

# J D A I N e w s

Newsletter of the Juvenile Detention Alternatives Initiative

Winter 2005

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## J D A I S t a f f

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## Detention Reformers Gather at the 2004 JDAI National Conference

**T**he 2004 JDAI All-Site National Conference convened in San Francisco, November 30 - December 2, 2004, with approximately 250 representatives from nineteen JDAI sites in attendance. The conference offered a unique combination of opportunities to network and to learn from the experiences of detention reformers and juvenile justice experts from across the nation.

Margaret Brodtkin, Director of San Francisco's Department of Children, Youth and Their Families, welcomed the attendees on behalf of Mayor Gavin Newsome. She applauded the participants' fierce commitment to



Margaret Brodtkin, Director of San Francisco Department of Children, Youth & Their Families

reforming juvenile justice systems and stressed San Francisco's commitment to helping youth and families achieve positive outcomes through new partnerships with schools, law enforcement, and community-based organizations.

The opening plenary focused on "The State of Kids in Detention". Attendees

heard that despite the wonderful results achieved in many JDAI sites, the overall picture of how detention is used nationally remains bleak. Bart Lubow, Director of the Program for High-Risk Youth at the Annie E Casey Foundation, reported that despite a decade of decreases in juvenile arrests, the nation's aggregate detention population remains at an all-time high. Many youth continue to be inappropriately detained, as evidenced by almost one-third of all detainees being held for status offenses or rules violations. And detention continues to reflect gross racial disparities, with almost two-thirds of all detainees being youth of color. These national statistics reveal that "while the state of JDAI is robust and vital, the state of kids in detention nationally remains largely unchanged and, therefore, pretty disgraceful."

### Conference Highlights

The conference featured a broad variety of workshops ranging from concrete, program-level topics (e.g., assessment centers, problem-solving courts and best practices for girls) to broader, problem-oriented forums on topics such as how to deal with the media, what to do when the reform process stalls, and how to address organizational and leadership challenges.

One topic occupied much of the second day's agenda: addressing JDAI's core strategies through a racial lens. In this two-part session, participants divided up into groups and to examine core JDAI strategies and discuss what it meant to apply a racial lens.

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**W**e are excited to announce that Bernalillo County, New Mexico has been designated a "JDAI Model Site". This designation reflects Bernalillo County's outstanding results, the breadth and depth of its detention reform innovations, and its growing influence in the ever-expanding community of JDAI replication sites. Over the next few months, Bernalillo's JDAI team will develop materials and curricula in preparation for visits from other jurisdictions. We salute Detention Director Tom Swisstack, Judges Tommy Jewel and Michael Martinez, local JDAI coordinator Doug Mitchell--and many others too numerous to identify individually--for their creativity, commitment and contributions to our movement.

Why have we designated Bernalillo County a model and asked it to serve as a learning laboratory for other jurisdictions? Perhaps the easiest explanation has to do with results: Bernalillo County has reduced its average daily detention population by more than 40 percent, lowered admissions by about one-third, decreased the percentage of booked cases that were detained by 22 percent, shortened average lengths of stay in detention by more than 15 percent, tripled the number of youth in non-secure alternatives...AND decreased juvenile crime by about 25 percent.

Because of these reductions, system leaders were able to close a unit of the detention facility and redeploy hundreds of thousands of dollars to new non-secure detention alternatives. These are great results, ones that powerfully demonstrate that the use of secure detention can be safely reduced while saving taxpayers money.

But there are still other reasons why this JDAI site is a great model. For one thing, Bernalillo County came up with a solution to the vexing problem of low-risk, high need youth with mental health problems ending up in detention simply because it was the only place that wouldn't say "no". Changes to the state's Medicaid plan and successful negotiations with the state's behavioral health managed care provider enabled the county to establish outpatient clinical servic-

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es for youth with mental health needs who previously were detained. As a result, numerous youth were diverted from detention without huge new public expenditures.

Moreover, Bernalillo County stands out among JDAI sites because its detention reform work has stimulated at least two critical state-level reforms. Based upon its demonstrated successes, officials decided to replicate the initiative statewide. This is not completely unique in JDAI experience, but the particularities of juvenile justice responsibilities in New Mexico--where state

employees basically control who gets admitted even though detention is a county function--underscore the magnitude of Bernalillo's influence. That influence, furthermore, precipitated major changes in the state's juvenile laws that codify detention reform principles and practices. For example, the new code requires that potential detention admissions be screened with an objective risk assessment instrument whose results must be regularly analyzed and assessed to ensure effectiveness. Similarly, the new code changed certain speedy trial requirements to expedite case processing.

Finally, Bernalillo County's designation mirrors JDAI's growing presence in the southwest portion of the country and provides both a particularly relevant model for jurisdictions with high concentrations of Latino and Native American youth, as well as a more conveniently located learning laboratory for new colleagues from states like Nevada and Arizona.

In July, Bernalillo County will host its first full-blown model site visit, with an especially picky audience--the JDAI TA site team leaders. Once Bernalillo's team recovers from the trauma of hosting this group, visits from other sites will begin. If you think that your jurisdiction would benefit, please discuss a possible trip to Albuquerque with your site team leader.

Congratulations, Bernalillo County, and thank you for your willingness to share your experiences and innovations with our growing network of sites.

Bart Lubow

Raquel Mariscal

## Cook County Addresses Automatic Transfer Cases Held in Juvenile Detention Center

Stymied in the past by the lack of timely identification, uncertain resources and absent protocols, a new key has been cut that will unlock a new group of juveniles from secure confinement in the Cook County Juvenile Temporary Detention Center (JTDC). Last fall, the Cook County JDAI Executive Committee focused its attention on a segment of the population within the JTDC that represented approximately 25 percent of the average daily population and had the longest length of stay - juveniles automatically charged in adult criminal court proceedings (A/Ts).

On any given day, approximately 95-100 juveniles under the age of 17 are held in the Cook County Juvenile Temporary Detention Center, and while eligible to post bail, are beyond the scope of customary review and consideration for participation in detention alternative programs available through the juvenile probation department. A preliminary review of this population revealed that approximately 1/3 would be eligible for placement in any number of the wide array of detention alternatives already in place.

Consequently, the Honorable Paul Biebel, Jr., Presiding Judge of the Criminal Division and the Honorable Curtis Heaston, Presiding Judge of the Juvenile Justice Division, co-leaders of a JDAI sub-committee, sought to expand the use of juvenile detention alternatives to certain A/Ts and to expedite the processing of reverse waivers to juvenile court. Judicial leadership and support from the

Presiding Judge of the Criminal Division of the Circuit Court of Cook County is crucial, since a juvenile A/Ts access to any juvenile detention alternatives is controlled solely by judicial orders emanating from criminal court, similar to reverse waivers for juvenile court jurisdiction.

Xavier Velasco, Chief of Operations for the Office of the Public Defender and long-time advocate of JDAI, took an active role in developing a



Bill Siffermann, Deputy Director, Cook County Juvenile Probation and Court Services, at the 2004 JDAI conference

new written protocol. This new protocol will prompt the early detection, evaluation, deliberation and disposition of A/T drug cases to be carried out by detention center personnel, probation, the Office of the Public Defender, the State Attorney's Office, the court clerk and the Presiding Judge of the Criminal Division.

In relation to reverse waivers, Judge Paul Biebel agreed to hear petitions for reverse waiver within 21 days of a motion being filed by a defense attorney. Logistics and mechanics associated with the dismissal in criminal court and the filing in juvenile court, where detention alterna-

tives would be available, are in the final stages of adoption.

Approximately 30 juvenile A/Ts presently in detention have been identified for review and are under consideration for a reverse waiver motion, with the prospect of every future A/T drug case being reviewed for a reverse waiver petition at the time of initial detention.

This latest collaborative effort of the Cook County JDAI Executive Committee represents a major breakthrough, as evidenced by the unified detention reform measures of two major Divisions of the Circuit Court, the Criminal Division and the Juvenile Justice Division. This policy breakthrough deepens detention reform in Cook County and should be of interest to all JDAI sites that waive juveniles to adult courts while still holding them in juvenile detention centers.

Article by Bill Siffermann, Deputy Director, Cook County Juvenile Probation & Court Services

*As JDAI News went to press, it was announced that Bill Siffermann has been named the Chief Juvenile Probation Officer in San Francisco. Bill has served a very distinguished 30-year career with the Cook County Circuit Court, including the last ten years as Deputy Director of the Juvenile Department. He is one of the main architects of Cook County's successful detention reform history and has been a frequent faculty member and JDAI technical assistance provider. We look forward to his contributions in deepening San Francisco's JDAI endeavors.*

*Congratulations, Bill!*

continued from page 1

So, for example, one group talked about collaboration, a key JDAI strategy, and identified what it meant to apply that strategy in ways that could contribute to reducing racial disparities. Participants in this group noted that a diverse steering committee, an explicit agenda to reduce racial disparities, and significant participation from communities of color were all ways

to maximize focus on the issue. The group that talked about using data to drive policy and program decisions identified the need

to produce routine management reports that disaggregate statistics by race and ethnicity, as well as developing regular "report cards" that clarified how each site was doing in its efforts to create a more equitable system. The notes from all these groups are being collated and will contribute to a new publication of how detention reform strategies can contribute to reducing racial disparities in the use of detention.

Two workshops focused on juvenile defenders. One session highlighted effective advocacy techniques, while the other sought to clarify the role of defenders in juvenile justice reform endeavors. These

workshops coincided with the release of a new manual, *Legal Strategies to Reduce the Unnecessary Detention of Children*, published by the National Juvenile Defender Center, a JDAI grantee. All conference attendees received copies of this new resource.

Several workshops examined specific detention populations including, for the

first time at a JDAI inter-site conference, Latino youth, Native American youth, and sexual minorities. A summary of the session on Lesbian, Gay, Bisexual, Transgender and Questioning youth (LGBTQ), including a moving presentation by a young gay man with a history in juvenile detention, is presented beginning on page 5.



### And the Award Goes To

Roll out the red carpet. This year the conference offered what many hope will become a regular feature: a recognition and awards

luncheon to honor outstanding performances in detention reform work. This year, the following people were recognized:

Bart Lubow received the 2004 Albert Elias Award, named for a researcher and practitioner who pioneered alternatives to detention, given by the National Council on Crime and Delinquency (NCCD) for outstanding contributions to juvenile justice. Barry Krisberg, NCCD's president, honored Bart for "moving JDAI beyond a demonstration project" and for setting "a new standard in keeping with the spirit of the work of Albert Elias.



Daniel Erker, recently retired Juvenile Court Administrator from Pierce County, Washington, was honored for his powerful leadership. Dan led his county to JDAI replication and orchestrated an

agreement that resulted in the closing of 50 secure detention beds and the redeployment of the operating expenses associated with those beds to community-based alternatives. Pierce County is

not the first JDAI site to shut down beds, but it is the first one to begin the detention reform process with an upfront commitment to finance new alternatives with savings from bed closings.

Raquel Mariscal, Senior Associate for Juvenile Justice Reform at the Annie E. Casey Foundation, was recognized by the team from New Mexico for her guidance and leadership in helping JDAI to expand statewide. Judge Barbara Vigil from Santa Fe surprised Raquel with a variety of New Mexico products as a symbolic way to return the many gifts that Raquel had given the state's JDAI efforts.



### In the End

The conference concluded with an all-attendees brainstorming session entitled "Building Our National Network", during which participants provided recommendations about how we

can strengthen our connections in the future. Among the many ideas suggested were (1) development and management of a JDAI website and a "chat line", (2) convening regional and statewide JDAI conferences and training institutes, (3) requiring inter-site collaborations, (4) developing new ways to increase school and community partnerships, (5) linking places that are legally, demographically and geographically similar, (6) holding site coordinator meetings, and (7) developing an on-line "resource directory".

From top left: Barry Krisberg, President, National Council on Crime & Delinquency; Bart Lubow, Director of High Risk Programs for Youth, Annie E. Casey Foundation; Dan Erker, former Juvenile Court Administrator, Pierce County, Washington; and, Raquel Mariscal, Senior Associate, Annie E. Casey Foundation

## Reform of Sexual Minority Youth Policies and Practices Desperately Needed

For the first time at a JDAI conference, participants discussed the dilemmas and challenges that detention personnel face when dealing with sexual minority youth, sometimes referred to as lesbian, gay, bisexual, transgender, and questioning youth (LGBTQ). At a conference workshop in December entitled, "Sexual Minority Youth and Detention: Identity Development and Service Provision", panelists Wayne Scott, Clinical Manager, Juvenile Services Division Multnomah County, Laura Garnette, Juvenile Hall Division Director Santa Cruz County and Mark Arnold, Youth Advocate made a compelling case for policy and practice reforms in our schools and juvenile justice systems. An estimated 13,400 sexual minority youth are held in secure detention facilities, but few of these facilities have policies prohibiting discrimination on the basis of sexual orientation or gender identity, and few provide training for staff on how to create safe and welcoming environments for these youth. As a result, many youth experience harassment and discrimination by system staff and other youth while on probation and especially while in secure detention.

Discrimination often takes place, fueling the myth that sexual minority youth will "prey" on other youth. Rather than addressing the underlying homophobia, oftentimes discrimination takes several forms in the context of secure confinement. For example, staff often segregate these youth or place them in more restrictive settings, even using isolation; staff arbitrarily label these youth as sex offenders and place them with sex offenders in secure detention even though they

are detained for an unrelated charge; many sexual minority youth experience verbal and physical harassment while in secure detention and staff neither respond in a manner that protects the rights of these youth, nor are they held accountable to do so by a supervisor.

Other data reveal that 30 percent of all successful adolescent suicides in the U.S. are by sexual minority youth, (although this may be an underesti-



From left to right: Wayne Scott, Clinical Manager, Juvenile Services Division in Multnomah County, Laura Garnette, Juvenile Hall Division Director in Santa Cruz County and Mark Arnold, Youth Advocate

mate as many parents are reluctant to reveal this information to authorities). This should send an alarm to secure facilities that use isolation frequently or without its use being closely monitored.

Overall, homosexuals (or perceived homosexuals) are probably the most frequent victims of hate crimes in the U.S. and, as affirmed by Mark Arnold, being a youth of color and a sexual minority leads to "double jeopardy", making them even more likely to be the victims of violence. Homelessness also plays a role in their lives given that 26 percent are forced to leave home because of conflicts with family members, and almost half (42 percent) of homeless youth self-identify as sexual minority. This data is of significance to juvenile justice professionals since many homeless youth have contact with the criminal justice system.

### Juvenile Justice Response

Responses are needed at multiple levels to address this under-developed policy area. Following is a list of best practice recommendations that juvenile justice agencies should consider: (1) Develop explicit policies protecting sexual minorities from harassment, violence, and discrimination, and treat incidents of anti-gay abuse and harassment with the same discipline procedures as other aggressive incidents. (2) Offer training to staff working with youth in juvenile justice programs in violence prevention and suicide prevention, including the challenges of LGBTQ youth. (3) Sensitize staff to ways of speaking with youth that are inclusive and that do not assume heterosexuality as the norm. (4) Educate staff about the impacts of stigma and shame on LGBTQ youth and ways to promote positive identity development. (5) Ensure that agency forms are inclusive of all identities and family structures. (6) Use signs and posters to identify areas and offices that youth frequent as "hate-free zones". (7) Review conditions of confinement protocol based on best practices and the highest professional standards specifically in relation to sexual minority youth. For further study, contact one of the panelists or reference the resources listed at the end of this article.

*Materials for this article provided by:* Wayne Scott, Clinical Manager, Juvenile Services Division Multnomah County, ([wayne.scott@co.multnomah.or.us](mailto:wayne.scott@co.multnomah.or.us)); Laura Garnette, Juvenile Hall Division Director Santa Cruz County, ([laura.garnette@co.santa-cruz.ca.us](mailto:laura.garnette@co.santa-cruz.ca.us)); Mark Arnold, Youth Advocate.

*Data adapted from The Gay, Lesbian and Straight Education Network at [www.glsen.org/cgi-bin/iowa/home](http://www.glsen.org/cgi-bin/iowa/home) and "Recommendations on the Support and Safety of Gay and Lesbian Students" at [www.doe.mass.edu/hssss/GSA/safeg/](http://www.doe.mass.edu/hssss/GSA/safeg/) National Center for Lesbian Rights - "LGBTQ youth in the Juvenile Justice System" [www.nclrights.org](http://www.nclrights.org) GLSEN website - [www.glsen.org](http://www.glsen.org) Massachusetts Youth Risk Behavior Survey, 1995-2001 Lambda Legal - [www.lamdalegal.org](http://www.lamdalegal.org)*

## MARK'S REMARKS

*The following comments are provided by Mark Arnold, a youth advocate and panelist for the "Sexual Minority Youth and Detention" workshop. His insights regarding the challenges that confront sexual minorities in the juvenile justice system are best presented in his words.*

"Good Morning everyone, and thank you for coming. My name is Mark Arnold, I am 25 years old. I'm also a gay, black male who spent a good portion of his youth in the juvenile justice system.

The first thing I want to touch upon is something I'm sure all of you are aware of: the seemingly insurmountable task of locating our subject (namely the homosexual youth in the juvenile justice system) which has hidden him/herself as a minority youth within a minority subgroup that oftentimes badly does not want to be found. To do this will require diligence, excellent communication skills, patience, and above all education, education, education.

To fix a problem you need to find its source. But the trouble with our subject is that through intense self-defense mechanisms, the youth usually keeps quiet about his or her issues until other stresses of teenage life are piled on and multiplied. The homosexuality issue is buried deeper and deeper beneath all of this, and the child's problems wear many faces and it's hard for you to distinguish which is which.

By the time a youth enters the juvenile system they are usually a complicated piece of machinery, quite a puzzle to figure out. And I think that's just the point, we don't want to be figured out. By this time we have identified with some group, some persona and anything that does not fit that persona, must be suppressed and buried. Deleted. Most of all, homosexuality. Because believe me, being a homo doesn't fit into any group. Not bloods, not crips, not norte, nor surenos. It's just not cool to

be gay in this environment. Because the environment we are dealing with is not an understanding one. It's not an open, free thinking, comfortable nurturing place to be.

It is one that encourages stereotypes, and macho-ism. And what more intimidating place to be for those who want to keep a secret. To an outside observer the youth in a detention facility will all be lumped in the same class, 'bad apples'. But what we all know is there is a story, a reason behind each child's arrival in the juvenile system. There is a reason why the family failed, their local community failed, or in some cases why the child failed himself.

"To an outside observer the youth in a detention facility will all be lumped into the same class, 'bad apples.' But what we all know is there is a story, a reason behind each child's arrival in the juvenile system."

And that is where your work as system officials begins. Because the truth is, these children don't come into your view until one or all of these failures have already occurred. And your job is not so much about the "why" but about the "how." How can I do my job to protect this child from further harm? How can I convey to him that I am not a punisher, but someone who is here to offer the best opportunity to change their past, so that they can enjoy life and become a productive member of society?

When a youth walks into your office, they are a mystery. You know virtually nothing about them besides what is in a file on your desk. And beyond that you will know nothing more unless he or she tells you.

Gay youth are full of defense mechanisms. It is the only way that we have made it so far. We create the toughest, most durable facade that will contain the explosive emotions, but convey that everything is just fine on the surface.

But maintaining this facade requires a tremendous amount of energy. Schoolwork fails, relationships crumble, we turn to alcohol or drugs. All which contribute to a cycle of helplessness and depression. So by the time a gay youth walks into your office, they are so beaten up by the other problems the original issues has borne out that they have forgotten what they are hiding. The issues surrounding sexual identity are repressed and become a subconscious source of stress and disorder, quite like suppressing the memory of being molested or watching a loved one die. We have so boxed up and hidden this issue that the symptoms it creates, the anger, the blame, and depression has become a part of our character. The source of these feelings has become indistinguishable and difficult to locate.

Stone-walling will be our best defense and your efforts will seem pointless and wasted. But do not give up. Recall what we said before, these kids wouldn't be here unless they are already emotionally deserted. Once you have given up, who have they got?

What is most important is that as juvenile justice professionals you serve as a last defense, a deterrent from the savage reality that awaits these kids on the adult side of the justice system. You can't pry information from these kids, but creating an atmosphere of genuine caring and understanding is the only way to open the dialogue. If you know the youth is gay or question-

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ing, you face the task of what to do with that information. I can tell you from experience, what is paramount to the youth is secrecy. They are still under this constant threat. But when they voluntarily create a crack in their facade, the situation becomes delicate. Outside of the justice system kids are coming out and admitting their homosexuality at younger ages which was unheard of just ten years ago.

I think kids are coming out at younger ages because they feel safer. People are more educated. And, through valuable forums like this conference, we can create an educated justice system. Children will feel protected because they will feel confident in well-trained

“You can't pry information from these kids, but creating an atmosphere of genuine caring and understanding is the only way to open the dialogue.”

staff, best practices and polices reflecting the highest professional standards in relation to sexual minority youth.

There is no room for those who grudgingly accept this task, who believe gays are any less than their peers. What gay youth need are dedicated staff who believe they are beautiful people, who believe they are as normal as you and me, and ought to be treated as such and who will protect them from discrimination based on their actual or perceived sexual orientation.

My name is Mark Arnold. Thank you for your time.”

## UPCOMING EVENTS

**Virginia** will host its second statewide JDAI meeting on April 28-29, 2005, in Richmond, VA. Delegations from each of the seven JDAI sites and stakeholders and policy makers from across the state will attend. Training sessions will focus on controlling detention appetite, improved case processing, addressing non-compliance and efficient use of detention alternatives. Complementing the workshops, affinity groups and jurisdictional break-out sessions will provide a forum for developing concrete action plans. For more info contact Scott Reiner, ([scott.Reiner@dji.virginia.gov](mailto:scott.Reiner@dji.virginia.gov)) or Beth Stinnett, ([beth.Stinnett@dji.virginia.gov](mailto:beth.Stinnett@dji.virginia.gov)).

**The National Council of Juvenile and Family Court Judges** will hold its 32nd Annual Conference on Juvenile Justice in Orlando, Florida, March 20-23, 2005. The conference will feature a multiple workshop training track on detention reform, including sessions on: 1) planning detention reforms; 2) collaboration and leadership; 3) handling "special detention" cases; 4) detention reform in rural jurisdictions; and, 5) creating detention alternatives.

For more information, visit the NCJFCJ website ([www.ncjfcj.org](http://www.ncjfcj.org)) or register online by going to [www.ndaa-apri.org](http://www.ndaa-apri.org). Judge Frank Orlando, JDAI TA site team leader, ([orlandof@nsu.law.nova.edu](mailto:orlandof@nsu.law.nova.edu)) is coordinating the JDAI faculty for this event.

**New Jersey** will convene its first inter-site JDAI training conference April 7-8, 2005 in Princeton, NJ. Representatives from each of the five Cohort I counties will participate in sessions devoted to four core strategies: 1) developing objective risk assessment instruments (RAIs); 2) eliminating delays through case processing reforms; 3) minimizing bed utilization by "special detention populations", especially VOPs; and, 4) establishing viable detention alternatives. In addition, because racial disparities in detention are a cross-cutting issue in this state, James Bell from the Burns Institute will provide the opening keynote and will participate in multiple workshops to ensure that each substantive topic is examined through a DMC lens. For more information, contact Paul DeMuro (JDAI

TA Team Leader, ([pdemuro@aol.com](mailto:pdemuro@aol.com)) or Lisa Macaluso, JDAI coordinator for the NJ Juvenile Justice Commission, ([lisa.macaluso@njjjc.org](mailto:lisa.macaluso@njjjc.org)).

**The Illinois Probation and Court Services Association** will hold its annual conference in Rockford, Illinois April 13-14, 2005. IPCSA is one of the "partner" organizations in the statewide JDAI replication effort in Illinois. Bart Lubow will provide the keynote address, on juvenile detention reform and workshops will be devoted to JDAI strategies. For more information, contact Mike Rohan, Director of Cook County Juvenile Probation, ([mrohan@cookcountygov.com](mailto:mrohan@cookcountygov.com)).

\*\*Please note: On January 3, 2005, Patti Puritz and the staff of the Juvenile Justice Center opened the new doors of the **National Juvenile Defender Center**, an organization devoted to ensuring excellence in juvenile defense and promoting justice for all children. The new location is: 1350 Connecticut Avenue, NW, Suite 304, Washington, DC 20036. Ph: 202.452.0010; Fax:202.452.1205; [www.njdc.info](http://www.njdc.info)

## Ventura County, CA

Ventura County has undertaken a determined effort to establish uniform policies and practices surrounding the use of non-secure detention alternatives. After months of work and trial runs Ventura nears completion of a new detention risk instrument. Additionally, a structured decision-making matrix is under development in order to provide probation officers and the court with better tools and more options in response to probation violations. Once in place, new policies and practices are expected to reduce the number of youth who are put in detention for such violations.

Other key reform accomplishments include:

### **Misdemeanor Warrants**

The policy of probation officer discretion to release on certain misdemeanor warrants has been in place for several months and is working very well. Under this policy, the prosecution, defense, probation or the court can request a discretionary warrant on any misdemeanor warrant. The request is discussed in the courtroom by stakeholders; if the court orders that discretion be given, the clerk enters the correct code and the discretion is printed on the warrant. The court and probation developed a tracking system to monitor and report on key public safety outcomes which the JDAI Executive Committee reviews

each month. The next step is to consider giving discretion automatically on all misdemeanor warrants, unless it is affirmatively decided not to do so in court.

To date, 52 discretionary warrants have been issued, and albeit a small sample, 100 percent of the youth released under this new policy have showed up for their court dates.

### **18 or Older**

An agreement between probation, the courts and the collections department that would allow certain probationers 18 or older to be released from probation is in its final stages. Probationers who would be considered for this program are those who are doing well (i.e. in school, working, not re-offending) and the only reason they are being retained on probation is to try to ensure restitution to the victim. It is estimated that there are between 40-50 youth in this situation at any given time in Ventura County. The potential benefits of terminating probation in such cases include: (1) lowering the workload of probation and allowing resources to be used where the need is greater, (2) reducing the likelihood that these youth are detained for minor violations of probation, and (3) allowing these young adults to carry on with life unencumbered by being on probation. Central to any such agreement is the protection of the victims' rights to restitution. The use of the tax intercept is

under consideration. This pertains to California state tax only. The collections department would administer this program and collect if and when the offender files a tax return; any tax refund would be sent to collections until the restitution is paid in full. Several other ideas regarding this issue are also under consideration.

### **Expanding Alternative Capacity**

A new partnership targets youth who would otherwise be detained but who probation deems could be successful released on home supervision or electronic monitoring if these youth had some support. Ventura County plans to contract with a CBO to provide a Community Resource Liason who will assess the youth and family needs/strengths in an attempt to connect them with resources in their community.

### **Data Collection and Reporting**

Ventura County still struggles with the capacity to collect data and generate reports. They have embarked on a major overhaul of MIS programming and have high hopes that within a year they will have the ability to track system decision points and regularly monitor the use and efficacy of the risk instrument and detention alternative programs.

*Article by Kathleen Back, JDAI Coordinator, Ventura County Probation. For more info, email: [kathleen.back@mail.co.ventura.ca.us](mailto:kathleen.back@mail.co.ventura.ca.us)*

## Washington Governor's Council Steps Up

The Washington Governor's Juvenile Justice Advisory Council (GJJAC) has recently moved the JDAI statewide agenda forward in several significant ways. JDAI has been adopted as a legislative priority and is one of three focus areas for the Federal Title II JJDP Formula Grants Program. The JDAI methodology is

being recognized increasingly as a best practice model across the state to address the issues of status offenders in detention and disproportionate minority confinement.

With its five county partners (Spokane, Yakima, King, Pierce and Whatcom), GJJAC has adopted the motto that "Youth will be served in the right place at the right time with the right services".

GJJAC's support is growing at multiple levels and includes a partnership with the Administrative Office of the Courts (AOC) to provide quarterly data reports for JDAI sites; GJJAC members are mobilized to support JDAI through an "Adopt-a-Site" model; and JDAI principles and values are being integrated into the local planning and program design teams that help coordinate federal grants.

## Camden County, NJ

Camden County is one of five jurisdictions that comprise New Jersey JDAI's first cohort of reform sites. For those unfamiliar, Camden is one of the nation's most distressed cities, a former industrial town across the river from Philadelphia that lost its main employers and has suffered through decades of economic and social decline. The county's juvenile justice system has had its problems as well, especially in regard to severe detention crowding and limited resources for alternatives. Because of the pressing nature of the problems in this site, JDAI leaders decided to focus on Camden as the first priority in New Jersey. Officials were determined to ensure that youth were safe if they were detained, but they also knew that reducing the detention population would be essential to achieve that end. Paul DeMuro (JDAI TA Team Leader in NJ), officials from the New Jersey Juvenile Justice Commission (JJC) and the Camden County Family Court have made impressive progress reducing this site's population. Here are some highlights from recent developments in Camden.

Years of chronic overcrowding at Camden County's juvenile lock-up have made life dangerous for youth and staff there, according to a New Jersey state-commissioned study. After a two-month examination of conditions at the detention center last summer, a team of monitors from the state Juvenile Justice Commission, the Annie E. Casey Foundation and the Washington, D.C. based Youth Law Center found that "a tragedy is likely to occur" if crowding continues. The report came as the state's Child Advocate Office conducted a wide-ranging examination of New Jersey's 17 county detention centers, which hold more than 900 children on an average day.

The Camden County detention center was built in the 1970s to house 37 youths, but has operated far beyond capacity for many years. It hit its peak of 131 in August 2003, when 94 kids were sleeping on floors or desk shelves. On June 23, 2004, the day the monitors collected detailed population figures for their report, there were 89 detainees in the Camden lock-up.

Overwhelmed by numbers, staff didn't separate youths according to their mental health needs, neighborhood rivalries, or severity of charges against them. Crowded into small rooms, several defendants attacked each other

relatively brief period of time. (See graph.) Led by Paul DeMuro and Court Administrator Mike O'Brien, serious population reduction efforts began around June 2004 and by January 2005 ADP was reduced by one-third, admissions were down and many deficiencies were corrected.

Currently, strategies are being explored to speed the judicial process and expand alternative programs for detainees around the state. The JJC says it already has gotten police, judges, county administrators and human services agencies to start discussing how to meet some of these objectives. "There is very positive

momentum going on, where issues are no longer being ignored and people are working to try to improve things," JJC Executive Director Howard Beyer said.

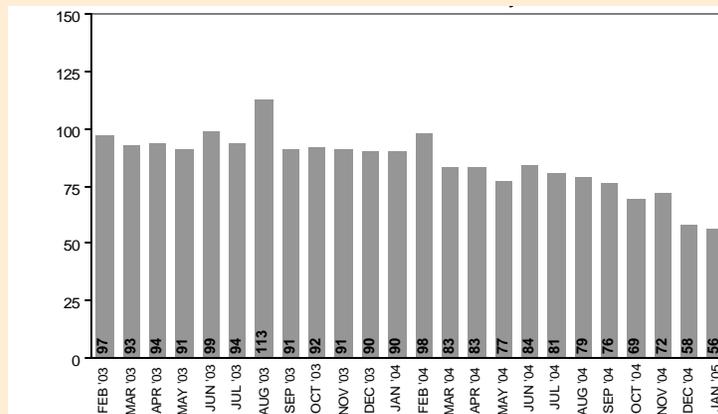
Paul DeMuro said, he has seen "significant progress" and was particularly encouraged by the creation of a county committee that is examining ways to reduce length of stays for kids arrested on low-level charges and move

detainees through the facility faster. "It's an improving picture," DeMuro said. "Some of the more simple recommendations they've addressed. But the others, like getting the population down and improving mental health services, aren't totally fixed yet."

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Graph provided by Jennifer LeBaron, Ph.D., Sr. Research Associate, New Jersey Juvenile Justice Commission, ([jennifer.lebaron@njjjc.org](mailto:jennifer.lebaron@njjjc.org)).

24-Month Average Daily Population (ADP) Trend in Camden County Detention



and some attempted suicide. The monitors found nearly a quarter of the youths had mental health problems but were receiving marginal care. Fifty-five percent already had appeared in court, but were waiting to be sentenced or sent for treatment. Monitors were especially critical of the use of "four point restraint" beds and plastic handcuffs and urged the center to stop using them.

This critical analysis by the JJC and the JDAI TA providers has been followed by a series of very determined efforts that have led to substantial decreases in detention population in a

## Washoe County Department of Juvenile Services

It has been an exciting year for the Washoe County Department of Juvenile Services located in Reno, Nevada. On November 30, 2004, the department received official notification that it had been accepted as a replication site for JDAI. While new to JDAI, the numbers already tell a story of success: the average daily detention population was reduced from 84 youths in 2003 to 75 in 2004.

A new building, the Jan Evans Juvenile Justice Center, has allowed the delinquency court

calendar to be expanded and also houses the juvenile delinquency court, administration and probation offices, a 108-bed detention center, and space for programs and meetings.

So far, an assessment of the department's management information system has been completed with favorable results and the existing risk assessment instrument was revised with the assistance of David Steinhart and John Rhoads. The revised instrument will be field tested beginning in February 2005.

In addition to forming a diverse and representative stakeholder group and in order to bring broad,

community-wide support to the initiative, presentations were made on JDAI's nationwide success and the potential impact for Washoe County to the Board of County Commissioners and the Criminal Justice Advisory Committee, whose membership includes the county manager, local law enforcement agencies, the district attorney, the public defender, judges and jail administrators. The stakeholder group met recently to review the adopted JDAI work plan, assign members to specific work groups, and discuss bringing on a site coordinator in the next few weeks.

*Article by John Rhoads, JDAI Consultant. For more info, email: [johnprhoads@hotmail.com](mailto:johnprhoads@hotmail.com).*

## J D A I N E W S M A K E R S

### Vinny Schiraldi to Lead DC Juvenile Detention and Corrections

One of JDAI's mainstays-Vincent Schiraldi-has left the ranks of JDAI technical assistance providers. In January, Washington, D.C. Mayor Anthony Williams nominated Vinny to be the first Director of the District's Department of Youth Rehabilitation Services (DYRS). The nomination was subsequently confirmed by the city council. DYRS was recently established as an independent, cabinet-level agency to replace the troubled Youth Services Administration(YSA) which was a part of the District's larger human services agency. YSA had been the subject of both litigation and scorn for its operation of the now infamous Oak Hill facility, which serves as both a detention and corrections center. Oak Hill has been under federal court order for approximately 18 years and the District contin-

ues to suffer large fines for failures to remedy unconstitutional conditions of confinement there. District officials have now turned to a genuine reformer and one of the field's most creative thinkers to turn their system around.



Vinny Schiraldi, named Director of Washington DC Department of Youth Rehabilitation Services

For almost a decade, Vinny has been involved in JDAI in various ways. As Director of the Justice Policy Institute, Vinny led that organization's media advocacy efforts to spread the word about JDAI and to promote a more rational and effective juvenile justice system. Many of you have received media advoca-

cy training from Vinny at inter-site conferences and some jurisdictions have benefited directly (in terms of media coverage of their work) from his public relations expertise. Vinny's often provocative, biting analysis of our country's justice system have inspired many, angered some, but always kept everyone involved with JDAI on our toes.

As someone with a 25-year history as a reform advocate based in the non-profit community, Vinny was recently asked why he decided to take on the challenges in DC by becoming part of the system. "If you're going to meaningfully fix juvenile justice in America, you've got to go inside", he replied.

Well, he's "inside" now and we wish him the best. Perhaps the nation's capital will soon become a JDAI site.

*For other JDAI Newsmakers, see news on page 3.*

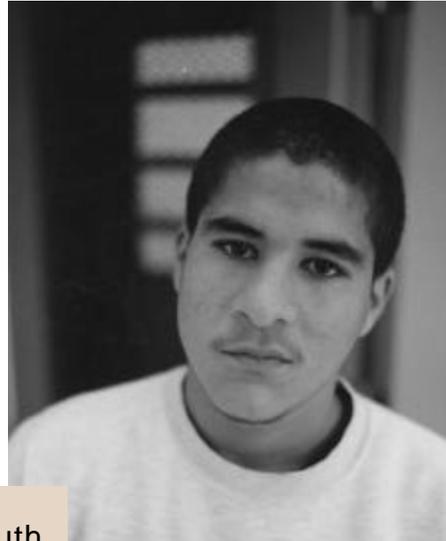
## Coalition Seeks More Rehab for Troubled Youths: New Group Says Minorities Are Too Often Locked Up

By Melanie Markley

The following article appeared in the Dec. 18, 2004, issue of the *Houston Chronicle*. Copyright 2004 Houston Chronicle Publishing Company. Reprinted with permission. All rights reserved.

A new group decrying the disproportionate number of blacks and Hispanics in the Texas juvenile justice system will seek legislative changes to steer troubled youths into community intervention programs instead of incarcerating them. The Texas Coalition Advocating Justice for Juveniles announced its plans Thursday at a news conference at the Tejano Center for Community Concerns in southeast Houston. The group is made up of numerous community and faith-based organizations, including La Raza and the Fifth Ward Enrichment Program. "There are, in essence in Texas, two systems of justice when it comes to young kids," said Juan Sanchez, president of

the Southwest Key Program. "If you are rich, and you are white, you get one level of justice. If you are poor, if you are African-American, or if you are Latino, you get a system of injustice." According to the Texas Youth Commission, 46 percent of the youths committed to juvenile facilities in fiscal year 2004 were Hispanic, while 31 percent were black. Also, for youths sent to detention centers or other facilities, the lengths of stay have been on the rise, increasing from an average of 15 months in 1998 to 22 months in 2003.



community-based programs should get state money to provide mental health treatment for juveniles who need those services. Too many youngsters who receive medication for mental health problems while they are incarcerated commit more crimes when they get out because they can no longer get the treatment, he said. "Part of the problem is that we in the Legislature have been tough on crime and stupid on Texas taxpayers at the same time because it is far cheaper for us to provide that kind of support system than it is for us to spend \$50,000 a year to incarcerate one of these children," he said. "That makes no sense."

### Incarcerated Youth in Texas

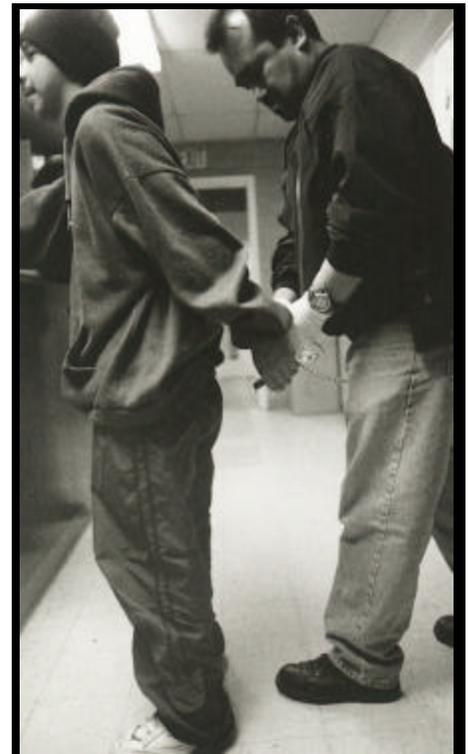
Hispanic	46%
Black	31%
Anglo	22%
Other	1%

Source: Texas Youth Commission

Sanchez said the coalition wants the Legislature to scrutinize the overrepresentation of minorities in the juvenile justice system.

He said the state also must look at minimizing the lengths of stay. And, he said, the coalition wants state funding shifted from incarceration to community-based organizations that can give the youths treatment and rehabilitation. "We want to ensure that no matter what color you are, no matter what gender you are, no matter how rich or how poor you are, that we adhere to a fundamental basis of the U.S. Constitution, which says we shall provide equal justice to everyone," he said.

State Rep. Harold Dutton, who last session chaired the House Juvenile Justice and Family Issues Committee, said he believes the Legislature should back the coalition's proposal. Dutton, D-Houston, said com-



Photos by Steve Liss



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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