



TRANSITION LETTER, January 2017

Toward Safer Communities for All

As Americans, we believe in taking practical, responsible approaches to rehabilitate youth in trouble with the law while keeping our communities safe. Unfortunately, our current juvenile justice system is like an exceptionally difficult maze, with too many paths in and too few pathways out. In fact, in most jurisdictions, current policies often ensure that even when youth do leave the system, they still face many barriers to education, employment, military service, and public benefits. These barriers make it difficult for them to fully exit the maze and become responsible members of society.

We need to redesign the maze of our juvenile justice system by closing entrances and creating clear pathways out of the system, so that the youth who enter can leave and become contributing members of their communities. Fortunately, promising strategies exist to do just this. When communities take these practical steps to build clearer exits to the maze of the justice system – and build pathways to help youth avoid it altogether -- they make their neighborhoods safer and ensure that all our youth realize their promise and grow up to contribute to their communities.

WHO WE ARE

The National Juvenile Justice and Delinquency Prevention Coalition (NJJJPC) is a collaboration of youth and family serving, social justice, law enforcement, corrections, and faith-based organizations, working to ensure healthy families, build strong communities and improve public safety by promoting fair and effective policies, practices and programs for youth involved or at risk of becoming involved in the juvenile and criminal justice systems. We work collaboratively on various reform efforts to promote youth well-being and establish a fairer, more equitable juvenile justice system.

The NJJPC achieves its mission by engaging a broad spectrum of thought leaders and stakeholders, including the voices of those most affected by the juvenile justice system, to:

- 1) Advocate for sensible and safe solutions to crime and delinquency;
- 2) Build and leverage policy leadership in the field; and
- 3) Serve as a clearinghouse for research and best practices within our nation's juvenile and criminal justice systems.

In February 2016, several of the leading organizations in the NJJPC came together to provide all the presidential candidates with a vision for the future that keeps our communities safe, ensures the welfare of our children, and guarantees a fair and equitable justice system for all. “**Redefining Youth Justice: A Call to Action**” was offered up as a roadmap for shifting our failed juvenile justice policies in a way that increases public safety, achieves better outcomes for our children and families, and brings us closer to a legal system that is fair and just for all. The

roadmap articulates three core values in approaching juvenile justice work to improve our youth and public safety outcomes:

- 1) Focus on child wellbeing, not child wrongdoing;
- 2) Promote racial equity and fair treatment for all; and
- 3) Engage with families to identify solutions and meet the needs of children.

As you assemble the team that will lead this Administration's work around youth and specifically system-involved youth and those most at risk of system involvement, we have outlined four priority areas below with some preliminary recommendations for your consideration.

In Spring, 2017, NJJDPC will release **Promoting Safe Communities: Recommendations to the Administration (Opportunities for Juvenile Justice & Delinquency Prevention Reform 2017-2018)** a comprehensive compilation of information and recommendations from the juvenile justice field. The NJJDPC has provided this comprehensive document on a biannual basis since 2008 and we look forward to working with you and your Administration to implement these recommendations to help states protect children and promote safe communities.

I. Establish a Positive Vision for Juvenile Justice Reform

If youth are to realize their full potential, society must invest in supports to families and communities that promote child and family wellness, such as quality education, healthcare, recreation, employment, spiritual life, and access to basic infrastructure (transportation, emergency services, etc). Services developed for youth should be asset- and developmentally-based, trauma-responsive, focused on opportunities, resources, coaching and supports so that youth can develop the competencies they need to mature and become well-adjusted adults.

This approach is particularly important for youth who come in contact with the law. Rather than respond to wrongdoing with approaches that focus on compliance, monitoring, and punishment, youth who have broken the law should be held accountable and responded to in ways that reflect developmentally-appropriate, trauma-informed practices. From policing youth to correcting their behavior, policies and practices must adopt approaches that recognize that youth are different and capitalize on our growing understanding of how youths' developmental stage and capacity for change are key factors to be considered. Indeed, adopting strength and evidenced-based approaches to policing youth is the first step to reducing offending and recidivism.

Given that the adolescent brain, body, and emotions are not fixed, but rather highly dynamic and responsive to their environment until a young person reaches his/her mid 20s, youth who act out or make poor decisions should be provided every opportunity to make amends and to restore any harm done through their actions in a timely and age-appropriate manner. Services and supports provided to youth should primarily occur through, community-based programs. As we know children perform best when they are connected to their families; therefore family members and caregivers must be full partners in any effort to support a young person's successful transition from adolescence into adulthood. For the relatively small portion of youth where confinement or probation supervision are deemed necessary, these interventions should emphasize genuine behavioral change rather than mere compliance with rules and orders.

After years of ignoring the shockingly high failure rates of secure confinement policies and practices, and dismissing other proposed youth justice reforms as “soft on crime,” advocates, policy-makers, and communities are beginning to demand a new approach that supports youth within the context of their families, schools, and communities. This approach offers the best to all youth, regardless of race, ethnicity, gender or sexual identity, or family resources and that prepares youth to thrive rather than merely get by. Many jurisdictions across the country are implementing promising reforms, and there is an increasingly clear path for moving toward community and evidence-based approaches to reducing adolescent crime. With strong federal leadership, the pace of these reforms and this vision can be accelerated.

Recommendations

- Appoint an Administrator to OJJDP
- Support reauthorization and state implementation of the Juvenile Justice & Delinquency Prevention Act of 1974
- Promote racial equity and fair treatment for all children and youth
- Ensure that families are involved in programs, policies, and practices
- Require better data collection
- Ensure adequate federal funding to support states’ efforts to implement the JJDP and promote adoption of evidence-based approaches.

II. Reduce Reliance on Detention and Incarceration and Invest in Communities

Almost every state has significantly reduced the number of youth who are incarcerated, resulting in a 53% overall decrease between 2000 and 2014. However, no state has completely abandoned the harmful, ineffective and expensive correctional model of secure facilities during this time period — even in states with very small numbers of youth remaining in “training schools” or equivalent facilities. In October, the National Institutes of Justice, in collaboration with Harvard University and the Annie E. Casey Foundation, released *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, which explores recent research in developmental psychology and widespread reports of abuse in juvenile facilities and recommends that the current youth prison model should be replaced with community-based programs and small, home-like facilities that provide age-appropriate rehabilitation services.

The new Administration should embrace this approach and enact policies that support state efforts to dismantle the high-cost and ineffective youth prison model, replacing it with a continuum of culturally relevant, gender-responsive, developmentally appropriate, strength-based services, supports, and opportunities for youth and families in the communities most impacted by youth incarceration as alternatives to out-of-home placements and youth prisons. In the rare instances when youth must be in out-of-home placement, they should be placed in short-term therapeutic environments that will be of maximum service to youth. There is a broad base of knowledge on the types of institutional designs that are most beneficial to youth. Rather than the congregate care institutions designed for adults, youth should be confined in small, home-like settings where their normal development, education, family connections, and peer supports are disrupted as little as possible. Since these youth will return back to their home communities, it is in the interest of public safety that every effort should be made to eliminate the potential for

trauma caused by institutionalization. This would be consistent with OJJDP's mission for youth's contact with the juvenile justice system to be rare, fair and beneficial.

Recommendations

- Invite key stakeholders to the Federal Coordinating Council on Juvenile Justice
- Support state efforts to invest in cost effective community-based alternatives to incarceration
- Improve school climate to help children remain in school
- Divert youth with behavioral health issues or incompetence from the justice system and to services that can support their needs
- Establish national policies to keep youth out of the adult criminal justice system
- Encourage states to eliminate or limit court fines and fees for youth and their families

III. Ensure Fairness and Equity for Justice-Involved Youth

Ensure that our justice system operates fairly and equitably to serve all youth. Creating opportunities for youth from vulnerable populations who are over-represented in the justice system to grow into healthy, productive adults is not only fair, it is a wise public safety strategy. Youth of color and youth with disabilities continue to be significantly over-represented in the juvenile justice system at every stage of the process from arrest to secure detention and confinement to transfer into the adult system. In fact, while the juvenile justice system has shrunk overall in the past decade, the racial and ethnic disparities have increased, demonstrating a need for intentional and deliberate attention on ending implicit and explicit biases. Girls and LGBTQ youth are also over-incarcerated, particularly for misdemeanor crimes and/or status offenses. These youth often have experienced high levels of trauma which need to be addressed, not punished.

Recommendations

- Address implicit racial bias in justice system
- Establish youth policy on law enforcement interactions with youth
- Ensure due process and fair and adequate representation of system-involved youth
- Ensure fair treatment of youth with disabilities
- Address the specific needs of girls
- Promote nondiscrimination and cultural competence regarding all youth

IV. Ensure Safety for Justice-Involved Youth

Far too often, incarcerated youth endure abusive conditions. Studies by the Bureau of Justice Statistics (BJS) have found that as many as one in ten youth in juvenile facilities report experiencing sexual abuse, with more than one in five non-heterosexual youth reporting such abuse. The National Prison Rape Elimination Commission found that youth were one of the most at risk populations of sexual victimization in adult jails and prisons. Furthermore, youth experience a high level of physical abuses, including use of pepper spray, sexual assaults by staff, hog-tying, shackling, and isolation. Youth who commit crimes must be held accountable, but no court disposition, regardless of the offense, should ever include conditions that are

unhealthy and unsafe, that deteriorate mental health, or promote suicide; nor should they include any form of abuse that leads to mental or physical injury or death in a juvenile facility, adult jail, or prison.

The promise of a system that helps youth who have erred to get back on track is at direct odds with the practice of placing youth in the adult criminal justice system where they are exposed to harsh sentencing and conditions of confinement. As leaders of prisons (the American Correctional Association) note, the adult criminal justice system cannot meet the developmental needs of youth, exposes youth to a wide array of physical and psychological harms, and contributes to increased recidivism.

Recommendations

- Assist states in removing youth from the adult criminal justice system
- Promote developmentally appropriate, trauma-informed training of all juvenile justice system stakeholders.
- Abolish juvenile life without parole
- Abolish use of solitary confinement for youth and reduce use of restraints

V. Help Youth Successfully Reenter Their Communities

Tens of thousands of young people under age 18 leave secure juvenile facilities and return to their communities each year. Many youth return to neighborhoods with few supportive programs, high crime rates, poverty, and poorly performing schools. Effective reentry services and aftercare for youth exiting juvenile justice facilities reduce recidivism and support their successful reintegration into families and communities. Education, in particular, has been found to be essential to ensuring long-term reentry success for youth. But few returning youth are provided with the comprehensive reentry planning that would help them to succeed when they return to their communities.

If our nation expects to reduce recidivism and embrace approaches that improve outcomes for youth and overall child well-being, it must establish a national policy agenda that supports reentry services to connect youth with meaningful opportunities for self-sufficiency and community integration. Planning should begin prior to release and support services should follow the youth home. Policy and practice must be grounded in promising or evidence-based practices and involve cooperation among existing federal and State agencies, local stakeholders, juvenile justice experts, and reform advocates.

Recommendations

- Increase federal coordination of youth reentry programs and services
- Increase funding for federal youth reentry programs
- Reduce the collateral consequences of court involvement
- Allow states to keep youth off sex offender registries without federal penalties
- Promote access to education and career preparation programs for system-impacted youth
- Ensure youth exiting the justice system are not at risk of homelessness

➤ Protect health care for incarcerated youth

Thank you for your attention to and consideration of these recommendations. We look forward to working with you and members of your Administration in 2017.

Sincerely,

Marcy Mistrett, CEO
Campaign for Youth Justice
On behalf of the
NJJDPC Steering Committee Members