

STATE OF THE INITIATIVE

JDAI National Inter-site Conference
April 25, 2012
Houston, TX

It has been a tradition at JDAI inter-site conferences to spend some time reviewing the progress of our sites, the challenges we confront as a detention reform movement, and our aspirations for the juvenile justice system and for court-involved youth. This year, we opted to place this “state of the initiative” discussion at the beginning of the conference agenda. Let me explain why.

First and foremost, we assemble this week at what may prove to be a unique moment in juvenile justice history, a time when, as a nation, we shed some of the system’s worst baggage—including our unnecessary and often inappropriate reliance on secure confinement--and replace it with the kinds of data-driven, collaboratively-derived and community-based approaches common to the best JDAI sites. As I will discuss at greater length in a moment, monumental shifts are occurring in states as diverse as Texas and New York, California and Alabama...just to name a few. Putting your work into this rapidly evolving national context is not only appropriate; it also helps to highlight where and why we need to head in the future if our ambitions are genuinely to promote positive youth development and to improve public safety.

This national context also helps explain much of the content of the conference. As I hope these comments will clarify, while JDAI’s progress has been substantial and sustained, none of us should feel content that we have sufficiently improved the odds for court-involved youth, nor changed the system’s policies and practices enough to pass the “my child” test—that standard which asks if the system’s responses to youth who get in trouble with the law are ones that all of you, as parents, would find fair, helpful, and appropriate were it your son or daughter who was arrested and brought before the court. So putting these “state of the initiative” comments at the beginning of our conference will, hopefully, clarify the workshop choices that were made and help you decide which sessions are most relevant and important to the work in your site.

(SHOW MAP)

Let me begin by summarizing what’s been happening in JDAI sites. In part because of a funding partnership with the Office of Juvenile Justice and Delinquency Prevention, we have been in yet another period of expansion, such that by year’s end JDAI will have a presence in 38 states and the District of Columbia, in more than 150 local jurisdictions.

Collectively, the sites gathered here today represent by far the nation’s most widely replicated juvenile justice reform initiative. Why has JDAI been so broadly embraced? The results from your work provide the only plausible explanation.

(SHOW ADP REDUCTION SLIDE)

As summarized from the 2010 Annual Results Reports which your sites submitted and which are contained in a report in your conference binders, JDAI sites have reduced reliance on secure detention overall by 42%, with numerous jurisdictions posting reductions in excess of 50%. On Sunday morning, as I was preparing these comments, I was heartened by newspaper coverage from St. Paul, Minnesota, which reviewed at length Ramsey County’s dramatic *and* safe reductions in secure detention and, as importantly, its stakeholders’ widespread embrace of key JDAI notions: that we need to detain the right kids, but only the right kids; that adults need to make smarter and more timely decisions when considering confinement; that more options, not more cells, are needed; and that community involvement and support are essential to successful system transformations.

(SHOW COMMITMENT REDUCTION SLIDE)

By narrowing the number of youth in secure custody at disposition, your sites have also managed to significantly staunch the flow of cases into the system's "deep end"—its training schools and youth corrections centers—by more than one third. These reductions are a leading factor in the national trend to limit youth incarceration.

At a time when governments at all levels are fiscally stressed, these patterns have served to reduce expenditures on institutions and, in the best of places, re-invested public dollars into less expensive and more effective interventions.

(SHOW PUBLIC SAFETY RESULTS SLIDE)

Some observers, appropriately, will wonder whether these changes are safe, whether reducing reliance on detention and incarceration increases risks to public safety. The good news from JDAI sites is that deep reductions in juvenile detention have not come at the sacrifice of public safety. Indeed, JDAI sites report public safety improvements virtually across the board.

And for skeptics who question whether these changes simply reflect national trends rather than the initiative's impact, important new evaluation studies now reveal that when we compare JDAI counties to non-JDAI counties in the same state, we find that detention reductions were five times greater in the JDAI sites and that public safety improvements were equal to or greater than the non-participating sites. Dr. Barry Krisberg will discuss these preliminary results in a workshop later this morning.

As impressive as these aggregate results are, they really don't highlight the specific innovations and transformations that underlie the numbers. JDAI sites, simply stated, have been at the cutting edge of juvenile justice reforms that are now influencing the entire country. For example, the work of Judge Steven Teske and his colleagues in Clayton County, Georgia, to disrupt what has become known as the school-to-prison pipeline resulting from wholesale implementation of so-called zero tolerance policies has inspired jurisdictions across the country to reconsider the criminalization of predictable adolescent behaviors. Numerous JDAI sites, especially those benefitting from the technical assistance of our colleagues at the W. Haywood Burns Institute, have begun chipping away at the racial disparities and disproportionality that shame a system that includes "justice" in its name. Progress in addressing the unique pathways and challenges that result in detention of girls can be found in places as far flung as Rhode Island, Alabama and Massachusetts, thanks in part to the guidance provided by Professor Francine Sherman. Newly emerging partnerships with police agencies in Multnomah County, Oregon and Marion County, Indiana, have expanded system capacities to respond to youth more appropriately and more effectively than was the norm as recently as only a few years ago. This list could go on and on and is reflected in numerous workshops over the next two days that highlight the thoughtful innovations that have made the aggregate results I just shared possible.

But these impressive innovations and related results should not be cause for complacency on our parts. JDAI, as a movement for detention reform and juvenile justice transformation, faces some key challenges over the next few years that we must collectively address. First and foremost, we need to ensure that the detention reforms that your sites have implemented are both sustained and scaled up. These challenges, I believe, are intimately related. It is not very likely that we can expand JDAI to new sites—that is, to address the scale challenge—if we do not establish mechanisms to sustain both reforms in, and our network of, current sites.

Sustaining detention reforms requires new capacities at the local, state and national levels. In sites, especially those where the initiative has been underway for some years and where the energy and enthusiasm of the initial reform period may have waned, we need tools and processes that effectively identify aspects of policy and practice requiring further improvement and that track whether fidelity to the core strategies is being maintained. In this regard, a revised system assessment framework, intended for application by local stakeholders, is now being tested and refined to provide an easy to use management tool. Similarly, important improvements in data collection and analysis tools for JDAI sites are being implemented. Both of these developments are highlighted in workshops this week.

Important progress is being made to scale JDAI in various states, to expand the number of counties that have implemented reforms like objective admission screening tools, expedited case processing, effectively targeted non-secure alternatives, structured response grids to address to probation violations, and all the other reforms that collectively lead to the reductions we saw in average daily population a few moments ago. With the benefit of New Jersey as a learning laboratory, multiple states are now building their own capacities to ensure that justice, at least as it relates to detention in their states, is not a function of geography. We should not underestimate this challenge: detention is, in most places, a local function and few states have state-level planning, training, data or oversight capacities designed to facilitate the transfer of knowledge from existing JDAI counties to non-participating sites. The workshop on “going to scale” will provide insights regarding how states are overcoming these challenges.

Sustaining and scaling JDAI will be much more likely if we are also successful in figuring out what the future of our infrastructure and our network ought to be. For two decades now, the Annie C. Casey Foundation has been proud to serve as both the developer of that infrastructure and the convenor of this network, roles, I assure you, we will not soon forsake. However, if over the long term, JDAI sites are to be at the center of major shifts in juvenile justice, if this network is to remain a powerful force for progress, collectively we need to begin discussions about the future. How should the infrastructure that has been built—the technical assistance, training seminars, Help Desk, and model sites, just to name a few elements—be embedded in the field so that they remain available to new sites in the future? How ought the network be maintained? Should JDAI sites organize themselves into regional or national associations? Put another way, ten years from now, how will the supports, standards, communications and energy that we now think of as collectively as JDAI continue? Now is the time to start answering these questions, especially because of the potential that exists right now to move the system to a fundamentally different place.

As we meet this week, evidence is mounting from all parts of the country that policy makers, justice system practitioners and whole communities are prepared to eschew the policies of mass incarceration that have been at the center of crime policy for the past four decades. This shift is not restricted to Democratic or Republican states, or to specific sections of the country. It is increasingly embraced by people and organizations of all political persuasions. It is at least a portent of a different future, one that recognizes that mass incarceration has proven a fiscally unsustainable approach to public safety that maintains and exacerbates racial and ethnic disadvantages, disrupts families, undermines communities and disregards new knowledge about how to respond more effectively to crime.

(SHOW *NO PLACE FOR KIDS* SLIDE)

Juvenile justice has been at the forefront of this movement, and for good reason. As was so effectively documented late last year by our intrepid writer, Dick Mendel, in the Foundation’s report, *No Place for Kids*, juvenile incarceration suffers from at least six major flaws that collectively condemn our historical reliance on these places. These institutions are chronically unsafe and often abusive, producing recidivism rates that everyone should consider unacceptable, especially for the \$88,000 per bed we spend on average each year. We can and we should do better...and, fortunately, we are.

(SHOW GRAPHS OF DECREASING INCARCERATION RATES)

These data show the increasing pace of de-institutionalization recently in multiple states. Not only have we seen significant drops in juvenile confinement; we also see an increasing pace of de-institutionalization. JDAI sites have been at the forefront of these trends. The data we’ve already reviewed certainly confirm this.

(SHOW MAP SLIDE OF DE-INCARCERATION TRENDS)

Here’s another depiction of this trend: states reducing reliance on juvenile incarceration are depicted in reddish colors; those increasing are in blue. The maps, capturing state changes at four or five year intervals, from 1997 until 2010, are increasingly red now.

This trend is not only encouraging to juvenile justice reformers; it is essential for juvenile justice reform. Juvenile justice reform driven by an ambition to reduce reliance on commitments and placements is, we believe, a powerful transformational stimulus for four basic reasons. First, incarceration is where the money is. For all of us who wish for more investments in prevention and effective early intervention, the only plausible source of funding is reinvestment of dollars now being flushed down the incarceration drain.

Second, as we have learned so well in JDAI, safe reductions in confinement occur when we make changes up and down the case processing continuum, that is when we transform the system in multiple ways, including narrowing the pipeline of cases, improving probation practice, strengthening defense representation and controlling lengths of stay consistent with what the research says makes sense. Hence, the goal of safely reducing the system's "deep end" demands that we embrace a variety of best practices at all critical decision points, thus precipitating overall system reform.

Third, reducing reliance on confinement will spur the innovation and experimentation that have been too long missing from our practice. Take away the safety net of incarceration for low-risk youth and systems will have to do better jobs engaging families, making decisions, investing resources.

And, finally, restricting our reliance on commitments and placements could be what we need to finally focus system accountability on results that matter—like whether court-involved kids are better behaved, better educated, happier—rather than current process indicators like admissions, discharges or failed urine tests that don't necessarily indicate whether public investments are producing either healthy youngsters or safe communities.

If JDAI has taught us anything, it is that a trend like this will neither reach its full potential nor weather the predictable challenges that shifts in crime patterns or fiscal fortunes pose without intentionality. That is, as compelling as the argument for reducing incarceration might seem, and as exciting as recent trends are, getting a juvenile justice system that eliminates inappropriate and/or unnecessary incarceration and out-of-home placements won't happen absent a concerted and prolonged movement. The trends I have been explaining represent somewhat idiosyncratic developments in a growing number of states. They are not yet representative of a clear national policy consensus nor an organized movement of sites.

And that is why now is both the proper and perfect time to expand the focus of JDAI to include the dispositional end of the system. As JDAI has inspired sites across the country to safely reduce pre-adjudication detention, so it is time to build upon your collaborative, data-driven approaches to reduce juvenile incarceration and to transform juvenile justice into a system that can indeed pass the "my child" test.

(SHOW 4 STRATEGIES DIAGRAM HERE)

What are our plans for this new phase of reform? This graphic represents the four key strategies that, with your participation and leadership, seem essential to achieve the full potential of the current de-institutionalization trend. Let me try to explain our plans, but also point out that a workshop discussion of these plans will follow this opening session.

As I noted, recent de-institutionalization trends are a reflection of idiosyncratic changes in a large number of states. However, those changes have yet to be effectively documented, much less communicated in ways that inspire either public confidence or political approval. So, one clear strategy must be to mount a public awareness campaign that broadcasts these important trends, clarifies the results, shares the lessons learned and establishes the political will for deeper and more widespread reform. Attendees at this conference will have an opportunity to discuss next steps for building such an advocacy campaign in a workshop tomorrow.

But, as we've learned in JDAI, policy advocacy—even policy reform—alone is rarely sufficient to change results for kids or safety. Those achievements require special attention to implementation issues, to not just changing policy but making policy changes work in practice. When it comes to juvenile confinement, two realities must be acknowledged: First, it is at the state level that the rules of incarceration are set, through statute, through regulations, and through fiscal arrangements. Second, it is at the local level—in

courts and probation agencies—where those rules are actually implemented. So, any substantial effort to reduce reliance on juvenile incarceration must address both realities.

This year, we expect to identify two states where we will partner with the Pew Center on the States—which has made notable progress over the past six or seven years facilitating adult sentencing reforms in multiple states—to identify the primary drivers of youth incarceration and to promote policy reforms that can reduce unnecessary and inappropriate confinement. Pew will take the lead on forming a state-level policy reform group to identify statutory and funding changes that can reduce such confinement. Our role will be to provide technical assistance to guide the successful implementation of those policy changes. A workshop later today will explore the types of changes that three states have already made to radically reduce their reliance on youth incarceration.

Work at the local level will proceed on two tracks. As we did with detention reform, we will identify a small number of places—probably cohorts of two local sites each year over the next few years—where intensive technical assistance and other forms of support can help to drive comprehensive reforms up and down the case processing continuum. This work will seek to establish a group of sites that have not only minimized youth incarceration, but have been able to test the proposition that these reforms result in better long-term outcomes for system-involved youth.

But we also know that many more JDAI sites than our resource capacities can satisfy are either interested in or already working on these kinds of reforms. To help them, we plan to establish a new infrastructure of tools and supports that can further their efforts without necessarily requiring large scale direct investments. A new web-based technical assistance center will be established for these jurisdictions, with tools that facilitate analysis of dispositional populations, document best practices, and offer consultations on specific issues and challenges. Training seminars will be available to jump start work on dispositional reform in these sites and convenings—like JDAI inter-site conferences—will be organized to build connections among peers and to exchange innovations and lessons learned. Again, there is a two-track workshop today devoted to exploring multiple opportunities to change local practice in order to safely reduce reliance on youth corrections and other forms of out-of-home placement.

Together, these four strategies hold promise not only to accelerate the trend of reductions in juvenile commitments and placements, but to stimulate overall system improvements that will sustain those reductions for decades to come.

(SHOW COMPARATIVE RATES OF INCARCERATION GRAPH HERE)

We should not be afraid of this pathway. Indeed, we should embrace it. Our country's reliance on juvenile confinement is unique in the world. Even if we reduce juvenile incarceration from today's levels by 50%, which is the Foundation's goal for the next decade, we would still be locking up our kids at rates far in excess of countries with similar political and economic systems. That is, halving our juvenile incarceration rate in the next decade is eminently do-able, at least as illustrated by the international experience. But it will require us to make at least six fundamental changes to the system as we now know it:

The first is simply to restrict eligibility for confinement. That is, we need to establish that juvenile institutions are reserved to those youth who pose the greatest public safety risks, not those who anger or frustrate us, or those with substantial needs. One obvious way to do this is to change laws that now allow commitment to the state of just about any adjudicated youth.

Second, the financial arrangements which currently encourage unnecessary commitments—because the state pays full freight for those youth—must be altered to dis-incentivize the use of confinement. If there is no cost consequence for uncontrolled reliance on commitments and placements, there will continue to be unnecessary and inappropriate use of those facilities.

Third, we need to establish a more robust and more effective array of community-based and evidence-based interventions that will serve to hold adjudicated youth accountable without requiring their

separation from family and community. It would make sense, of course, to incentivize the use of those alternatives at the same time that we dis-incentivize the use of secure confinement.

Fourth, as I've mentioned multiple times this morning, we need to implement best practices up and down the case processing continuum (as opposed to simply appending new alternatives to the system's dispositional end). JDAI is a perfect example of what I mean. Sites that have effectively implemented detention reforms send fewer kids to state custody because their decisions and options at multiple points in the process work better.

Fifth, for those youth who pose genuinely substantial risks to public safety or whose offenses are so egregious as to demand confinement, we need to establish facilities—like those in Missouri—that are small, humane, and rehabilitative. The era of the large training school or youth corrections center—a model which has repeatedly failed—needs to end.

Finally, juvenile justice needs to become accountable for results and for results that really matter. Large numbers of states are unable to account for recidivism rates, for racial disparities, for conditions of confinement failings, much less for results that track youth well-being. This needs to change. We know that when things are measured accurately and timely, we do better. Hopefully, the movement to reduce the unnecessary and inappropriate confinement of youth will strengthen our commitment to time, accurate data and its effective utilization.

If we can accomplish these six major changes in policy and practice, my guess is that we'll be well along the way to a juvenile justice system that can, indeed, pass the "my child" test. However, especially in a system like juvenile justice, where everyone relies on euphemisms and tends to embrace the same general concepts while operating radically differently, those six changes must be guided by a set of values and principles that, together, give meaning to the my child test. What are those values and principles? I'm hoping that we will actively debate and discuss them for years to come, but in the few moments I have left, let me share what I consider the beliefs most critical to a system for my kids.

I want a system that gets it that kids are not simply small adults, but largely different creatures, still maturing, less culpable, more amenable to change. Such a system would be loath to prosecute children as adults, to incarcerate kids with adults, to sentence them to life without parole, no matter what they've done.

I want a system that acts upon the belief that youth need families, not facilities, a system that understands that whenever we disrupt a family, we lessen the odds that that youth will succeed as an adult. On the practice level, this means a system that recognizes family strengths and devotes its resources to strengthening families; a system that learns from families, involves them in day-to-day operational decisions regarding their children, and includes them in policy and resource discussions. I want a family-focused system.

I want a juvenile justice system in which all children—regardless of race, ethnicity, gender or sexual orientation—are treated equally, without prejudice, but with competencies that recognize these differences and their implications. And I want juvenile justice personnel to do more than level the playing field once kids get into their system. I want those people to use their personal experiences seeing youth move through what the Children's Defense Fund calls the "cradle to prison pipeline" to disrupt that pipeline, to demand equitable treatment throughout the life course for America's most disadvantaged and fragile kids.

I want to know that the rights of my child are guarded at least as zealously as the rights of adults, and hopefully more. I'm not interested in hearing that, because the system is supposed to be based upon the best interests of the child, that my kid doesn't need a lawyer, much less the fierce defender of liberty that youth ought to have when confronting the vast power of the state. Those of you who think this isn't a big problem need only look as far as Luzerne County, Pennsylvania, for evidence of the consequences of indifference to this principle.

I want a system that's devoted to youth who pose genuine public safety risks, not a system that operates with a huge net, pulling in youth who don't need court interventions and who the research indicates

quite clearly are better off without system intervention. But I want this not simply because I don't want my kids' adolescent behavior to be criminalized, but because I want juvenile justice to succeed with that much smaller number of youth who we now confine in these devilish institutions.

Finally, I want juvenile corrections to stop trying to justify itself as a jobs program or economic development plan. Juvenile justice systems have and should take the lead in demonstrating to the nation that justice reinvestment strategies that shift public resources from counter-productive institutions to community-based services can and do work, including demonstrating that the economic dislocations that those opposed to closing facilities fear can be humanely and fairly managed.

Yes, there are other points to add to this list, but I think you all can get the message. We need more than great policies and procedures; we need to clarify what we hold dear and we need to demand that of ourselves and for our children.

JDAI and all the other parts of the growing national movement to safely reduce juvenile confinement provide a unique and powerful context to give life to those ambitions. Let us not miss the opportunity; let us not fail the kids or the community.