

The Accelerating Pace of Juvenile Justice Reform

A Justice Policy Institute Summary

The pace of juvenile justice reform is accelerating across the nation. After a decade shaped by myths of juvenile “superpredators” and the ascendancy of harsh penalties and adult treatment for minors, momentum for systemic reform is growing.

About half of the states are involved in some form of juvenile justice reform, often reversing punitive sanctions enacted in the 1980s and 1990s. Significant new research on public attitudes shows support for rehabilitating youthful offenders, and the demonstrated success of evidence-based practices is contributing to shifting the national debate.

The tide is turning from a focus on harsh sanctions, automatic transfer to adult court, and removal of young people from their communities. What the public wants, and what the states are already developing, are rational and effective juvenile justice reforms that treat young people in developmentally appropriate ways. A recent survey of state-level enactments and policy changes over the past two years identified the following trends:

Large-scale institutional reform. Five states (California, Illinois, Mississippi, Oklahoma, and Texas) have implemented systemic changes to their juvenile justice systems.

- In 2007 California and Texas changed their statutes so their state facilities no longer accept youth who have been convicted of the least serious offenses, which is expected to lead to large reductions in the number of youth in state facilities.
- Mississippi adopted the Juvenile Delinquency Prevention Act of 2006, legislation that set comprehensive standards for detention centers, prohibits the detention of status offenders, increased reliance on community-based alternatives to incarceration, and developed a \$5 million grant program for alternatives designed to reduce the number of youth in training schools and detention placement.
- In 2006 Oklahoma created a new Office of Juvenile Affairs to coordinate and oversee programs and services for delinquent youth, or youth in need of services.
- In 2006 Illinois developed a new juvenile corrections department, separating this function from the adult corrections system.

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Returning young people to juvenile court jurisdiction. Six states (Arizona, Colorado, Connecticut, Georgia, Oklahoma, and Virginia) have changed policies that return youth to the juvenile justice system from adult court.

- In 2007, Connecticut “raised the age” of jurisdiction of the juvenile justice system from 16 to 18, ending the practice of automatically prosecuting 16- and 17-year-olds in adult court; this could affect up to 8,000 youth between the ages of 16 and 18 annually.
- Arizona began requiring that youth charged with a sex offense be given a court hearing to determine whether the case should be transferred to adult court and requires that they be treated in facilities with youth of similar age.
- In 2007, Virginia changed its “once an adult, always an adult” provision to prevent youth who had been charged in adult court, but not convicted, from automatically being prosecuted in adult court for a future offense.
- In 2006 Colorado changed laws so that youth no longer receive the adult sentence of life without parole for Class I felonies. Colorado also eliminated juvenile life without parole. Georgia made exceptions to its felony prosecution practices by making a sex offense a misdemeanor for youth under 16.
- In Oklahoma, youth may be held in the juvenile justice system past their 18th birthday instead of being transferred to the adult corrections system if they are likely to benefit from the services provided by the Office of Juvenile Affairs.

Strengthening aftercare services to help young people return to their communities. Nine states (Arizona, California, Colorado, Connecticut, Indiana, Oklahoma, Pennsylvania, South Carolina, and Washington) improved their aftercare systems by providing additional support to youth and their families as they make the transition back to the community from the juvenile justice system.

- In 2007 California increased accessibility to its health care system for youth who are leaving the juvenile justice system.
- Through the Children’s Mental Health Act, Washington-state now speeds up young people’s re-enrollment in Medicaid as they make the transition back to the community from the juvenile justice system.
- Arizona limited the caseloads of probation officers. Indiana established a Juvenile Reentry Court to provide reintegration services for youth leaving the juvenile justice system.
- Oklahoma requires that youth be provided with a reintegration plan that identifies specific programs and services available to a youth leaving the juvenile justice system.
- South Carolina requires that investigations be conducted to be sure a youth is appropriately placed after leaving a juvenile facility.
- In Connecticut, interagency collaboration and cooperation have been enhanced to provide better opportunities for youth to secure employment and services when they are returning to the community.
- Colorado allows early release from probation if certain requirements are met.
- In Pennsylvania, a third of county probation departments supported the implementation of a comprehensive aftercare system in the state.

Providing mental health treatment to young people who need it. Five states (Alaska, California, Idaho, Pennsylvania, and Washington) and the federal government implemented or began to pursue mental health system changes to benefit youth.

- In 2007 U.S. Representative Patrick Kennedy of Rhode Island introduced a bill that would grant greater access to mental health and addiction treatment services by requiring health insurance providers to treat mental illness as they would any other disease.
- Pennsylvania's 2007 Integrated Children's Services Plan included guidelines for integrating mental health and juvenile justice, and counties are asked to assess their ability to provide mental health services within the juvenile justice system.
- In 2007 Washington state passed the Children's Mental Health Act, which established and expanded wraparound services programs in six counties and increased outpatient therapy benefits for juveniles.
- In 2006 California improved the process for youth to enroll in the state's health care system upon release from the juvenile system; this will help California pay for local juvenile mental health services.
- In the same year, Alaska and Idaho allocated money for mental health services for juveniles. Idaho established a mental health center for adults and youth who are making the transition to the community.

Investing in services rather than state confinement. Four states (California, Connecticut, Illinois, and Texas) have passed legislation to redirect funds once spent on state youth correctional facilities to community-based services and treatment.

- In 2007, California and Texas have restructured their juvenile justice systems and will now provide funding to help serve and supervise young people in the counties they are from.
- Connecticut has legislated funds for Family Service Centers that are designed to keep youth who commit status offenses out of the juvenile justice system and in the community with their families and appropriate resources.
- In 2006 Illinois increased funding for Redeploy Illinois, an initiative that reinvests funds once spent on incarcerating youth in community supervision and services. In 2007 the Illinois legislature increased funding for the program and is considering expanding to other pilot sites.

Improving juvenile defense. Six states (California, Florida, Georgia, Louisiana, Mississippi, and South Carolina) have implemented legislation to improve their indigent defense systems.

- In 2006 Louisiana created the Louisiana Public Defender Board, which provides for the appointment of juvenile justice advocates, sets mandatory qualification standards for public defenders representing youth in the juvenile justice system, and creates administrative, training, and oversight positions in the juvenile public defender system.
- In 2006 California implemented guidelines for appointment of counsel in juvenile justice proceedings.
- Mississippi adopted legislation in both 2006 and 2007 to improve the availability of defense for juveniles. In 2006 Mississippi required that youth be represented in court, and in 2007 the state stipulated and required that youth must be represented by legal counsel different from guardian ad litem and requires continuing legal education in juvenile defense for attorneys who represent youth in delinquency proceedings.

Improving juvenile conditions of confinement. Five states (Florida, Hawaii, Maryland, Mississippi, and New York) expanded oversight of and improved conditions in juvenile residential facilities.

- In 2006 Maryland expanded oversight to residential facilities to include private facilities and New York limited the situations in which staff can use restraints and increased the staff at the ombudsman's office.
- Florida closed all four boot camps in the state and now includes in legislation language that prohibits "harmful psychological intimidation techniques."
- In the same year, Hawaii passed legislation that provided \$1.3 million to improve conditions at the Youth Detention Facility following U.S. Department of Justice recommendations.
- Mississippi ordered that no youth be placed in a detention facility for disposition if there are no services, including medical, educational, or treatment, at the facility and that no first-time nonviolent youthful offender should spend more than 10 days in a detention facility while alternatives to detention are exhausted.

Based on research by the **National Juvenile Justice Network** and the **National Juvenile Defender Center**, both of which are part of the **John D. and Catherine T. MacArthur Foundation's Models for Change: Systems Reform in Juvenile Justice** initiative. Current through November 2007.

Models for Change is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Four states - Illinois, Louisiana, Pennsylvania and Washington - have been selected as core Models for Change sites. Other states participate in action networks targeting mental health and disproportionate minority contact in juvenile justice systems.

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