ALTERNATIVE TO INCARCERATION

TRAINING INSTITUTE

SAN DIEGO, CA

February 25th - 27th, 2015
Day One

8:30 AM – 9:00 AM     BREAKFAST
9:00 AM – 9:45 AM     WELCOME & INTRODUCTIONS
9:45 AM – 11:00 AM    MODULE 1: A BROKEN SYSTEM
11:15 AM – 12:30 PM   MODULE 2: A WALK THROUGH THE JUVENILE JUSTICE SYSTEM
12:30 PM – 1:15 PM    LUNCH
1:15 PM – 2:30 PM     MODULE 3: WHAT WORKS: EFFECTIVE JUVENILE JUSTICE INTERVENTIONS
2:45 PM – 4:00 PM     MODULE 4: RISK & NEED ASSESSMENTS
4:00 PM – 5:00 PM     NETWORKING & LEVERAGING RELATIONSHIPS
Your Trainers

- Rev. Rubén Austria, Executive Director
- Amelia Frank, Youth Development Specialist
- Rosanne Placencia, Training Director
- Belinda Ramos, Training Coordinator
Welcome & Introductions

- Divide up into groups
- Assign a Facilitator, Timekeeper, Note Taker & Reporter
- Each person has 60 seconds to share the following:
  - Name
  - Organization/Agency
  - Your Hopes for Youth in the Juvenile Justice System
- Report back to the large group on in 3 minutes:
  - Who’s in the Village?
  - What are the common themes of the village’s dreams?
Spread the Word via Social Media

@CC4Y  #CCFYATI

@CC4Y  #CCFYATI
“We live in a country that is addicted to incarceration as a tool for social control. As it stands now justice systems are extremely expensive, do not rehabilitate but in fact make the people that experience them worse and have no evidence-based correlatives to reducing crime. Yet with that track record they continue to thrive, prosper and are seen as an appropriate response to children in trouble with the law. Only an addict would see that as an okay result.”

- James Bell, W. Haywood Burns Institute
Learning Objectives

1. Define the purpose of the juvenile justice system
2. Debunk myths about youth crime and violence
3. Evaluate the effectiveness of youth incarceration
The Juvenile Justice System

The Juvenile Justice system has two generally agreed upon purposes. These are to:

1. Care for and Rehabilitate the Child

2. Protect the Community
“Secure Confinement”
Legitimate Use of Secure Confinement

Youth are only supposed to be securely confined when they pose a significant risk of:

1. Re-Arrest
2. Failure to appear (FTA) in Court
Local Focus: San Diego

Under what circumstances can a juvenile be detained in San Diego?
Other Reasons for Confinement

Unless youth present a clear threat of harm to others, the courts are supposed to provide each youth with appropriate care and treatment in the least restrictive available alternative appropriate.
Other Reasons for Confinement

However, youth are frequently removed from the community and placed in restrictive setting for the following reasons:

- Warrants
- Technical Violations
- Lack of Available Services
Where in your jurisdiction do you see young people detained for reasons other than public safety concerns?
Myths and Realities of Juvenile Crime

Test Your Knowledge
1) Nationally, youth commit ____ percent of violent crimes, and ____ percent of property crimes.

a. 36 ... 44  

b. 13 ... 20  

c. 24 ... 33  

d. 52 ... 41

2) Nationally, between 2001 and 2011, arrests for violent juvenile crime have ________________ by ______________.

a. Increased… 24 percent  
b. Increased… 12 percent  
c. Stayed the same  
d. Decreased… 30 percent

3) Nationally, youth charged with violent offenses account for approximately ____________ of youth held in detention.

   a. 24 percent  
   b. 52 percent  
   c. 67 percent  
   d. 75 percent

Source: Juveniles in Residential Placement, 2010. OJJDP.
4) Incarcerating youth in juvenile detention facilities costs on average of $\underline{\text{_______}}$ per year.

a. $24,000  
b. $48,000  
c. $72,000  
d. $148,000

Source: Sticker Shock: Calculating the Full Price Tag for Youth Incarceration, December 2014, Justice Policy Institute
5) The most expensive, proven community-based alternative-to-incarceration programs cost on average less than $ \underline{\$12,000} per participant.

- a. $50,000
- b. $25,000
- c. $17,500
- d. $12,000

6) There are 705 juvenile detention centers around the country and _____ percent are over capacity, inhibiting their ability to provide effective care for youth.

a. 10  
b. 2  
c. 4  
d. 0

Source: Juvenile Residential Facility Census, 2010: Selected Findings. OJJDP.
7) The recidivism rates for youth placed in out-of-home facilities is typically greater than ____ percent.

a. 10
b. 50
c. 40
d. 25

Source: Juvenile Offenders and Victims: 2006 National Report. OJJDP.
8) Evaluations of community-based alternative-to-incarceration programs have shown they reduce recidivism rates by approximately _____ percent.

a. 13  
b. 22  
c. 7  
d. 10  

9) Nationally, African American are _____ times as likely and Latino youth are _____ times as likely as White youth to be incarcerated.

a. 2.9 ... 1.5  
b. 3.1 ... 2.3  
c. 3.5 ... 2.6  
d. 4.6 ... 1.8  

10) African American youth are ____ times as likely, Latino youth are ____ times as likely, and Native youth are ____ times as likely as white youth to receive an adult prison sentence.

a. 5.1 ... 4.3 ... 3.0
b. 4.4 ... 6.8 ... 2.7
c. 7.2 ... 3.4 ... 0.8
d. 9.3 ... 1.6 ... 1.4

1) The violent crime rate in California has decreased by _____% since 1992.

a. 31  
**b. 63**  
c. 69  
d. 82

Source: “California’s Criminal Justice System: A Primer”, Legislative Analyst’s Office, January 2013
2) Incarcerating youth in juvenile detention facilities costs approximately $_______ per year in California.

a. $55,000  
b. $92,000  
c. $176,000  
d. $199,700

Source: “California’s Criminal Justice System: A Primer”, Legislative Analyst’s Office, January 2013
3) In 2011, what percent of California’s juvenile arrests were the result of status or misdemeanor offenses?

a. 36  
b. 55  
c. 70  
d. 92

Source: “California’s Criminal Justice System: A Primer”, Legislative Analyst’s Office, January 2013
Local Juvenile Crime Quiz

4) Of youth released from California’s DJJ facilities during FY 2004-05, _____% were rearrested and _____% were returned to state-level incarceration within three years.

a. 45.4, 12.8
b. 52.5, 33.6
c. 64.3, 49.1
d. 81.1, 56.5

The Cycle of Incarceration in Communities of Color

1.3

- Under-resourced & dis-organized communities
- Economically-driven prison enterprise
- Youth crime & delinquency
- Reactive Policy & Laws
- Public Fear

Sensational Crime

- Media Coverage
- “Something must be done!”
- Political Pressure

Youth crime & delinquency
Reactive Policy & Laws
Economically-driven prison enterprise
Under-resourced & dis-organized communities

Public Fear

Media Coverage
“Something must be done!”
Political Pressure
Youth Crime & Delinquency

Under-resourced & dis-organized communities

Economically-driven prison enterprise

Reactive Policy & Laws

Youth crime & delinquency

Public Fear

- Media Coverage
- “Something must be done!”
- Political Pressure

Sensational Crime

1.3.1
Much of the behavior which brings youth of color into the juvenile justice system is common across race, ethnicity, geography, and socioeconomic status. Most juvenile behavior for which youth could be arrested never comes to the attention of the juvenile justice system.
Delinquent Youth Behavior

Self-Reported Law-Violating Behavior from Adolescence to Early Adulthood

- Ran Away from Home
- Belonged to a Gang
- Vandalized Property
- Theft less than $50

- All Youth
- White Youth
- Black Youth
- Hispanic Youth
Serious and Violent Juvenile Crime

The rate of serious and violent crime is also relatively stable over time.
During the late 1980’s and early 1990s, there was a sharp increase in violent juvenile crime, especially gun homicides committed by youth of color against their peers in the urban center. However, there was an equally dramatic decline in the same crimes during the late 1990s.
## Serious and Violent Juvenile Crime

### 1983 – 1994
- By 1994, the Juvenile Violent Crime Index for arrests had peaked at 40% above the 24-year average.
- Juvenile homicides increased by 215% between 1984 and 1994.
- In urban communities of color, youth armed with guns participating in the crack trade drove serious and violent juvenile offending. A weak economy and disinvestment in community programs and services facilitated youth involvement in street violence.

### 1994 – 2003
- By 2003, the Juvenile Violent Crime Index for arrests had dropped to over 10% below the 24-year average.
- Juvenile homicides declined by 65 percent between 1994 and 2003.
- A decline in the crack trade, efforts to keep guns out of the hands of juveniles, a strong economy, and community/police partnerships helped bring violent juvenile crime down to the levels of the early 1980s.
Local Focus: California

Rise and Fall of California's Crime Rates

Rate Per 100,000 Population

- Total
- Property
- Violent
Public Fear

Under-resourced & dis-organized communities

Economically-driven prison enterprise

Reactive Policy & Laws

Youth crime & delinquency

Sensational Crime

Public Fear

- Media Coverage
- “Something must be done!”
- Political Pressure
Sensational Crime Stories

**Question**: What is the main event reported in the newspaper clipping?

**Answer**: The main event reported is a female jogger near death after a savage attack by a roving gang in Central Park.
Distorted Media Coverage

- In the 1990s, just as serious and violent juvenile crime began a steady decline, media coverage of juvenile crime began to increase.
1.3.2 B. Distorted Media Coverage

- Between 1990 and 1998, television news coverage of homicides increased by 473%, while actual homicide rates declined by 32.9%.

- Multiple studies show an overrepresentation of youth of color as perpetrators, of violent crimes committed by youth, and of white victims of interracial crime.

- Despite a 56% decline in youth homicides over the previous 5 years, 62% of poll respondents in 1998 believed juvenile violent crime was on the rise.

Youth crime declines continue as polls show public fear of youth remains high”, Center for Effective Collaboration and Practice, [http://cecp.air.org/juvenile_justice_highlight.asp](http://cecp.air.org/juvenile_justice_highlight.asp)
In 1996, criminologist John Dilulio predicted the coming of the “juvenile superpredator”:

“Based on all that we have witnessed, researched and heard from people who are close to the action, here is what we believe: America is now home to thickening ranks of juvenile “super-predators” – radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders. They do not fear the stigma of arrest, the pains of imprisonment or the pangs of conscience… At core the problem is that most inner-city children grow up surrounded by teenagers and adults who are themselves deviant, delinquent, and criminal."

Bennett, Dilulio & Walters, 1996: Body Count: Moral Poverty… and How to Win America’s War Against Crime & Drugs
Reactive Policy & Laws

1.3.3

Under-resourced & dis-organized communities

Economically-driven prison enterprise

Youth crime & delinquency

Reactive Policy & Laws

Public Fear

Sensational Crime

- Media Coverage
- “Something must be done!”
- Political Pressure
In response to sensationalized media reports about “killer kids” and “juvenile superpredators” legislators around the country passed laws to show the public they were “tough on crime.” Between 1992 and 1997, all but three states in the nation changed laws that made the juvenile justice system more like the adult criminal justice system in the following ways:

1. Trying Youth as Adults
2. Longer Sentences
3. Removing confidentiality protection
4. New Juvenile Prison Technology
“Assuring community safety while searching for the best interests of the youth may require one simple approach: long periods of incarceration”

- Peter Reinharz

Former Chief Prosecutor of the NYC Family Court
Who the Policies Actually Targeted

- In reality, serious and violent juvenile crime was already decreasing, but a crackdown on juveniles was already underway. A system had been designed to catch the coming wave of “juvenile super-predators” – but they never came. Instead, the juvenile justice system became filled with low risk but high need youth punished for minor crimes.
Economically-driven Prison Enterprise

Under-resourced & dis-organized communities

Economically-driven prison enterprise

Youth crime & delinquency

Reactive Policy & Laws

Public Fear

Sensational Crime

- Media Coverage
- “Something must be done!”
- Political Pressure
Economically-driven Prison Enterprise

- Wilkes-Barre, Pennsylvania
- Upstate New York
- Walnut Grove, MS
Under-Resourced and Dis-Organized Communities

- Under-resourced & disorganized communities
- Economically-driven prison enterprise
- Youth crime & delinquency
- Reactive Policy & Laws
- Public Fear

- Sensational Crime

- Media Coverage
- “Something must be done!”
- Political Pressure
Under-Resourced and Dis-Organized Communities

When youth are incarcerated in facilities separated from the community, the community loses on several levels:

- Communities lose their youth.
- Communities lose the money that could be invested in services.
- Communities lose the experience of supervising and supporting youth in conflict with the law.
The Effectiveness of Youth Incarceration

How should we evaluate the effectiveness of incarcerating youth? The juvenile justice system is supposed to:

- **Rehabilitate** the young person
- **Protect** the community
- Provide **good** services with **high** standards of care
- Function in a cost-**effective** manner
1.4.1

Tatiana’s Story
Rehabilitation & Recidivism

Juvenile incarceration has proven notoriously poor in rehabilitating youth. Incarcerating youth often results in a long-term negative impact on public safety, as youth return home to the same communities.

- Nationally, the re-arrest for juvenile released from secure facilities is approximately 55 percent.
- Youth placed in detention centers are 4.5 times more likely to recidivate than those placed in alternate programs.
- Youth convicted in adult courts are 50 percent more likely to recidivate.

Source: Reducing juvenile recidivism in the United States. Jane Wilson, Stanford University
Often, youth in the justice system are in need of specialized treatment services.

- 30% of youth in custody report prior sexual or physical abuse; 26% report suicidal thoughts; 12-14% report hallucinations; 70% report trauma; and 17-52% report anger issues, anxiety, depression, or attention problems.
- 30% of youth in custody say they have been diagnosed with a learning disability.
- 59% of youth in custody say they were drunk or high on drugs several times a week or more during the months before they were taken into custody, indicated a possible substance abuse disorder.

Substandard Care

Juvenile incarceration often provides sub-standard care for youth:

- More than 75% of incarcerated youth are confined in overcrowded detention and corrections facilities.
- More than 50% of youth in detention centers are in facilities that fail to meet the health service criteria established by the Office of Juvenile Justice and Delinquency Prevention.
- Less than 33% of youth are in detention or correctional facilities that meet recommended suicide prevention measures, according to OJJDP.

Source: Conditions of Confinement for Young Offenders, Coalition 4Juvenile Justice)
Good Care

- Even when the juvenile justice system provides high-quality care for young people in facilities, the fact that young people need to be in prison-like settings to receive services is highly problematic.

“The system too often equates high need with high risk. There’s something about this that is morally indefensible. Why should we have to lock someone up to get him a dentist, a counselor. So often, this is the initial default.”

- James Bell, W. Haywood Burns Institute

- Furthermore, even when youth benefit from services during out-of-home placement, the disconnect from their home communities makes it incredibly challenging to apply the skills and techniques learned when they return to the community.
DEATHS IN CA FACILITIES

DURRELL FEASTER (18) & DEON WHITFIELD
2004 – PRESTON TRAINING SCHOOL, CYA

JOSEPH DANIEL MALDONADO (18)
2005 – NA CHADERIJIAN YOUTH CORRECTIONAL FACILITY

ROSEMARY SUMMERS (16)
2013 – KEARNY MESA JUVENILE DETENTION FACILITY
Juvenile incarceration is too expensive.

- States spent $5.7 billion each year imprisoning youth, though the majority of youth are non-violent and could be safely supervised in the community.

- The average daily cost of confining youth is $507.58 per day, which annualizes to $148,767 per year.

- In some states like New York, the cost exceeds $200,000 per year per youth.
## Cost of Incarceration

<table>
<thead>
<tr>
<th>State</th>
<th>Cost per Day</th>
<th>Avg LOS</th>
<th>Cost per Youth (A x B)</th>
<th>Annual Cost per Bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>$966.20</td>
<td>180 days</td>
<td>$173,916</td>
<td>$352,663</td>
</tr>
<tr>
<td>West Virginia</td>
<td>$387.58</td>
<td></td>
<td></td>
<td>$141,467</td>
</tr>
<tr>
<td>Florida</td>
<td>$151.80</td>
<td></td>
<td></td>
<td>$55,507</td>
</tr>
<tr>
<td>California</td>
<td>$570.79</td>
<td></td>
<td></td>
<td>$208,338</td>
</tr>
</tbody>
</table>

*Source: Sticker Shock: Calculating the Full Price Tag for Youth Incarceration, December 2014, Justice Policy Institute*
Local Focus: California

### Average Cost Per Offender in Division of Juvenile Justice Facilities

<table>
<thead>
<tr>
<th>Type of Expenditure</th>
<th>Per Offender Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treatment programs</td>
<td>$61,500</td>
</tr>
<tr>
<td>Security</td>
<td>40,000</td>
</tr>
<tr>
<td>Administration</td>
<td>28,700</td>
</tr>
<tr>
<td>Health care</td>
<td>27,700</td>
</tr>
<tr>
<td>Education</td>
<td>21,600</td>
</tr>
<tr>
<td>Support (food, clothing, other)</td>
<td>20,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$199,700</strong></td>
</tr>
</tbody>
</table>

In 2011-12, the state spent about $218 million on its three DJJ facilities, or about $200,000 per offender. In comparison, counties spent about $119,000 per juvenile offender in 2010-11. This difference is likely due in part to the higher costs of treating the more serious offenders in DJJ facilities, including meeting requirements of court orders.

In 2011-12, 31 percent of DJJ’s costs were spent on treatment programs, while 20 percent was spent on security, 14 percent each on administration and health care, 11 percent on education, and 10 percent on support costs, including food and clothing.

*Source: “California’s Criminal Justice System: A Primer”, Legislative Analyst’s Office, January 2013*
When Alternative Placement is Necessary

In situations when alternative placement is necessary for protecting the community and the young person, models that have switched from “harsh” to “humane” practices, have achieved much lower recidivism rates by:

- Creating a *therapeutic* rather than a punitive environment
- A focus on youth *development* activities
- Small *residential* facilities as opposed to large congregate care
- Keeping youth closer to home to facilitate family and community *reintegration*.
Conclusion

The Juvenile Justice System is supposed to (1) keep the public safe and (2) care for and rehabilitate the child. However, youth who are high–need but not necessarily high-risk to re-offend are often incarcerated. When we view young people as a threat rather than an asset, we create overly punitive policies and practices that focus on punishment rather than on restoration. Investing in prisons drains money from communities where services are needed most.