

A BLUEPRINT FOR YOUTH JUSTICE REFORM

**“For these are all
our children.
We will all profit
by, or pay for,
whatever
they become.”**

- James Baldwin, Writer



Youth Transition Funders Group

Together, we can transform
the way we respond to
young people up to age 25
who are involved in or at risk
of becoming involved with
our nation's juvenile and
criminal justice systems.

TRANSFORMING YOUTH JUSTICE

This Blueprint is a call to action to funders, policymakers, community leaders, system stakeholders, advocates, youth and families. We seek your bold leadership, your commitment and your voices as we work in partnership for youth justice reform.

Decades of research on youth development confirm what we all know – YOUTH ARE DIFFERENT FROM ADULTS. Advances in neurobiology show that the human brain is not fully developed until one's mid-twenties and that outcomes are better if youth are treated based on their age, maturity, and family circumstances.¹ Yet, each year, hundreds of thousands of vulnerable young people, primarily youth of color, are funneled into the justice system, which is neither designed nor equipped to meet their needs or bolster their development. Overwhelmingly, evidence proves that reliance on punishment and incarceration, rather than restorative justice and rehabilitation, is harmful to young people² and is associated with increased rates of reoffending,³ strained family relationships,⁴ lower educational and vocational attainment,⁵ and incarceration later in life.⁶

We know that adolescents and young adults, by their nature, engage in risky behavior, some of which may be unlawful. We also know that most youth age out of or desist from criminal behavior without any intervention at all.⁷ For those who do become justice-involved, it is important to examine whether the policies, systems and programs intended to help them truly are promoting their well-being rather than causing them further physical, emotional and collateral harm.

THE TIME FOR REFORM IS NOW!

A sea change is underway in the youth justice field. Since 2005, the U.S. Supreme Court has repeatedly held that, given developmental differences, a youth's age, maturity and circumstances should be primary considerations in sentencing. Whether for moral or fiscal reasons, more and more states have reexamined their justice policies and are committed to policy changes that have significantly reduced the number of youth held in detention and locked institutions – some by more than half.⁸ Public attitudes are shifting in favor of rehabilitative measures over punishment, and a broad range of policymakers are taking up the charge for reform. At the same time, the rates of violent crime by youth have declined to the lowest levels in over 30 years.⁹ Not only are youth spared the trauma engendered by court involvement and removal from their homes, but states and counties are saving hundreds of millions of dollars by shifting resources away from costly incarceration and toward more effective community-based, trauma-informed programs, and family supports.¹⁰

While these trends are encouraging, there are still far too many young people who are exposed to violence and trauma – in communities and in the system – which, if left untreated, can increase the likelihood of offending.¹¹ The United States remains far more punitive and less youth development-oriented than other Western democracies in the way it treats young people in trouble with the law.¹² Urgent action is needed to embrace strategies that are proven to work and eliminate justice policies and practices that threaten the safety, well-being and civil and human rights of children and youth.¹³

ACHIEVING OUR VISION

The Youth Justice Work Group (YJWG) of the Youth Transition Funders Group (YTFG) envisions a youth justice system that fosters the healthy development and well-being of all children and youth by building upon their strengths, cultivating their relationships with caring adults, supporting their families and communities, and offering them age-appropriate opportunities for future success. We are committed to partnering with the broader community to promote restorative justice, safety, opportunity and positive outcomes for all young people.¹⁴ In order to achieve our vision, and in alignment with YTFG's Youth Well-Being Framework, we recommend the following 10 Tenets for Youth Justice Reform.

A BLUEPRINT: 10 TENETS FOR YOUTH JUSTICE REFORM

1. DIVERT YOUTH FROM THE JUSTICE SYSTEM

Exposing young people to the justice system can actually increase their likelihood of future offending rather than deter it.¹⁵ Yet, there is a startling trend to “criminalize” minor misbehaviors, which increasingly leads to school suspensions, expulsions and arrests, particularly among youth of color. First and foremost, we need to stop the school-to-prison pipeline and equip schools with the tools necessary to address problem behaviors in-house. When a youth’s behavior requires an intervention by the justice system, age-appropriate and cost-effective diversion programs, including mentoring, mediation and group conferencing, and community service, should be offered that allow youth opportunities to understand and accept responsibility for their actions and help them repair harm to victims and the community without formal court involvement. Even youth who are accused of violent offenses should have access to diversion options at every point in the system – from pre-arrest through adjudication.

2. ELIMINATE RACIAL AND ETHNIC DISPARITIES

Youth of color deserve fair and equitable treatment, yet they continue to be disproportionately arrested, detained, placed out of their homes, and transferred to the adult system when compared to white youth with similar offenses.¹⁶ Eliminating these disparities in the justice system requires the dismantling of policies and practices that create and exacerbate racial inequity. To specifically address racial disparities in decision-making – whether driven by implicit or explicit bias – schools, law enforcement agencies, probation departments and courts must provide strong leadership on equity issues, improve data collection, monitor trends by race and ethnicity, use objective decision-making tools, hire diverse staff, and develop culturally and linguistically responsive programs, services and training.

3. ENGAGE YOUTH, FAMILIES AND COMMUNITY

Families are crucial to youth success, but the justice system is often inclined to ignore, alienate or blame family members rather than engage them as partners.¹⁷ Youth and families should be at the center of case planning and encouraged to provide feedback to law enforcement, courts, probation, facilities and service providers on the quality of their policies and programs and their overall experience with the system. Jurisdictions should adopt individualized, family-driven policies and case management practices and create youth councils or leadership opportunities to regularly receive input

from justice-involved young people. Likewise, law enforcement should establish community policing practices, in which community members are active and respected partners in achieving public safety. Broader community supports should also be engaged to organize and mentor youth and families to advocate for community and economic development and systems reform.¹⁸

4. IMPROVE CROSS-SYSTEM COLLABORATION

Justice-involved youth overwhelmingly have histories of untreated trauma, victimization, physical and mental health needs, substance abuse issues, and educational delays.¹⁹ Research suggests that well over half of justice-involved youth have experienced the child welfare²⁰ or mental health systems.²¹ Too often, these vulnerable youth cross over to the justice system, and may even be confined, as a means to access mental health or substance abuse treatment.²² The justice system should never be a dumping ground for youth who have been failed by other systems. It is imperative that jurisdictions work collaboratively across agencies – public health, child welfare, education, labor, housing, etc. – to address the holistic needs of youth and equally share accountability for youths’ well-being and outcomes. Coordinated systems can be achieved by using comprehensive screenings and assessments, applying for and blending funding and jointly implementing effective, appropriate services that benefit youth and families.

5. ENSURE ACCESS TO QUALITY LEGAL COUNSEL

Youth have a constitutional right to effective legal assistance.²³ This is essential to ensuring a fair court process, as well as reducing unnecessary detention, transfer to adult court and incarceration. Yet young people often face court hearings without the assistance of competent counsel, or make uninformed decisions to waive their right to counsel altogether due to immaturity, anxiety, and pressures to resolve their cases quickly. Jurisdictions can protect the rights of young people by requiring early and continuous assignment of counsel through post-adjudication; providing specialized training to defenders, prosecutors and judges on adolescent development, mental health, special education and immigration law; requiring that attorneys have manageable caseloads and adequate resources to provide quality legal representation; and partnering lawyers with social workers to ensure that youth are connected to appropriate services.

REDUCE JUSTICE INVOLVEMENT AND IMPROVE OUTCOMES FOR YOUTH

6. KEEP YOUTH OUT OF ADULT COURTS, JAILS, AND PRISONS

Youth do not belong in the adult criminal justice system. Transferring youth to adult jails and prisons has proven to be highly ineffective and dangerous – for young people and communities. Youth confined as adults are at the greatest risk of physical and sexual victimization, solitary confinement and suicide.²⁴ Adult probation and prisons do not offer developmentally appropriate services and youth who leave prison are more likely to reoffend, and reoffend more violently, than their counterparts served in the juvenile system.²⁵ Likewise, criminal records and registries can create lifelong barriers to education, employment, housing, military service and public benefits.²⁶ Many states are reversing harsh transfer policies, but it should be a national standard that youth under 18 –or even older– are never tried as adults or placed in adult jails and prisons and that sentencing laws always account for developmental differences.

7. CREATE A RANGE OF EFFECTIVE COMMUNITY-BASED SUPPORTS

Community-based interventions are more effective at addressing the developmental needs of justice-involved youth, reducing recidivism, engaging the whole family, and producing positive long-term outcomes for youth and society. Community-based programs and probation practices that promote youth development are much less expensive than detention and incarceration²⁷ and, when informed by data-driven decision-making tools, are far more attuned to a youth's needs than punitive or surveillance-focused probation approaches. Effective case management, evidence-based treatment, mentoring, community service, family counseling, recreation, work opportunities, and the arts help youth gain and apply life skills.²⁸ Because a lack of developmentally appropriate services can contribute to youth incarceration,²⁹ it's important that states and counties realign resources or offer financial incentives that encourage ongoing creation and support of community-based options to meet the diverse needs of justice-involved youth.

8. RECOGNIZE AND SERVE SUBPOPULATIONS OF YOUTH

In addition to racial and ethnic disparities, other forms of biased treatment pervade the justice system, particularly for girls and young women; lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth; immigrant youth; non-English speakers; teen parents; homeless youth; students with special education needs, and crossover youth (those in both the child welfare and

juvenile justice systems). It is imperative to understand the unique pathways that bring youth into the system and respond by ensuring that youth aren't treated inappropriately and more harshly based on their demographic or personal characteristics. Systems should respond to youth as individuals and ensure that justice policies and practices are trauma-informed, gender-responsive, LGBTQ-affirming, and culturally and linguistically competent. Likewise, jurisdictions should adopt non-discrimination policies, practices, and trainings to ensure that all youth are treated equitably.

9. END USE OF DETENTION AND CONFINEMENT

Detention and incarceration disrupt a youth's development, exacerbate pre-existing trauma, and often expose young people to extreme physical and sexual violence, restraint and isolation.³⁰ Youth should never be subjected to such dangers. Most youth placed in justice facilities are there for non-violent offenses³¹ and should be served in the community.³² Residential treatment away from the home should only be used as the last resort, if at all, for only the small number who pose a significant and persistent risk to public safety, as informed by a validated risk assessment and not based solely upon the offense charged.³³ In these cases, training schools should be prohibited and treatment programs should be small, therapeutic and located close to the youth's home so that the family relationships can be repaired and strengthened and community supports can be provided during the treatment process. Length of stay should be no more than three to six months, given that longer stays can be harmful and show no reduction in recidivism.³⁴ To ensure accountability, an independent oversight entity should monitor all placements and jurisdictions should regularly report data on youths' safety and progress in treatment.

10. IMPROVE AFTERCARE AND REENTRY

Youth who receive effective reentry and aftercare services are more likely to attend school, secure jobs and reoffend less.³⁵ Individualized reentry planning and services should begin the first day a youth enters a facility, and facility practices should reflect that commitment. Successful reentry models require coordination and continuity between justice system staff, youth, and their families, as well as multiple government agencies, schools, and service providers to ensure youth are seamlessly connected with appropriate aftercare supports. These include health and mental health services, safe and affordable housing, and connection with education, work readiness and career training, and employment. Systems should also develop data measures and track outcomes for at least two years following transition back to the community.³⁶

ADVANCING REFORM: THE ROLE OF PHILANTHROPY

Advocates, policymakers and justice stakeholders play critical roles in promoting youth justice reform and building public awareness and the will to bring about necessary changes.

But effective and sustainable reform requires the involvement, leadership and financial support from philanthropy.

Funders large and small have played pivotal roles in justice reform at the local, state and national levels for more than two decades. Through investments in education, advocacy, programming, training and technical assistance, and research, foundations have become integral partners in the reform movement. More funding partners are needed to sustain the momentum.

What roles can funders play?

THOUGHT PARTNER: Encourage systems reform and seed innovation by supporting data collection, research, evaluation and implementation of promising and best practices, including the promotion of public health, racial equity, and youth well-being frameworks.³⁷

INNOVATOR: Incubate creative, and even risky, pilot projects or initiatives with the potential for real policy and practice improvement. Two of the most transformative efforts – the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative³⁸ and the MacArthur Foundation’s Models for Change Initiative³⁹ – have successfully used research and best practices to redefine the landscape of youth justice nationally. Smaller, targeted efforts, like the Sierra Health Foundation’s Positive Youth Justice Initiative in California,⁴⁰ also can change lives and offer opportunities for replication on a broader scale.

CONVENER: Create opportunities for policymakers to come together with community partners, experts in the field, and justice-involved youth and families to learn from each other, better understand problems, and develop multidimensional solutions.

CHAMPION: Help reframe and shape the public discourse about youth justice and related issues and support effective advocacy and communications aimed at building public awareness.

CONNECTOR: Engage in networks and coalitions and urge fellow philanthropic colleagues, grantees, and systems and community partners to work together to prioritize youth justice within their portfolios and their daily work.

SUSTAINER: Focus strategic, intentional, and thoughtful financial investments on advocacy and policy reform efforts over the long term to achieve systems change, strengthen non-profit infrastructure, and develop leadership in the field.

JOIN THE MOVEMENT!

The Youth Justice Work Group (YJWG) of the Youth Transition Funders Group (YTFG) comprises local, regional and national funders who are dedicated to promoting fair, effective and age-appropriate treatment and interventions for young people up to age 25 involved in the juvenile and criminal justice systems.

YTFG is a national network of foundations whose mission it is to help all youth make a successful transition to adulthood by age 25. We believe that the well-being of young people is significantly impacted by the supports and opportunities that are available and accessible to them, the extent they are supported by nurturing families and communities, and how public policies, systems and practices are crafted and implemented. YTFG's Well-Being Framework, which informed this Blueprint, serves as a guide for initiatives aimed at supporting the healthy development of young people across a broad set of domains, including cognitive, social and emotional development, mental health and wellness, physical health, safety, and economic well-being.⁴¹

We invite foundations focused on youth development, education, child welfare, human services, housing, workforce development, and health to explore and share with us how their investments are serving or can support the well-being of justice-involved youth. Through our collective efforts, we can invigorate the dialogue and capitalize on the momentum for justice reform that currently exist across the nation. Together, we can help eliminate the failed policies of the past and support the future success of youth and communities.

**Visit our website to learn more about our members
and access in-depth resources for youth justice reform.**

www.ytfg.org/Blueprint



© 2016

Dedicated to Diana Aubourg Millner, The Stoneleigh Foundation, Past YJWG Co-Chair

Written by Michelle Weemhoff, M.S.W.,
Lead Consultant, Youth Justice Work Group

Barbara Langford, YTFG Executive Director
Diane Sierpina, The Tow Foundation, YJWG Co-Chair
Luisa Taveras, Open Society Foundations, YJWG Co-Chair

Designed by Sonia Biancalani-Levethan, fogdesign.org

A complete list of citations for this publication are available at www.ytfg.org/Blueprint

TRANSFORMING YOUTH JUSTICE

PREVENT youth from entering the justice system by:

ADDRESSING DISPARATE TREATMENT AND REDUCING ARRESTS

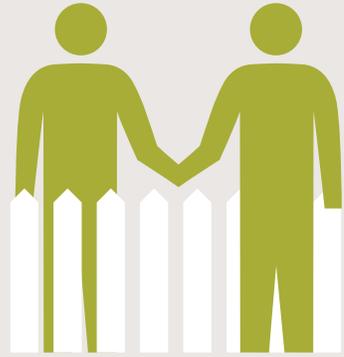


70% of students arrested or referred to police at school are Black or Latino.

50% of school-based arrests are for "disturbance of the peace," or "disruptive conduct."

75% of youth are incarcerated on charges that pose little to no threat to public safety, such as probation violations, status offenses (e.g. running away, skipping school), and property, public order, and drug offenses.

IMPROVING CROSS-SYSTEM COLLABORATION



EDUCATION

30% of justice-involved youth have a diagnosed learning disability

CHILD WELFARE

67% of justice-involved youth have been in the child welfare system

MENTAL HEALTH

65% of justice-involved youth have at least one mental health diagnosis

DISMANTLE policies and practices that are:

dangerous



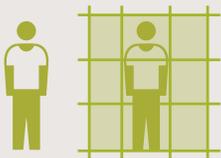
Youth in confinement, particularly in adult jails and prisons, are at greater risk of physical violence, sexual assault, solitary confinement and suicide

expensive



Most states spend **\$100,000+** every year to incarcerate a single young person

ineffective



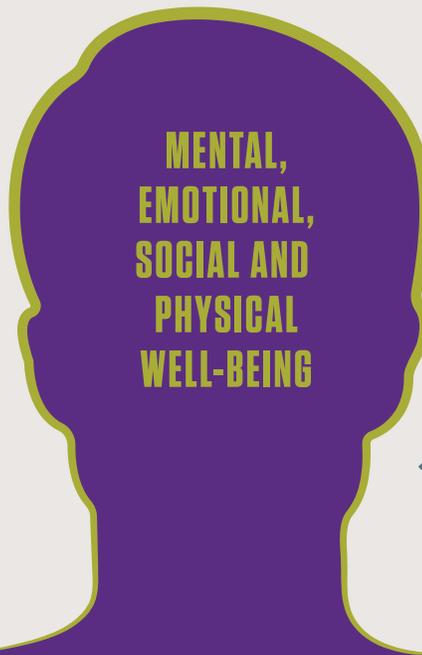
75% of youth released from juvenile correctional facilities are rearrested within 3 years

harmful



Justice-involved youth have a greater risk of homelessness, low educational attainment, poor health, unemployment, and adult incarceration

INVEST in community-based solutions that are age-appropriate and promote well-being.



- DIVERSION
- YOUTH DEVELOPMENT
- TRAUMA-INFORMED CARE
- RESTORATIVE JUSTICE
- PUBLIC HEALTH APPROACH
- FAMILY ENGAGEMENT
- RACIAL EQUITY

ACHIEVE community safety and positive outcomes for youth, including educational success, gainful employment, positive relationships, preparation for parenthood, and civic engagement.

The Youth Justice Work Group envisions a youth justice system that helps foster the healthy development and well-being of all children and youth by building upon their strengths, cultivating their relationships with positive adults, supporting their families and communities, and offering them age-appropriate opportunities for future success.

www.ytfg.org

Youth Transition Funders Group

