

JDAI News

Newsletter of the Juvenile Detention Alternatives Initiative

August 2007

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JDAI in Indian Country



In many parts of the country, Native American youth are detained at disproportionate rates and for complicated reasons. And although a number of western JDAI sites sit adjacent to American Indian reservations, they face unique challenges, including issues of legal jurisdiction, collaboration and coordination, data collection and service delivery. Despite the complexity of the challenges, however, JDAI is working to promote better outcomes and improve opportunities for Native youth.

Because Native tribes are sovereign entities—nations within a nation—each operates its own government and often its own court. Native youth who commit offenses on tribal lands are sent to tribal court. Any felony offense committed on tribal lands is usually handled in federal court. Native youth charged with a delinquent offense on county land go to county juvenile court and are held in county facilities. Some tribes operate a detention center while others purchase beds from the nearest county. Detention rates for Native youth can become disproportionate when the two independent courts feed into one county juvenile detention center.

The facilities at JDAI sites in Pima County (Tucson), Arizona; Whatcom

County (Bellingham), Washington; and many in New Mexico house Native youth detained by both tribal and county courts.

Data assists communication

JDAI sites are using data to guide policy, improve services and facilitate collaboration with the local tribes. “Typically Native youth in custody are voiceless. For too long, they have been overlooked, homogenized, grouped with other youth of color, and separated by great distances from their tribes. The best thing JDAI did was to recognize and identify our youth as important with unique needs and issues. As a result we are taking steps together to improve communication and services. This could not have happened without the data,” said Micah Schmit, chief prosecutor for the Pascua Yaqui Nation.

“Although non-Natives tend to lump Native Americans under one umbrella, the Native people are quite diverse and relate to their tribal heritage and traditions as separate and distinct cultures. For that reason, Pima County aggregates court data by tribal affiliation. This helps us honor our obligation to provide culturally sensitive services,” says Marcia Rincon-Gallardo, Pima County JDAI/DMC coordinator.

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It seems to me that probably the least discussed phenomenon in juvenile justice over the past decade has been the plethora of scandals and tragedies associated with the operation of juvenile detention and correctional facilities. Over the past few years, investigations and lawsuits over unconstitutional conditions have become increasingly commonplace. Numerous states and localities, for example, have been targeted by the U. S. Department of Justice's Civil Rights Division and, in most instances, the offending jurisdictions have been obliged to make extensive changes in facility staffing, practices and programming to stave off or settle lawsuits. In other sites, scandals have rocked systems as patterns of abuse, including the sexual exploitation of confined youngsters, have been revealed, sometimes resulting in the arrests of staff entrusted with the safety and health of these youngsters.

In this context, individual tragedies have been especially poignant. In Florida, a detained juvenile died of a ruptured appendix after reportedly being denied medical care by institutional staff who discounted his increasingly desperate pleas for help (for several days!). In Nevada, a young girl, confined essentially for running away repeatedly, committed suicide in a detention center when she recognized a staff member as someone who had previously abused her. A Maryland youth recently died in private placement as a result of the inappropriate use of force by facility staff. This list of examples could go on and on...unfortunately. JDAI sites, I am sad to report, have not been immune from these problems either, despite their explicit commitments to operate facilities that, at a minimum, pass constitutional muster and, hopefully, represent the best in detention facility conditions.

This pattern of abusive conditions persists despite some significant recent efforts to improve oversight of these places. In 1994, the Office of Juvenile Justice and Delinquency Prevention published Abt Associates' comprehensive national study of conditions of confinement in juvenile facilities. That report documented numerous serious, dangerous shortcomings and, for a while at least, focused considerable attention and some funding on strategies to improve what was happening behind the walls. The development of the Council of Juvenile Correctional Administrators' *Performance-Based Standards* and related monitoring system, for example, emerged directly from the Abt report's findings and reflected a general consensus among leaders in the field that existing national standards inadequately documented what was actually happening inside these places. (That's why, for example, a number of ACA-accredited facilities have been unable to effectively defend themselves against federal lawsuits.)

However, anyone who thinks that the Abt report propelled juvenile corrections into a new era of enlightened, humane treatment of kids, or decent working conditions and compensation for staff charged with providing their care and custody, has not paid attention to the litigation and tragedies of the past decade. Despite innovations like CJCA's *Performance-Based Standards*, secure juvenile detention and correctional facilities have repeatedly failed in the basic mission of providing safe and humane forms of confinement for high-risk kids. Given that record, why do so many people continue to imagine that these places are either therapeutic or restorative? Indeed, if there were ever a time to generally acknowledge the inherent problems with secure institutions for children, now's as good as ever.

I don't think that the abuse and tragedy reflected in this past decade of lawsuits and deaths can be simply written off as the regrettable byproduct of a nasty, but necessary, public safety function. Indeed, it seems to me that persistent and flagrant violations of human rights in juvenile detention and corrections facilities are simply far too common to be rationalized as regrettable exceptions to basic human decency. Instead, the frequency of these abuses should make us pause to question whether the genuine challenges inherent in trying to operate safe, humane (dare I add "effective") secure juvenile facilities are actually surmountable.

Over our century of experimentation with a separate system of justice for juveniles, there is scant evidence that we have the political will, financial and human resources, or the technical acumen to design and operate large locked facilities that will be safe and healthy, much less nurturing and rehabilitative. If that is true—if we can not routinely provide environments for delinquent youth that we would be comfortable with if our own children had to be confined in them—then it behooves all juvenile justice policy makers and practitioners to redouble our efforts to minimize the use of these expensive and often counter-productive institutions. The values and strategies of detention reform, rigorously and repeatedly proven in JDAI sites to safely reduce reliance on secure detention, are an obvious and necessary alternative to the apparently inherent potential for abuse in institutions.

So, whenever you wonder why you are struggling with the difficult tasks that JDAI puts before us, just think about these conditions, these tragedies, this history of abuse.

Bart Lubow
Director of Programs for
High-Risk Youth



A partially constructed sweat lodge, inside the fence of a New Mexico detention center. Photo by David Michael Kennedy.

Pima County also uses data as a tool to communicate with its neighbors: “We can go to the Tohono O’Odham and Pascua Yaqui nations and say this is how many youth were detained from your reservation. This is what happened to them. This is how long they stayed. It opened the door for a dialogue about alternatives and reform,” Rincon-Gallardo added.

Whatcom County recently drafted an agreement with its neighbor the Lummi Nation that encourages transparency between tribal and county court staff, and requires the sharing of court data, court orders and management reports.

In New Mexico, the state is beginning to break down its data by tribal affiliation for its committed youth.

Trust

“The lesson that we have learned is that communication, and the vehicle for the communication, is key,” said Dave Reynolds, Whatcom County juvenile court administrator.

JDAI practitioners all say that building relationships of trust with Native American communities is the only way to improve outcomes, and sites are taking opportunities to build bridges. In Pima County, Native people serve as stakeholders on the JDAI steering committee, and a JDAI subcommittee on Native youth issues meets on the reservation rather than in county offices.

In Whatcom County, Lummi Chief Tribal Judge Randy Doucet and Tribal Prosecutor Ann Reading serve on the JDAI steering committee. In addition, the Whatcom and Lummi courts are exploring ways to share case management of Native youth and even transfer jurisdiction when tribal services are deemed more appropriate. The courts also share staffing of youth involved in both jurisdictions.

In Pima and Whatcom, there are protocols in place to alert the tribal health service when a Native youth is arrested or detained by the county.

JDAI sites also recognize the need to provide cross-court training. Whatcom has opened its in-service training to personnel from the Lummi Tribal Court, and Pima provides an in-service training to its staff on Native-specific services, spirituality and culture. Stephen Archuleta, the New Mexico JDAI coordinator, regularly attends state tribal conferences and related tribal court gatherings to conduct workshops on detention reform.

In an effort to build trust and support collaboration, New Mexico has created tribal liaison positions in its state agencies to work through issues, bridge services and help with problem solving in an attempt to create equity while respecting sovereignty.

Barriers

There are major obstacles to overcome. The tribal administrative structure is sometimes spread thin, and Native stakeholders are managing multiple responsibilities. In New Mexico, 22 tribal governments are elected annually, and JDAI must continually provide education and outreach on the efficacy of reform.

“Staff rotations and changes in judicial officers may present our largest obstacle in Whatcom. That is why we are working hard to formalize agreements and put strategies in place to address issues regardless of the staff involved,” Reynolds said.

And because some Indian reservations are rural and have high rates of poverty, the transportation and communication issues can create barriers for family members, service providers and stakeholders.

Cultural programs

Policymakers have recognized that Native youth find strengths in their connections with their heritage, and that services must reflect and build upon those strengths.

An internal Whatcom County study of performance measures found that Native youth did not do as well as non-Native youth in alternative programming.

“The challenges facing Native youth are the same as those facing Hispanic, Anglo or African-American youth. Many are dealing with issues of drugs, alcohol or domestic violence,” said Tom Swisstack, director of the Bernalillo Juvenile Detention Center.

“But Native cultures and traditions are remarkably intact, and the tribe continually works at keeping it intact. The culture is very engaged, values are clear and communities are close-knit. The family support system has a major influence on redirecting children’s behavior. We have found that Native youth do better when the treatment is culturally appropriate.

In other words, Native youth may actually need culturally sensitive services in order to succeed.”

Culturally sensitive services are available in some detention centers. The McKinley County Detention Center in Gallup, New Mexico, has a sweat lodge, a Native American tradition in which participants undergo a spiritual purification and renewal process. Johna Gonzales, the detention center’s director, said, “We have staff with training in the spiritual practices of sweat lodges, and once a week or so they take the boys outside and they build a fire in the sweat lodge and have a ceremony. Everyone takes it seriously and is respectful. The Native youth light up and really enjoy it.”

Because Pima County Native youth had the longest average length of stay and also received the fewest number of visitors, the Pima County Native Youth standing committee (including representatives from both tribal nations as well as urban Natives) recommended bringing spiritual services to Native youth in detention. An advisory work group was

established, and now local Native elders will begin to conduct one-on-one visits with youth and hold talking circles, in which an eagle feather or talking stick is passed from person to person around the circle to facilitate dialogue.

A pilot project on New Mexico’s Alamo reservation transfers jurisdiction of Native youth from state custody to its peacemaker court, a Navaho tribal court program. Peacemakers are elders or medicine men, and peacemaking circles provide a process for bringing people together as equals to talk about very difficult issues in an atmosphere of respect and concern for everyone.

“Peacemaking is a powerful restorative justice model. In fact, there are so many tribal practices that can teach us about justice and rehabilitation,” said Native American Liaison Rebecca Ballantine, who, nevertheless, added that “there is a great deal of work that needs to be done.”

Because the collaboration between JDAI and Native Americans is relatively recent, there are lots of important issues that remain to be attended to. For example, the Native youth held in tribal facilities have not yet been included in the dialogue of detention reform. In 2003, the Bureau of Justice Statistics reported that 278 youth were housed in Native facilities—some of which are overcrowded and co-mingle juveniles with adults. Going forward, the local JDAI sites are working to formalize agreements and collaborate on cross-agency funding and services. By building trust and developing partnerships, JDAI hopes to engage the tribal courts in the principles of detention reform. Tribal courts, tribal facilities and Native youth can hopefully benefit from the outcomes and lessons learned through JDAI.



Caren Trujillo, president, Wings of Wisdom, and Benny McCabe, case manager, Tucson Indian Center, at the conclusion of a Pima County juvenile court staff training on the Native youth services available through the Tohono and Pasqua Yaqui nations and Tucson service providers.

Practical approaches lead to legislators funding detention reform

A powerful JDAI champion, good outcomes and inexpensive reforms was cited by three JDAI sites as contributing most to their state policymakers' support for detention reform.

“What we learned is that when you can go to state officials with a program that boasts strong outcome measures achieved with limited additional costs, then you have a winning combination,” said Lisa Macaluso, JDAI New Jersey coordinator.

“In New Jersey, we worked closely with Union County Assemblyman Joseph Cryan, who became the chief advocate for JDAI in the legislature,” she added. “He was very concerned about conditions in detention and the safety of our youth. We worked to keep him informed of JDAI's progress, but frankly, it was the results that made the difference.”

Language in the New Jersey governor's budget directs \$4 million toward JDAI strategies, including six detention specialists and incentive funds for local JDAI sites. New Jersey recently expanded JDAI from five to 10 sites, with the goal of implementing JDAI in all of New Jersey's 17 counties that operate juvenile detention centers.

The Washington legislature appropriated up to \$400,000 over two years to support JDAI site expansion, a state conference and enhanced data collection capacity in JDAI sites. “I think other jurisdictions could easily replicate what we did,” said Rand Young, JDAI Washington coordinator.

Washington formed a core planning group at the state level that included the president of the Governor's Juvenile Justice Advisory Board, the juvenile justice specialist and the JDAI state coordinator, who kept state policymakers informed and included them in JDAI-related events. In 2005, Rep. Mary Lou Dickerson from King County, already a champion for children's issues, attended a JDAI conference and almost immediately assumed a leadership role in promoting detention reform. Rep. Dickerson was invited to participate in a model-site visit to Bernalillo County. After meeting with national and local JDAI leaders, she became convinced that there were more effective, safer and less-costly approaches to juvenile detention, and she drafted the funding proviso that was signed by the governor.

Outcomes in Washington, like lowered detention populations and a reduction in commitments to state institutions, helped convince legislators of the cost benefits of supporting JDAI reforms. State officials were also motivated to support JDAI reform efforts after they saw how model sites had reduced the overrepresentation of children of color in detention – an ongoing concern for Washington policymakers.

Tom Swisstack, the director of the Bernalillo County Juvenile Detention Center and a state representative for Bernalillo County, provides what most JDAI sites could only dream of: a legislative champion and JDAI practitioner rolled into one. “I began my career in juvenile justice, and all my politi-

cal campaigns were based in part on progressive juvenile policy. Now I have substantial data to show my colleagues in the legislature that detention reform works,” Swisstack said.

Over the past five years, under Swisstack's leadership, New Mexico has written many JDAI principles into the delinquency section of the New Mexico Children's Code. In 2003, the law was changed to prevent youth over 18 from being housed in detention and reduce the time allowed to file petitions from 36 to 24 hours. In 2005, the legislature voted to prevent children under 11 from being housed in secure detention, and required that preliminary investigations be completed within 30 days.

In 2007, as a result of reaching out to legislators by providing data and educational opportunities, juvenile justice issues were promoted to a core focus of the Courts and Criminal Justice Legislative Subcommittee. In order to sustain the philosophy of reform, language was enacted that incorporates the eight JDAI core strategies into the Children's Code.

Also in 2007, New Mexico appropriated more than \$2 million a year in state funds for local alternatives to detention, and \$300,000 for a GPS-based electronic monitoring system.

For more information, contact Lisa Macaluso at Lisa.macaluso@njjjc.org; Rand Young at Rand_young@msn.com; or Doug Mitchell at demitchell@bernco.gov.

Keys to Securing Local Detention Reforms

Goal: To sustain and promote JDAI with state-level partners (or legislators)

Strategies

Collaboration

- Identify one or more JDAI champions.
- Look for a policymaker with a professional interest in juvenile justice.
- Keep policymaker regularly informed on JDAI policy and progress.
- Invite legislator to JDAI steering committee meetings.

Publish and disseminate data

- Prepare a short, easy-to-understand synopsis of JDAI site results.
- Update and disseminate data regularly to key legislative stakeholders.
- Use data collection to inform policymakers of JDAI results.
- Link strong results to cost-effectiveness and public safety.

Educate state policymakers

- Convene and host state-level stakeholder meetings.
- Sponsor detention reform conference.
- Invite policymaker to speak at state conference.
- Include policymaker on model-site visits.

Build Sustainability

- Ensure accountability by including core principles of detention reform in legislative language.
- Include state policymakers in sustainability planning.

Nevada Amends Domestic Battery Hold for Juveniles

By Francine Sherman, adjunct associate law professor at Boston College and author of "Detention Reform for Girls: Challenges and Solutions."

Nevada no longer requires a 12-hour secure hold for youth charged with domestic battery, thanks to the efforts of two Nevada JDAI sites. Mike Pomi and Cherie Townsend, the directors of juvenile justice services in Washoe and Clark counties, worked with domestic violence organizations, law enforcement and Nevada State Sen. Mark Amodei to draft and spearhead the amendments, which passed both the Nevada Senate and Assembly.

During a review of JDAI data for girls, both sites discovered that the mandatory hold policy was having the unintended consequence of sweeping girls disproportionately into detention.

Both sites conducted comprehensive assessments of policies and practices "through a gender lens" to identify and understand how the detention process was resulting in girls' detention and to target the responsible practices and policies for reform. The mandatory domestic battery hold was one such policy.

Knowing that nationally, girls are disproportionately and often unintentionally affected by laws targeting domestic violence, JDAI stakeholders in Washoe and Clark counties explored the local impact on girls. Their findings were striking. While girls in Clark County comprised 22 percent of the overall detentions in 2006, they were 43 percent of detentions for domestic battery. In Washoe County, girls were 28 percent of detentions overall but 40 percent of those detained for domestic battery. In fact, in Washoe County, 69

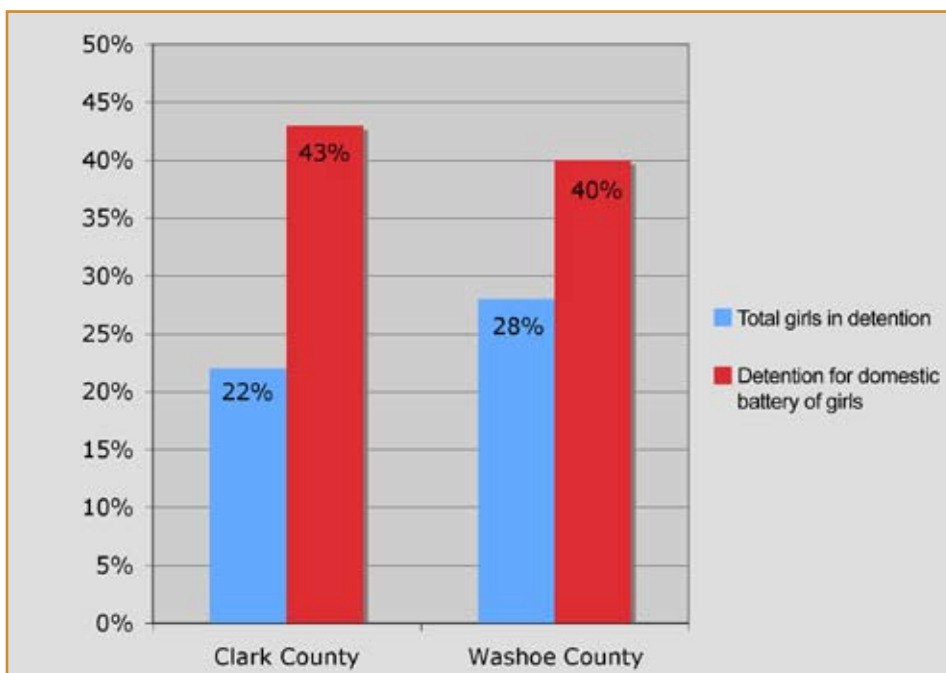
percent of all person-offense detentions for girls were for domestic battery. These findings underscored the counterproductive nature of the mandatory hold policy. In Washoe County, domestic battery referrals increased 35 percent from 2002 through 2006, and in Clark County, they increased 40 percent. In 2006, juvenile domestic battery detentions cost Washoe County \$63,447, yet that did nothing to address domestic battery. In her testimony before the Legislature, Director Townsend acknowledged the difficulties presented by domestic battery cases involving youth in which the juvenile "is not only the offender, but also the victim." Townsend offered that "the proposed repeal would allow the juvenile justice system to assess each referral and determine the best available response in each case."

Offering testimony in support of the change were JDAI and non-JDAI sites, rural and urban counties, law enforcement and community organizations providing domestic violence services.

The new law treats the charging of a youth for domestic battery as a sign of a family issue, to be handled by family services. The amendment will only allow detention for youth charged with domestic battery if the child otherwise meets detention criteria and there are no other family services available. The governor signed the legislation on May 17, 2007.

For further information, contact Mike Pomi, director of juvenile services, Washoe County, Nevada, at MPomi@washoecounty.us; or Cherie Townsend, director of juvenile services, Clark County, Nevada, at ckt@co.clark.nv.us.

Girls more likely to be detained for domestic battery



JDAI Guide Published by NACO

Using the JDAI model sites as examples, a new educational tool published by the National Association of Counties (NACO) provides compelling arguments why county officials should undertake detention reform. The 12-page guide

introduces NACO members to the concepts of detention reform, provides data analyses and cost comparisons, and illustrates outcomes achieved in JDAI sites across the nation.

“It is important for county officials to consider juvenile detention reform for three reasons: current detention practices are costly, detaining children does not promote public safety, and detention affects children negatively,” says NACO’s *Juvenile Detention Reform: Guide for County Officials*. The report is distributed to 2,075 counties that are NACO members.

JDAI Model Sites: Crime Declines & FTA Rates Fall
Source: Juvenile Detention Reform: Guide for County Officials. 2007.

County	Violent Juvenile Arrest Rate (1996-2002)	Failure to Appear	
		Pre-JDAI	2003
Cook	-54%	39%	13%
Multnomah	-45%	7%	7%
Santa Cruz	-38%	n/a	3%
United States Average	-37%	n/a	n/a

The guide, and a related PowerPoint presentation developed by the Alabama Youth Justice Coalition, may be downloaded from the JDAI Help Desk at www.jdaihelpdesk.org. For hard copies, contact Justin Carmody at jcarmody@naco.org.

Review of Virginia Risk-Assessment Tool Finds Good Results

The Virginia Department of Juvenile Justice implemented a standardized, structured decision-making instrument to guide detention decisions by intake officers in 2002.

In order to measure the public safety outcomes of the Virginia Detention Assessment Instrument (DAI), a study was conducted to document the failure rates for 847 screened and released youth over three months in 2005.

The review determined that 7.1 percent of youth who were released or placed in alternatives re-offended. In addition, only 1.7 percent of youth failed to appear in court. According to the “JDAI Practice Guide for Risk Assessment”: *When a juvenile detention validation study yields a failure rate of less than 10 percent, the RAI should be given a passing grade, and rates*

under 5 percent can be considered good performance.

The outcomes demonstrate that when intake workers closely follow the indicated recommendation of the DAIs, youth have better results. The study revealed that the highest incidence of re-offending and failure to appear occurred when the intake worker did not follow the DAI’s recommendation among youth whose risk-assessment score indicated a need for some non-secure supervision but who were sent home without any alternative in place. Results also indicated that misdemeanors accounted for two-thirds of all new offenses.

Because the Virginia JDAI sites complete a DAI for all detention-eligible intakes, only youth from these jurisdictions were followed.

“Implementation of the DAI as an objective, structured approach to inform detention decisions has been an important aspect of Virginia’s efforts to ensure that youth who require secure confinement are held and those who can be safely managed in the community are placed in the appropriate type and level of pre-trial supervision,” said Scott Reiner, VADJJ program development manager.

The collaboration between DJJ and the Casey Foundation officially began in 2003. There are currently eight JDAI sites in Virginia.

To learn more about risk assessment validation, go to the JDAI Help Desk, www.jdaihelpdesk.org and read the section on validation in the JDAI Practice Guide for Risk Assessment or contact Beth Stinnett at Beth.Stinnett@djj.virginia.gov.

New Mexico is Bridging the Data Gap

Using state-of-the-art technology, New Mexico is expected to be the first state in the nation to launch a statewide internet-based screening and tracking system for youth referred to detention. The innovative design will provide accurate, unified and real-time data on the state's detention population. It will centralize New Mexico's juvenile detention data for improved management reporting and provide officials across the state with instant access to a youth's risk and detention history. It will automatically apply consistent detention criteria and collect and track real-time data on youth admitted and released from detention.

"Legislation to require a screening for every child referred to detention was the first step. This system will ensure that no child referred for detention will enter any detention center without having been appropriately screened," said Patti Vowell, New Mexico's assistant JDAI coordinator and a member of the software design team.

The goal was to bridge the compatibility gap between the screening and assessment software used at the Bernalillo County Juvenile Detention Center and software used in the rest of New Mexico's detention centers. A secondary goal was to provide a platform for unified reporting of statewide data.

The web-based system will be used by New Mexico's Children, Youth and Family Department; detention centers, including the Bernalillo County Juvenile Detention Center (a model JDAI site); and the state judiciary.

Funded by local, state, federal and foundation grants, the project has just completed its design phase. The new software is expected to begin testing by the end of 2007, and be operational by April 2008.

For more information, contact Patti Vowell at patti.vowell@state.nm.us.

New Look for JDAI Help Desk

Upgraded software and a new look are making retrieving documents easier from the JDAI Help Desk. Documents are now cataloged by JDAI site name, by core strategy and by stakeholder. The JDAI Help Desk is a technical assistance resource to JDAI sites, and features an electronic library of policies, practices, tools and resource guides generated by JDAI sites and juvenile justice experts. Juvenile detention data manuals, policy analyses, descriptions of best practices, reform tools and strategies are available to help jurisdictions in planning for effective change.

Visit the JDAI Help Desk at www.jdaihelpdesk.org today.



Press Reports on Dakota County DMC Study

“Racial gap found in juvenile sentencing. Study probes reason black teens get harsher penalties,” said the headline in the *St. Paul Pioneer Press*. The Minnesota news story reported the findings of a study conducted by Dakota County Community Corrections to assess the overrepresentation of minority youth in their juvenile system.

Dakota County, one of three Minnesota JDAI sites, already knew that African-American youth made up only 3 percent of the youth in Dakota County but represented one-fifth of the population (21 percent) in the juvenile system. The study, designed to track cases of youth of color after arrest, helped Dakota County stakeholders to determine the possible causes of disproportionate treatment.

They also found that a disproportionate number of African-American youth (68 percent) were charged with school-based offenses and that although African-American youth represented 21 percent of the youth in corrections, they were just 13 percent of the youth served by treatment programs.

For more information, contact Denise McKizzie at mckizzie@mncounties.org.

Rave Reviews from Youth for Santa Clara Evening Reporting Center

An article in the April 9th *San Jose Mercury News* showcased youth voices – all satisfied participants in Santa Clara County’s Evening Reporting Center. The afternoon and evening program costs the county \$62 a day, compared with \$230 a day for juvenile hall:

For six hours a day, they lay down their masks. The tattoos, the baggy-droopy jeans, the street-hardened impassive faces – all that is armor. At dinner time, the young auto thief sits next to the gang-banger next to the girl arrested for assault with a deadly weapon.

“We eat, we talk, kind of like a family,” said a 15-year-old sophomore. Having a meal together, the teen said, is an activity “most kids and their families don’t normally do.”

“Every day I look forward to coming here,” said a 16-year-old sophomore. “I feel normal.” His favorite part of the day is the group check-in at the start of every session. “I don’t usually tell people how my day was,” he said of his life outside of the center. “I usually keep to myself.” At home, he said, there are “a lot of family issues,” and he struggles with pent-up anger. Halfway through the program, he said he already feels changed. “I think

more,” he said. “I think of what I do before I do it.”

At a March ceremony, a previous graduate returned to rap a poem he penned called “Ghost.” It reads, in part:

*“It’s like the ghost you can’t see but you know is there.
You feel it in the air, life isn’t always fair.
You want to go back and fix what has been done,
But then you wouldn’t have the mistakes that you’ve learned from.
You can’t turn from the past so you face it.”*

The full article may be found on the JDAI website at www.aecf.org/jdai.aspx.

Spokane County Seeks Grant for Alternatives

Potential funding for alternative programming in Spokane County, Washington, was discussed in the April 18th issue of the *Spokesman Review*. The Spokane County JDAI is hoping to receive its third year of federal funding through the State Advisory Committee to support evening and weekend alternative programming for probation violators. Funds for alternative programming from the Casey Foundation

and the federal government have helped to reduce pressure on an overtaxed 39-bed detention center and the five beds the county rents at the Martin Hall Regional Detention Center. The county’s detention center averaged 47 in 2004 and 2005 because of double-bunking. County juvenile justice officials hope eventually to be able to eliminate double-bunking by placing more youth in detention alternatives.

According to the *Spokesman Review*, county juvenile justice officials say the new programs helped save the equivalent of 2,768 days of secure detention in 2005 and 2,697 in 2006.

For more information, contact Rand Young at rand_young@msn.com.

Juvenile Justice Reform Kick-Started by Katrina

Reform is in full swing in Orleans Parish, Louisiana. A comprehensive portrait of the strategies and obstacles facing the Orleans Parish Juvenile Court can be found in the April 8th edition of the *New Orleans Times-Picayune*. According to paper:

The floods that followed Katrina wiped out both detention facilities in their entirety – all 132 beds. The crisis was viewed as an opportunity. They decided against rebuilding the juvenile jails. Now, violent offenders are still detained, but most arrested children are released to their parents and ordered to appear in court at a later date. Among law-and-order types, there was reason to wonder

if delinquent juveniles wouldn't scoff at the new arrangement and fail to show up for their court date, a concern heightened by the resurgence of street killings as the city regained population. But so far the change has gone smoothly, officials said.

Today on average, out of the 20 available beds, only 14 are filled.

Under the new dispensation, youth are automatically detained if they're arrested for committing a crime against a person, carrying a handgun or dealing drugs.

Arrested youth are now taken to NOPD's juvenile division intake, where a screener

assesses the child's situation to determine whether detention is necessary. If not, the child is released to parents or guardians.

Nonviolent offenders are kept under supervision through electronic monitoring and surprise drop-in visits by court staff – at a cost that is less than a 10th the cost of detention, according to juvenile court officials.

Reform in Orleans Parish is still very new and very fragile, experts say.

Read the *New Orleans Times-Picayune* article and editorial on the JDAI website at www.aecf.org/jdai.aspx.

JDAI NEWSMAKERS

Virginia Judge Retires from Bench

Chief Judge Nelson T. Durden of Hampton, Virginia, a JDAI friend and valued local leader, has retired. The judge emerged as a JDAI advocate and provided crucial judicial leadership that was instrumental in Virginia's success as a JDAI site.

"I initially did not want to be involved with the Casey Foundation's Juvenile Detention Alternative Initiative because I did not feel it was necessary in the Juvenile Court in Hampton, Virginia. However, after participating in JDAI, I became a believer. Involvement not only saved the city of Hampton money, but it has also caused the Juvenile Court to establish several initiatives – such as a detention review specialist, family stabilization workers, mental health screenings for children who are court-involved and an alternative school," Judge Durden said.

Active in the community, Judge Durden served as president of Peninsula United Way and was on the vestry of his church for 30 years. He also works to improve Virginia's judiciary and the judicial process, and is participating in a Child and Family Services review in preparation for a federal audit of foster care in Virginia. And by assisting in the development of best-practice efforts for foster care and adoption cases, he is part of an undertaking to better the court's handling of caseloads

Judge Durden began his legal career in private practice in 1963, and was appointed to the Juvenile and Domestic Relations District Court Bench in 1973, serving several terms as chief judge. The judge retired last year at age 70, but has stayed on the bench after retirement, serving as judge-designate.



The Honorable Nelson T. Durden, Juvenile and Domestic Relations District Court, Hampton, Virginia.

Number of Youth in Adult Jails Mushrooming, Says New Report

Despite a federal law that prohibits the incarceration of youth in adult facilities, the number of young people held in jails across the country has exploded by 208 percent since the 1990s, according to a new report by the Campaign for Youth Justice. An estimated 200,000 youth end up in the adult system each year, and 40 states allow or require the jailing of youth before trial, according to the report, *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform*.

Most youth are charged with nonviolent offenses, says the report. In addition, youth of color, who typically go to court with inadequate legal counsel, account for three out of every four

young people admitted to adult prison. The report notes that juvenile judges are frequently excluded from the decision to prosecute youth as adults. Instead, prosecutors and state laws determine which youth end up in the adult system, no matter how minor the nature of the offense.

“As a former prosecutor and head of the Office of Juvenile Justice and Delinquency Prevention, I have had the opportunity to witness firsthand the impact of trying and sentencing youth as adults,” said Shay Bilchik, director of the Center for Juvenile Justice Reform and Systems Integration at the Public Policy Institute of Georgetown University. “While I once supported

these laws, their virtual unbridled use has negatively impacted too many young offenders with whom the juvenile justice system could have done a better job in rehabilitating and promoting public safety and youth development. States need to seriously consider reforming these laws, providing strict guidelines and reintroducing the role of the judge in making these jurisdictional determinations.”

The report calls for a ban on the incarceration of youth in adult facilities, and the placing of authority for all transfer decisions with the juvenile court.

For a copy of the report, visit www.campaignforyouthjustice.org.

Study Finds that Children of Color Receive Different Diagnoses than White Children

Clinicians of all races tended to label white children with conduct disorder-like symptoms as mentally ill more often than they labeled children of color with the same symptoms, according to new study in the American Psychological Association's *Journal of Consulting and Clinical Psychology* (Feb. 2007, Vol. 75).

“It may be that these negative behaviors are seen as more normative for minority children than for white children,” said study director Kathleen Pottick, a professor in the Rutgers University School of Social Work.

Pottick and her colleagues asked 1,401 clinicians to read a vignette about a child named either Carlos or Carl who was either white, African-American or Hispanic. Carl/Carlos was causing a

lot of trouble in school, bullying his classmates, skipping class and, in one incident, attacking a classmate with a baseball bat. In some of the stories, his actions could be explained because he recently was forced to join a gang. In other versions of the vignette, Carl/Carlos went to a safe school and his behavior was completely out of the ordinary.

Though Carl or Carlos met the diagnostic criteria for conduct disorder in all the versions of the vignette, the clinicians were less likely to view him as mentally ill if his behavior seemed adaptive, given his violent school. But regardless of the contextual information, clinicians were more likely to label the white Carl as mentally ill than the African-American Carl or the Hispanic Carlos.

The findings suggest that white children are being over-diagnosed or that children of color are not getting the diagnosis – and treatment – they need. “This might ... explain how, in part, minority children disproportionately end up in the juvenile justice system while white children end up in the mental health system,” Pottick says.

The study also found that social workers were the least likely professionals to detect mental illness among children. Psychologists were three times as likely as social workers to recognize mental illness, and psychiatrists were five times as likely.

The article is available to purchase at www.apa.org.

Fact Sheet Provides Context for Crime Rates

While any increase in violent crime is cause for concern, crime is not increasing at the alarming rates seen in the early 1990s, according to a fact sheet, “Concerns Over Rising Crime in Context,” by the Justice Policy Institute. The nation’s violent crime rates are still well below those witnessed at the peak of the last crime epidemic, and a short-term change in crime does not constitute a trend. Furthermore, young people are not driving this increase in violent crimes.

Adults, not juveniles, represent 84 percent of all violent crime arrests. Seventy-eight percent of the increase in violent crime arrests from 2004 to 2005 was due to adult crime. There

Juvenile vs. Adult Arrests

Percentage of Total Arrests for Violent Crimes
Source: FBI Crime in the United States (2004 - 2005)

	2004		2005	
	Juveniles	Adults	Juveniles	Adults
Murder	8.2%	91.8%	9.0%	91.0%
Rape	16.2%	83.8%	15.4%	84.6%
Robbery	23.2%	76.8%	25.2%	74.8%
Aggravated Assault	13.8%	86.2%	13.6%	86.4%
Total Arrests	15.5%	84.5%	15.8%	84.2%

has been no significant change in the proportion of violent crime arrests that were juveniles.

For a copy of “Concerns Over Rising Crime in Context,” visit www.justice-policy.org.

New Center to Support Juvenile Justice Systems Reform

The Georgetown Public Policy Institute announced the creation of the new Center for Juvenile Justice Reform and Systems Integration Research. The center will offer a professional certificate for elected and appointed public agency

leaders at the state and local level. There will be a particular focus on leading systems change and reform efforts. Professor Shay Bilchik, former OJJDP administrator, will direct the center. Bilchik served as president of the Child

Welfare League of America for more than seven years. His experience also includes 16 years as an assistant state’s attorney for Miami, Florida.

Protecting Youth from Abuse and Discrimination

Vulnerable youth in juvenile justice facilities received support from California lawmakers, who approved a measure that would protect youth who are mistreated and harassed because they identify as lesbian, gay, bisexual or transgender (LGBT). The California Juvenile Justice Safety and Protection Act (Senate Bill 518) passed the Senate Public Safety Committee by a 3-2 vote. If approved by the California Assembly,

the bill would address the abuse and discrimination against LGBT youth by instituting some basic safeguards that would benefit all young people residing in state and county juvenile justice facilities, including a youth bill of rights, a comprehensive nondiscrimination policy and a requirement that correctional staff be trained to prevent discrimination and harassment.

Lawmakers in other states have proposed similar measures to protect youth in juvenile justice facilities. The Michigan Department of Human Services has adopted a bill of rights ensuring an environment free of discrimination, and last year, New York legislators proposed an act to prevent the abuse of LGBT young people in juvenile facilities.

Since 1948, the Annie E. Casey Foundation (AECF) has worked to build better futures for disadvantaged children and their families in the United States. The primary mission of the Foundation is to foster public policies, human service reforms and community supports that more effectively meet the needs of today's vulnerable children and families. For more information on JDAI, please feel free to contact the resources listed below.

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