MODELS FOR CHANGE: Building Momentum For Juvenile Justice Reform

A Justice Policy Institute Report

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ModelsforChange
Systems Reform in Juvenile Justice

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Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana and Washington.

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INTRODUCTION

POSITIVE REFORMS IN JUVENILE JUSTICE—TAKING NEW PATHS

Models for Change is promoting the creation of juvenile justice systems that are fair, rational, effective and developmentally sound. These model systems will hold young offenders accountable for their actions, provide for their rehabilitation, protect them from harm, increase their life chances and manage the risk they pose to themselves and public safety.

Juvenile justice policy in the United States has quietly passed a milestone. After a decade shaped by myths of juvenile "superpredators" and the ascendancy of punitive reforms, momentum for systemic reforms is growing.

Significant new research on adolescent development and the demonstrated success of evidence-based practices have buoyed efforts to reestablish more rational and effective policies. While some still beat the drum for harsher measures, a group of innovative state leaders from across the country are creating a new path toward fair, rational, effective, and developmentally appropriate models for juvenile justice reform.

This brief tells the story of how the four Models for Change states—Pennsylvania, Illinois, Louisiana, and Washington—are already moving to reform and reshape their own state juvenile justice systems. These states have demonstrated strong leadership in juvenile justice policy, value collaboration and engagement, and because of their efforts, have changed the political climate to make deeper systems reform possible. This brief examines the ways that Models for Change is seeking to build on their efforts, in the hope that the initiative will help these states develop new model policies, practices and procedures that will strengthen their reform work, and possibly represent changes that could be replicated in other states.

TURNING AWAY FROM THE HISTORIC MISSION OF THE JUVENILE JUSTICE SYSTEM

The United States' juvenile justice system opened a century ago in Chicago with the enlightened goal of providing individualized treatment, supervision and services to young people. The prevailing wisdom held that young people should be treated differently than adults.

In the 1990s, attitudes changed. A few spectacular cases fueled political calls for more punitive approaches. The core values of the juvenile court were challenged further by policies mandating a shift away from rehabilitation, implementation of harsher, more punitive sanctions, weakening of the confidentiality of juvenile proceedings and the increased incarceration of young people. While many thoughtful state leaders sought to stem the punitive tide, the policy impact of this shift meant that critical parts of the juvenile justice system were underfunded and under-resourced, and that the system could not effectively coordinate young people's care with the child welfare, public health and school systems. As few juvenile justice systems had the capacity to evaluate programs and practices, there was little opportunity or political will to hold systems accountable for their outcomes. While everyone in a community is impacted by a juvenile justice system that fails to work effectively, the erosion of the system had a concentrated impact: Young people of color, who represent nearly two-thirds of young people in detention[1] and more than seven out of 10 young people incarcerated in adult institutions[2], bore the harshest brunt of these policies.

Today, the fallacies that drove the wave of punitive policies are being challenged, and the space for new ideas to flourish is growing. A number of factors, including falling crime rates, state budget crises and new research on what "what works" to help young people steer clear of crime are encouraging policy makers to reconsider the wisdom of "get tough" policies.

RESEARCH REFRAMES THE DEBATE AND INFORMS POLICY CHANGE

Research conducted over the past 10 years has changed the frame of the debate on juvenile justice policy. Studies conducted by the John D. and Catherine T. MacArthur Research Network on Adolescent Development and Juvenile Justice have confirmed that there are significant differences in the cognitive development of adolescents that affect their ability to make sound judgments. Teenagers are neither competent to stand trial under the same circumstances as adults, nor are they as blameworthy for their actions due to developmental immaturity. Research has recently emerged on the cost ineffectiveness of trying youth as adults—showing that young people fare worse in the adult system than they do in the juvenile system. Most important, preliminary research on public attitudes on spending tax money on rehabilitation versus incarceration also shows a willingness to pay for restorative activities if the end result is a reduction in crime.

"The MacArthur Foundation has made reducing racial disparities in the juvenile justice system a critical objective of Models for Change." Jonathan Fanton, president, The John D. and Catherine T. MacArthur Foundation[3]

We are now seeing a return on the investments made in research, which is helping drive policy change around the country. In 2005, the Supreme Court drew on the MacArthur Research Network's findings in the *Roper v. Simmons* decision, which ended the death penalty for those younger than 18 at the time of their offenses. The impact of that decision is being felt in statehouses and juvenile justice departments where administrative, legislative and local changes to policies, procedures and practices are drawing on research-based approaches to help young people stay out of trouble and successfully transition to adulthood.

Just as there are multiple pathways to reform, juvenile justice system change takes shape in different forms from state to state. During this decade, states have closed down large juvenile institutions and shifted resources toward community-based programs and services. There is also rising concern nationwide for the mental health needs of young people in the juvenile justice system. Some states have passed laws to reduce the number of youth tried and sentenced as adults. A recent survey of state policy changes by the National Juvenile Justice Network, an association of statewide juvenile justice advocacy groups working toward a fairer, more equitable and developmentally appropriate juvenile justice system, identified the following state trends in policy[4]:

- **Large-scale institutional reform**. Three states (Illinois, Louisiana and Mississippi) have instituted significant structural changes to their juvenile justice systems. Illinois and Louisiana developed new juvenile corrections departments, separating these functions from the adult corrections system, allowing age appropriate services and supervision to be delivered to youth in these systems.

- **Returning young people to juvenile court jurisdiction.** Three states (Illinois, Delaware and Washington) considered major overhauls of juvenile systems, including legislation to return youth from the adult courts to the juvenile justice system, or to provide discretion to judges when youth face adult prison terms. Illinois and Delaware set limits on the automatic transfer of juveniles to adult court while Washington eliminated mandatory minimum sentences for youth tried as adults.

- **Strengthening aftercare services to help young people return to their communities.** Four states (California, Indiana, Virginia and Pennsylvania) improved the aftercare system, finding ways to support young people's re-integration into their communities after spending time in juvenile facilities. The Virginia Department of Education adopted new guidelines to help young people return to school upon release from incarceration. In Pennsylvania, more than a third of the counties, supported by state stakeholders, have committed to develop a "model" aftercare system by 2010.

- **Improving juvenile conditions of confinement.** Six states and jurisdictions (Arizona, the District of Columbia, Louisiana, Maryland, Montana and Ohio) took steps to improve the conditions of youth confinement in state secure care. The District of Columbia committed to downsizing its distant detention facility by 2009 and plans to bring most young people back to the city by developing smaller, community-based facilities. Maryland passed legislation that would require the state to improve educational services for young people in residential facilities.

- **Providing mental health treatment to young people who need it.** Four states (South Dakota, Washington, Virginia and Idaho) passed legislation to improve mental health services to young people in the juvenile justice system, or divert young people from the juvenile justice system to community-based mental health treatment. In Washington, new legislation provides that any juvenile who comes before the court may be eligible for the Mental Health Dispositional Alternative, which provides for a suspended sentence and mental health treatment. In Idaho, recent legislation allows juvenile court judges to order a mental health assessment of a juvenile at any stage in the juvenile court proceedings.

- **Investing in services rather than state confinement.** Five states (Louisiana, Maryland, Mississippi, Illinois and Washington) have improved, or are working to improve, access to community-based services for youth. Illinois, Louisiana, Mississippi and Washington have changed the fiscal incentives to encourage community-based services, supervision and sanctions in their home communities as alternatives to secure confinement. Maryland expanded funding for community-based, non-residential delinquency prevention and diversion programs.

- **Improving juvenile defense.** Six states (Illinois, Michigan, Mississippi, Montana, Virginia and Wisconsin) have either improved or promoted legislation to enhance the ability of juvenile defenders to represent young people in court. In Illinois, legislation stipulates that young people may not waive their right to counsel. In Montana, legislation was passed that provides for a statewide public defender system and requires the appointment of counsel for any youth charged with an offense.

While these positive trends in juvenile justice are encouraging, opportunities for deeper levels of system reform are emerging, spearheaded by partnerships between a number of charitable foundations, the public and private sectors, nonprofits and government. Responding to the drug-treatment needs of young people in trouble with the law, the Robert Wood Johnson Foundation is helping 11 states improve substance abuse treatment through the development of model programs. The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative is working in approximately 75 jurisdictions in 19 states and the District of Columbia to promote systemwide reform by focusing on a variety of ways to safely reduce reliance on detention.

By investing in research, advocacy and policy reform in select states and around the country, the MacArthur Foundation has helped to create a positive climate for systems change. With its increased commitment through the Models for Change initiative, the Foundation and its partners in government, advocacy and communities are hoping to generate both innovative reform models for juvenile justice systems, and a process for bringing together the people required for change to occur. Decades of policy reform work and leadership in Illinois, Pennsylvania, Louisiana and Washington are the guiding lights to this initiative, and together with the new efforts of Models for Change, may represent new models for juvenile justice reform.

MODELS FOR CHANGE: SYSTEMS REFORM IN JUVENILE JUSTICE

For more than a decade, the MacArthur Foundation has been investing in grantees involved in research, advocacy and policy development at both the state and national level. In 2004, the Foundation launched **Models for Change: Systems Reform in Juvenile Justice (Models for Change)** to put lessons from the research, advocacy and policy development into practice in partnership with states already emerging as juvenile justice reform leaders. Through this initiative, the MacArthur Foundation is more than doubling its investment in juvenile justice and will be investing $100 million over five years in juvenile justice reform. Models for Change has developed a working framework for the principles that define a model modern juvenile justice system.

CORE PRINCIPLES OF A MODEL JUVENILE JUSTICE SYSTEM

- **Fundamental fairness:** All system participants —including youthful offenders, their victims and their families—deserve bias-free treatment.
- **Recognition of juvenile-adult differences:** The system must take into account that juveniles are fundamentally and developmentally different from adults.
- **Recognition of individual differences:** Juvenile justice decision makers must acknowledge and respond to individual differences in terms of young people's development, culture, gender, needs and strengths.
- **Safety:** Communities and individuals deserve to be and to feel safe.
- **Personal responsibility:** Young people must be encouraged to accept responsibility for their actions and the consequences of those actions.
- **Community responsibility:** Communities have an obligation to safeguard the welfare of children and young people, to support them when in need and to help them to grow into adults.
- **System responsibility:** The juvenile justice system is a vital part of society's collective exercise of its responsibility toward young people. It must do its job effectively.

Source: Models for Change: Systems Reform in Juvenile Justice.

TARGETED AREAS OF IMPROVEMENT

Models for Change's state work is focused on key *"targeted areas of improvement"* (TAI). These intervention points represent an identified area in a juvenile justice system where, if improvements are made or outcomes altered, changes will improve the overall performance of the juvenile justice system. Each state chapter in this brief details the work in association with the targeted areas of improvement or the work being proposed for the future.

STATE AND LOCAL REFORM WORK

Within a state, there are multiple juvenile justice systems with overlapping responsibilities and functions shared among different levels of government and youth-serving systems (education, public health, juvenile probation, child welfare, recreation, courts and law enforcement). Models for Change targets the range of participants at both local and state levels. Coordination within a state also helps all levels of government to access federal and other funding streams that can benefit young people throughout the juvenile justice system.

Models for Change is also concerned with the process of local reform. When local efforts succeed, they can offer a model for how to organize the steps to reform that can be replicated in other locales.

NATIONAL AND STATE PARTNERS

To facilitate systemwide coordination, a *lead entity* has been selected in each state to manage the reform agenda and the contributions of national partners. The lead entity works with state and local agencies, nonprofit organizations and others to develop and implement a coordinated strategy to drive system reform efforts. Models for Change includes a "national resource bank" of organizations with specialized knowledge and expertise in juvenile justice that consult and provide technical assistance to state and local partners.

Models for Change work is well underway in Pennsylvania and Illinois. Louisiana and Washington-state were selected in 2005, and the planning process to develop the work in those states is underway.

KEYSTONES FOR REFORM: JUVENILE JUSTICE PROGRESS IN PENNSYLVANIA

A bellwether state in juvenile justice, Pennsylvania has taken steps toward creating more effective juvenile justice policies. Pennsylvania's commitment to change allows Models for Change to concentrate its efforts assisting with systems reform at the local level.

In Pennsylvania, strong leadership, strong partnerships among Pennsylvania's stakeholders, and considerable consensus about the strengths and weaknesses of the state's juvenile justice system have created a positive political climate where good public policy can flourish.

The "Keystone State" is ripe for deeper systems reform work because policies and practices that are promising models for the rest of the nation have already been adopted. According to "Keystones for Reform[6]," a report written by a number of national organizations working on Models for Change, the strong leadership and strong partnerships among Pennsylvania's stakeholders, and considerable consensus about the strengths and weaknesses of the state's juvenile justice system have created a positive political climate where good public policy can flourish. Key features of Pennsylvania's distinctive advances in juvenile justice policy include:

- **Increasing judges' expertise in juvenile justice policy and training.** Since the 1950s, the Juvenile Court Judges' Commission (JCJC) has succeeded in depoliticizing juvenile justice by cultivating relationships with the legislature, the governor's office and advocates and by ensuring that those who make decisions about the operation of juvenile justice are those who are knowledgeable in the field. The JCJC conducts research and training, develops and oversees compliance with standards, and engages in legislative and policy analysis on juvenile justice issues.

- **Incentives for programs, not confinement.** Commonsense reforms enacted in the 1970s and 1980s, including the passage of Act 148 and the shift toward needs-based budgeting, helped Pennsylvania flip the financial incentives to encourage counties to keep young people at home, in their communities, and in the least restrictive placements rather than in locked state institutions.

"We are committed to creating a juvenile justice system that not only holds young people accountable for their actions, but also provides effective rehabilitation while recognizing the important developmental differences between young people and adults." Pennsylvania Governor Edward G. Rendell[5]

- **The use of evidence-based practices and funding of prevention programs.** The state is using a variety of models that have been proven effective in extensive scientific research, which are central to treatment approaches in the juvenile justice system.

- **Screening detained youth for mental health issues.** The Massachusetts Youth Screening Instrument (the MAYSI-2), a tool to identify needs for mental health assessment and treatment for incarcerated youth, is used in most jurisdictions in Pennsylvania to help detention centers better meet the mental health needs of incoming youth.

- **Supervising youth in their communities.** The Allegheny County Juvenile Court's Community Intensive Supervision Program (CISP), a community-focused alternative to incarceration, fosters closer ties between youth and their communities while providing meaningful supervision for juvenile justice-involved youth. The model is currently being considered for statewide expansion.

- **Keeping detention populations low in Philadelphia's Youth Study Center (YSC).** Through a mix of detention alternatives and vigilant review of procedures and policies, Pennsylvania's biggest city has kept its detention population under 105 (in a city of nearly 1.5 million residents).

Building on the strong policy foundation in place, Models for Change efforts in Pennsylvania are focused on three Targeted Areas of Improvement: the coordination of the *mental health* and juvenile justice systems; the system of *aftercare* services and supports; and *disproportionate minority contact* with the juvenile justice system.

I) WORKING TOWARD SUCCESSFUL MODELS IN AFTERCARE

"We're receiving support for aftercare services because our county's exemplary juvenile probation department has proven that it has what it takes to help youth and protect communities." Commissioner Rebecca Burke, chairperson of the County of Lycoming Board of Commissioners[7]

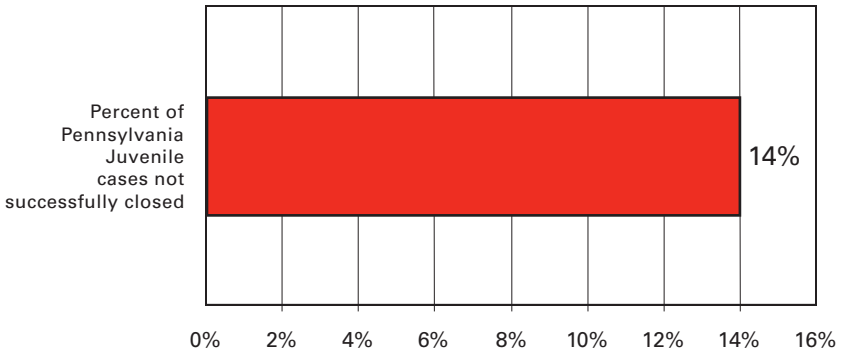
In a model system, juvenile justice professionals would work to help juveniles become law-abiding and productive citizens by connecting them with the programs and services they need to adjust and succeed after leaving residential treatment. Treatment plans would be integrated with aftercare plans to help offenders overcome problems, build on strengths and acquire life skills. Returning young offenders would enroll immediately in school or have a job waiting. They would have quick access to mental health or substance abuse treatment services, and they would have strong support from family or other caring adults. Their life chances would be better after contact with the juvenile system than when they entered placement, and they would be less likely to commit future delinquent acts.

Although determining a specific figure is difficult, researchers estimate that the recidivism rate for untreated serious juvenile offenders is about 50 percent.[8] In 2004, the Juvenile Court Judges' Commission[9] reported that 14 percent of juvenile cases were not successfully closed.[10] Supported by Models for Change, the Pennsylvania Commission on Crime and Delinquency (PCCD), the state Departments of Public Welfare and Education, the Juvenile Court Judges' Commission, the Juvenile Law Center, the Pennsylvania Council of Chief Probation Officers and others have been working together to engage state and county agencies to develop a better juvenile aftercare system to address recidivism.

"We, stakeholders in the juvenile justice system of the Commonwealth of Pennsylvania, pledge to collaborate with each other and with other stakeholders to develop a model aftercare system in Pennsylvania for youths leaving delinquency placements. Effective aftercare furthers the Commonwealth's goal of promoting a balanced approach to juvenile justice while providing rehabilitation and treatment to delinquent youth, thereby encouraging life success." Pennsylvania's Joint Policy Statement on Aftercare, January 1, 2005

In early 2005, state partners in Models for Change developed a position statement on aftercare that was endorsed by the five state agencies noted above. This statement holds the goal of developing "a comprehensive aftercare system by the year 2010," and represents a statewide vision for an ideal system of aftercare. By fall of 2006, nearly a third of Pennsylvania probation departments publicly supported the "Joint Policy Statement on Aftercare," agreeing to try to implement the ideals of the statement in their jurisdictions by the year 2010. This statement is one of the most comprehensive—and strategic—descriptions of high-quality aftercare in the country.

In Pennsylvania, in 2004, 14 percent of juvenile cases were not successfully closed



Source: The Pennsylvania Juvenile Court Judges' Commission (2005). "Juvenile Justice Report Card."

In 2004, PCCD supported Models for Change by providing federal Drug Control and System Improvement funds to four counties to improve their aftercare services: Allegheny, Cambria, Lycoming, and York Counties will receive a total of about $1.8 million over three years. Models for Change provides funds for aftercare efforts in Philadelphia, the state's largest county. Additionally, Models for Change is providing funding to organizations and entities throughout the state that are working on the aftercare effort.

Counties are engaged in a wide variety of programs to reform juvenile aftercare, but the one thing they have in common is that the efforts are geared to help young people successfully leave court-ordered placements and go on to lead productive lives.

IMPROVING AFTERCARE IN PENNSYLVANIA COUNTIES

Education—Allegheny County has a team of education specialists to monitor and coordinate educational services while juveniles are in out-of-home placement, and when they leave placements and return home. A key role of the education specialists has been to visit and assess the education offerings at many of the provider agencies the county uses. This information will be used to enhance the placement decision-making capacity of the counties' juvenile court, and has the added benefit of strengthening the relationship between the placement facilities and the probation department.

Employment—Cambria County has created an Employment Assessment, Job Readiness/Skill-Building and Employment Opportunity Program targeted at juveniles in aftercare. The program is being run by a local Goodwill Industries affiliate.

Intensive supervision—York County is reforming the way it assesses the risk of placing young people in a particular settings and classifying supervision needs. York is also developing transition plans for youth leaving institutions, strengthening juvenile supervision and enhancing services.

Family/living support—Lycoming County is focusing its aftercare work on plugging gaps in its existing continuum of services. These activities include: utilizing the evidence-based Multi-Systemic Therapy (MST) to help young people's families assist in their rehabilitation; providing stipends for released juveniles who cannot return home to help them live independently; and providing travel reimbursements for parents who would otherwise be unable to stay in contact with their children in residential facilities.

System coordination and alternative sanctions—Philadelphia County is expanding its array of alternative sanctions for youth in aftercare instead of immediately sending them back to placement. The Philadelphia Reintegration Initiative is a collaborative effort developed to address the urgent need for a new approach to children returning from delinquent placements. The initiative, led by Philadelphia Family Court/Juvenile Probation and the Juvenile Justice Division of the Philadelphia Department of Human Services, includes: District Attorney's Office, Defender Association, Philadelphia School District, Behavioral Health System, Juvenile Justice Service Providers, the Workforce Investment Board's Youth Council, and Philadelphia Youth Network. These agencies are working together in order to solve the city's complicated aftercare challenges.

Adapted from Griffin, Patrick, *Pennsylvania Progress,* a publication of the Pennsylvania Commission on Crime and Delinquency (December 2004).

MODELS FOR CHANGE WORK IN FOCUS: ENHANCING MENTAL HEALTH AND JUVENILE JUSTICE SYSTEM COORDINATION

The Surgeon General reports that 21 percent of youth ages 9–17 have a diagnosable mental health or addictive disorder while 11 percent are considered "functionally impaired" to the extent that relationships with peers, parents and their community are jeopardized.[11] According to the National Center on Mental Health and Juvenile Justice, a MacArthur grantee, most youth with mental health issues are untreated and unidentified. A recent multi-state study of mental health problems among justice-involved youth found that for approximately 27 percent of youth in the juvenile justice system, their disorder was severe enough to require significant and immediate treatment. Furthermore, many of these youth also experience a co-occurring substance use disorder.[12] Peer-reviewed research on detained and incarcerated youth confirms significantly higher levels of mental health disorders among delinquent populations than among peers in the general population.[13]

Even though promising approaches have been identified to treat mental health problems in the juvenile justice system, they are rarely implemented. In a model system, professionals in the fields of juvenile justice, child welfare, mental health, substance abuse and education would work collaboratively to produce better outcomes for youth and their families. Youth would not be referred by county agencies and public schools as a result of untreated mental disorders. County agencies and public schools would provide services to young people who misbehave as a result of mental health problems and would not refer them to the juvenile justice system unless their offenses were serious. If such youths *were* arrested, the juvenile justice system would be able to tap into community-based mental health services. Juvenile probation officers and juvenile court judges would be knowledgeable about adolescent development and mental health and would have access to high-quality assessments and appropriate services. Young people's privacy rights would be maintained while allowing agencies to collect and share information appropriately. Upon leaving placement, supportive treatment would continue.

Efforts to address the special challenges of court-involved youth with mental health issues must focus on improving a number of specific conditions, including lack of coordination between county children and youth agencies and the courts; absence of placement prevention services and re-entry services; inadequate identification and diagnosis of mental health problems; lack of access to appropriate services; and problems in collecting and sharing information across systems.

The goal of Models for Change in this area is to improve the coordination of access to mental health services for court-involved young people. If efforts are successful, possible outcomes include increased numbers of court-involved youth who have mental disorders being treated outside the juvenile justice system and increased access to appropriate and effective mental health programs and services. Site-based mental health reform efforts will link with the other two arenas of reform—improvements in aftercare and equal access to services by youth of color. Improvements in access to mental health services will help keep youth out of delinquency placements in the first instance, and youth will have more and better resources available to them when they leave residential care. The strategies include:

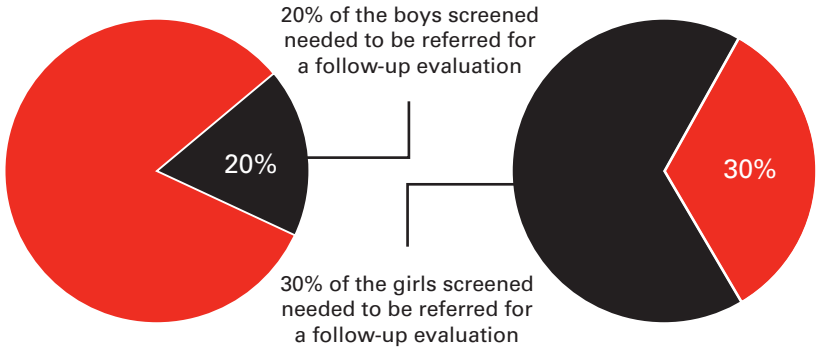
- Collaboration at the state and county levels among the agencies responsible for youth with mental health problems in the child welfare and juvenile justice systems;
- Creating interagency teams to expedite placement of youth into appropriate programs;
- Adopting a single screening and assessment instrument for all young offenders;
- Promulgation of policies to reduce contact with the juvenile justice system for youth with mental health needs and divert them into community-based programs;
- Developing blended or integrated funding strategies;
- Delivery of evidence-based practices and programs.

Two pilot sites in the Models for Change Community-Based Alternatives Initiative in Illinois have begun to utilize community-based programs that include mental health treatment components, as part of their effort to decrease their use of detention and confinement of youth in state facilities. Among the pilot sites in the Redeploy Illinois initiative, some have begun to utilize community-based programs that include mental health treatment components as part of their effort to decrease their use of detention and confinement of youth in state facilities. In Pennsylvania, three counties are working to improve and coordinate access to mental health services for youth in the juvenile justice system. Likewise, Louisiana's proposed work plan calls for evidence-based community services and for alternatives to formal processing that will include providing mental health and drug treatment services to young people in the least restrictive setting. Washington is taking significant steps to divert youth with mental health challenges to community-based treatment.

II) IMPROVING AND COORDINATING ACCESS TO MENTAL HEALTH SERVICES FOR YOUTH IN PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM

According to the National Center on Mental Health and Juvenile Justice, a MacArthur grantee, most youth with mental health issues are untreated and unidentified. Even though promising approaches have been identified to treat mental health problems in the juvenile justice system, they are rarely implemented.

Identifying young people's mental health challenges in the juvenile justice system: Findings from screening using the MAYSI-2 instrument at 18 Pennsylvania detention centers



"Screening Detained Youth for Mental Health Problems: Use of the MAYSI-2 Screening Instrument in Secure, Juvenile Detention in Pennsylvania," *Keystones for Reform: Promising juvenile justice policies and practices in Pennsylvania.* (2005). Washington, DC: Youth Law Center.

Prior to Models for Change, Pennsylvania had been making progress toward meeting the mental health needs of young people who end up in the juvenile justice system. In 1999, Pennsylvania's state juvenile justice advisory group created a Detention Steering Committee (DSC) that identified mental health services for detained youth as a high priority. Pennsylvania then initiated the MAYSI-2 Pilot Program in response to the DSC's call for better mental health-related data on detained youth and identification of valid, reliable and practical mental health screening instruments for use by detention centers in the state. The MAYSI-2 is a standard and reliable self-report screening instrument designed to identify youth in the juvenile justice system who may have mental health or substance abuse needs that require prompt attention.[15]

A study of youth entering 18 juvenile detention centers in Pennsylvania found that roughly 20 percent of boys and 30 percent of girls needed to be referred for a follow-up mental health evaluation.[14]

When Pennsylvania introduced the MAYSI-2 in January 2000, it was the first state in the nation to do so. Collection of county-specific data has allowed detention administrators to collaborate with their local mental health departments and, armed with reliable information about the need for services, to request additional staff positions. Several Pennsylvania detention centers have made significant staffing decisions on the basis of what they have learned about the needs of detained youth from MAYSI-2 data including the hiring of adolescent mental health clinicians and therapists, increased training for staff and enhanced programming in the facility.

The work to address the needs of young people with mental health challenges in the juvenile justice system continues: Models for Change is working to build on the efforts to improve identification and service delivery to youth. This work is happening both at the state and local levels.

Models for Change has been working with a group of state officials, including representatives from juvenile justice, mental health, substance abuse, education and child welfare agencies, to help address statewide barriers to providing mental health services to youth in the juvenile

justice system. Statewide work includes the development of a position paper on a model mental health system for young people signed by key state agencies, identification and pilot testing of a statewide screening and assessment training session with the county teams and outlining solutions to current concerns with screening tools and possible self-incrimination by young people before the courts. It also includes the establishment of a concept paper for a center for evidence-based practices that would help promote model, proven programs in the counties.[16]

At the county level, Models for Change stakeholders are working to improve mental health services by implementing the Comprehensive Systems Change Initiative (CSCI). This is a strategic-planning facilitation model that brings together decision makers from the juvenile justice and mental health systems and helps them devise their own ways to address the mental health needs of court-involved youth, with a particular focus on treating as many juveniles as possible outside the juvenile justice system and increasing court-involved juveniles' overall access to appropriate services.

Models for Change work on mental health at the local level is concentrated in *Erie, Chester* and *Allegheny* counties. Each county has set its own goals and is working to achieve these goals through customized strategic plans.

PENNSYLVANIA: COUNTY MENTAL HEALTH REFORM GOALS AND WORK

Chester: Chester County's goals are to improve its ability to identify youth with mental health problems early; to expand community-based treatment and evidence-based practices; and to engage families in young people's mental health treatment. Stakeholders are working toward a single assessment tool that can be used throughout the county and have hired parent advocates and family support advocates to promote family involvement in young people's treatment.

Allegheny: The goals of Allegheny County (which includes the city of Pittsburgh) are to ensure that probation has the kind of information it needs to effectively communicate with behavioral health service providers; to make behavioral health the central point of contact for assessment, evaluation, treatment and other services; and to identify all youth in the juvenile justice system who have a diagnosable mental health disorder. Allegheny County has developed a series of training opportunities for system staff, including working with a Child Behavioral Checklist to help identify mental health issues among adjudicated youth. The county is also seeking ways to expand the use of Crisis Intervention Teams to serve youth.

Erie: Erie County's goals are to identify, develop and/or implement screening, assessment and treatment that responds to the unique needs of street-level youth; to create a system that would expand the ability of the juvenile court or probation to identify the mental health needs of young people; and to identify staffing, funding and resources to meet the overall goals of the work. The county has created a "triage" prescreening process to identify youth with mental health needs involved with the county's juvenile probation department and has expanded its existing drug court to include a mental health component.

MODELS FOR CHANGE WORK IN FOCUS: EFFORTS TO ADDRESS RACIAL AND ETHNIC DISPARITIES IN THE JUVENILE JUSTICE SYSTEM

While surveys of youth behavior show that minority youth are no more likely to engage in many kinds of delinquent behavior,[18] youth of color are more likely to become involved in the juvenile justice system. Since the incarceration boom of the 1990s, Disproportionate Minority Contact (DMC) has become a major juvenile justice challenge. In 2003, approximately 61 percent of the 95,000 youth committed or detained in juvenile facilities were ethnic and racial minorities,[19] roughly double their percentage of the overall youth population.[20]

DMC may be the cumulative effect of many factors, including bias and stereotypes of youth held by juvenile justice personnel, limited access to resources and community services, location of offenses (e.g., on urban streets vs. in homes in the suburbs) and police policies and practices that respond to and target crime in poor communities. Poverty, unemployment and troubled schools all contribute to DMC. A lack of racial and ethnic data on juvenile arrests, referrals and case-processing information hampers efforts to describe the problem at the most basic level.

Since 1988, the federal government has attempted to respond to the problem. The Juvenile Justice and Delinquency Prevention Act mandated that states participating in the Formula Grants Program[21] "address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system."[22] States that do not address DMC risk losing up to 20 percent of their Formula Grant allocation.

In a model juvenile justice system, all alleged offenders would receive fair treatment at each point of contact with the system regardless of their race or ethnicity. All services, hearings and decisions would be handled in an unbiased manner. The system would monitor compliance with this ideal on a routine basis, and when overrepresentation of any cohort of youth is found, resources would be available to examine whether these youths are treated differently or have unequal access to services. Empowered with more complete information, decision makers would be better able to acknowledge problems and address disparities and practices. The system would provide or advocate for equal access to community-based services for minority youth.

The ultimate goal of Models for Change work addressing DMC is to reduce and ultimately eliminate racial disparities in the handling of juvenile justice cases. In the more immediate term, the initiative seeks to address the data deficiencies in a number of states, help Models for Change states and counties move toward model methods of DMC data collection and then use improved data to develop targeted interventions. The strategy will be to focus initially on improving data collection and to use the enhanced data to raise public awareness and motivate change. The approach will entail:

- Analyzing existing data collection mechanisms, calling attention to deficiencies in available data, and working to improve the way data are collected;
- Raising public awareness about DMC;
- Identifying localities and specific decision points where race or ethnicity may be a factor in decision making, and providing targeted training and assistance where the data reveal significant disparities;
- Developing and implementing realistic models and supporting materials for changing practice when bias is identified;
- Reducing the number of youth of color who enter and move through the juvenile justice system;
- Improving access to community-based services for minority youth;
- Ensuring that DMC-reduction efforts are grounded in research and the experience of others.

Under Models for Change, efforts to reduce DMC are underway in Illinois and Pennsylvania (see Pennsylvania and Illinois chapters of this brief), and efforts to reduce DMC will begin in Louisiana and Washington in 2007.

III) REDUCING DISPROPORTIONATE MINORITY CONTACT IN PENNSYLVANIA

In Pennsylvania, African American youth represent just 15 percent of the state's youth population, but account for about half the youth in detention or committed to facilities. Hispanic youth are about 5 percent of the state's youth population,[23] but represent 10 percent of the youth in detention or committed to facilities. Hispanic[24] youth are incarcerated in facilities 4 to 5 times the rate of white youth.[25]

"Young people of color are overrepresented in the juvenile justice system. A clear pattern: same crime, different treatment, harsher outcomes for people of color. Inequalities of this kind are unacceptable in a democratic society.... They are shameful reminders that we are falling far short of our highest aspirations." Jonathan Fanton, president, The John D. and Catherine T. MacArthur Foundation[17]

In Pennsylvania, aggregate statewide data identifying young people's race and ethnicity are available. While the state data illuminate the scale of the problem, this information is 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 disproportionate treatment does not occur uniformly throughout the juvenile justice system but instead tends to occur at certain decision points (arrest, detention, and disposition) and for certain offense categories (violent and drug crimes).

Models for Change is working with localities to encourage best practices in the analysis of DMC. New analytic methods are designed to identify, for each county in the state, patterns 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); and by major category of offense (person, property, drug and public order).

These methods of analysis will assist counties in identifying where the problem of DMC occurs, making it possible to develop effective remedies. This DMC analysis tool is being pilot tested in Berks and Allegheny counties.

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Based on a preliminary review of the data in Berks County, Models for Change grantees recently recommended a series of new practices for consideration by the county's DMC task force. Key recommendations include:

- **Detention alternatives:** place evening reporting centers in the zip codes in which the largest concentrations of youth in the system live; explore the creation of shelter beds for youth.
- **Language capability and cultural diversity:** review the forms used in juvenile justice and other youth-serving systems, and arrange for their translation; assess the gaps in service availability for Limited English Proficient youth and families; establish a more regular presence of bilingual staff in the public defenders office.
- **Education and workforce development:** ensure that youth in placements receive education re-enrollment planning; give judges, probation staff, prosecutors, defense counsel and parents training documents on special education requirements; and expand job training opportunities.
- **Nontraditional service providers:** use new data that show the time of offense, location and race/ethnicity of delinquent youth to plan the development of community-based services in highly represented neighborhoods; develop education programs for community organizations interested in serving these youth; and explore funding for these services.

In Allegheny County a data review found over-representation at arrest, referral and detention. Based on these findings, Models for Change will work with the Probation Department to collect and analyze data at these points, specifically focusing on probation violations, failures to adjust to programs, and nonpayment of fines, which accounted for 25 percent of all referrals in 2005. Models for Change will also look at data on youth in detention, availability of shelter beds as an alternative to detention, and whether there are differences in police responses to offenses in Pittsburgh and in the suburbs.

Although statewide data on white and African American youth are available, there are no reliable statewide data on Hispanic youth. Led by concerns about Philadelphia's data collection methods, Models for Change has developed a manual to guide juvenile justice personnel to collect race and ethnicity data accurately. The Juvenile Court Judges' Commission has approved the manual, which will be adopted by counties throughout the state and will serve as a national model.

ILLINOIS: REGAINING A POSITION OF JUVENILE JUSTICE LEADERSHIP

While touring Chicago's House of Corrections in the 1890s, a number of the city's reformers discovered that hundreds of children as young as 8 were jailed alongside adults. Their outrage led them to push lawmakers to create the world's first separate juvenile justice system for young people. These reformers believed that the state had a moral responsibility to act as "kind and just parents" to each of its young people. In the context of a court system, this meant that young people should receive individualized attention under the watchful eyes of trained and sensitive judges and probation officers, in a system premised on rehabilitation, rather than adult systems' focus on retribution and deterrence. The reformers' ideas spread like wildfire, leading to the development of juvenile courts in 46 states, three territories, and the District of Columbia by 1925. As this innovation spread to other countries, America led the world with its more humane approach to juvenile justice policy.[26]

Illinois was chosen to be an Models for Change state because of its history of progress, renewed commitment to youth reform, strong juvenile justice leadership, potential for collaboration, active community and civic engagement, ongoing reform efforts and overall readiness for change.

In the 1990s, the state that founded the juvenile court got caught up in the same punitive policy shift that swept the rest of the country, and turned away from the historic rehabilitative mission that the Chicago Court brought to the nation. By the turn of this century, Illinois saw more youth transferred to the adult court and growing recidivism rates. As the crackdown on youth crime intensified, however, so did serious questions about the system's fairness as more and more juveniles incarcerated were youth of color.[27]

In last two years, Illinois has led the nation in rolling back laws that transfer youth to the adult court, created a new, independent juvenile justice department separate from adult corrections and promoted policies to help reduce reliance on secure confinement and develop effective community-based programs.

Models for Change is witnessing large returns on investments made in research, policy advocacy and organizations that work with the state to help Illinois regain the mantle of juvenile justice leadership. Recent changes to policy and practice demonstrates Illinois' readiness, willingness and capacity to engage in significant juvenile justice reform. In the last two years alone, Illinois has led the nation in rolling back laws that transfer youth to the adult court and has created a new, independent juvenile justice department separate from adult corrections. The state is promoting policies to help reduce reliance on secure confinement and develop effective community-based programs.

Illinois was chosen to be an Models for Change state because of its history of progress, renewed commitment to youth reform, strong juvenile justice leadership, potential for collaboration, active community and civic engagement, ongoing reform efforts and overall readiness for change. Reform efforts in Illinois supported by Models for Change have

focused on bringing about change in three areas that are widely acknowledged as ripe for improvement: *juvenile system jurisdiction; community-based alternatives* to secure confinement; and *disproportionate minority contact* with the juvenile justice system.[28]

I) JUVENILE SYSTEM JURISDICTION
REFORMING ILLINOIS' AUTOMATIC TRANSFER LAWS

"Research demonstrates that youth should only be transferred when it is demonstrated that they are competent and that they cannot benefit from the juvenile system. An individualized approach is needed to examine the cases and determine whether youth should be tried in juvenile or adult court." Professor Laurence Steinberg, chair of the MacArthur Foundation's Adolescent Development and Juvenile Justice Research Network[29]

Like other states, Illinois responded to fluctuations in juvenile crime by expanding the state's ability to send youth to the adult court. Starting in 1985, young people could automatically be transferred to adult court for selling, and later, possessing a small amount of drugs within 1,000 feet of a school, public housing building or other public facility. Illinois distinguished itself by creating one of the most complicated adult transfer schemes in the nation for youth drug offenders—one that had a dramatically disparate impact on minority youth.

As a result of this law, virtually all of the Illinois youth who ended up in the adult court were sent there "automatically" without a court hearing to determine suitability or to consider the young person's competency. One analysis of the impact of the law in 2001 showed that it was contributing to the incarceration of youth who had not had an opportunity for a "second chance": more than 65 percent of all automatic transfers had no previous services in juvenile court and more than two-thirds of all automatic transfers were young people convicted of low-level drug offenses.[30] Of youth transferred each year for drug offenses, more than 97 percent came from Cook County (Chicago).[31] This law also had a disparate impact on minority youth: 99 percent of all automatic drug transfers in Cook County were racial and ethnic minorities.

Concern over the impact of sending relatively low-level first-time drug offenders to the adult court, combined with the law's stark racially disparate impact, resulted in the creation of a bipartisan Legislative Transfer Task Force to study automatic transfer provisions. The task force heard testimony from MacArthur's Adolescent Development and Juvenile Justice Research Network on the appropriateness of the current law, given what is now known about adolescent development. Legislators reviewed the research, analyzed the impact of the drug laws and subsequently changed the statutes.

In 2005, after passing the Illinois Senate and House unanimously, Senate Bill 283 was signed into law. The bill offers individualized review of the decision to try youth involved in drug cases in adult courts, including a clear set of factors that the courts must consider before transferring a young person from juvenile to adult court for prosecution. SB 283 also ensures a less subjective process and it acknowledges the developmental differences between youth and adults, which many believe allows for increased prospects for rehabilitating youth if they receive the correct treatment.

ILLINOIS' NEW DEPARTMENT OF JUVENILE JUSTICE

Until recently, Illinois was one of 12 states in the country that housed its juvenile corrections under its adult department of corrections. In Illinois, this meant that 1,600 juveniles were incarcerated the Illinois Department of Corrections (IDOC), the adult corrections agency, in eight secure facilities that were managed by a juvenile division of the adult corrections system.

With the growth of the adult prison population during the 1990s, the adult side of IDOC absorbed much of the services budget once dedicated to juvenile offenders and, not surprisingly, young people were being treated much like adult prisoners. With nearly half (47 percent) of the young people who leave the IDOC returning to the system, concerns were raised about whether the current structure was giving young people the kind of developmentally appropriate services and supervision they needed to take advantage of the "second chances" offered by the juvenile justice system.[33]

"The new Juvenile Justice Department will give troubled kids the help they need to make sure a brush with the law in their youth doesn't lead to a lifetime of crime and incarceration."
Illinois Governor Rod R. Blagojevich, November 17, 2005[32]

A broad coalition of organizations, individuals and juvenile stakeholders worked with the state to develop legislation creating the new Illinois Juvenile Justice Department. Illinois' eight juvenile facilities and the Department of Corrections' School District are being moved into the new department, essentially separating the juvenile division from the adult Department of Corrections.

Consistent with research-based best practices on adolescent development, and what works in juvenile justice policy, the legislation creating the new department calls for "an appropriate mix of programs and services within the juvenile justice continuum, including prevention, diversion, nonresidential and residential commitment programs, day treatment and conditional release programs and services, with the support of educational, vocational, alcohol, drug abuse and mental health services where appropriate."[34] All new staff who deal directly and regularly with youth will have a college degree with specialization in criminal justice, education, psychology, sociology, social work or a closely related specialization appropriate for the needs of at-risk youth. The creation of the new department is a "budget-neutral" decision, meaning its funding, approximately $125 million, will be transferred from IDOC's existing budget to the new juvenile justice department.

"This law is a new start with a new mind-set regarding juvenile justice in Illinois. Establishing a separate department will do more to reduce crime and rehabilitate juveniles rather than placing them in a system where they become hardened criminals."
Senator John Cullerton (D-Chicago), a sponsor of SB 94[36]

Models for Change is now working with the state and local agencies to help them implement new policies, procedures and programs to make sure that the new department can succeed in its mission.

"RAISING THE AGE" OF JURISDICTION TO 18

Currently in Illinois, the juvenile court loses jurisdiction over youth on their 17th birthday. This is out of step with research showing the appropriate place for most young people is in the juvenile justice system, and is out of step with the rest of the nation, where 38 states and the federal government use 18 as the age at which youth are subject the jurisdiction of the adult criminal justice system.[35] For most legal matters, the age of majority in Illinois is 18. As this publication went to press, the Illinois Senate and House had passed bills that would raise the age of jurisdiction of the juvenile court system to age 18. While it is not clear at this time whether a bill will be passed in the veto session and signed by the governor, if Illinois does join the mainstream, it will mean that 17-year-olds could take advantage of the rehabilitative services of the new department and other juvenile justice reforms supported by Models for Change in the state.

MODELS FOR CHANGE WORK IN FOCUS: EXPANDING EVIDENCE-BASED AND COMMUNITY-BASED PROGRAMS

Peter Greenwood, former director of the RAND Corporation's Criminal Justice Program,[38] suggests that until very recently, it was difficult to measure the effectiveness of interventions used on young people in the justice system. Researchers now have the tools to evaluate scientifically the kinds of services provided to young people and can assess whether or not these services are successful in curbing recidivism.

Of the hundreds of delinquency prevention programs implemented in the last two decades, Greenwood found that only about 8 percent have gone through the rigorous cycle of design, testing and retesting needed to evaluate their effectiveness. Ninety percent of the interventions had no evidence basis that could prove they work, and another 2 percent were found to be useless, or even damaging. Ineffective programs for curbing youth recidivism include the highly popular Drug Abuse Resistance Education (DARE) program and boot camps.

Through new economic models, researchers have shown the cost benefits to communities when they utilize programs proven to reduce recidivism. Multi-Systemic Therapy (MST) is an example of an intervention that is being used widely and successfully. MST is a four-month program that provides intensive services, counseling and training to young people, their families and the larger network of people engaged in young people's lives (through schools and the community). The goal is to build a social support network of adults who can interact with and supervise young people. MST has been shown to be effective in reducing re-arrest rates and out-of-home placements, returning up to $8 in benefits for every dollar spent on the program. Two other similar interventions, Functional Family Therapy, and Multidimensional Treatment Foster Care are also starting to be more widely utilized. Most of these evidence-based practices have strong mental health or behavioral health components, and services can be delivered by accredited therapists and psychologists when needed.

In a model system, all but a limited number of juvenile offenders would be supervised, sanctioned and treated in a community setting. Responses to delinquency would be local and informal whenever possible. Young people would always be serviced in the least restrictive setting that is consistent with public safety. System representatives would establish objective criteria to assess the risks and needs of youth and would work collaboratively to avoid bringing youth into the justice system unnecessarily. For those youth who do require intervention, there would be a comprehensive spectrum of alternatives matched to their individual needs. Decision makers would be required to rule out other options before choosing secure confinement as a last resort.[39]

Most Models for Change states are working to ensure that youth are not needlessly held in detention centers and correctional facilities, and in some states the number of juveniles in secure facilities has been reduced. The challenge for Models for Change is to help ensure that young people who are no longer destined for juvenile institutions can be supervised or receive services close to home. Community-based services that provide safe and effective alternatives to confinement will be encouraged, and their strengths identified. The pool of such services will be expanded, and juvenile justice decision makers will be educated about their availability and effectiveness. To those ends, Models for Change strategies to encourage the development of effective evidence-based community services include:

- Educating policy makers and the public regarding the perverse incentives of current juvenile justice funding arrangements and their real-world effects in discouraging local community ownership of delinquency problems. In Illinois, this means promoting Redeploy Illinois as a viable funding alternative, supporting its pilot implementation across the state and finding ways to improve it that will lead to its broader application. In Louisiana, Models for Change will realize the goal of helping the state integrate and coordinate all the different services and funding streams available to meet young people's needs at the local level, through evidence-based community services.

- Educating juvenile defenders, judges, probation officers, prosecutors and other system actors about the availability and use of alternatives to confinement for juvenile offenders.

- Mapping the array of existing programs and services in selected communities that can provide alternatives to incarceration for local youth, evaluating their current effectiveness and potential uses and calling attention to critical gaps in services.

- Linking juvenile justice decision makers with service providers and community groups to devise ways to develop or expand community-based alternative services to meet the needs of youth in the system, including child welfare and mental health services.

Models for Change states are working to reduce the number of youth needlessly sent to state secure care, and in some cases, are reinvesting the funds once spent incarcerating these youth on community-based services, including evidence-based practices. For example, a number of evidence-based practices are being funded through Redeploy Illinois diversion of funds from incarcerating youth to community-based services. There are similar programs funded by Act 148 and Needs-Based Budgeting in Pennsylvania, and an FFT program has just begun in Jefferson Parish, Louisiana. Washington-state is a national leader in the promotion of evidence-based practices.

"Where there are no local services, judges have few options and often sentence young offenders to the Illinois Department of Corrections. That drives up the cost of running state prisons, but it also is costly to juveniles who often are not rehabilitated but return to their communities and commit even more crimes." Chief Judge George Timberlake (Ret.), 2nd Judicial Circuit[40]

II) EXPANDING COMMUNITY-BASED SERVICES —REDEPLOY ILLINOIS

Juvenile justice is largely handled at the county level: young people are arrested by local police and processed in local courts. If they are adjudicated delinquent and sentenced to options such as drug treatment, mental health counseling or community service, then the county must generally pay to provide these services. If, however, the youth are sentenced to state secure confinement, they are sometimes sent to institutions managed by the state—often far from their families and their community support systems—at little or no cost to the county. Locked confinement in a state institution is more expensive, sometimes running in excess of $70,000 annually, compared to $10,000 or less for community supervision or services. Despite the huge cost differential, the incentive for local jurisdictions is to opt for locked confinement because it transfers the cost burden to the state. The skewed fiscal incentive costs taxpayers and leads to unnecessary reliance on more secure confinement for youth who could be safely supervised and provided treatment and services elsewhere.

Illinois recently joined a number of states in reforming its fiscal architecture to promote a juvenile justice system with a stronger emphasis on community involvement, public safety and more efficient delivery of juvenile justice services.[41]

Under Redeploy Illinois, participating counties agree to cut the number of nonviolent juveniles they send to commitment facilities by at least 25 percent below the average of the previous three years. In return, the state reimburses counties for funds spent locally. Approximately $2 million was budgeted for this purpose in 2004. Redeploy funding was renewed in 2005 and the initiative received nearly $1 million more dollars in state funding in 2006.

THE REDEPLOY ILLINOIS MODEL: INVESTING IN LOCAL SERVICES FOR YOUTH INSTEAD OF STATE CONFINEMENT

Redeploy Illinois began in late 2004 with pilot projects in four regions. By January 2005, the first group of youths was admitted to community-based programs. The pilot sites included Macon, Peoria, and St. Clair counties and the rural 2nd Judicial District. The counties are in the process of developing a range of local services that fit with the goals of the Redeploy pilot program.

The 2nd Judicial Circuit—Redeploy is supporting probation department staff and community-based service providers in developing three evidence-based practice programs (Aggression Replacement Training, Functional Family Therapy and Multi-Systemic Therapy) in the 2nd Circuit, which includes 12 rural counties.

St. Clair County—Comprising East St. Louis and its immediate surroundings, St. Clair County is using its Redeploy funds to support evidence-based programs (Functional Family Therapy, Multi-Systemic Therapy and Aggression Replacement Training) and family group conferencing.

Macon County—In Macon County, the Redeploy program (locally called "Community ACCESS"—Alternative Collaborative Change Education Support Success) is working to create a collaborative and community-based approach to increasing access to services for juveniles, their families, victims and the community. Juveniles served by the Redeploy program in Macon receive a continuum of services based upon their specific needs and risk levels. Services are aimed at individual youth and their families.

Peoria County—Redeploy work in Peoria has focused on providing a more thorough assessment of young people and their families' needs to help develop a service plan for youth and their families. Once needs are assessed, program staff work to ensure young people are supervised; receive counseling, skill building and transportation services; and are linked to community resources.

Source: Tyler, Jasmine, Lotke, Eric and Ziedenberg, Jason. "Cost-Effective Youth Corrections: Rationalizing the Fiscal Architecture of Juvenile Justice Systems." (2006). Washington, DC: Justice Policy Institute 2005.

While the full impact of Redeploy is not yet known, the *Redeploy Illinois Amended Legislative Report,* published in January 2006, projects a 33 percent decline in the number of youth sent to the Illinois Department of Corrections from the Redeploy sites in year one. Using the assumption that without Redeploy, the current four sites would have continued to send the same number of youth to state facilities as they had done in the previous three years, the *Redeploy Amended Legislative Report* projected the initiative would save the state $2,123,063, which would have been spent incarcerating these youth, while an additional $1,411,000 was projected to be spent on locally based programs in its first year. The savings do not include the long-term savings of lower recidivism and crime rates associated with many of the evidence-based or best practice programs being developed in communities.

"If the lower recidivism rates typically associated with community-based treatment are realized, the Redeploy Illinois program will have saved the state money, reduced the number of crime victims, and created safer communities." Redeploy Illinois Amended Legislative Report: Implementation and Impact (January 2006)

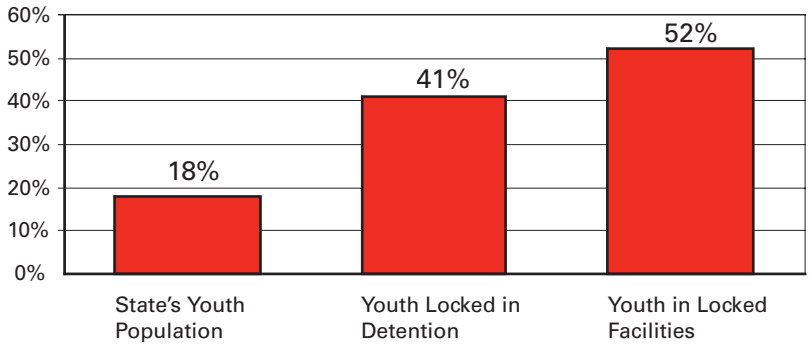
Under Models for Change's community-based service work in Illinois, stakeholders are working with five pilot sites—including some of the Redeploy sites—to demonstrate that local entities can create and sustain governance mechanisms to deliver services at the local level. Peoria and DuPage counties are developing services for dually involved youth (youth in the juvenile justice and child welfare system), and Cook County, Ogle, and the 2nd Judicial District are working on community-based programs that include mental health treatment components. The goal is to create successful models of local organizations that are serving young people in their communities, to show policy makers that more resources can be moved to local entities, with a result of improved outcomes for youth.

III) REDUCING DISPROPORTIONATE MINORITY CONTACT IN ILLINOIS

Like most states, Illinois struggles with overrepresentation of youth of color in the juvenile justice system. In its 2005 Annual Report to the Governor and General Assembly, the Illinois Juvenile Justice Commission (IJJC) reports that African American youth represent 18 percent of the state's youth population, but 41 percent of the youth in detention, and 52 percent of the youth in locked state facilities.

"Disproportionate Minority Contact (DMC) is one of the greatest challenges facing Illinois.... Reducing DMC in Illinois will require the collective and sustained resolve of lawmakers and public and private entities." Illinois Juvenile Justice Commission Annual Report to the Governor, 2005

In Illinois, young people of color are overrepresented at different stages of the justice system



Source: Illinois Juvenile Justice Commission

"The next step for juvenile justice system practitioners and policy makers is to improve our DMC assessments such that they help us better understand the problem, while simultaneously working to remedy the problem where we know it exists." Illinois Juvenile Justice Commission Annual Report to the Governor, 2005

Overrepresentation is also an issue for Hispanic youth, who are detained in Illinois at nearly twice the rate of white youth. According to the Illinois Criminal Justice Information Authority, in 2003, Hispanic youth were committed to the Illinois Department of Corrections at a rate 45 percent greater than that of white youth. And Hispanic youth are nearly five times more likely than their white counterparts to be locked up for public order offenses in state facilities.

While the overrepresentation of youth of color occurs at key decision points in Illinois, the specific causes of the problem are not known. There are major gaps in the state's collection of basic data, including:

- No requirement for timely and consistent reporting of data on arrests;
- No requirement for collecting data at points in the system after arrest;
- No statewide collection of data on decisions to file charges by state's attorneys offices;
- No statewide juvenile court data collection on race and ethnicity;
- No requirement of data collection on Hispanic youth in the justice system.

Without standardized tracking of arrests and other points in the system, it is impossible to assess the problem accurately.

In its 2005 report, the IJJC recommends that "the next step for juvenile justice system practitioners and policy makers is to improve our DMC assessments such that they help us better understand the problem, while simultaneously working to remedy the problem where we know it exists." Models for Change efforts to advance the IJJC's recommendations include:

- Improving the state's data collection and analysis efforts. In order to address DMC, Illinois needs to collect data on race and ethnicity at all key decision points in the system.
- Increasing awareness of DMC issues and encouraging action. To maintain commitments for reform, more education needs to be done about the nature of DMC and why reform is crucial to the overall strength of the juvenile justice system. In particularly, Models for Change is working around public education efforts so that key stakeholders understand why DMC reduction is important, and what can be done about it.
- Directing financial resources to communities to address DMC. Investing in community programs strengthens their ability to monitor progress and provide alternatives to incarceration for youth of color.

A NEW MODELS FOR CHANGE STATE: LOUISIANA—MOVING TOWARD A BETTER SYSTEM

"Creating a juvenile justice system that is a national model is one of my top priorities.... My administration is making this vision a reality." Louisiana Governor Kathleen Babineaux Blanco[42]

In the 1990s, Louisiana[43] had the highest juvenile incarceration rate in the nation, and was one of only 12 states that housed its juvenile division under the jurisdiction of its adult Department of Corrections.[44] In response to advocates' concerns about conditions in the states' juvenile prisons, the United States Department of Justice (DOJ) brought a lawsuit against the state. Based on the terms of a mediated settlement agreement, the state and the juvenile justice agency have established partnerships with other state entities, foundations and national organizations to bring about significant reforms in Louisiana's juvenile justice system.

In 2003, the Louisiana legislature passed Act 1225, the Juvenile Justice Reform Act. Act 1225 provided a framework for reforming and restructuring Louisiana's juvenile justice system. The legislation led to the closure of the state juvenile correctional center in Madison. Act 555, passed during the 2004 legislative session, requires state agencies to develop a regional plan for the comprehensive delivery of services to children and families. It also mandates that the state's 41 judicial districts establish local Children and Youth Planning Boards to assist in the assessment, alignment, coordination, prioritization and measurement of all available services and programs to address the needs of children and youth. Act 555 states that local planning boards will provide for "the preparation of a comprehensive plan for the development, implementation and operation of service for youth."

In November 2004, the newly elected Governor Kathleen Babineaux Blanco made juvenile justice reform one of her top initiatives. In 2005, Louisiana separated out its juvenile division (now called the Office of Youth Development) from the adult correction system. This year, a U.S. district judge dismissed the DOJ lawsuit, citing substantial improvements in youth safety and treatment.[45]

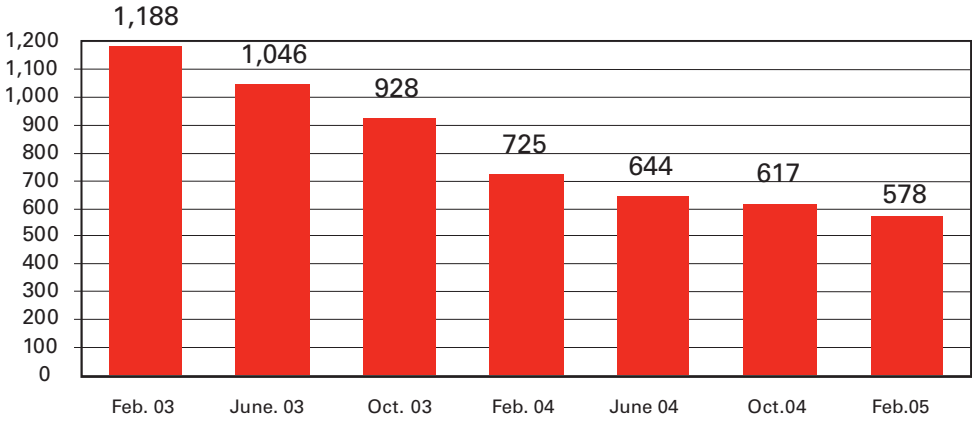
The new Office of Youth Development (OYD) is now working to implement a five-year strategic plan—something that will overhaul how it works. The major initiatives articulated in the OYD plan aspire to the kind of research-based, best-practice approaches seen in other Models for Change states.

As part of OYD's strategic plan, the state is working to move young people out of large, distant, state institutions and resituate them in homelike settings, where there is a focus on a therapeutic, youth-centered environment rather than a correctional, custodial setting.

As a result of the state's reform efforts, the juvenile corrections system has downsized, and the state no longer leads the nation in incarceration of young people.[46] The number of youth in state secure care has fallen by 50 percent, from about 1,200 youth in 2003, to less than 600 in 2005. During that time, crime continued to fall.

"As a state we must give these young people the promise of a brighter future, we must tell them there are communities, families and partners working for them in a united and directed manner. We have to say to them that they are valued. We must provide them with a safe environment to learn, and we must ensure that they will prosper." Simon Gonsoulin, deputy secretary, Office of Youth Development[47]

Fewer Louisiana youth incarcerated: The number of youth in secure care declined, 2003-2005



Source: Austin, J., Naro, W., Ocker, R. Louisiana Office of Secure Services: Secure Institutional and Non-Secure Ten Year Population Projection

A major piece of the work in Louisiana involves the state reinvesting the funds once spent on incarcerating youth in state facilities into community-based services and programming for youth. OYD has made some progress through its Court Empowerment Program, a $2.6 million fund to help support local prevention and diversion programs. As directed by Act 555, the Children and Youth Planning Boards have begun developing local plans for how state funds could be spent to treat and supervise young people in their home communities.

In the aftermath of Hurricanes Katrina and Rita, the successful development of a model juvenile justice system in Louisiana will depend, in large measure, on a comprehensive effort to develop new programs, and redesign and reorganize existing programs and services for children, youth and families.

In the aftermath of Hurricanes Katrina and Rita, the successful development of a model juvenile justice system in Louisiana will depend, in large measure, on a comprehensive effort to develop new programs, and redesign and reorganize existing programs and services for children, youth and families, including new policies to sustain the desired changes and reforms. While Models for Change has not begun the actual work of helping Louisiana achieve its goals in systems reform, the state and partners involved in the initiative recently announced the targeted areas of improvement, the areas where Models for Change will focus its attention. The potential targeted areas of improvement and areas of work include:

- **Alternatives to formal processing and incarceration:** Models for Change will focus on improving access to effective programs and services that can serve as alternatives to formal processing and out-of-home placement of youth, especially for those who need mental health and other specialized treatment. Work will be across the juvenile justice continuum of care, but will focus on addressing the challenges facing youth and families identified as status offenders (Families in Need of Services or "FINS")—a designation where the courts help families and young people who are facing challenges that could lead to delinquency get the services, support and supervision they need to avoid formal justice system involvement. Work on alternatives to formal processing and incarceration will likely include demonstrating model diversion policies, model screening and assessment tools, and procedures and practices at the parish level while offering judges increased access to an array of local alternatives to interventions and treatment rather than formal processing and incarceration. Models for Change will work to ensure that diversion decisions are structured by guidelines.

- **Evidence-based community services:** While the decline in the number of youth in state secure care is good news, there are not enough community-based services to respond to the increasing number of youths who now remain in the community and are in need of services. These efforts will help increase the availability of community services for young people in trouble with the law, their families and at-risk youth that reflect current knowledge about what works. This new demand at the local level for community services is an opportunity to invest in more effective, evidence-based practices and interventions.

- **Disproportionate minority contact:** The overrepresentation of African American youth in Louisiana's juvenile justice system is well documented. In 2001, the incarceration rate of black youths was four times that of white youths; in some parishes, it was as much as 13 times greater. Although African Americans make up 41 percent of Louisiana's population, 80 percent of the youth in secure custody, 82 percent on parole and 65 percent on probation were African American.[48]

Concrete work plans, and specific work to reduce DMC, expand evidence-based community services and develop alternatives to formal processing and incarceration are still being developed. Models for Change work in Louisiana will begin in 2007.

A NEW MODELS FOR CHANGE STATE: WASHINGTON STATE—MODELING A NEW APPROACH TO JUVENILE JUSTICE REFORM

Washington already fits the profile of a model state for juvenile justice. It has a long history using research to inform policy making on juvenile justice, and many best practices already are in place.[49]

Washington is now positioned to tackle more ambitious and challenging juvenile justice reforms and to disseminate model practices more evenly throughout the state.

In the late 1970s, Washington adopted a new Juvenile Code.[50] Under this change, Washington became the first and only state to enact statewide presumptive sentencing for young people, something that fosters consistency in juvenile dispositions. Together with the state's sentencing guidelines, the code limited the number of youth entering state correctional facilities. The code also clearly separated juvenile delinquency matters from juvenile dependency (child abuse and neglect) and status offender matters, with one outcome being the elimination of out-of-home placements as a disposition option for young people. The "Juvenile Justice" chapter of the code also expanded the use of diversion. The "Families in Conflict" chapter of the code created policies and procedures for addressing runaways and other status offenders.

In the 1980s, the state passed the Consolidated Juvenile Services Bill, legislation that encouraged local juvenile justice service planning and community supervision whenever possible. As the name implies, the Consolidated Juvenile Services Bill also consolidated funding and added new funding to help promote services and the supervision of young people in their communities. The state also made significant progress in integrating juvenile justice programs with child welfare and mental health services and in improving child and youth information management systems across multiple agencies.

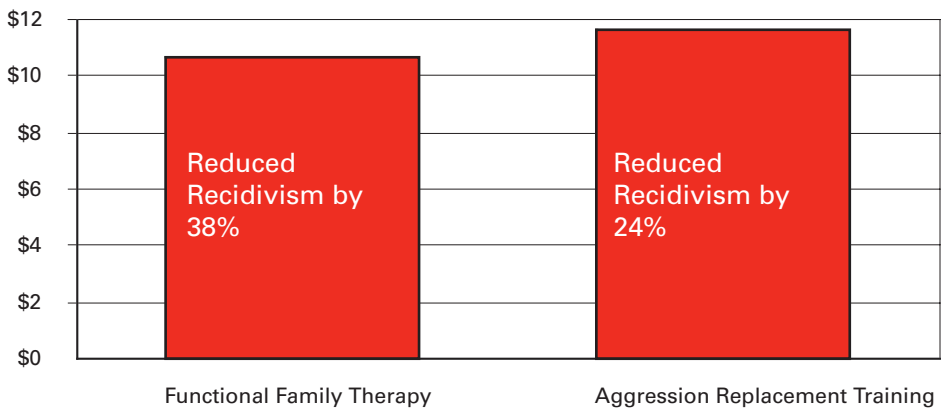
The passage of the Community Juvenile Accountability Act (CJAA) in 1997 helped start the state's pioneering work toward developing and funding interventions proven to reduce recidivism among juveniles at the local level. The CJAA enables local courts to develop and administer community-based intervention programs that have been proven to work.

One of the most unique aspects of the state's commitment to CJAA is the way in which juvenile services and programs are evaluated and promoted by the Washington State Institute for Public Policy (WSIPP). An institute developed by the legislature, WSIPP is designated to carry out non-partisan research, including cost-benefit analysis, evaluations and reviews of the outcomes and successes of local and state juvenile justice programs. Because of WSIPP's work, Washington has a good sense of what is working to reduce crime and recidivism for young people, and the state has focused more attention and larger investments in those programs.

CJAA, WSIPP and the collaborations between the state and localities have allowed Washington to lead the nation in the statewide implementation of a risk assessment instrument and the promotion of evidence-based practices—such as Functional Family Therapy and Aggression Replacement Training—programs proven to reduce recidivism for the appropriate kinds of youth who come into contact with the justice system. These programs tend to coordinate the provision of mental health, drug treatment and other relevant services for young people and their families.

For every dollar invested in Washington's Functional Family Therapy, the program generated $10.69 in savings from reduced crime.

For every dollar invested in Aggression Replacement Training, the program generated $11.66 in reduced crime.



Source: Aos, Steve and Barnoski, Robert. Outcome Evaluation of Washington State's Research-based Programs for Juvenile Offenders. (2004). Olympia, WA: Washington State Institute for Public Policy. Note, the FFT recidivism finding represents the outcome when the program was delivered "competently," meaning, that the program followed the programs' specifications. WSIPP emphasizes that without quality assurance efforts, these programs may not only fail to curb recidivism, but could aggravate it among some youth participants.

"The Community Juvenile Accountability Act represents the nation's first statewide experiment of research-based programs for juvenile justice." The Washington State Institute for Public Policy[51]

"If we are able to save our kids from destructive behavior early on and help our kids in trouble get back on the right track, we have invested in our future. Solid educational opportunities coupled with early interventions are key to our success." Washington Governor Chris Gregoire, November 2005[52]

The state is continuing to build on these strong foundations and is working to promote models for juvenile justice reform. In 2003, the legislature added additional sentencing alternatives for juveniles, particularly for those identified with mental health challenges. In 2006, the state legislature passed the Reinvesting in Youth Bill, legislation that is similar to Redeploy Illinois and Act 1225 in Louisiana in that it provides for the state to re-invest funds once spent incarcerating youth in the state system. As with the other legislation, the Washington bill calls for the partial reimbursement to localities for the cost of setting up evidence-based practices, supervision and programs to keep youth close to home.

While Washington is, in many ways, already moving toward being a model in many domains of juvenile justice policy, the state still has a long way to go to meet young peoples' needs and promote effective public safety strategies. In Washington, legislation passed in the 1990s that provides that youth aged 16 and older charged with a serious violent offense or with violent histories should automatically be tried under adult court jurisdiction. In the 1990s, eligibility for juvenile diversion was tightened, and police were given the power take runaways into custody at the request of a parent or agency. The co-location of secure crisis residential centers in juvenile detention facilities meant that Washington fell out of compliance with federal law prohibiting the detention of youth for status offenses.

The Children's Mental Health Initiative—a joint effort of Department of Social and Health Services' divisions, Juvenile Rehabilitation Administration, Mental Health Division and Children's Administration—was recently launched to help provide better coordination and future integration of services for children and youth whose needs go beyond the resources of one system. The initiative is designed to expand evidence-based practices, providing "no-wrong-door" access to mental health services, blended funding and parent engagement.

While the state has made some progress on DMC, there is plenty of room for improvement. Statewide, in 2003, African American youth were committed to state facilities at 4 times the

rate of white youth, and Native American youth were committed to facilities at 3 times the rate of white youth.[53] African American and Native American youth are referred to the juvenile court at rates double or more than white youth.

Helping Washington move toward the goal of becoming a model system requires meeting the challenge of delivering quality supervision, services and programming for juvenile justice youth in all regions of the state. As the last state to be incorporated into Models for Change, state and local agencies, nonprofits and foundation partners have yet to agree on what the targeted areas of improvement will be. As of September 2006, Models for Change partners were considering a variety of different targeted areas of improvement, including reducing disproportionate minority contact, addressing barriers to providing mental health services, expanding evidence-based practices at the diversion stage for adjudicated youth, developing alternatives to formal processing and incarceration, enhancing and expanding youth serving systems integration, and developing and expanding aftercare options for youth. Regardless of which options are chosen, or which jurisdictions Models for Change ends up working in, Washington is now positioned to tackle more ambitious and challenging juvenile justice reforms and to disseminate model practices more evenly throughout the state.

CONCLUSION: RETURNING TO THE "FIRST PRINCIPLES" OF THE JUVENILE JUSTICE SYSTEM?

After a decade in which the core tenets of the juvenile justice system were challenged, the return to a sense of balance, proportionality, fairness and a drive to use effective policies speaks to the opportunity to ground juvenile justice policy making in its founding first principles.

In the four Models for Change states, and increasingly across the country, a combination of strong leadership, a willingness to collaborate and engage stakeholders and an improved political climate are creating opportunities for deeper juvenile justice reform to succeed. In some states, such as Illinois, there are indications that the juvenile justice system may be returning to its former values and policies.

Frank E. Zimring, a law professor and member of the MacArthur Research Network on Adolescent Development and Juvenile Justice, notes that, at the juvenile court's founding, one justification for setting up a separate, independent justice system for young people held that the juvenile court was a vehicle for avoiding "the many harms that criminal punishments visited on the young.[54]" Whether it was avoiding crowded institutions where young people could be brutalized, languish without schooling, or come out worse and more "criminal" than when they entered, the new juvenile court provided a way to avoid the worst excesses of a system that failed rehabilitate most young people—and continues to fail in its mission of rehabilitating most adults.[55]

Beyond the role of just diverting young people from a system that may cause them harm, among other things, the juvenile court acknowledges that, sometimes, young people make mistakes, but they learn and develop to become responsible citizens. As a community, we need to give young people the room to grow and change, and hold them accountable in ways that don't compromise their future life chances.

After a decade in which the core tenets of the juvenile justice system were challenged, the return to a sense of balance, proportionality, fairness and a drive to use effective policies speaks to the opportunity to ground juvenile justice policy making in some of the "first principles" in which it was it was conceived. The reforms Models for Change is seeking to develop are grounded in a

developmentally appropriate understanding of young people, and are not only concerned with diverting young people from the dangers of the criminal justice system, but are also geared toward rehabilitating and connecting young people to child welfare, education, public health, employment and recreational services that will help them transition to adulthood.

Future monographs from Models for Change will chronicle the initiative's progress in helping the juvenile system return to its founding principles and succeed in its historic mission. Stay tuned.

ENDNOTES

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15 Id.

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18 By way of example, self-reported surveys of youth behavior have shown that, a similar proportion of white, African American and Hispanic youth report that they have engaged in theft, sold drugs and carried a handgun by age 17. See: Snyder, H., and Sickmund, M. "Juvenile Offenders and Victims: 2006 National Report." (March 2006). Washington, DC: U.S. Justice Department, Office of Juvenile Justice and Delinquency Prevention. There are some racial and ethnic differences in some self-reported offending levels, but they are not consistent across all categories of offense, and in some cases, are much smaller than the disparity seen between arrests, confinement and self-reported behavior. See: Hoytt, Eleanor Hinton, Smith Brenda V., Schiraldi, Vincent, and Ziedenberg, Jason. Pathway's 8: Reducing Racial Disparities in Juvenile Detention. (2002) Baltimore, Maryland: Annie E. Casey Foundation.

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24 As this report draws on primary source materials from governments, the language used here reflects the way governments and the original researchers have defined racial or ethnic identities. The term "Hispanic" is used to describe a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race, and the term most often used by the U.S. government. For more information on the issue of the use of this term, and the use of the term "Latino" see: *Dónde está la justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system.* Washington, DC: Building Blocks for Youth, 2002 *www.buildingblocksforyouth.org.*

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NOTES

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