposition, advocates successfully pushed legislation that places all drug offenders in juvenile court rather than automatically transferring them to adult criminal court.

Conclusion

The campaign to challenge the automatic transfer statute in Illinois included a media strategy, youth-led initiatives and legislative advocacy. What started out as a small research project in the Law Office of the Cook County Public Defender developed into a nationwide advocacy coalition to challenge the law in Illinois. Many groups were involved and pushed for the change in the Illinois Legislature. The Juvenile Justice Initiative, the Illinois State Bar Association and the ACLU of Illinois all were instrumental in legislative advocacy. Building Blocks for Youth and its partners were instrumental in the media and youth-led initiatives. Advocates from around the state and the country came together to counter the transfer laws.

Lessons Learned

Two hurdles were particularly difficult for the campaign to overcome. First, supporters of transfer claimed that any change in the law would be "soft on crime." Illinois advocates successfully countered this charge by showing that transfer was unnecessary — most youth transferred received adult probation. Second, the transfer laws were complex. Only a handful of people in the state were able to explain them in detail, and most advocates and legislators were not well-informed on the laws. Advocates succeeded in breaking down the laws to their essentials and emphasizing the most important points, particularly that they were only applied to youth of color.

The successful challenge to the transfer laws resulted from the efforts of many groups and individuals. Critical components to the campaign included:

1. The thorough defender-based research from the Law Office of the Cook County Public Defender. Through this data, the campaign was able to counter any argument against changing transfer.

2. Strong leadership in the Illinois Legislature. With the help of leaders from both sides of the aisle, the Legislature passed the first roll back of transfer in 19 years.

3. Advocacy groups from all over the state and nation pushing for reform. With the assistance of many groups, Illinois advocates were able to demonstrate and publicize the need for reform.

4. Voices of the communities most affected by the laws, both youth and adults.

None of these elements would have been successful by themselves, but together they fashioned a winning combination.


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DONT TURN
YOUR BACK
ON YOUTH

by Rachel Jackson[19]

DERAIL THE SUPER JAIL!
STOPPING THE EXPANSION
OF JUVENILE DETENTION IN ALAMEDA COUNTY

Background

In March of 2001, officials in Alameda County, California, thought that the solution to their chronic juvenile justice problems was to build a massive, "state of the art" juvenile hall for detained youth. This "Super Jail" would be the crown jewel of a new Juvenile Justice Complex, and the centerpiece of a new East County Government Center. This monstrosity would be in the remote city of Dublin, where commercial complexes and affluent walled communities have been creeping over cattle pastures (and past a county jail and federal women's prison) for decades.

Although youth crime was on the decline, public officials used the haunting specter of a *future* wave of super-predators to justify the mass incarceration of young people of color in Alameda County, particularly African-American boys from Oakland. The process was overseen by the California State Board of Corrections, with the County Board of Supervisors responsible for making local decisions.

Juvenile Injustice in Alameda County

For years, the county's 299-bed juvenile hall in San Leandro had been overcrowded and dilapidated. The facility violated health, safety ,and education codes, and straddled the Hayward earthquake fault. Clearly the hall needed to be rebuilt, but county officials wrongly believed that they needed 540 beds, and that consolidating services in a remote Juvenile Justice Complex would solve their problems.

The county's problems stemmed from the unnecessary detention of youth and unusually long detention stays, both of which inevitably resulted in the over-incarceration of youth of color. Of roughly 300 youth in the facility on a typical day, nearly a third were post-adjudication, the overwhelming majority awaiting placement in non-secure settings. In addition, there were many pre-adjudicated youth who could have been safely placed in community-based alternatives to detention while awaiting court dates.

Once in the hall, youth stayed an average of 25 days, and youth awaiting placement after their dispositional hearing typically spent

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At the time of the Super Jail campaign, Youth Force Coalition member organizations included: ACLU-Youth Advisory Board, Asian Immigrant Women Advocates, Asian Youth Promoting Advocacy & Leadership, Bernal Heights Neighborhood Center, C-Beyond, Center for Young Women's Development, Data Center-Youth Strategy Project Dream Catchers, Gay-Straight Alliance, HIFY / Health Initiatives for Youth, Huckleberry Youth Center, Jewish Youth for Community Action, Leadership Excellence, Let's Get Free, Lavender Youth Recreation & Information Center, PUEBLO/YOU Queer Youth Training Collaborative, School Of Unity & Liberation, Underground Railroad, Wild for Human Rights, Women Organized to Respond to Life Threatening Diseases, Youth Making A Change, Youth Media Council, Youth Together, Youth Prevention Project, Youth Speaks, Youth United for Community Action, and Young Women United for Oakland.

55 days in custody. Especially difficult-to-place youth could spend many months in the hall. Youth of color are over-represented in the Alameda County juvenile justice system, as in other jurisdictions. Youth of color make up only 17% of the youth population of the county, but a staggering 59% of the youth at the juvenile hall.

Not only is such over-reliance on detention cruel, it is a gross misuse of scarce county resources. At the time it cost $156 per day to detain a youth in Alameda County, while alternatives to detention and non-secure placements cost a fraction of that amount. The 299-bed hall cost about $19 million per year to operate, and the 540-bed Super Jail would cost about $34.5 million annually. The construction of the Super Jail hall was estimated at $117 million and the price tag including the Juvenile Justice Complex was $176 million.

Fortunately, the Youth Force Coalition and Books Not Bars, both youth-led advocacy groups, learned of the plan and acted swiftly. The two joined together with hundreds of community organizers and residents of Alameda County and launched the Campaign to Derail the Super Jail. The Campaign became a vibrant and inspiring mobilization by and for young people, inspiring other campaigns around the country. This chapter reviews the events, extracts lessons, and considers challenges for the future.

Goals and Objectives

Both the Youth Force Coalition and Books Not Bars were committed to stopping the over-incarceration of young people in general, and that of young people of color in particular. The two organizations led the Campaign, whose specific goals were to (1) stop the expansion of the juvenile hall, (2) stop the relocation of the facility to the east side of the county, and (3) convince decision makers to reallocate savings to alternatives to detention. They demanded a facility with no more than 330 beds, the reallocation of funding to alternatives to detention, and a site in western Alameda County.

To achieve its goals, the Campaign brought together a wide array of forces concerned about the well-being of youth, with young people themselves at the forefront. The alliance was vibrant and diverse — from dot-commers to the hip-hop generation and everyone in between — including youth and community organizers, juvenile justice reformers, healthcare and education activists, suburban homeowners, civic organizations, peace groups, environmentalists, and members of faith and labor communities.

Spring, 2001: No Money for Expansion

The Campaign began in March of 2001, with a small press conference in front of the Alameda County Probation Department. *The Oakland Tribune* had recently reported that the Probation Department's claim of increased youth violence at the juvenile hall was wrong, and that violent incidents had in fact fallen. The Campaign denounced the Probation Department for using "rising violence" as a way to justify the Super Jail, and called attention to the disaster that the county's jail promised for young people.

After preliminary research, we learned that a California State Board of Corrections (BOC) subcommittee would make a critical decision on funding for the Super Jail in a matter of weeks. About 30 campaign members, mostly young people, drove to Sacramento to force the BOC to hear from directly-impacted communities before offering Alameda County $54 million. When the BOC refused to let us speak, we held a raucous rally outside, chanting "We'll Be Back!"

The BOC experience sent us back to Oakland, to the Alameda County Board of Supervisors. The Campaign mobilized over a hundred youth and supporters, rallying outside the Board's chambers and presenting our case inside. The BOC was prepared to offer the county $33 million to replace its juvenile hall and over $2 million to expand it. We urged the Board of Supervisors to accept the $33 million but reject funding for expansion. The Board voted 3-2 to accept all of the BOC's money on May 17, but their previous unanimity was shattered and lines were drawn. We had moved two African-American supervisors, Keith Carson and Nate Miley, to our side.

After losing at the county level, we went back to the full California Board of Corrections for a meeting at which the full board would vote to distribute hundreds of millions of dollars to counties throughout the state, primarily to expand juvenile halls. At the last minute, we learned that the meeting had been moved to San Diego, about as far away from us as they could get. The change of venue dropped our numbers but strengthened our resolve. Over 75 people from the Bay Area, Los Angeles, and San Diego made it to the meeting.

We brought in signs and charts, and opened with the freedom song, "Wade in the Water," a tribute to the underground railroad. Numerous speakers punctuated their comments by laying bricks before BOC members, to represent the foundation the Board

was laying for the increasing incarceration of California youth. After hours of speeches and negotiations, the Board of Corrections voted nearly unanimously to grant Alameda County $33 million for its replacement facility but to withhold the $2 million for the expansion of the facility. For the first time in history, advocates to stop jail expansion had engaged the BOC and won!

Summer, 2001 – Spring, 2002: Challenging the Plan and Proposing Alternatives

For several months, the Campaign grew and developed a viable alternative to the county's plan. First we attacked the "needs assessment" the county used to arrive at 540 beds. On July 24, Supervisor Carson put forward a resolution for a study of detention utilization and related juvenile justice policy. The study would be conducted by researchers from the National Council on Crime and Delinquency, one of the oldest juvenile and criminal justice policy organizations in the country, who also had a history of effective work with the county. The study would be free, essentially donated by national leaders in juvenile justice and youth policy.

But the Board was still hooked on detention, and the Campaign lost another 3-2 vote. The last-minute resolution that passed authorized downsizing of the hall to an arbitrary 450 beds and funding a county-run study of the system, scheduled so that it could have no impact on construction plans. To protest the decision, nine young people conducted a sit-in after the vote and were arrested by county sheriffs. They spent the night at Santa Rita County Jail in Dublin, across the street from the proposed site of the new hall and complex.

That weekend over a thousand people attended "Not Down with the Lockdown," the Youth Force Coalition and Books Not Bars' rally and free concert in front of Oakland's City Hall. Campaign organizers and community residents condemned the county and the state for their policies that would lead to incarcerating more young people of color, using poetry and song, hip-hop art and dance. In late summer, the Youth Force Coalition held its annual Upset the Setup conference, which centered around the Super Jail. The movement continued to grow in strength and numbers.

The BOC's $33 million contribution to the Super Jail left the county responsible for at least $150 million more for the juvenile hall and justice center complex. On September 25, the county "Capital Improvements Plan" provided another opportunity to derail the Super Jail. The plan allotted nearly $200 million to the Super Jail. Nearly 40% of the available $476 million in the Improvements Plan would go to building more lockup beds for young people, while nearly 70 other county construction projects — including a much needed renovation of a major county hospital — would receive little or nothing.

At the September 25 meeting, Supervisor Miley put forward a resolution recommending: (1) authorization of the Capital Improvement Plan *except* for the funding of the hall and complex, and (2) an order that the County Administrator's Office explore splitting the hall into two smaller sites (with any savings dedicated to renovating the County Hospital). Supervisor Lai-Bitker joined our allies, Miley and Carson, and the Campaign got its first winning 3-2 vote.

But the victory was short-lived. After just two weeks of pressure from the Sheriff and District Attorney, Supervisor Lai-Bitker capitulated. On October 9, she switched sides again, voting to replace the earlier resolution with one that halted exploration of smaller, split sites. The new resolution arbitrarily reduced the size of the hall again, this time to 420 beds (with a "shell" for 30 more). People in the Campaign began referring to Supervisor Alice Lai-Bitker as "Supervisor Liar-Bitker."

Spring, 2002 – Spring, 2003: No Disaster in Dublin

The first year of the Campaign concentrated primarily on the size of the facility and alternatives to detention. In year two, we also focused on the Dublin location. Dublin, in the eastern part of the large county, didn't make sense because the majority of youth going into detention came from Oakland, in the west. In addition, the site would cause hardship for youth and families: the distance to the facility would make it difficult for youth and families to visit and to appear in court.

Even sympathetic officials pointed out that very few alternative sites existed in the county. We countered that there were so few options precisely because the facility was too large. If it were smaller, there would be more places where it would fit. By the time the process of final site selection began, the county was considering multiple additional sites, including the land adjacent to the existing juvenile hall.

The Environmental Impact process began in February, 2002, with Scoping Meetings in the cities of Oakland, San Leandro and Dublin. The county presented its plans, and the public then had a period of time to respond in writing. Most meetings were uneventful, even boring. Some Dublin meetings, however, were downright ugly, with some residents using racist, "NIMBY" ("Not

In My Back Yard") arguments about the dangers of "those people" being in the area. Fortunately, youth advocates in Dublin had aligned themselves with the Campaign early on and advocated publicly for alternatives to detention and youth services.

The Campaign's Dublin allies tirelessly educated and organized local residents and businesses around the Campaign's demands. Over the next several months, Dublin residents and the city government made it clear they would oppose the facility, including through lawsuits. Allies in environmental justice joined the Campaign at this time. The county knew it would face multiple lawsuits should they insist on Dublin as a site.

Shortly after the Environmental Impact processes began, a collaboration of juvenile justice advocates and Campaign supporters released *Alameda County at the Crossroads of Juvenile Justice Reform: A National Disgrace or A National Model?* The report exposed the methodological flaws of the county's Super Jail plan, provided a more accurate picture with which the county could make juvenile justice policy decisions, and illustrated options regarding size and alternatives to detention.

In the summer of the Campaign's second year, we sponsored Not Down with the Lockdown 2002 and the Youth Force Coalition held its annual Upset the Setup conference. The turnouts were comparable to the year before, but there was a palpable lack of enthusiasm and unity. The Campaign had not won a reduction in bed number for nearly a year and members of our base, especially the young people and people of color in Oakland, were not as invested in the Campaign as they had been the year before.

May, 2003: Super Jail Derailed

The Campaign continued to keep the pressure on. With a total of five sites under consideration, the list of interested parties had expanded, including the Oakland Port Authority, the cities of Oakland, Dublin and San Leandro, and state and federal bodies that had to give final approval before any construction could begin. County officials were worried that they would lose the $33 million from the Board of Corrections. We continued to point out that the "footprint" of the facility was still too large at 450 beds.

On May 6, after much infighting and negotiation within the county, Board of Supervisors president Haggerty put forward a proposal to abandon the Juvenile Justice Complex plan and rebuild the juvenile hall adjacent to its current location in San Leandro, near Oakland, with a total of 360 beds. The resolution passed unanimously, 5-0. The Campaign had derailed the Super Jail.

Successes and Challenges

The Campaign to Derail the Super Jail was successful because young people stood up for themselves and provided inspiration to adult allies. Indeed, one of its signal achievements was to inspire other efforts, described in this volume, to break through layers of bureaucratic indifference and racism toward young people.

The Campaign was most successful on the issues of size and site. It cut a 240-bed planned expansion by 80%, to 30 beds, and kept the facility at its original location in San Leandro. It was less successful, however, on alternatives to detention. The Campaign put alternatives to detention on the map by educating decision-makers and interested parties, which undoubtedly helped to derail the Super Jail. But by the closing bell, the Campaign never acquired a concrete commitment by county officials to invest in alternatives to detention in Alameda County.

Key Strategies

In the early phase of the campaign we developed our basic Mission, Vision, Goals, Strategies, and Tactics. We turned to a variety of campaign strategy development tools, including a "power analysis" approach, identifying our "spectrum of allies," and using the "SWOT" (strengths, weaknesses, opportunities, threats) grid. Our overall strategy was based on the following components:

1. Expose the county's plan as ill-conceived and build public support for our plan as the rational alternative.

2. Make decision-makers publicly accountable for choices regarding the Super Jail.

3. Be tactically flexible, swift, and unpredictable.

4. Keep directly-impacted communities, especially young people and people of color, at the forefront of the battle.

Some key aspects of the Campaign included: staying on the offensive relative to the opposition; building a base, skills, and leadership during the campaign; winning incremental victories; and being willing and able to utilize (and escalate through) a wide variety of tactics.

Speaking Truth to Power. During most public hearings, the campaign ran the show whenever the Super Jail was on the agenda.

Our success was based on our ability to be creative, assertive, factual, and photogenic, while demanding action from specific decision-makers on specific, viable policy recommendations.

Using Youth Culture. Communities use culture to galvanize themselves, and if the base of a movement is young people of color in an urban center, the pillar of that culture will be hip hop art, including graffiti style visuals and Campaign demands delivered through rhymes and riffs that fly in the face of bureaucratic decorum. Even the chants had a distinctive style, incorporating Top 40 and hip-hop beats, call and response patterns, and lively tempos, such as "Derail the Super Jail! The Super Jail? Derail — Derail!"

Conducting Research. First, we had to know about the processes related to derailing the Super Jail, and we had to know about our opponents and their potential political, personal and financial interests in the project. Second, we had to master juvenile justice policy in order to propose effective alternatives to the Super Jail plan. In addition, the Campaign's work forced the county to conduct its own studies on the issues, if for no other reason than to cover their collective rear ends.

Uniting Broadly. The Super Jail was defeated because campaign organizers reached and moved a wide range of people who cared about Alameda County youth, and the Campaign was able to keep this broad alliance of folks united and active against the Super Jail.

Moving the People. Organizing communities requires education, and education means producing massive quantities of relevant materials, including postcards, flyers and fact sheets, endorsement forms, videos, contact information for decision makers, sample letters, and texts of resolutions. Once produced, those materials have to be distributed, through social and political networks, through the media, and the internet. Community outreach is crucial. One example of the Campaign's street outreach capacity was one Saturday, when 40 of us divided into four teams, deployed to three cities, and returned with over 600 signed postcards and dozens of new supporters signed up to get involved, all done in about three hours.

Registering Dissent. Once people acquire new information, they need a variety of ways to register their opinions. At a minimum, we had to provide materials, training, and opportunities for community members to speak for themselves during public comment at meetings and hearings. We also provided opportunities for people to participate and learn through informational protests, which were a component of virtually all of the Campaign's events and helped to generate regular media coverage.

At other stages, the Campaign provided opportunities for Super Jail opponents to utilize non-violent direct action or civil disobedience, such as the sit-in early in the campaign. Though only used once, our willingness to escalate and punctuate our demands by using creative tactics was enough to make some county officials fear a five-o'clock news nightmare: the possibility of a lead story with young, brown people chained to bulldozers on groundbreaking day.

The Media and the Internet. The strategic use of media and technology can enhance public pressure, outreach, education, and mobilization efforts. The Campaign used traditional, alternative, and internet media to illustrate the problems posed by the Super Jail to young people and people in the community.

The Youth Force Coalition

The campaign demonstrated that the voices of young people can have a profound impact on decision-makers and the public, and the YFC was able to provide youth and their organizations with opportunities to advocate for themselves. The YFC also played a critical role in mobilizing and guiding adult allies. It proved its ability to help build and lead the youth movement for over five years.

There were plenty of challenges. The infrastructure of the Youth Force Coalition was not sufficient to sustain its ongoing work, conduct strategic planning for the future, and endure the stresses of being in "campaign mode" over several years. YFC also was not able to devote staff time to resource acquisition, especially fundraising and leveraging campaign victories, and became unsustainable. YLC also lacked clear, formal agreements and expectations in its dealings with partner organizations, which contributed to tensions within the Campaign and within the YFC itself.

Shortly after winning the Super Jail Campaign, the Youth Force Coalition ran out of core funding and lost its last paid staff member. With the Super Jail derailed, the Coalition's members moved on to other activities and campaigns. Most of the young leaders who emerged and grew during the Super Jail campaign, however, are currently working on other youth organizing, juvenile justice, and social justice projects. They continue to grow, strengthen their bonds with one another, and inspire others.


SOUTH DAKOTA
JUVENILE
PRISON
ENTRANCE
SPEED
LIMIT
15
DELIVERY
TRUCKS
USE
EAST
ENTRANCE

by Mark Soler[20] and Deb Phillips[21]

REFORM IN SOUTH DAKOTA:
THE PARENTS WHO CARE COALITION

On July 21, 1999, 14-year-old Gina Score died from heat exhaustion from a forced run while serving time in the girls' boot camp program at the South Dakota State Training School in Plankinton, SD. Her death motivated many parents and others to speak out about abuses of children in the custody of the state's corrections department.

One of the parents was Margaret Gramkow, who lived in Sioux Falls and whose daughter was locked up at the State Training School. She decided to organize parents of incarcerated children to bring the issues to the attention of the media, the public, and the legislature. After Gina's death, Governor Bill Janklow had blamed the parents for their children's troubles — "Remember, these parents have had 14, 15, 16, 17 years to screw up these kids" — and claimed that the parents didn't care what happened to their children. In response, Gramkow founded a new organization, the Parents Who Care Coalition (PWCC).

Gramkow was taking on the most powerful politician in the history of the state. Janklow had been elected state attorney general in 1974, then governor four years later, and then re-elected for a second term. When state term limits prevented him from running again, he went into private law practice. In 1994, when then-Governor George Mickelson died in a plane crash, Janklow successfully ran again for governor. He was re-elected in 1998, making him, at four terms, the longest-serving governor in the nation.

Janklow intimidated everyone. Public officials from one end of the state to the other feared his quick temper and acid tongue. Although he claimed to be a friend of children, he once labeled some in the State Training School "scum." He championed "get tough" measures for children in trouble, including the boot camp where Gina Score died.

Native American children fared particularly badly in the state's juvenile justice system. Approximately 17% of the state's juvenile population is non-white, primarily Native American youth. In 1997, however, minority youth accounted for 46% of youth in secure detention and 43% of commitments to public facilities. There was no love lost between Janklow and state

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[21] White River Coordinator, Parents Who Care Coalition, South Dakota.

Indian tribes. In the early 1970s, he was the lead prosecutor in the trials of American Indian Movement leaders arrested at Wounded Knee. He said at the time, "The only way to deal with AIM leaders is to put a bullet in their heads."

During 1999, Gramkow began contacting other parents whose children were in the State Training School. After visiting her daughter at the facility, she approached other parents who were there to talk about their concerns. She organized a group of parents to meet weekly at a church in Sioux Falls. They relayed similar stories from their children: staff handcuffing children to their beds, solitary isolation in cells for days and even weeks at a time, little in the way of mental health care, phone calls and visits denied, staff failing to notify parents when their children were hurt or needed medical care but sending parents the bills for the treatment. They shared similar fears that speaking out against the abuses might subject their children to retaliation.

The group reached out to other state, regional, and national organizations for support, including the ACLU of the Dakotas, the Youth Law Center, U.S. Department of Justice, South Dakota Peace and Justice, South Dakota Prisoners Support Group, and the South Dakota Coalition for Children. They also contacted and received support from some of the few Democratic members of the legislature.

Jennifer Ring of the ACLU was particularly important. The parents had no experience in legislative advocacy, let alone challenging the state political structure. Ring taught them the basics and led them through the legislative process.

The group also began writing letters to the editor and op-eds for the Sioux Falls *Argus Leader*, the leading newspaper in the eastern part of the state, and other local papers. The opinion pieces complemented the extensive media coverage of Gina Score's death and the subsequent investigations. They invited reporters to their weekly meetings, and told them about the mistreatment of their children.

In late 1999, Gramkow was contacted by Deb Phillips, a parent in Rapid City, on the far western side of the state. Phillips became Gramkow's counterpart. Working in tandem, the two women coordinated outreach and organizing activities across the state. They had little money — it was advocacy on a shoestring — but enormous motivation and commitment.

Also in late 1999, Gramkow invited attorneys from the Youth Law Center to meet with parents from around the state at the church in Sioux Falls. The attorneys spent hours interviewing parents and children who had been at the State Training School. They began their own investigation, and interviewed children at the facility in Plankinton.

In February, 2000, they filed a federal civil rights class action against the superintendent of the State Training School and the Secretary of the Department of Corrections. The complaint noted that many of the plaintiff children were not incarcerated for crimes but were at the facility for status offenses such as truancy, curfew violations, and running away from home. It also noted that a disproportionate number, as many as 40%, were Native Americans. At the press conference announcing the litigation, Margaret Gramkow shared the podium with the attorneys and spoke about the abuses of the children and the concerns of their parents. The lawsuit brought additional attention to the issues and strengthened PWCCs efforts.

PWCC members testified on behalf of juvenile justice reform bills in the 2000 legislative session. They were not treated cordially by the Republican leadership. One night in the House State Affairs Committee, a collection of juvenile bills was scheduled for hearing. The meeting started at 7:00 p.m. and the juvenile bills were on the agenda first. Many parents had driven for hours across the large state, and had to drive home afterwards to be at work the next day. As the hearing began, the chair of the committee announced that the agenda had been changed and the juvenile bills would be heard last. The parents stayed to the end, and the bills were called up around midnight. Most of the bills were defeated on party-line votes. It was after 2:00 a.m. when the last bill, known as "Gina's Law," was heard. It was a bill of rights for incarcerated children, and it met the same fate as the others. The night became known to many of the parents as "the midnight massacre."

But it was a start. The parents raised a host of important issues and established a foundation for future advocacy for their children. One bill that did pass established a monitor for conditions in state juvenile facilities. Between PWCC and the federal litigation, there was regular media coverage of juvenile justice issues during the rest of 2000.

In July, 2000, PWCC sponsored a Gina Score Memorial Ceremony in Plankinton. Several state legislators spoke, as

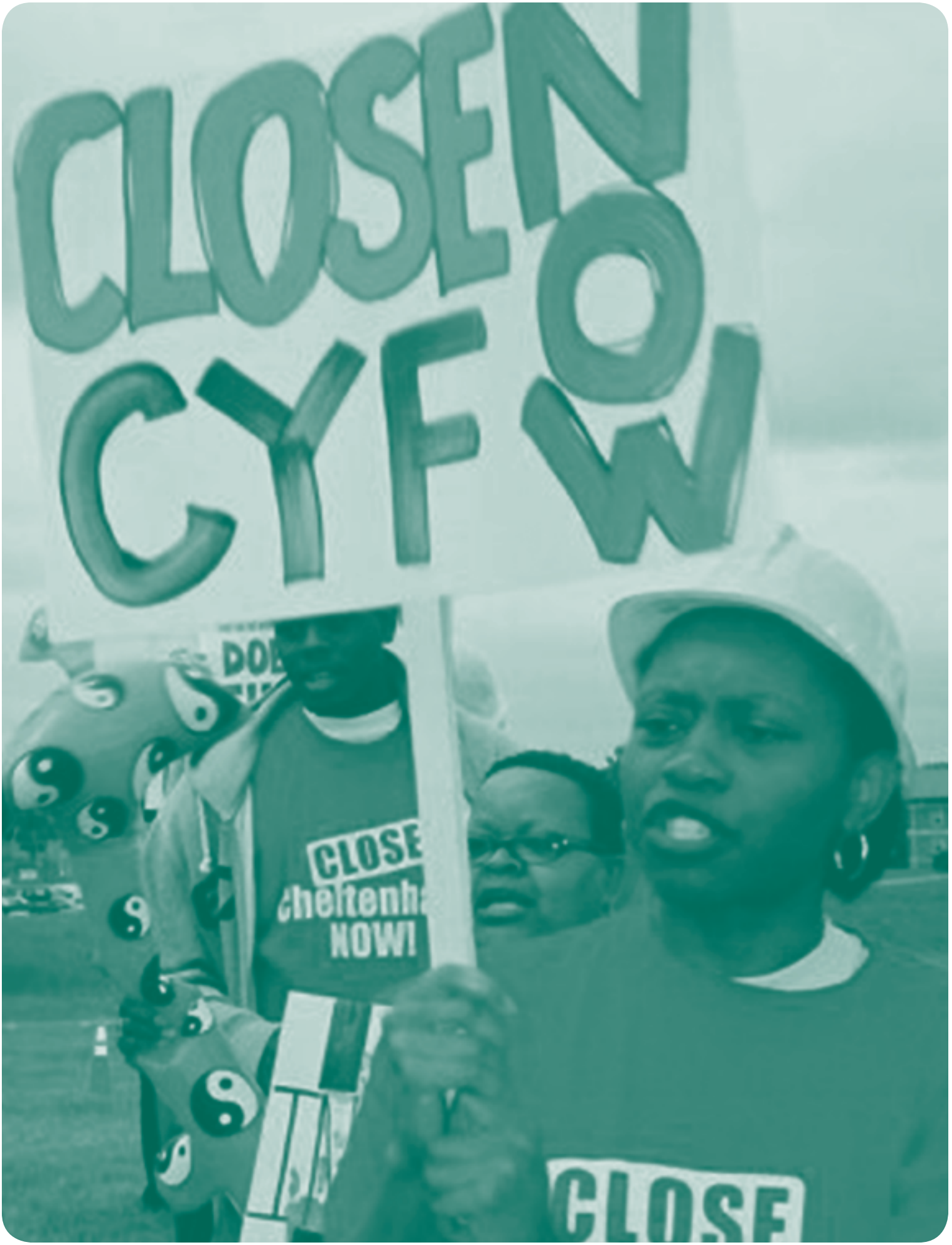
did candidates in upcoming elections, and representatives of the ACLU and South Dakota Peace and Justice. Children read poems they had written and parents talked about their experiences with the justice system. The event received statewide media coverage.

In November, 2000, the Youth Law Center and the state settled the federal lawsuit. The settlement ended the practice of handcuffing children to their beds, prohibited extended isolation, and required the state to dramatically increase professional mental health services at the State Training School. Youth Law Center attorneys monitored the settlement for a year. At the end of 2001, the state closed the State Training School completely.

In the 2001 legislature, PWCC was able to strengthen the juvenile monitor legislation, requiring the monitor to issue a written annual report on complaints that he investigated. The Youth Law Center produced a video of abuses in the State Training School with footage obtained during the litigation, and PWCC used it in presentations around the state.

During the 2003 legislature, PWCC's efforts bore fruit. Janklow was gone, having been elected to the U.S. House of Representatives. Newly-elected Governor Mike Rounds issued an Executive Order for the Department of Corrections to participate in the nationally-recognized Performance-Based Standards Program, a system for monitoring conditions in juvenile facilities. The legislature passed, and Rounds signed into law, a statute requiring the state to comply with federal law that prohibits the lockup of status offenders. Another bill reconstituted the State Advisory Group, which distributes federal funding from the Office of Juvenile Justice and Delinquency Prevention.

PWCC's experience is a testament to the impact of two courageous, energetic, dedicated women, working without any organizational infrastructure, literally operating out of their homes and cars. As Deb Phillips says, "PWCC started out as a support group for parents with children in Department of Corrections custody, and has become more than that with Margaret's and my determination and a few other parents and organizations that helped us along the way. We understand the frustrations, concerns and anger of the parents who contact us. We also know that the only way anything will change is if parents speak out and talk about the injustices that are happening to them and their children."


CLOSE
NOW!
CLOSE

by Heather Ford[22]

COORDINATED EFFORTS:
THE MARYLAND CAMPAIGN TO CLOSE CHELTENHAM

Background

Opened in 1872 as the House of Reformation for Colored Boys, the Cheltenham Youth Facility is a towering symbol of racial injustice in the state of Maryland. In 2000, 17% of Maryland's youth population consisted of black males, but 81% of the youth in Cheltenham were African-American boys. Over the years, Cheltenham has had a series of scandals and abuses that generated coverage in the local newspapers. At one point, the facility was so overcrowded that it held over 300 youth, although it had a 167-bed capacity. Cottages that were designed to hold 24 youth were stuffed with 100 youth, with only 3 or 4 staff members supervising the cottages.

Also in 2000, a fire safety inspector recommended that Cheltenham be closed because the buildings were so old and the cells would have to be opened individually by keys. In one report, the fire inspector indicated that the Cheltenham facility staff could not find the keys to many of the youths' cells.

In addition to fire and health safety problems, children were routinely brutalized and beaten by other youth and staff. A staff member at Cheltenham stabbed a youth on New Year's Day in 2001. Several months earlier, a boy was repeatedly raped at Cheltenham. A young woman incarcerated at Cheltenham left the facility pregnant after a relationship with a guard. One worker reported that "suicide watch" kids were placed in isolation because there was not enough staff to supervise them. Reports of "fight clubs," were documented by the press. Staff encouraged youth to fight as a way to work out power and control issues within the youth population. Fight clubs were also used by staff as a barbaric form of entertainment and "stress reduction."

The staff was underpaid, insufficiently trained, and overworked. There were no minimum standard procedures of juvenile correctional policy at Cheltenham. Incident reports and logs disappeared, superintendents were routinely fired, and staff were moved from institution to institution. The prevailing attitude in the facility was one of cover-up, and "us against them." The perceived adversaries were outsiders, parents, legislators, the governor, and even headquarters personnel of the Department of Juvenile Justice, which ran the facility.

[22] Founder and, for ten years, director of the Maryland Juvenile Justice Coalition; currently strategic campaign and communications consultant.

Calls for the closure of Cheltenham have been issued by advocates for more than 50 years. In 1948, the Baltimore City Afro, the local African-American newspaper, ran a front page story on a press conference by a state association of social workers decrying the conditions at Cheltenham and calling on the governor to close the facility..

Advocates Get Organized

As the problems at Cheltenham worsened, a group of advocates organized themselves and sought funding from local foundations. In 1997, the Maryland Juvenile Justice Coalition was created by a dozen professionals around a table and grew to include more than 100 organizations and close to one thousand individuals. The mission of the Coalition is to seek juvenile justice reform, eliminate the state's reliance on institutionalization, and reallocate resources to effective community-based programs and services.

The Close Cheltenham Campaign became the initial focus of all advocacy efforts and provided an opportunity to organize and mobilize, build the advocates' organizational capacity, conduct policy analysis and disseminate research, launch a multi-year legislative strategy, and impact public opinion through a statewide communications effort.

The public debate on the misuse and overuse of institutions that ensued also provided an opportunity for a discussion on the overrepresentation of youth of color, system reform and the need for a continuum of care, the jurisdiction of the juvenile and adult courts, delinquency prevention and research-based programming. The goal was not just to close Cheltenham, but to completely overhaul the manner in which services were delivered to delinquent youth. The overriding objective was to advocate for a system of care that supported small regional facilities, with a rich array of alternatives to incarceration.

As a result of this campaign and related efforts, juvenile justice became a household word in Maryland. The statewide coalition grew at a phenomenal rate, and under pressure from advocates the executive and legislative branches eventually worked together to close an institution, downsize another, and reallocate institutional funds to community services. Widespread press coverage resulted in a shift in attitude and growing public support for smaller residential programs and alternatives to incarceration.

Strategies Coordinated for Dramatic Impact

Once the goals were established, a strategic plan was developed with coordinating campaign tasks and activities. The implementation of the work plan required strict discipline and trust among the key players. A steering committee met regularly, developed a consensus-based decision-making model and collectively signed off on all activities. Conference calls were used to resolve issues quickly or develop talking points in response to a press inquiry. It was a rare occasion that an individual made a decision on behalf of the campaign without consulting the steering committee.

Planning a series of events up to a year in advance enabled the campaign to be proactive rather than reactive. As the media began to take an interest in the Cheltenham facility and juvenile justice in general, the Coalition was prepared with sound bites, research, and trained spokespersons who improved the campaign's relationship with the media and eventually led to more and more press hits.

Community Outreach and Mobilization

Advocates implemented a strategic work plan that included:

- Outreach and relationship building with families and youth to develop stories about life inside Cheltenham;
- Development of a list of addresses, facsimiles, and email to communicate with members quickly and often;
- Regular monthly meetings, sometimes with speakers, to keep an informed feedback loop among members;
- A rally at the facility to demonstrate public support;
- Identification and recruitment of non-traditional allies like the faith community.

Talking with family members enabled advocates to put a human face to the issues. A mother of a boy who was incarcerated in the facility described a day she went to visit her son when he was covered in bruises and cuts from a beating he received while guards stood by and watched. A youth was able to describe an incident when staff moved furniture to create an open space for youth to fight each other while staff looked the other way. A teacher at the facility described the severe lack of resources, such as books, that made teaching nearly impossible. An intake officer talked about the ways in which sick children with health issues were held in the infirmary with violent offenders and denied medication and adequate health care. All of these stories were

told to reporters and legislators both by advocates and the parents themselves.

Policy and Research

The staff of the Coalition gathered all relevant state approved data, national research, and juvenile justice budget appropriations to prepare a trend analysis on the scope of the problem and demonstrate the overwhelming need for change. The Coalition authored a series of policy briefs that documented that more than 80% of the youth incarcerated in Maryland were non-violent; that youth of color were more likely to be locked up than white youth for the same offense; that excessive lengths of stay and the difficulties workers faced locating appropriate treatment settings contributed to the desperate overcrowding. In addition, the Coalition compiled a comprehensive list of best practices, programs with proven outcomes in reducing delinquency among chronic offenders. A budget policy paper provided an analysis of the costs of incarceration vs. community-based alternatives. The Coalition held briefings with policymakers and legislators on the fiscal efficacy of alternatives to incarceration.

The development of data, best practices, and budget analysis provided integrity for the Coalition as it developed and disseminated arguments for reform. It was important for spokespersons to be able to respond to questions from policy makers and the media. Identifying state-specific affordable solutions was a key element in developing an effective campaign.

Government Relations

Advocates were successful at educating key budget and other legislative leaders on the ineffectiveness of large institutions. Several legislative leaders quickly emerged as sponsors of progressive juvenile justice legislation. These legislative heroes stewarded many bills through Maryland's General Assembly. The Coalition monitored legislation, recruited expert testimony on key legislation, prepared budget analyses, documented the high cost and high recidivism rates of incarceration, and highlighted the programs around the country that had successfully reduced delinquency.

A multifaceted public education campaign targeted legislators, key elected officials, policymakers, practitioners, and citizens alike. A petition drive and emails sent through the campaign web-site bombarded officials with demands to close Cheltenham. Thousands of Maryland citizens contacted key decision makers by sending letters, calling, and signing the on-line petition.

The Coalition sent every newspaper article on problems at Cheltenham, along with policy papers, to legislators. Advocates met regularly, sometimes monthly, with the head of the Department of Juvenile Justice, officials in the Lt. Governor's office, and with legislators. These officials were invited to speak at Coalition events and all efforts were made to keep the communication loop open.

Communications

Advocates utilized key messages that focused on abusive conditions at the facility, realistic solutions for closing it, and effective alternatives to incarceration. These messages were developed over time and controlled through a series of consensus-based agreements among campaign leaders and spokespersons. A core agreement was that spokespersons would not deviate from the agreed-upon message.

The campaign relied on non-traditional allies including parents of incarcerated youth, young people, activists, and faith leaders from all over the state. With support of the Building Blocks for Youth initiative, the Coalition devised and delivered key messages to the public through a media advocacy campaign, mobilizing individuals and organizations all over the state to attend several highly publicized events. It reached out to thousands of concerned citizens through a campaign website, providing basic campaign information, facts, press materials, and action steps. Website visitors could sign up to join the campaign and receive campaign updates via email, sending email letters to key decision makers and signing an on-line petition.

Advocates carefully planned their media strategy, emphasizing building momentum in the efforts. For example, advocates first organized an initial telephone press conference call to announce the campaign and to launch the website, *www.closecheltenham.org* The press conference phone call featured a parent, an expert, a teacher and former staff person, an intake officer, and a state legislator who all called for the facility's closure. The press covered the event, featuring the formation of the campaign, and all mentioned the website (which greatly helped outreach and organizing efforts.)

"Cheltenham is no place for kids. My son needed help, but Cheltenham provided no drug or rehabilitative programs.

Instead, he was beaten and neglected. It's dangerous, it doesn't work and it should be shut down," said a mother whose son was beaten during his four months at Cheltenham for a non-violent offense.

The following week, advocates held a press conference to announce the endorsement of an alliance of over 200 Baltimore ministers. The *Associated Press*, state and local newspapers, alternative weeklies, and all the local TV stations attended and covered the event. The unified call for closing Cheltenham broadened the base of the coalition and demonstrated growing support for the effort.

The website and all messages intentionally invoked Cheltenham's racial history. A spokesperson for the campaign, who was the president of the Interdenominational Ministerial Alliance, said, "Cheltenham is one of the last symbols of Maryland's segregationist Jim Crow policies, and is a painful reminder of continuing inequality for minority children in the juvenile justice system. Enough is enough. We need to shut down the facility, and bring our children home to programs that work."

Advocates also encouraged the press to attend a budget hearing where coalition members and experts testified about the need to close Cheltenham. The ministers called on their congregations to attend and meet with key decision makers during the critical time period when the legislature makes final decisions about the state's budget. Outside of the hearings, a group of youth and prison activists created a great photo opportunity as they kept vigil over the hearings with colorful signs and puppets.

One of the greatest strengths of the campaign was its diversity and breadth. Juvenile justice advocates were joined by ministers, civil rights organizations, mental health professionals, youth groups, prison activists, social service providers, parents of incarcerated youth and national experts, all calling for the closure of the facility.

Linking Media with Legislative Advocacy and Community Outreach

During the course of the campaign, the legislative and advocacy strategy was intimately tied to the media work. Local media outlets in the districts of individual legislators and decision makers were high priority targets. The Coalition worked with reporters at influential news outlets, placed opinion pieces, wrote letters to the editors, solicited editorials, and placed spokespeople on radio shows.

In addition to attempting to move key decision makers, the media effort also dovetailed outreach and mobilization efforts. Media outlets that most directly reached natural constituents were targeted with strategic messages. For example, the *Afro*, an African-American newspaper in Baltimore (where most of the youth in Cheltenham came from), and several local radio stations, ran stories and op-eds, and editorialized about the campaign. Many of these papers even explained how readers could become involved in the campaign by directing them to call the legislature and take action through the campaign's website.

The advocates also negotiated an "exclusive" with *The Washington Post* to guarantee coverage. Youth advocates and the media team worked with family members of a youth who had been brutally raped in the facility to help them share their story with the press. The child's anonymity was protected, and the family was accompanied during all interviews. The result was a prominent story in a widely-read and well-respected paper that otherwise might not have covered the campaign.

The Turnaround

After years of official intransigence, a watershed moment in the campaign occurred when Bishop Robinson, the head of the Department of Juvenile Justice, admitted on the record at a state legislative hearing that he believed that Cheltenham should be closed. It was the first time that a high level state official had conceded publicly that the institution could not be fixed. Robinson had grown up in Baltimore and worked as a public servant for more than 40 years, serving as Baltimore's first African-American police commissioner and later as the Secretary of Maryland's Department of Corrections. He was highly respected around the state, with a reputation as a hard-liner. He had been brought in to clean up the juvenile justice system. He was acutely aware of racial inequity in the justice system, and had met with advocates monthly to discuss issues of disproportionate representation and detention reform.

It was the first official concession, but Robinson's turnaround came earlier. In March, 2001, the Coalition coordinated a meeting with Robinson and local senior African-American ministers in March, 2001. They recalled how, half a century earlier when they stood around as young men on Baltimore street corners, Cheltenham had been a fearful place for black children. Today, they noted, it remained a fearful and terrible

place not fit for the likes of their grandchildren. Advocates informed the press of the significance of Robinson's comments. News articles reported the quotes the next day, and overnight it became vogue for public officials to support the razing of Cheltenham.

Results

In 2002, the Maryland legislature passed, and the governor signed, several juvenile justice reform bills. One established an independent oversight body to monitor conditions in state juvenile facilities. Another required the Department of Juvenile Justice to conduct a study to evaluate the nexus between the child welfare and juvenile justice systems.

In March, 2002, following an intense effort by the Coalition to close institutions and reallocate funding to community programs, the Department of Juvenile Justice closed the Victor Cullen Academy, a state juvenile facility with documented deficiencies in its programs and services.

In April, 2002, the Coalition wrote to the U.S. Department of Justice, requesting an investigation of civil rights abuses in Maryland state juvenile facilities. The letter documented the problems in several facilities. In September, 2002, the Justice Department announced its intent to open an investigation.

Perhaps most importantly, the Coalition and the interest it generated made juvenile justice a key issue in the 2002 race for governor. Robert Ehrlich, the Republican candidate and eventual victor, issued a 40-page campaign "white paper" on reforming the juvenile justice system. Much of the document was taken verbatim from Coalition policy papers.

In 2003, the Assembly budget committee included language requiring the closure of four cottages at Cheltenham. During the year, the Justice Department conducted an extensive investigation of Cheltenham and the Charles H. Hickey Jr. School, another state facility with a long record of abuses.

In 2004, the Department of Juvenile Services closed four cottages at Cheltenham and reduced the population to less than 100. This was made possible, in part, by the opening of a new juvenile detention facility in Baltimore for Baltimore City youth.

On April 9, 2004, the Justice Department issued a "findings" letter to Governor Ehrlich, reporting that its investigation found "a deeply disturbing degree of physical abuse of youth by staff at both Cheltenham and Hickey." The letter also found constitutional violations in suicide prevention measures, mental health and medical care services, and fire safety, and failure to provide special education services required by the federal Individuals with Disabilities Education Act.

On June 30, 2005, Governor Robert Ehrlich announced that the state would close the Hickey School as a post-disposition commitment facility by November 30. Ehrlich said, "It was intolerable. You talk about constitutional rights — it was a living model in what a system should not become." The governor also announced that the state and the Justice Department had reached a settlement of the Justice Department's investigation of Cheltenham and Hickey. The agreement provides for ongoing monitoring by experts of the state's implementation and compliance.

As this is written in July, 2005, Cheltenham is still open, so the Coalition has not achieved its primary goal of closing the facility. Indeed, there continue to be periodic reports of abuse in Maryland's other juvenile justice institutions, including the new Baltimore City Juvenile Justice Center.

On the other hand, conditions for young people in Cheltenham have improved dramatically, and the population has remained under 100. The governor's decision to close the Hickey School is certainly welcome. In a broader sense, the impact of the Coalition and the Close Cheltenham Campaign are undeniable. The large area newspapers like the Baltimore Sun and the Washington Post have assigned reporters to the juvenile justice beat and even editorial writers weigh in regularly. The Coalition is now a respected resource to the general public, the media and the legislature. The original parents who spoke out about their own lives have become educated juvenile justice policy advocates in their own right, speaking out on behalf of all families in order to prevent recurrence of what happened to them and their children. Thousands upon thousands of Marylanders are aware of institutionalized children's plight, elected officials no longer call for "lock 'em up and throw away the key" solutions, and in fact most public officials are now on the record acknowledging the need for reform. The Coalition's request for an investigation by the U.S. Department of Justice is yielding significant action by the state. And as for closing Cheltenham, the question now is clearly "when" rather than "whether."

PRISON MORATORIUM PROJECT

Kate, Rhee

'LIBERATION WITH INTEGRITY'

PHOTO COURTESY OF KATE RHEE

NAME: Kate Rhee
AGE: 30
EMPLOYER: Prison Moratorium Project, New York City
JOB TITLE: Executive Director
YEARS IN POSITION: 3.5 years

"Basically, it's about changing relations of power and building power. And the best part is working with youth wisdom, which is like none other."

Describe what you do.
I work as an executive director at the Prison Moratorium Project (PMP) in New York City. PMP works to stop prison expansion and reallocate funds to education, social services and community-based programs critical to building a real democracy. We do this by developing and implementing innovative educational tools and community initiatives that work with youth and adults from communities most targeted by the police and the prison system — primarily African American and Latino communities. Some of the highlights of our work and victories [include]:

- we launched a massive public education campaign called "Education Not Incarceration," which was successful in helping to restore funding for public higher education in New York;
- we forced a multibillion corporation that is headquartered in France (Sodexho-Alliance) to divest from one of the largest private prison companies in the world (Corrections Corporation of America);
- we stopped the state of New York from spending $73 million to build a maximum-security juvenile facility in upstate New York;
- in March 2000, in partnership with Raptivism Records, we released a hip-hop compilation CD that aims to raise awareness about the Prison Industrial Complex among the hip-hop generation.

This summer, we will be launching a Community Media Resource Center that will train a group of formerly incarcerated youth to develop media and technology skills.

Do you consider your job a passion?
More than a passion, a vision.

What do you find most fulfilling about your work?
The people I work with, and breaking new ground in terms of our campaign wins, not just because we won, but because of who is doing the winning: people of color coming together — immigrants and non-immigrants as well — to fight for social justice and youth. Basically, it's about changing relations of power and building power. And the best part is working with youth wisdom, which is like none other.

Describe your path here? What other jobs have you held?
My path here ... hmm, from being an immigrant from Korea (came here when I was 10), to studying political philosophy and ethics, to having two mentors (as far as my political consciousness) who are African American, to working as a juvenile justice counselor in New York City, to becoming a staff member at PMP.

Other jobs: mainly teaching positions and a juvenile justice counselor position; also plenty of temping to survive, including at Goldman Sachs.

What are some challenges that you might not have expected?
What it takes to build an organization and what it takes to be a leader.

What are the perks, if any?
I don't ever have to dress up to go to work.

What skill of yours has proven to be one of the most useful to your job?
Ability to analyze to death, think critically. Public speaking skills. Leadership skills.

What's the best euphemism you've heard for your job title?
Mother.

How do your parents feel about your career choice?
Supportive, but feel I take care of everything and everyone else (including stray dogs) but me.

What is your favorite worktime pick-me-up?
When I get to bring my dog to work — walking my dog.

What is your work philosophy?
Liberation with integrity.

Do you have a personal theme song?
I don't share theme songs — too revealing.

— *Rose Kim*

by Valerie McDowell[23]

JUSTICE FOR YOUTH COALITION: THE NO MORE YOUTH JAILS CAMPAIGN

In June, 2001, young activists in New York City discovered that the City Council had passed Mayor Bloomberg's 2002 city budget, allocating $64.6 million to increase the size of the city's two juvenile detention facilities by 200 beds. The Justice For Youth Coalition (J4YC) responded. It was comprised of formerly incarcerated youth, youth activists, community members, and grassroots organizations. J4YC took on the city to stop the expansion.

At the time of the campaign, New York City operated three youth detention facilities: Bridges (formerly the Spofford juvenile facility) and Horizons in the Bronx, and Crossroads in Brooklyn. The $64.6 million was to be used to expand the facilities at Horizons and Crossroads by 200 beds. This increase was based on projections by the Department of Juvenile Justice (DJJ) that youth crime rates would escalate.

But juvenile crime in the city had decreased some 30% since 1994 and all three of the city's current facilities were operating under capacity. A report by the Correctional Association of New York noted that the city spends $358 a day or $130,670 a year to detain one youth in a secure facility, while spending $9,739 a year on each child in school. In addition, Crossroads and Horizons were initially built to replace Spofford at a cost of $70 million in 1998. However, city officials not only did not close Spofford, but allocated an additional $8 million to renovate and rename the facility "Bridges," while adding 150 more beds. And the need for better schools and more books, recreational facilities and alternatives to detention had been a rallying cry for years.

In February, 2002, the J4YC launched its "No More Youth Jails" campaign on Valentine's Day, serenading Administration officials from the steps of City Hall with its song, "Love No Jails." Campaign leaders went on the attack, lobbying city council members whose districts encompassed the detention facilities, as well as alerting the public and local officials to fight the proposed funding. The Coalition's leaders traveled throughout the city, going into schools and attending City Council meetings, to point out the excessive costs involved, the absence of a need for new construction, the shortage of alternatives to detention, and the disproportionate impact of city incarceration policies on young people of color in New York.

In July, 2002, J4YC achieved success when the City Council voted to remove $53 million of the $64.6 million slated to expand the detention centers from the city's proposed budget. The Coalition is continuing to monitor the city's juvenile justice policies and to advocate for increased funding for education, not incarceration.

[23] Administrative Assistant, Youth Law Center.

by Neelum Arya[24]

FAITH IN ACTION:
GETTING CHILDREN OUT OF JAILS IN LOS ANGELES

Introduction: The Lonely Girl in Twin Towers

Noemi and her sister were arrested for "armed" robbery in July, 2001. They had tried to rob a woman on a sidewalk using a screwdriver. Noemi was sixteen years old at the time. As a result of Proposition 21, a California initiative that passed in March, 2000, prosecutors were able to file charges against Noemi directly in adult court without having a judge determine whether she could have been rehabilitated by the juvenile system. Prosecutors in California hold the power, and Noemi was offered a deal. She could spend three to five years in a California Youth Authority (CYA) institution (California's network of youth prisons), or spend a year in the local county jail and receive a "strike." Noemi chose the year in jail. She did not realize that much of that year would be spent in solitary confinement in order to keep her separate from other adult inmates.

With only one or two young girls in the Twin Towers county jail facility, the jail was in a bind — keeping her safe, as required by California law, meant locking her in her cell. California law requires that youth be separated by sight and sound from adult inmates while incarcerated within adult facilities. While this separation is often better than the alternative, adult facilities are not equipped with the staff, programming or resources necessary to address the unique needs of youth. Even while isolated, Noemi was not free from the harassment of adult inmates in the jail. "They say they housed me there to keep me away from the adults, but they would leave my slot open. People could see me and talk to me. One time this lady reached in and touched me. People would walk in my showers."

Noemi received no education other than occasional worksheets. She got no outdoor exercise, no reading materials other than the Bible, no activities except watching a video for an hour and a half, two days a week. It was always the same video, and staff never let her watch it until the end. She did not receive any medical care, because, as a minor, she could not provide legal consent. She received clean clothing, including underwear, only once a week. She had no sheets on her bed, just a blanket. She got no contact visits, and no visits with her baby. She was housed next to a woman who had allegedly killed her husband and children. The woman continually told

[24] Soros Justice Fellow, Youth Law Center.

Noemi the details of her situation. Noemi quickly slipped into a deep depression.

Javier Stauring, co-director of Detention Ministries for the Archdiocese of Los Angeles and chaplain at the Central Juvenile Hall, learned of Noemi's situation and contacted Carole Shauffer, executive director of the Youth Law Center. Shauffer immediately intervened to get Noemi transferred to a juvenile hall. Shauffer threatened litigation against the jail, which was already under court orders. She contacted the media, and a story appeared in the Los Angeles Times. Finally, she worked out a transfer with the attorney representing the Los Angeles County Sheriff's Department.

The Youth Law Center soon learned that Noemi was not alone. Several youth were housed in jails in Los Angeles. California law allowed adult jails to be used as a "disciplinary safety valve" to hold youth who were discipline problems in juvenile halls. In many cases, youth were transferred to jails for minor infractions or rule violations that should have been, and could have been, managed by the juvenile hall. In response, the Youth Law Center sponsored a bill, Assembly Bill 945, to stop the transfer of young people from juvenile halls to county jails for minor infractions or rule violations. The bill overwhelmingly passed both the House and Senate. Courts now must make findings on the record that the minor's behavior poses a danger to the staff, other minors in the juvenile facility, or to the public before a minor can be incarcerated in a jail.

Noemi's story is sadly not uncommon. A report by Building Blocks for Youth and the Justice Policy Institute, released in 2000, found that youth of color were 2.5 times more likely than white youth to be tried as adults, and 8.3 times more likely to be incarcerated by the adult court. Although youth of color make up 62% of the adolescent population in California, they constitute 85% of youth prosecuted as adults. While Latino youth constitute 41% of the adolescent population, they represent 52% of youth prosecuted as adults. In Los Angeles, two out of three of the youth prosecuted as adults are Latino. Transferring a juvenile to the adult system does more than brand the youth with a criminal conviction: it can also cause youth to be housed in unsafe facilities. Youth in adult institutions are more likely to be sexually assaulted, beaten by staff, and attacked with a weapon, and eight times as likely to commit suicide, as youth confined in juvenile facilities. In California, almost all of the youth subjected to these dangerous conditions are youth of color. Sixty percent of the youth in California's adult prison are Latino, 31% black, and 9% white, American Indian, and other ethnic backgrounds.

Conditions for Boys in the Men's County Jail

Unbeknownst to advocates, boys in Los Angeles were also housed in adult jails in egregious conditions. According to Carole Shauffer, "We didn't realize how the boys were being treated. We thought that since there are relatively few girls in comparison to the boys, Noemi's situation was unique. There would be so many boys, we thought they must have been in a better situation." The three juvenile halls in Los Angeles can hold over 1,600 youth at any given time. In addition to the juvenile halls, the County Probation Department had a contract with the Sheriff's Department to house 44 youth in the county jail. While the majority of youth prosecuted as adults were held in juvenile halls, the beds in the adult jail were consistently full. Virtually all of the young people housed in the jail were youth of color.

Boys in the custody of the Sheriff's Department were held in a juvenile module at the Men's Central Jail. The module held between 30 and 50 youths under the age of 18, more than any other jail in California. Most of these youth were pretrial detainees who would spend six months to a year or more in jail before their cases were resolved. A handful were like Noemi, serving sentences of a year or less.

Since the boys were all contained within a juvenile module at the jail, advocates did not know how awful the conditions really were. Although aware of the inherent difficulties of serving youth appropriately in a jail setting, advocates believed the jail was providing programs for such a large group of boys living in a contained unit. The actual situation was quite the opposite. As Human Rights Watch investigators would later observe, the boys in the jail were generally locked in windowless single cells for 23 ½ hours per day. They were given one 30-minute period each day to shower and make telephone calls. Once each week they were allowed three hours of recreation in individual rooftop cages. There was no classroom instruction in the jail. Instead, youths saw a teacher for five to fifteen minutes through cell bars two or three times a week. The Sheriff's staff claimed that state education laws required only one hour of face-to-face instruction per week, but the jail did not meet even that minimal requirement.

Around this time, Javier Stauring, the chaplain at Central Juvenile Hall, applied for a volunteer clearance to visit the youth in jail. Stauring supervises all the Catholic juvenile detention ministry programs in Los Angeles, and he decided to add the juvenile module to his ministry. Stauring was shocked by the conditions the boys were living in. Stauring brought his concerns to an organization that he was involved with, Faith Communities for Families and Children (FCFC), to see if something could be done.

FCFC was formed in 1999 when a multi-racial, multi-cultural group of religious leaders in Los Angeles met with the Youth Law Center and the Center for Religion and Civic Culture at the University of Southern California to talk about problems facing children in the foster care system. The initial group of eight faith leaders decided to form a coalition to address the treatment needs of youth and their families. They decided to work through education, direct service and advocacy. FCFC includes Protestants, Catholics, Jews, Muslims, Buddhists, and Sikhs. The congregations range from a church with 10 members to a synagogue with 2000, to the Archdiocese of Los Angeles. The coalition now has over 120 members representing 60 religious organizations.

FCFC arranged a tour of the juvenile module at the jail for its members in December, 2002. The delegation included: Bishop Gabino Zavala, Regional Catholic Bishop; Rev. William Epps, Second Baptist Church; Rabbi Steven Carr-Reuben, Kehillat Israel Temple and President of the L.A. Board of Rabbis; Rev. Mary Moreno-Richardson, All Saints Episcopal Church; Fr. Greg Boyle, Homeboy Industries; Louis Dorvilier, Executive Director of the New City Parish; and Daa Faraan, Muslim Chaplain at the CYA. The Sheriff's department reluctantly allowed the tour, but did not give the visitors permission to speak with the youth. Not surprisingly, during the tour they saw mostly Latino and African-American youth.

After the delegation visit, FCFC wrote a letter to Sheriff Leroy Baca, sending copies to Judge Michael Nash, the Juvenile Court Presiding Judge, and the Chief Probation Officer Richard Shumsky. The letter laid out the delegation's multiple areas of concern: continual use of lockdown; limited outdoor recreation; and the indeterminate amount of time that youth could remain in the jail. Some youth had been housed in the jail for over two years without a process to allow youth to get transferred back to the juvenile hall if they had improved their behaviors.

While the letter indicated the strong belief that the only solution to the problem was removal of youth from the jail, the letter also included a series of intermediate recommendations to use until the youth could be moved, such as allowing youth to attend school Monday through Friday out of their cells, allowing youth to gather for religious services, and allowing daily outdoor recreation. FCFC also recommended that the Sheriff's Department develop and implement appropriate training for staff assigned to work in the juvenile module of the jail. Their letter provided a discrete example of why such training was needed: "The delegation was told by Sheriff's staff that it was necessary to house the youth in the type of isolation that currently exists because otherwise they would fight among themselves. We were also told that these conditions of confinement actually benefited the youth because it would prepare them for the 'real world that they were heading to, which is state prison.' Quite honestly, is it possible that these policies and attitudes contribute to the behavior of the youth?" Members of FCFC recognized that youth of color are often denied access to meaningful opportunities to help them transition to adulthood. Instead, youth of color are prepared for prison.

A few months later, members of FCFC met personally with Sheriff Baca to discuss their concerns and reiterate their desire to improve the housing conditions for juveniles at the jail. Despite their efforts, their requests to improve the situation went unheeded. After consulting with the Youth Law Center, FCFC decided to try a media strategy. By bringing to light the hidden conditions, FCFC hoped to inspire county officials to do the right thing.

Stauring also met with reporters from *The Los Angeles Times* to encourage them to write a story about the boys in Men's Central Jail. Reporters expressed interest, and indicated they would conduct some research so they could develop an in-depth story.

Attorneys Start Investigating

After FCFC informed the Youth Law Center about the boys, the attorneys began the research necessary to pursue a litigation strategy. Simultaneously, attorneys Michael Bochenek and Allison Parker, from the international human rights organization Human Rights Watch came to Los Angeles to investigate Immigration and Naturalization Services facilities housing youth. During those visits, a judge affiliated with the

juvenile court encouraged Human Rights Watch to investigate the conditions at Men's Central Jail.

In March, 2003, Human Rights Watch attorneys tried to get permission to interview youth in the jail. They got the runaround. They were eventually granted a tour of the facility in May, but it was quite limited. The investigators were restricted to the guard observation area, so they could only observe the cells through plexiglass. As with the FCFC delegation, they were not permitted to speak privately with the youth.

During their tour, they were told that there were no youth in the juvenile module with mental health needs. But in subsequent interviews with youth who had previously been housed at the jail, they heard distressing information about inadequate mental health screening conducted at intake. In a follow-up letter to the Sheriff, Bochenek expressed grave concern for the safety and well-being of the youth in the jail.

The Sheriff's Department made determined efforts to keep conditions in the jail secret. However, there were other concerned individuals working throughout the system to support the efforts of advocates. State Senator Gloria Romero took an active interest in the situation. Her aide, Rocky Rushing, helped facilitate additional information-gathering, including reviews of the youths' case files. For the first time, advocates began to break through the information roadblock.

Capitalizing on a "Newsworthy" Opportunity

At the beginning of June, 2003, Stauring heard that two Latino youth had attempted to commit suicide in the jail, and they had been moved to the medical unit. He immediately went to visit them. Stauring learned that the two boys, Edward and Francisco, attempted suicide on or about May 24, 2003. One of the boys had a history of mental illness and had previously attempted to kill himself while in police custody following his arrest. Stauring asked the youth if they wanted his help in exposing the conditions they were living under by sharing their personal stories — the boys agreed. Stauring spoke with family members of the two boys, and informed them of the suicide attempts. The Sheriff's Department had not informed the families of the boys' deteriorating mental status.

When Stauring shared this information with attorneys at the Youth Law Center, they recommended that he inform the *Los Angeles Times*. For the *Times*, this was a newsworthy event on which to base their investigative article. Stauring drafted a letter from FCFC to Sheriff Baca and faxed it to his office on June 11, 2003. He also sent copies of the letter to all of the Los Angeles County Board of Supervisors, the Chief Probation Officer Shumsky, and the *Los Angeles Times*. The letter was a plea for an end to housing youth at the Men's Central Jail.

On June 17, 2003, Supervisor Gloria Molina asked the County Ombudsman to investigate and review Stauring's concerns. Two days later, the *Times* published an article entitled "Plight of Juveniles at Men's Jail Spurs Criticism." The article was an in-depth exposure of the jail conditions, including a physical diagram of the juvenile module and multiple photos. That same day the Youth Justice Coalition organized a rally outside of the jail. The Youth Justice Coalition is a multi-racial, multi-ethnic organization made up primarily of youth coming out of the juvenile justice system. About 50 demonstrators, many of them wearing orange "County Jail" t-shirts, demanded the end to the practice of housing minors in the facility. The event included a diverse group of speakers who either had spent time in the jail or had friends or relatives incarcerated there. Stauring participated in the event, as did Edward's mother.

The following day Stauring's access to the jail was revoked. Stauring says, "The reason that my clearance was revoked is that I criticized the system." Several other individuals who worked with jailed youth declined to be quoted by name about the conditions, for fear of similar retaliation: "They don't want to have to leave these kids."

Day after day, the story of the boys in the jail made the papers. Local radio stations were also covering the story. In the midst of all the activity, a tragedy occurred. The *Times* reported that a boy in the Tehachapi Correctional Institution, an adult prison housing 16-18 year-olds, committed suicide on July 1, 2003. This incident made everyone realize how bad the situation really was for the youth in California. A few days later, an editorial in the Times by Rev. Williams Epps and Rabbi Steven Carr-Rueben, both members of the FCFC, again urged the removal of youth from the jail.

Government officials at every level could not avoid this issue. Senator Gloria Romero convened a closed-door meeting of county officials to discuss the facility and how detention decisions could be improved. The Los Angeles County Grand

Jury, a citizen commission tasked with investigating county operations, recommended the Sheriff remove the youth from the jail, concluding that the controversial practice may contribute to higher recidivism rates among teenagers. Then, on June 24, Supervisor Zev Yaroslavsky directed the Chief Administrative Officer (CAO) for the county, in coordination with the Sheriff and Probation Departments, to consult immediately with the state Board of Corrections to provide a report to the Supervisors about alternatives to the jail situation.

Choosing Between Alternatives

On July 8, the Board of Supervisors met and discussed the options for what to do about housing the boys in the jail. David Janssen, the CAO, presented alternatives to the practice of housing minors at the Men's Central Jail. After Janssen, Shumsky addressed the Board and responded to their questions. The Board, Janssen and Shumsky agreed that housing the youth at the Southern Reception Center of the California Youth Authority would be the best option. However, the contract agreements would take at least 60 days to negotiate. Supervisor Yaroslavsky pressed Shumsky on what interim measures would be taken to improve the situation for the youth. The press attention worked. Supervisor Yaroslavsky remarked, "I'm concerned, frankly, that if we wait 60 days, that we continue to be vulnerable."

The Board then heard from the public. Rocky Rushing spoke first, reading a statement by Senator Romero.

"As Chair of the Senate Select Committee on the California Correctional System, which has oversight responsibility for all custody facilities in this state, I have been deeply concerned for some time about the so-called unfit minors being held in Men's Central Jail. By now you have no doubt heard and read about the conditions of confinement they endure, so I won't belabor them here. I will just say that the juvenile module has been inspected by the Board of Corrections and appears to be [below] minimum standards for housing juveniles. The conditions there are nothing short of scandalous. I recently convened a meeting of representatives from the Sheriff's department, Probation department, District Attorney's office, and other county agencies involved in this situation. Rather than admitting that the conditions for minors at Men's Central Jail were a problem, they cautiously agreed that there was, quote, 'room for improvement there,' close quote. Admitting there is a problem is the first step to solving it. The county officials I brought together were unwilling to take that first step."

Following Rushing, a diverse group of advocates appeared before the Board including: Elizabeth Weber, representing the Santa Monica Detention Ministry; Richard Robinson, representing Community Outreach Program; several members of the Youth Justice Coalition; and Stauring. The youth from the Youth Justice Coalition were able to speak from personal experience and provide the supervisors with some first-hand accounts of what living in Men's Central Jail was like for them.

A Slow Finale

During months of negotiations between the county and the California Youth Authority, Human Rights Watch attorneys met with Sheriff Baca. The Sheriff agreed to complete educational assessments of all the youths before they were moved out of the jail. He also agreed to cooperate with the attorneys' ongoing monitoring of conditions for youth detained in Los Angeles County. Attorneys at the Youth Law Center met with officials at the California Youth Authority's Southern Reception Center to discuss their plans for programming for the boys and other conditions issues. FCFC continued to minister to the youth. And the Youth Justice Coalition sponsored a March for Respect, a 42-hour walk across Los Angeles County. The march route linked all three county juvenile halls and participants met with elected officials and police whose offices were along the way.

The first four teens were transferred from the jail to the Southern Reception Center in Norwalk on November 14, 2003. Housed in a special unit, the boys finally were able to attend classes in a group, eat meals together, use the recreational facilities, and have regular religious services. It would take several months before all of the pretrial youth were moved to the California Youth Authority. Today there continue to be one or two youth housed at the jail. These youth are housed there under a court order, or after sentencing while awaiting transport to their next facility.

Lessons Learned

This case serves as a reminder that a few people can have a profound impact on an issue with relatively limited financial resources. Letters, phone calls, protests, and editorials all were low-cost activities that generated the necessary attention to achieve significant policy change.

There were some unique features of this situation that provided unplanned advantages for the advocates. This effort

did not require a process of collective goal setting. Here the diverse groups were all in agreement with the goal of getting the youth out of the jail. The onslaught of press attention also placed the burden of finding solutions on the county itself. The forced interaction and joint problem-solving imposed on the various county departments broke through typical interagency barriers that often hamper creative solutions.

The advocates were successful because they took advantage of "newsworthy events." The suicides were not unexpected, and the dangers of housing youth in adult facilities were bound to reach the public. The advocates were effective at capitalizing on the opportunities that were presented to them and when the moment appeared, they were able to jump into action. The preliminary work done by FCFC in working with the *Los Angeles Times* was critical to the quality of coverage the issue received when news of the suicide attempts surfaced. Similarly, the Youth Justice Coalition was able to pull together a demonstration at the jail the same day the initial article was released to keep the momentum going. Not only did the event create press of its own, but the fallout from Stauring's speech provided further controversy to keep the issue in the papers.

The possible litigation strategy, considered by Human Rights Watch and Youth Law Center, was also a critical component even though it proved unnecessary. County officials were well aware of their "vulnerability." In addition, the fact that lawyers were inquiring about the conditions at the jail made the county Board of Supervisors reluctant to wait for any length of time before finding alternatives.

Senator Romero also used the advocacy efforts to stimulate further changes within the state prison system. The independent investigation of the Tehachapi state prison initiated by Senator Romero, where the youth died, allowed for more public awareness of the dangers in housing youth in adult prisons. After the substantial press that the jail advocacy efforts generated, once the investigation disclosed numerous problems to the public, the Department of Corrections sought to avoid any further public relations disasters. The Department of Corrections voluntarily moved all youth ages 16 through 18 to the California Youth Authority. Almost all of the youth transferred were youth of color.

The connection between lawyers, who can use the courts, and faith community groups, which can use their political voice and community support, is a powerful collaboration. Attorneys help pastors negotiate the legal complexities of the systems, and make it possible for congregations to offer their resources to youth in the system. FCFC continues to work on behalf of youth in the adult criminal system. The members routinely make contact with the youth, and regularly visit the California Youth Authority facilities to ensure that youth are not placed in inhumane and dangerous conditions in the future.

FCFC also provided an important addition to the voices of other groups like the Youth Justice Coalition. Their voices stand out because policymakers aren't used to hearing from groups that aren't regularly affiliated with the juvenile justice system.

This situation also demonstrates that advocates must support their champions if the government has treated them unfairly. Government officials may harass vocal advocates and create a hostile environment if their official behavior goes unchallenged. After Stauring's clearance was revoked, Human Rights Watch, Youth Law Center, and various clergy all attempted to intervene on Stauring's behalf to have his access reinstated. The Youth Law Center, in conjunction with the law firm Pillsbury Winthrop LLP, represented Stauring in a lawsuit against the Sheriff for unlawful retaliation. His volunteer access to the jail has been reinstated, and the Sheriff has agreed to modify several policies that will hopefully prevent similar retaliation in the future.

In November, 2003, Javier Stauring was one of three individuals to be honored by Human Rights Watch at its Annual Dinner in New York. The honor celebrates the valor of ordinary people who put their lives on the line to defend the rights of others. Speaking of Stauring, Bochenek commented, "Javier's shown great courage in speaking out on behalf of an unpopular group, and he's remained true to his convictions in the face of reprisals. In doing so, he's reminded lawmakers that treating detained kids inhumanely benefits nobody — not the youths themselves, not the adults who are charged with their care, and not the communities to which they will one day return."

by Gabriella Celeste with Grace Bauer, Xochitl Bervera, and David Utter[25]

JUST SHUT IT DOWN:
BRINGING DOWN A PRISON WHILE BUILDING A MOVEMENT

June 2, 2004: Judgment Day

For June, it was a remarkably forgiving sunny afternoon in the northeast delta region of Louisiana, in the small town of Tallulah. A group of people had gathered to bear witness: local officials, state Senators Donald Cravins and Charles "C.D" Jones, school board members, parents of formerly incarcerated youth, advocates and lawyers, clergy, and young people — many of whom had once been held behind bars in the barren facility across the road. On this day, the Tallulah Correctional Center for Youth was officially closed. Once a notorious youth prison nationally known for its violence and corruption, its closure had been a long time coming. Even though its demise was officially called for in legislation passed a year earlier, the sense of relief among the crowd was palpable. *"You just had to be there to make sure it was real — that not another single one of our children would be sacrificed to such a brutal place,"* said one long-time advocate.

Ten Years Earlier: "If You Build it, They Will Come"

In 1994, after several years of increases nationally in juvenile homicides with handguns, there was significant concern about juvenile crime in the country. Self-proclaimed experts warned of a coming wave of young "super-predators," and politicians in Congress introduced "The Violent Youth Predator Act." Much of the rhetoric consisted of thinly-veiled references to racial stereotypes. Louisiana had the highest rate of juvenile incarceration in the nation, and the number of incarcerated youth – most of whom were African-American — was increasing. Richard Stalder, the Secretary of the Department of Public Safety and Corrections (DPSC), successfully lobbied the state legislature for money for more youth prison beds.

At the same time, a Tallulah businessman and two former cronies of then-Governor Edwin Edwards looked for a good deal. Though they knew nothing about youth treatment or rehabilitation, the three businessmen understood how to make big profits by using their political connections and selling a prison and its jobs to an area that was severely economically depressed. They persuaded the state to build the Tallulah Correctional Center for Youth, which they would operate under a no-bid contract. Their agreement provided them with between $50-

[25] Gabriella Celeste was a co-founder and the former Associate Director of JJPL. Grace Bauer is a parent advocate and currently works with FFLIC. Xochitl Bervera is FFLIC Co-Director. David Utter is the Director and co-founder of JJPL.

$70 per youth, for up to 700 youth, over a twenty year period, and over $8 million in profits when they opened. As the *New York Times* later reported, the idea from the beginning was to keep wages as low as possible (guards were paid $5.77 an hour), minimize services, and maximize the number of children locked up. Soon after Tallulah opened, the town of 10,000 got what it wanted — the facility became the town's largest employer and taxpayer.

Tallulah was sold to state officials as a place of last resort, only for the "worst of the worst." In fact, through its entire existence, the vast majority of youth (75%) were locked up for non-violent offenses, and over half of them had serious mental health problems. Over 80% were African-American. Moreover, Tallulah's remote location ensured that nearly all of the hundreds of children confined there were hours away from their homes and loved ones.

Litigation for Leverage — Youth for Inspiration — Parents for Vision

Tallulah was one of four youth prisons in the state, and clearly the worst. Within weeks of its opening, Tallulah was placed under an emergency order by a federal judge due to rampant violence and incompetent management. In 1995, Human Rights Watch, the international human rights organization, released a report critical of the facility. In 1996, the U.S. Department of Justice began investigating Tallulah. In 1997, it issued a finding that Tallulah was "an institution out of control."

When the Juvenile Justice Project of Louisiana (JJPL) opened its doors in late 1997, its staff was soon bombarded with complaints of violence and abuse at the state juvenile prisons. Confined children were routinely and brutally beaten, intimidated with force and humiliation, encouraged to fight it out with each other, maced, and placed in isolation for weeks or months at a time. In addition, the children received inadequate medical and mental health care, insufficient food, substandard education and little rehabilitative treatment.

On July 1, 1998, U.S. Senator Paul Wellstone of Minnesota, who was drafting federal legislation to provide mental health care for incarcerated youth, visited Tallulah at the request of the Mental Health Association of Louisiana. While he was given an official "sanitized" guided tour, accompanied by Richard Stalder, JJPL arranged for a number of its clients to meet privately with the senator. Out of earshot of Stalder and prison officials, the young men told Senator Wellstone what was really happening at Tallulah.

On July 9, JJPL filed a federal civil rights class action challenging the conditions of confinement of youth at Tallulah. Rather than the traditional notice-pleading complaint, JJPL filed an intentionally lengthy and detailed document designed to expose the day-to-day brutality and injustices that existed at Tallulah.

A week later, the *New York Times* reported that Tallulah was a juvenile prison "so rife with brutality, cronyism and neglect that many legal experts say it is the worst in the nation." *Times* reporter Fox Butterfield documented "black eyes, broken noses or jaws or perforated eardrums from beatings by the poorly paid, poorly trained guards or from fights with other boys . . . . Meals are so meager that many boys lose weight. Clothing is so scarce that boys fight over shirts and shoes. Almost all the teachers are uncertified, instruction amounts to as little as an hour a day, and until recently there were no books . . . a psychiatrist visits only one day a week. There is no therapy. Emotionally disturbed boys who cannot follow guards' orders are locked in isolation cells for weeks at a time or have their sentences arbitrarily extended."

Later that year, the Department of Justice filed its own lawsuit under the Civil Rights of Institutionalized Persons Act. The lawsuit cited assaults, use of excessive force by staff, inadequate suicide prevention measures, unreasonable use of isolation and restraints, inadequate education, and the state's failure to provide adequate medical and mental health services.

The education claims in the lawsuits were settled in 1999, and other conditions claims were settled in 2000. The agreements required monitoring as part of their enforcement. In subsequent years, as a monitor of the settlement agreements, JJPL was well acquainted with the continuing problems at the juvenile prisons. Staff made regular visits to each of the facilities, meeting with hundreds of children over the years, reviewing thousands of files and documents, auditing official abuse investigations and participating in numerous expert tours of those facilities. In this role, JJPL developed a deep knowledge of the system as well as an insider understanding of the key state and local players. JJPL also began to grow stronger ties with the parents of its clients.

Eventually JJPL and its legal partners became frustrated with the limitations of the litigation and the pace of implementation. At best, the litigation was an imperfect means to deterring further harm while gaining access to inside facts and records necessary for a different kind of advocacy. They began to use the media strategically as a forum for building public support for reform.

JJPL originally aimed to push for relief within the existing system: a reduction in the use of incarceration and some corresponding investment in community-based alternatives, while alleviating the unconstitutional conditions of confinement in the juvenile prisons. It took having people at the table who were among the most deeply impacted by the Tallulah prison — the parents of incarcerated youth — to dream bigger: they wanted to shut Tallulah down forever. Indeed, initially parents wanted to go after the entire juvenile justice system, but eventually decided, together with the advocates, that the likelihood of success was greater by targeting one facility as an example for broader reform. In doing so, these parents effectively held not only the system accountable to their children, but the advocates as well. As one parent put it, *"Do not put the fate of your children into anyone else's hands and trust them to fight like you would fight."* Accordingly, after beginning to meet as a support group in JJPL's offices in the summer of 2000, parents of youth presently and formerly incarcerated at Tallulah decided in 2001 to take action and formed Families and Friends of Louisiana's Incarcerated Children (FFLIC).

The Birth of the CTN Campaign

More than a year before the CTN campaign began, in September, 2001, FFLIC made a powerful public statement for the children: a Mock Jazz Funeral. The musical march — complete with mournful trumpets and horns accompanying a horse-drawn carriage and casket, pulled through the gray and rainy streets of New Orleans — symbolized the lost freedom and dying dreams of the state's incarcerated children. State Senator Donald Cravins was among the people who spoke passionately at this event: *"Seeing all of those parents and others out there in the rain, demanding change for their children, made me realize how committed they were to this cause."* Senator Cravins became one of the early legislative champions of the CTN campaign, making it his personal mission to shut down Tallulah.

In 2002, advocates' efforts focused primarily on closing Tallulah. The major barrier was Richard Stalder, the head of the Department of Public Safety and Corrections, a former president of the American Correctional Association who used his enormous influence in the state capital in Baton Rouge to support the status quo.

In the 2002 legislative session, Senator Cravins held hearings on the conditions at Tallulah and best practices in the use of community-based alternatives in other states. JJPL and FFLIC organized several events to focus attention on continuing abuses at the facility. For example, in May, 2002, FFLIC brought parents to testify at these Senate committee hearings — the first time the legislature had ever heard directly from parents in a formal setting. The personal stories shared by the parents, coupled with expert testimony from community-based providers showing a more effective and humane way for treating delinquent youth, riveted the packed committee room and started to build a sense of public outrage about the system.

In addition, JJPL was appointed to the Advisory Board of a newly-created Joint Legislative Juvenile Justice Commission (JJC). The JJC was assisted by the Annie E. Casey Foundation Strategic Consulting Group, which met with numerous stakeholders and conducted a study as part of its technical assistance. Using data collected directly from the state, the Casey Strategic Consulting Group issued a hard-hitting report (in February 2003) finding that Louisiana over-utilized incarceration due to a lack of alternative programs. The Foundation proposed a solution to the state's fiscal crisis: close one youth prison and divert the nearly $20 million in annual savings to more effective and humane community-based programs. It also made several detailed recommendations for systems reform.

The Casey report also highlighted the starkly disparate treatment of Louisiana youth of color in juvenile court sentencing. It found that black youth were *four times more likely to be incarcerated* than white youth and received significantly longer and harsher sentences than white youth for the same offenses, regardless of prior offense history.

In its capacity with the JJC, JJPL staff helped recruit people to speak at numerous public hearings across the state to identify the most pressing juvenile justice concerns. They also

worked closely with other state stakeholders to develop comprehensive reform recommendations (including creating a separate office for children and families apart from adult corrections) and to draft what would eventually become Act 1225, the Juvenile Justice Reform Act. JJPL formed an alliance with another key legislative champion, House Representative Mitch Landrieu, who was co-chair of the JJC along with Senator Cravins.

After the 2002 Senate committee hearings, JJPL's legislative allies had an amendment to the state appropriations bill added in committee that stripped Tallulah's operating funding. On the floor of the House, however, Standard & Poors suddenly raised a new consideration: that ending state funding for Tallulah would cast doubt on the state's commitment to honor its contracts, thereby impairing its bond rating. JJPL had no time to research the issue or prepare an effective reply. Legislators, already concerned about the state's financial condition, refused to de-fund Tallulah.

Rolling Up Our Sleeves and Building a Campaign

The CTN campaign began in January, 2003, when JJPL, FFLIC and local allies Agenda for Children, Urban League of New Orleans and the Metropolitan Crime Commission joined forces with partners in the national juvenile justice field — Building Blocks for Youth (staff from the Youth Law Center and the Justice Policy Institute) and Grassroots Leadership — to push reform to the next level.

At the first strategy session in January, in attendance were three JJPL staff and its director, the FFLIC coordinator, and staff from Building Blocks for Youth and Grassroots Leadership. In addition, there were members of what would soon become the Coalition for Effective Juvenile Justice Reform (CEJJR) and two part-time Louisiana lobbyists who committed large amounts of their time to the CTN campaign.

The group identified three campaign goals: (1) close Tallulah, (2) divert the savings to the creation of community-based alternatives, and (3) build a grassroots movement for greater reform. A fourth goal was added later: to secure the passage of the Juvenile Justice Reform Act, specifically provisions calling for the removal of youth and the funding from the DPSC. As a result, the main targets of the CTN campaign were the legislature, the governor's office and the judiciary. The idea was to leverage public opinion for reform with support from the judiciary and the legislature, to overwhelm executive branch opposition. Chief Justice Pascal Calogero, Jr., had called for juvenile justice reform in his annual address to the legislature. The legislature was heavily involved through the JJC. But Governor Mike Foster was very supportive of DPSC Secretary Stalder and refused to embrace any reform effort.

The advocates were also determined to avoid the last-minute objection that sabotaged their effort during the previous legislative session. They planned an investigation and legal analysis of the claim that closing Tallulah would lower the state's bond rating, in order to neutralize that issue if and when it arose during the next session.

The convergence of critical allies gave the CTN campaign its legs. Key legislative champions were Democrats Senator Cravins and Representative Landrieu, and Republican Representative Diane Winston and Senator Mike Michot. Chief Justice Calogero and juvenile court judge Nancy Amato Konrad were vital judicial supporters. The media itself became a critical ally as well; indeed, every local news source editorialized in favor of reform. Perhaps most importantly, the hundreds of parents whose children had been hurt by the system gave the CTN campaign its true voice and moral authority. *"I remember the parents at the table in the beginning," recalls parent Grace Bauer. "Parents hurting for their lost children. Parents angry at a state that took our children, then blamed us and labeled us bad parents. We were sick with fear for our children who were being beaten, raped and neglected at the hands of the same folks that called us 'bad parents.' Our children were isolated from us and we had no say in how they were cared for. We had no recourse for the atrocities that were happening to them. In the early days we didn't have a lot going for us, but we had hope and in our numbers we found strength."*

From the January strategy session grew a framework for operationalizing the CTN campaign. Three committees were established — legislative, media and outreach — to do the bulk of the strategizing, day-to-day decision-making and work. Each committee was headed by one staff person. The grassroots organizing was managed by people from both FFLIC and Grassroots Leadership. JJPL hired an outreach coordinator to organize the CEJJR and to assist in media work and event planning. In addition, one full-time JJPL campaign manager was assigned to handle logistical planning, coordinate internal communications and develop media lists and contacts.

While the CTN campaign was a truly collaborative effort, JJPL was the hub of campaign activity. *"You must have a place with the capacity to be the point of force — and that's what we were,"* said JJPL Director David Utter. *"Someone with dedicated responsibility for providing information, doing media prep work, knowing where things were in the legislature, and where to push and when."* Building Blocks for Youth provided on-going strategic support and media technical assistance. It also helped prepare several media and educational pieces, including a legislative briefing book entitled "Blueprint for Juvenile Justice Reform." The Southern Poverty Law Center provided funds to design and publish the briefing book professionally.

The CTN Plan of Action

The legislative strategy for the CTN campaign was straightforward: propose a bill to close Tallulah, identify legislative allies and build support, and neutralize opponents with well-researched materials, media, and a solid base of support.

The organizing and outreach strategies essentially merged. The plan was to coordinate eight big events, timed two weeks apart and coordinated throughout the session with legislative drops (delivery of articles, statements, reports and other materials to legislators' offices). The effort included both parents and community members, such as faith organizations, service providers, concerned citizens, and other advocacy groups. The parents would strengthen FFLIC, and the community members would become the Coalition for Effective Juvenile Justice Reform (CEJJR).

The media strategy was aimed at highlighting the eight organizing events, sending letters to editors, seeking editorials in favor of reform, and holding press conferences. This area of the campaign was hampered by insufficient staffing, but the campaign benefited significantly from JJPL's already-existing media contacts.

The CTN team was vigilant in using every opportunity to frame an event or finding within the context of the campaign. The message always began with "Close Tallulah Now!" And "CTN" became the catch-all chant for larger reform.

Turning the Tide and Creating a Buzz: "Here Come the Redshirts!"

Creating and sustaining momentum once the 2003 legislative session got underway was critical. The CTN team held weekly meetings and had an internal listserve to maintain daily contact. Often there were daily phone conferences as well, in order to keep everyone up to speed on the ever-changing legislative scene, as well as to mobilize people to attend events. The CEJJR continued to add members to its coalition and bring out people to the various planned events. The media had been covering the scandals in the juvenile prisons for years and now began to report on the larger reform movement, with articles and editorials appearing weekly — sometimes daily — in support of a system overhaul.

The regularly planned direct action events included:

- A "1st Juvenile Justice Day" marking the beginning of the legislative session with a press conference to bring attention to the proposed juvenile justice reform legislation and to kick-off the CEJJR with FFLIC publicly;
- A "Youth Justice Faith Action Week" timed during Easter with a full-page "Prayer for the Future of Louisiana's Children" in the *Baton Rouge Advocate*, the newspaper in the state capital, written by a nationally-recognized pastor and signed-on-to by several local churches and religious coalitions, including ACT (All Congregations Together) and LIFT (a Louisiana interfaith group);
- Partnering with "Orange Day," an annual mental health demonstration at the capitol, to highlight the connections between kids in the juvenile justice system and kids with mental illnesses;
- A "Tallulah on Trial" demonstration during an Orleans parish juvenile court hearing on the abusive conditions at Tallulah;
- A "Mother's Day" event to shed light on the parents' stories; and
- A "Juvenile Justice Day at the Capitol," an event timed to coincide with committee hearings on juvenile justice issues and mark progress to date.

The campaign created a detailed week-by-week timeline with planned legislative drops, meetings, calls, hearings, and events throughout the session. Having the eyes and ears of seasoned, professional Louisiana lobbyists — and their contacts with legislators and their staffs — was critically important to the

campaign. As the session continued, this timeline and the advocacy strategies were tweaked to take advantage of current events and media, sharpen the message, identify new targets and effectively respond to ever-changing amendments and legislative negotiations.

The team was relentless in its spreading of the "Close Tallulah Now!" message and in its pursuit of supporters. Legislative drops were carried out weekly — including current news articles, legislator letters seeking co-sponsors with sign-up sheets, editorials urging reform and the closing of Tallulah, an article from "The Economist" about Tallulah, a Legislator's Handbook prepared by Building Blocks for Youth and JJPL, a public opinion poll by the state's premier good government group showing support for reform, and letters eliciting support for reform from various constituents, including Juvenile and City Court Judges Associations, the Law Institute's Children's Code Committee, CEJJR members, the Metropolitan Crime Commission, and JJPL.

FFLIC and CEJJR members were ever-present at the capitol — watch-dogging committee meetings, attending public hearings, testifying and putting in cards of support for bills, sending letters to and seeking meetings with their legislators. FFLIC designed a bold, red t-shirt for its members with a logo of a parent holding a child's hand through bars on the front and a CTN slogan on the back. FFLIC members were called "the redshirts." The sea of red entering the halls of the capitol, committee rooms, and legislators' offices powerfully signaled the public's demand for reform. *"We took the legislature by storm, everywhere you looked were FFLIC members in red T-shirts,"* said one parent. *"We talked to every media outlet that would listen to us and it spread like wildfire."*

The coordinated approach had an impact. Within a week of the opening of the legislative session, there were 13 co-sponsors on the Juvenile Justice Reform Act; in the next week, the list of co-sponsors grew to 67 from the House and Senate.

Unplanned Events: A Life Cut Short and Making the Most of the Missouri Model

Two unplanned occurrences had particularly strong impact on the campaign. First, on May 1, 2003, 17-year-old Emmanuel Narcisse was killed at the hands of a guard at the Bridge-City Correctional Center for Youth. Emmanuel's death dramatized in a profound and tragic way the ultimate consequence of Louisiana's violent and misguided juvenile justice system. FFLIC immediately reached out to Emmanuel's mother and family, providing support and encouragement, as well as helping them to express their outrage in speaking about the pain of losing a child. Emmanuel's death filled the local news. With JJPL and FFLIC's media work, the coverage placed the boy's death in the context of the everyday violence and brutality in the youth prisons, focused on the need for legislative reform, and gave voice to the family and community members. The tenor of this coverage spilled over into the legislature, and the unspoken image of Emmanuel's death was ever-present from that day forward.

Second, the Annie E. Casey Foundation decided to make it possible for state and local officials to visit Missouri. Missouri is generally considered to have one of the best state juvenile justice systems in the country. It utilizes small locked facilities — none larger than 40 beds — and an extensive array of community-based programs. There is a small staff-to-youth ratio in the facilities and programs, and facilities offer extensive group therapeutic processes. The Foundation paid for travel and lodging for approximately 75 legislators, correctional personnel, prosecutors, judges, sheriffs, executive staff, administrators and others to tour state facilities and programs and talk with children and staff. Many met with Mark Steward, the charismatic Director of the Missouri Division of Youth Services. Virtually every person returned to Louisiana touting the Missouri model.

The Final Hours: Frustration and Legislative Frenzy

In mid-May of 2003, Representative Landrieu began hard bargaining negotiations with the opponents of the legislation, notably the district attorney's association and the governor's executive staff. The CTN campaign neutralized the "bond rating" issue with a comprehensive factual and legal analysis prepared *pro bono* by a bond attorney in the Washington, DC, office of Piper Rudnick. Though the opponents could not stop the public demand for reform, they made demands to extend the deadline to close Tallulah and drop several provisions in the legislation. FFLIC was completely frozen out of the process and JJPL was only consulted after it appeared the deal had already been struck. In addition, a legislator from the Tallulah region put an amendment on the bill at the last minute that required 40% of any savings to be diverted to his geographic region, on the ground that it would be hard hit economically when the facility closed. This set off a fury among

other legislators and suddenly, despite overwhelming support for some kind of reform, the legislation's passage appeared seriously threatened.

In the end, after a flurry of back and forth revisions and votes, with only minutes to spare before the end of the legislative session, a final version of the Juvenile Justice Reform Act was passed by both the Senate and the House, and was later signed by the governor.

Lessons Learned: Campaign Challenges, Tests of Will, Faith and Commitment

The long and difficult struggle to close Tallulah yielded many lessons. They include:

- The power of a clear and direct message cannot be overstated: keep it simple. "Close Tallulah Now" was the goal and rallying cry for the campaign.

- Resources and capacity to carry out the campaign are essential. The campaign would not have succeeded without the full-time staff on the ground, as well as the assistance from national partners and the financial resources to travel to the capital on a daily basis, if need be, distribute thousands of pages in materials, and make hundreds of long-distance calls over the course of several months.

- Legislative reform is difficult and at times unpredictable. It is important to have several champions in the legislature, and several legislative vehicles for reform.

- Organize and build your base of support before jumping into a legislative campaign. Once you're in the heat of the action it is very hard to engage in effective leadership development.

- It is critical to plan as comprehensively and as far ahead as possible: attempting to plan and implement a strategy when the train has already left the station and the participants are at varying degrees of involvement, capacity, and engagement is next to impossible.

- For any media plan, have a local media team member on the ground to carry it through.

- Seeing is believing: if there are any successful models, such as Missouri, use them to convey the potential of what is possible.

- Clearly delineate the strategic nature of each person's role in the campaign — parent, organizer, advocate, lobbyist, ally, media liaison, etc. — and articulate expectations, especially how team members are accountable to each other.

- Develop and have fidelity to ongoing communication among team members throughout the campaign.

- Be intentional about building trust and capacity among coalition members — which is particularly challenging and essential where the coalition is comprised of grassroots people (mostly poor, mostly people of color) as well as advocates and professional allies (mostly white and middle- or upper-class).

- Ensure that the campaign is informed by — if not driven by — those most deeply impacted by the harm: the families involved in the juvenile justice system understand the problem and are deeply motivated to bring about change.

The challenge of "organizing" in the midst of a major legislative campaign effort proved to be extremely difficult. The campaign did not address the tension between people more familiar to policymakers (i.e., lawyers and professional advocates) and people who make those same policymakers uneasy (i.e., parents), but those issues surfaced repeatedly during the campaign. For example, the effort could have done better preparing parents for the hostile atmosphere they would encounter at the capital and for demanding public forums in which to express their anger and fears.

One of the most difficult moments came in the final days of the legislative session, when Representative Landrieu got the Governor's people on board through various compromises. No one on the CTN team was privy to the legislative behind-the-door conversations and only David Utter of JJPL was brought in, after the deal had been struck, to provide a kind of stamp of approval from the advocates. The parents felt betrayed and Utter felt as if he had no real choice but to agree to the compromise. In the end, Utter bore the brunt of the parents' anger, *"Not solely because of his proximity to power,"* recalled Xochitl Bervera, one of the key organizers, *"but also because of his proximity to us. We never could have expressed*

anger like that to someone like Landrieu. Because David was an ally, who at the moment seemed to be acting like he represented the powers that had just cut a deal, he became the focus of the parents' anger and distrust."

Utter and FFLIC eventually reconciled, and the experience strengthened the bond among the parents. They later sought and held an "accountability session" with Representative Landrieu. At that meeting, they were able to raise their concerns, ask questions directly of the Representative, and have him explain why he made the deal. The fact that FFLIC was able to secure such a meeting and conversation was empowering for the parents and made them realize the importance of their role.

Post-Campaign: Making Legislative Reform Stick

Winning the legislative battle is only half the struggle. A critical part of the success of the CTN campaign was developing a follow-through plan to ensure the implementation of Act 1225, particularly the actual closing of the Tallulah prison and the separation of the Office of Youth Development from the adult DPSC. This required the CTN to get actively involved in the impending Louisiana governor's race. *"I have to give it to David," said Bervera in retrospect. "Only he understood strategically from the beginning how important the governor's race was going to be — getting the new administration on board was absolutely essential to clinching the victory of Act 1225."*

CEJJR was the lead coalition for carrying through the message from the CTN campaign. A strategy was put into action for educating the candidates, as well as the electorate, and making "juvenile justice reform" an issue in the gubernatorial race. CEJJR, FFLIC, and JJPL developed a "Platform for Effective Juvenile Justice Reform" with input from the Youth Law Center and the Justice Policy Institute. At every turn — luncheons, small speaking engagements, rallies, debates — candidates were asked to endorse the Platform. "Blast faxes" were sent almost daily to the media with facts and figures about the continuing abuses within the juvenile prisons, the millions of wasted taxpayer monies, and the more effective use of alternatives to rehabilitate children.

Liz Ryan of Building Blocks for Youth (with aid from the Southern Poverty Law Center), helped the campaign develop high-quality public relations materials targeting policymakers. The campaign distributed a "Juvenile Justice Reform Briefing Book for Louisiana's Leaders" to gubernatorial candidates and their staffs in September, with a letter from CEJJR highlighting the Juvenile Justice Reform Act and asking that they endorse the "Platform for Effective Juvenile Justice Reform," which was enclosed. In November, just before the general election for governor and all of Louisiana's state legislators, the CTN campaign followed up by distributing a "Juvenile Justice Reform Factbook for Louisiana's Leaders" to candidates and other influential decision-makers. The Factbook summarized juvenile justice-related research, public attitudes, and progress toward reform to date, as well as describing key principles of a model juvenile justice system and reiterating support for the Platform. Every candidate eventually endorsed the Platform and became well-versed in the juvenile justice reform movement.

Once Governor Kathleen Blanco was elected, the CTN campaign continued to reach out to her chief advisors and administrators to push for an earlier date for closing Tallulah and removing youth and funding for youth programs from the DPSC. Mitch Landrieu had been elected Lieutenant Governor, and he chaired the Juvenile Justice Implementation Commission (JJIC), which was charged with overseeing the implementation of Act 1225. In her first official executive act, Governor Blanco formally separated youth from the adult DPSC (although she stopped short of creating an entirely separate Department of Children, Youth and Families which had been recommended by Act 1225). And she moved up the formal date for removing all youth from Tallulah, which was a major victory in view of the extended deadline the state had initially been given.

Closing Tallulah

FFLIC parent and advocate Grace Bauer reflects on her part in the CTN campaign, conveying the personal impact of a campaign that is rooted in compassion and championed by those touched most deeply by its success or failure.

"The wrap up of the campaign, from my point of view, was going back to Tallulah in June of 2004. That was a turning point in my life as well as my work. When Xochitl called me to go back there for the closure I was a little nervous. I wondered why she would want me to go back there and support anything this community wanted. After making the five-hour journey there again after all of this time, my view and my perspective began to change. I was still very angry at that town and its people for allowing that prison to exist in its midst. In our time of visiting Corey there I refused to go to their businesses and I never made an effort to be friendly to a soul there, in the prison or in the town. In my mind, my son would not be in that God-forsaken place if they hadn't allowed it to be there.

As I traveled back to Tallulah for the closure and thought of where we had been and where we have come, a change began to take place in me. Because of Tallulah I met some fine folks that changed the direction of my life and most likely the lives of my children. Being a part of FFLIC and JJPL has brought me to place in my life where I truly feel like I belong."

APPENDIX I

JDAI CORE STRATEGIES: THROUGH A RACIAL LENS

To insure that racial and ethnic disparities are a key concern at every stage of the Juvenile Detention Alternatives Initiative, the Annie E. Casey Foundation and the W. Haywood Burns Institute have developed a matrix chart that asks key DMC questions and raises critical issues for each of the eight components of JDAI: collaboration, reliance on data, objective detention admissions screening, development of alternatives to detention, expediting case processing, addressing "special" detention cases, conditions of confinement, and strategies to reduce racial disparities. Although the matrix is not finalized, it is such a comprehensive and useful tool that it is included, with permission of the authors, as an appendix to this report.

JDAI CORE STRATEGIES: THROUGH A RACIAL LENS

COLLABORATION

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Authority	✓ Is there an official imprimatur that reducing racial disparities is an explicit responsibility of the JDAI collaborative?			
Composition	✓ Does the collaborative reflect the diversity of the kids and families involved in your juvenile justice system? ✓ Do we have the decision makers sitting at the table with the appropriate community representatives? ✓ Does the collaborative effort include representatives of the impacted neighborhoods of color? ✓ Are civil rights advocates at the table? ✓ Are community based service providers at the table?			
Organizing the Work	✓ The intentionality and infusion of the racial lens needs to be driven in unison with decision makers and communities of color. ✓ Is the current configuration, e.g., work group, ad hoc committee, working? ✓ Is each sub-committee held accountable for contributions to reducing racial disparities? ✓ Common challenges are 'work groups' working in a silo, which are expected to 'fix' the problem.			
Creating a Safe Place	✓ Are discussions regarding disproportionality undertaken with respect and tolerance? ✓ Are the discussions mainly finger-pointing sessions? ✓ Are deliberations based upon facts, supported by data, or impressions? ✓ Have efforts been made to ensure equal and full participation in the discussions and deliberations?			
Forging a Common Agenda	✓ Do members of the collaborative, including work group members if relevant, have a common understanding of, and embrace the same agenda: detention as the entry point to the reduction of racial disparities? ✓ Members of the collaborative understand that the work entails changing policies and practices under the control of their juvenile justice system. ✓ Members of the collaborative reach a consensus on the use of detention in their jurisdiction. ✓ A shared value that pre-trial detention should not be used as either punishment or treatment.			

RELIANCE ON DATA

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Disaggregating Data by Race & Ethnicity	✓ Base line data of youth ages 10-17, disaggregated by race/ethnicity/gender/geography, should be collected as the foundation to identify the disproportionality and to commence the discussion. ✓ Has the collaborative compared the percentage of youth of color in the juvenile justice system with the percentage of minorities in the general youth population. All ensuing data collection, (e.g., admissions by reason, RAI screening, RAI overrides, LOS, ADP, ATD utilization, etc.), should be disaggregated by race/ethnicity/gender/geography. ✓ Routine management reports present basic utilization statistics by race/ethnicity/gender to enable stakeholders to identify disparities and to assess trends and change policies and practices.			
Detention Utilization Study	✓ One of the first steps in planning for reform is to document how detention is currently used through careful data collection and analysis. A thorough description of recent trends and current practices in detention utilization provides the foundation for the problem identification and analysis, as well as the subsequent development of change strategies. The detention utilization study should provide the collaborative with a quantitative picture of how detention use varies for different categories of youth.			
Geo-coding & Community Mapping	✓ Identify the target area(s), that is the geographic area(s) contributing the highest number of kids in detention. ✓ Map the community assets, including community based organizations currently providing services to youth and their families in the target neighborhoods. ✓ Identifying the target neighborhoods and mapping community based services will assist in informing strategies for effective and efficient alternatives to detention.			
Routine Management Reports	✓ Utilizing data to monitor progress toward reducing racial disparities and disproportionate minority confinement. The JDAI quarterly reports are an example of fundamental management reports. As the data from the reports raise questions, further data queries should be developed to dig deeper and acquire clarity.			
Qualitative Analysis	✓ Digging deeper generally leads to going "behind the data" to look at individual policies and practices to clarify reasons behind the statistics. ✓ What are the practices or policies contributing to the statistical disproportionality?			
Comprehensive Annual Analysis of Racial Disparities	✓ Is the community informed of the state of racial disparities/DMC on an annual basis in your jurisdiction? ✓ Annual reports developed by the system partners helps keep eyes on the prize and promote accountability and transparency.			

ELIMINATING BIAS IN DETENTION ADMISSION SCREENING

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Objective Criteria & Instruments	✓ Collaborative development of a race and gender neutral objective detention admission screening instrument based on risk. ✓ The admission screening instrument should be scrutinized to ensure it is eliminating opportunities for disparate decisions. We're looking to control the front gates in an objective and equitable manner.			
Bias in Statutory Criteria	✓ Examine your jurisdictions statutory detention criteria for any bias and whether the criteria are mandatory or discretionary. This examination should include which factors must be taken into consideration to detain and consider collaborative efforts to develop local detention criteria to reduce the number of kids of color brought to the front gate.			
Testing for Unintended Bias from Screening Tools	✓ Assess the admission screening instruments impact on kids of color. The screening scores should be consistently monitored for disparate application and nuances that can reveal unintended biases. ✓ The risk-based detention screening instrument should not add unfair risk point for kids of color. For example: points for being a "*gang associate*" tend to penalize our kids for living in the disinvested neighborhoods where youth of color and their families have long been segregated; limiting release to parent(s) only and not considering extended family members or a responsible adult.			
Multilingual, Multicultural Intake Staff	✓ Eliminating barriers to returning a youth home. ✓ Intake staff that speak and understand the language spoken by the youth and families to facilitate the release of youth in a more timely fashion. ✓ Implementing intake procedures 24/7. ✓ Intake staff who value, recognize and appreciate one's race and culture and its significance and role in the lives of youth and families.			
Quality Controls	✓ The development of protocols for the implementation of the admission screening instrument. ✓ Leadership providing swift and consistent oversight for compliance with the protocols and with the application and scoring of the admissions screening instrument as well as monitoring overrides. ✓ Monitoring for consistency and equity in the application of the admission screening instrument by intake staff.			
Use of Overrides	✓ Collecting data to determine if kids of color are being overridden in a disparate manner. ✓ What are the override criteria? ✓ What are the reasons for the overrides? ✓ Do patterns emerge in the criteria invoked for the override relative to youth of color? For instance, criteria that allows for an override if "parent, guardian or responsible relative refuses to take custody." Collecting this information will assist in informing strategies for changes in policies and practices relative to the particular override criteria. ✓ Monitoring for consistency and equity in the application of the admission screening instrument by intake staff. If one worker, for example, is overriding the RAI at a significantly higher rate than other workers or at a significantly higher rate for kids of color, the pattern should be identified and addressed immediately.			

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Automatic Detention Cases	✓ Collecting and analyzing the data to determine whether youth of color fall disproportionately into this category. ✓ Conducting a qualitative analysis to determine if changes in policies are necessary, e.g., warrants, and policies that will promote detention alternatives. ✓ Monitoring the data to ensure that the automatic detention category is not disparately being applied to youth of color.			

CULTURAL AND RACIAL COMPETENT ALTERNATIVES TO DETENTION

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Target Populations	✓ The ATD should serve kids who otherwise would be detained. ✓ Is the target population based on risk level, e.g., RAI score, or status, e.g., VOP's? ✓ Collect and monitor data informing which kids are being referred to ATD. ✓ Are youth of color treated disparately in referrals to ATD? ✓ Conduct a qualitative analysis of the target population to determine the needed intervention necessary to inform responsive ATD.			
Program Design	✓ Programs that respond to the needs and circumstances of youth of color. ✓ Good ATD programs are relationship based, not technology based. Successful ATD programs include partnerships with community based organizations to provide the appropriate and cultural & racial relevant and responsive interventions. ✓ Pre-adjudication ATD are intended to ensure court appearance and minimize re-arrest risk. Post-adjudication programs will typically feature more treatment interventions (e.g., counseling) and sanctions. ✓ The ATD is limited in duration of purpose---don't create a purgatory that will set kids up for failure. Does supervision include face-to-face contact? Is the level of supervision based on risk? ATD that offer more than one level of alternative. Collect data on entry to and exits from the programs. ✓ Collect data on the rate of referrals by RAI scores to Electronic Monitoring Programs (EMP). Is there an over reliance on the use of EMP with kids of color? ✓ Collect data to monitor terminations/failures. Is there a high failure rate of kids of color by a particular program? ✓ Conduct a qualitative analysis to determine reasons for failure to inform needed program changes or enhancement and development of ATD. Does the program have a "no reject" policy?			
Service Providers	✓ Community based organizations that provide cultural/race relevant and appropriate services. ✓ Do current service providers have the capacity and are they appropriate, to work with kids of color?			
Location & Access	✓ Are programs that are located in the neighborhoods where relevant youth and families reside? Programs that are accessible to the youth, e.g., getting to the program isn't going to pose a hazard to the youth's safety. ✓ Accessing and partnering with community based organizations that are in the neighborhoods already working with, and touching upon the lives of youth of color and their families.			
Language & Culture	✓ Program staff that have the skills set and values to meet the youth's language and cultural needs. ✓ Eliminate barriers, posed by staff's language limitations that hamper the youth's success on the ATD. ✓ Principles that acknowledge that "culturally responsive" also include understanding and tolerance of "youth culture."			

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Staffing & Services	✓ Staff who relate, and are responsive to, the needs and circumstances of youth of color and their families. ✓ Staff who appreciates the culture of youth and who want to work with youth and help them succeed. ✓ Staff who have an awareness and understanding of the dynamics of the neighborhoods where our youth and their families reside. ✓ Staff who look like the children and live in or around the same neighborhoods as the youth of color and their families. ✓ Activities and services that value and honor the race/ethnicity/culture of the youth and their families. ✓ Are activities and services designed as a "one shoe fits all," or designed to respond to individual needs? ✓ Are services designed to build upon the strengths of the youth and their families? Are there cultural and relevant racial competency trainings for staff? ✓ Is the programs physical environment reflective of the clientele's race/ethnicity/culture?			
Results Based Accountability	✓ Assess current ATD for effectiveness, efficiency, and responsiveness. ✓ Does the ATD affect bed displacement of kids of color? ✓ Whether the ATD is provided for solely by system folks or in partnership with community based organizations, results/outcomes must be established and monitored. ✓ Measurable results for pre-adjudication ATD include minimizing re-arrest and failure to appear (FTA). ✓ Contractual agreements between system agencies and community based organizations that specify expected results and define success. ✓ Agreed upon data collection and methodology, e.g., FTA, re-arrest, successful completion, LOS.			

EQUALIZING CASE PROCESSING

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Analysis of Decision Points	✓ Each of the juvenile justice system partners map the decision making points relevant to their discipline, that touch upon the children's lives as they "process" through the system. ✓ Collect data relative to each of the decision points and analyze for racial disparities. (Some examples of specific decision points: the District Attorney measuring all of their filing decisions and processes by race/ethnicity/gender; the Public Defender measuring requests for continuances, e.g., reasons, frequency, by race/ethnicity/gender; the probation department's recommending or opposing ATD.) ✓ Monitor decision point data for trends. ✓ Monitor for disparities in arresting charge vs. actual charge filed vs. resulting adjudication.			
Examining "Race Effects" Throughout Case Processing	✓ Develop an initial mapping of your jurisdiction's case processing, including time frames for each of the case processing "steps." Collect the data to determine any disparate outcomes based on race/ethnicity/gender. Utilize the data to inform changes in policies and practices.			
Minimizing Unnecessary Delay	✓ Critical examination of case processing with an eye to reveal unnecessary delay for kids of color which contribute to longer lengths of stay in detention. ✓ Efficient court and placement system with short lengths of stay in detention. ✓ Measure length of stay by race/ethnicity/gender to inform changes in policies and practices. ✓ Dedicated staff/expeditor assigned to monitor the status of detained youth and identify any disparities. ✓ Examine for and reduce delays that can result in pushing kids into detention, e.g., delays leading to FTA, resulting in the issuance of a warrant in turn resulting in detention.			
Ensuring Equal Access & Due Process	✓ The administration of justice that is responsive to the circumstances of youth of color and their families. ✓ Public transportation conveniently located in the impacted communities and in proximity to court services. ✓ Multi-lingual court personnel, including courtroom interpreters, to minimize barriers for youth of color and their families. ✓ Defense counsel knowledgeable of, and experienced in, juvenile law. Defense counsel who understand the circumstances of youth of color. Sufficient number of public defenders to support the case load. A fair and honest rate of pay for appointed counsel. Ensure that youth are represented by counsel at every stage of the proceedings. ✓ Monitor for waivers of counsel by youth and eliminate such policies and practices. ✓ Monitor for disparities in adjudicatory outcomes for kids of color.			
Consistency & Equity	✓ Ensuring that kids who are similarly situated are treated in an equitable manner from courtroom to courtroom. ✓ A determined and intentional commitment to equitable and consistent treatment of kids of color that reflect the principals of JDAI.			

RACE AND "SPECIAL" DETENTION CASES

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Data Analysis	✓ Are there disparities in case status by race/ethnicity? Often, kids of color are more likely to have warrants, be charged with VOPs, etc. ✓ If disparities are found statistically, are there policy or practice reasons for these? ✓ Do youth of color have longer lengths of stay? ✓ This is especially likely in the pending placement group; what causes these differences? ✓ What are the reasons for warrants, VOPs and delayed placements? For example, are most warrants for FTA? Most VOPs for positive drug tests?			
Warrant Reduction Strategies	✓ Are FTA rates high; at first appearance? High FTA rates often include many unintentional absences. ✓ Is there a court notification system? FTA can be reduced simply by reinforcing notification of court dates. (Similar gains can be made viz. VOPs by decreasing likelihood that youth miss visits with probation.) ✓ Are warrant cases screened with RAI? Many warrant cases pose low public safety risks (after all, the kid was not detained in the first instance), but "automatic" detention policies often mean that risk is never assessed. ✓ Is there a differential warrant policy? Do judges indicate whether individual warrants must be detained, or is there simply a blanket policy.			
Violations of Probation	✓ How are conditions of probation established; are they too numerous? If there are lots of unnecessary conditions, it is easy to violate youth. ✓ Are detained VOP cases equally distributed across staff? Differences between probation officers in use of detention for VOPs indicates that the underlying policies do not structure decisions or control for individual idiosyncrasies. ✓ Are graduated sanctions available as alternatives? Systems ought to have options short of detention that are based upon seriousness of the violation, etc. ✓ Is there court policy requiring court intervention for technical violations? ✓ Can the department handle routine violations administratively? ✓ What do we know about the quality of probation supervision generally? In some systems, for example, high caseloads typically mean ineffective case management which, in turn, leads to youth "failures", negative results that might be avoided through improved supervision.			

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Pending Placement Cases	✓ Do placement options reflect diversity of client population? Are they culturally competent? If placements are not available for non-English speaking youth, for example, they will languish as staff look for a program that can communicate with the clients. Similarly, culturally incompetent programs will surely have higher failure rates as youth abscond or get frustrated and alienated. ✓ What are program policies regarding rejection of referrals or termination of clients? Contract conditions can reduce pending placement cases simply by ensuring that referred clients are accepted or by limiting the numbers of youth getting recycled because of unnecessary ejection from programs. ✓ Is there effective dispositional planning? Many places have long pending placement lists because they are uncreative or rigid in their approach to crafting individualized dispositions. ✓ Does the placement process delay release? If placement paperwork is not prepared in a timely way, or only sent to one program at a time, days will be wasted. ✓ Are there intensive home-based services available? Over-reliance on out-of-home placements is often the result of limited non-residential program options.			
Effectiveness of Counsel	✓ Does counsel take steps to reduce likelihood of warrants, or to clear old warrants? Defense lawyers can reduce clients' jeopardy of detention for FTA simply by taking steps to ensure their clients appear in court as scheduled. ✓ Does counsel have capacity to do effective dispositional advocacy? In many places, the defense fails to offer the court non-residential alternatives that could minimize pending placement backlogs. Similarly, failure to advocate for appropriate conditions of probation increases odds that violations will occur. ✓ Does counsel challenge VOPs? Detention use in VOP cases can be avoided if counsel presents a case against the allegations or the detention. ✓ Does counsel review "special" detention cases internally or participate in system case reviews? Placement cases languish absent prodding to expedite arrangements. Warrants may be cleared and set the stage for renewed applications for release. These developments are more likely if there is a structured review process, either in counsel's office or by the system generally.			

CONDITIONS OF CONFINEMENT

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Staff Competencies	✓ Do staff reflect the racial/ethnic composition of detained youth? Detainees are more likely to be able to communicate, feel safe, etc. if the staff reflect them. Similarly, staff biases are less likely to manifest themselves when staff are more diverse. ✓ Of particular importance, do non-English speaking youth have staff with whom they can communicate? ✓ Do staff routinely receive diversity training? If we want staff to do their jobs in culturally competent ways, they may need training and consistent reinforcement. ✓ Are staff efforts to perform work in culturally sensitive and competent ways routinely reinforced? If we want staff to act in certain ways, or reflect certain values, management should create incentives for such behavior (or disincentives for its opposite).			
Facility Programming	✓ Does facility offer culturally appropriate programs? Failure to celebrate relevant holidays, or to give equal attention to various racial or ethnic groups will create an us/them environment. ✓ Are there faith-related resources that reflect diversity of religion**?** Whether for formal services or individual counseling, the diversity of faiths ought to be accommodated by the detention programs.			
Health & Hygiene Supplies	✓ Are products familiar to different racial/ethnic groups available? Differences across groups need to be accommodated lest minority groups be forced to use "foreign" supplies.			
Access & Visitation	✓ Are youth able to see their lawyers? Detained youth should be able to contact their lawyers by phone and there must be private space for consultations. ✓ Can youth call home? Facilities need to provide opportunities for youth to call home (collect) in order to maintain contact. ✓ Are visitation policies sufficient to maximize likelihood of contact between youth and family members? If visitation days and times are restrictive, kids are less likely to maintain effective contact with family and will be more likely to be depressed, etc.			
Food	✓ Does food service reflect diversity of detainees?			
Discipline, Restrictions & Restraints	✓ Is the use of various disciplinary actions, including loss of privileges, room restrictions and placement in restraints equal across racial and ethnic groups? ✓ Is there a sufficiently detailed and observed set of due process protections in place? ✓ Is there an accessible, genuine grievance process available to detained youth? ✓ Do youth of color experience more incident write-ups or infractions?			
Overall Climate	✓ Do youth of color feel safe in facility? ✓ Do youth of color feel respected in facility? ✓ Does housing tend to segregate youth by race/ethnicity? ✓ Are there tensions and hostilities across racial and ethnic groups?			

SPECIFIC STRATEGIES TO REDUCE RACIAL DISPARITIES

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Formulate a Vision & Goals	✓ Determined leadership! No specific strategy seems more important than the tangible commitment of system leaders to racial justice. System leaders make reduction of racial disparities in detention their priority and use both their formal and informal authority to focus agency strategies to reduce DMC. System leaders engaging staff in the development of a vision establishing the reduction of racial disparities fundamental work. ✓ Establishing measurable objectives that are within the control of each partner's respective system/discipline.			
Establish Formal Structures to Keep Eyes on the Prize	✓ Intentionality! Intentionality! Intentionality! Keeping all eyes on the prize requires intentionality. ✓ Ensure that technical changes are transformed to "adaptive changes." Establish the organizational infrastructure to sustain system changes. For example: developing and implementing an RAI is a technical change. However, if the infrastructure, (e.g., training, protocols, monitoring the data, quality control, etc.,) are not developed, addressed and adhered to, then the change has not been "adapted," the change will slip into the status quo.			
Build Ties to Communities of Color	✓ Successful efforts to reduce racial disparities and DMC includes communities of color at the table. This isn't an issue that white people are going to solve on their own without the unique perspectives of people of color impacted by the polices and practices. ✓ Relinquishing power to meaningfully engage and promote the unique perspectives and lens brought by people of color. ✓ Promoting system accountability and transparency. ✓ Building allies with communities of color to effectively reduce racial disparities and DMC.			
Diversify System Workforce	✓ Establish measurable goal to establish a workforce reflecting the demographics of the jurisdictions children and families. ✓ A multi-cultural and gender workforce whose values reflect the principles of detention reform and the reduction of racial disparities and DMC. ✓ Key positions have bi-multilingual staff.			
Conduct Cultural & Relevant Racial Competency Training	✓ Ongoing system training to develop staff cultural and relevant racial competencies. ✓ Implementation of cultural and racial competence standards by all of the juvenile justice departments.			

Issue	What we're looking for; why this is important	Review, observe and interview	Major Findings	Best practices; recommendations
Create New or Utilize Current Capacities in Key Neighborhoods	✓ Engaging non-traditional partners/CBO's who are already working with youth of color and families in their neighborhoods. ✓ Commitment to, and assisting in, developing the capacities of CBO's to partner in efforts to reduce unnecessary and inappropriate detention, including disproportionality. ✓ Informed by the quantitative and qualitative data developed relative to assessing ATD, create ATD in key neighborhoods where kids of color and their families reside.			
Develop Objective Tools for Key Decision Points	✓ Key decisions, not just the decision to detain, are supported by objective tools. ✓ These decision points should be identified from the mapping of the decision points of all system partners; "peeling the onion" at each point to determine how the decision impacts kids of color. ✓ Tools defined by solutions to the disparities uncovered at any decision point. Examples of objective tools include: detention criteria developed in partnership with law enforcement; customer surveys that identify service barriers; criteria without racial bias for assignment to intensive caseloads; criteria for removal from intensive caseloads; partnering with cultural and racial relevant CBO's to improve success rates of kids in pre-and post-adjudication services; multi-/lingual/cultural/racial intake officers to facilitate the youth's release from detention.			
Improve Defender Services	✓ Recognition by defenders of their role in policy reform, exposing abusive practices in detention, the overuse of detention, overcrowding, DMC, and disparities in case processing and outcomes for kids of color. ✓ On going training in defense advocacy of juveniles.			
Stop "Dumping" of Youth from Other Systems	✓ School administrators/decision makers and key mental health personnel must be at the table and actively participate in reaching a consensus as to the use of detention and the implementation of JDAI strategies. ✓ Reach a common understanding that it is harmful to children, and inappropriate, to detain kids in order to provide for their health and mental health needs. ✓ Develop a 'system of care' to leverage resources and provide comprehensive services to children outside of detention. ✓ Minimize school as the entry point into detention by stopping the criminalization of school based behaviors. ✓ Eliminate responsibilities that have been transferred from schools to the juvenile justice system. ✓ STOP opening the front door to detention so readily.			
Include Communities of Color in Decision Making	✓ It's not enough to build ties with communities of color, they must be included in, and have an equal voice in the decisions necessary make change. ✓ Communities of color are at the table providing their unique perspectives in the decision making process.			

APPENDIX II: RESOURCES

Annie E. Casey Foundation
Juvenile Detention Alternatives Initiative (JDAI)
701 St. Paul Street
Baltimore, Maryland 21202
410-547-6600
www.aecf.org

Advocates for Children and Youth
8 Market Place, Fifth Floor
Baltimore, MD 21202
Phone: 410/547-9200
www.acy.org

The W. Haywood Burns Institute
180 Howard Street, Suite 320
San Francisco, CA 94105
415-321-4100
http://www.burnsinstitute.org/

Campaign 4 Youth Justice
1003 K Street, NW, Suite 500
Washington, DC, 20001
202.558.3580
www.campaign4youthjustice.org

Citizens for Juvenile Justice
101 Tremont Street,
Suite 1000
Boston, MA 02108
617-338-1050
http://www.cfjj.org/

Coalition for Juvenile Justice
1710 Rhode Island Avenue, NW
10th Floor
Washington, DC, 20036
202-467-0864
http://www.juvjustice.org/

Faith Communities for Family and Children.
Post Office Box 9026
Inglewood, CA 90305
323-758-7849
http://www.fc4fc.org/

Families and Friends of Louisiana's Incarcerated Children
1600 Oretha Castle Haley Boulevard
New Orleans, LA 70113
Tel 504-522-5437
http://www.jjpl.org/FamilyAndCommunityResources/FamiliesAndFriends/familiesandfriends.html

Justice 4 Youth Coalition c/o Prison Moratorium Project
388 Atlantic Avenue, 3rd Floor
Brooklyn, NY 11217
718-260-8805
www.nomoreyouthjails.org

Justice Policy Institute
1003 K Street, NW, Suite 500
Washington, DC 20001
www.justicepolicy.org

Juvenile Justice Initiative
413 West Monroe
Springfield, Illinois 62704
217-522-7970
http://www.jjustice.org/

Juvenile Justice Project of Louisiana
1600 Oretha Castle Haley Blvd
New Orleans, LA, 70113
504-522-5437
www.jjpl.org

Juvenile Law Center
1315 Walnut St., 4th floor
Philadelphia, PA 19107
215-625-0551
www.jlc.org

The John D. and Catherine T. MacArthur Foundation.
140 S. Dearborn Street,
Chicago, IL 60603-5285
312-726-8000
www.macfound.org

Multnomah County (Portland, Oregon) Department of Community Justice
1401 NE 68th Avenue
Portland, Oregon 97213
503-988-5698
http://www.co.multnomah.or.us/dcj/jcjdetreform.shtml

National Center for Juvenile Justice
3700 South Water Street
Suite 200
Pittsburgh, PA, 15203
412-227-6950
www.ncjj.org

National Council on Crime and Delinquency
1970 Broadway, Suite 500
Oakland, CA 94612
415-896-6223
http://www.nccd-crc.org/

National Juvenile Defender Center
1350 Connecticut Avenue
NW, Suite 304
Washington, DC 20036
202.452.0010
http://www.njdc.info/

Office of Juvenile Justice and Delinquency Prevention Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-307-5911
http://ojjdp.ncjrs.org/

Parents Who Care Coalition
P.O. Box 455
Whitewood, South Dakota
57793
www.geocities.com/Heartland/6894/

Pretrial Services Resource Center
927 15th Street, NW
3rd Floor
Washington, DC 20005
202-638-3080
http://www.pretrial.org/

Santa Cruz County (Santa Cruz, California) Probation Center
3650 Graham Hill Road
Santa Cruz, CA, 95061
(Mailing Address: PO Box 1812)
831-454-3800
http://www.co.santa-cruz.ca.us/prb/Probation_index.html

The Sentencing Project
514 - 10th Street, NW
Suite 1000
Washington, DC 20004
202-628-0871
www.sentencingproject.org

Youth Law Center
1701 K Street, N.W., Suite 600
Washington, DC 20006
202-637-0377
www.ylc.org

Building Blocks for youth

www.buildingblocksforyouth.org