

MACARTHUR

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Juvenile Justice: New Models for Reform

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A new century for juvenile justice

The United States' juvenile justice system was founded a century ago with the enlightened goal of providing individualized treatment and services to children in trouble. But in the 1990s, the boundaries between the juvenile and criminal justice systems began to erode. All but three states passed laws designed to treat youthful offenders as criminals instead of delinquents, ignoring their immaturity and holding them accountable as adults. The results have high individual and social costs that receive little public scrutiny — more youths tried in adult criminal court, turning away from rehabilitation, harsher and more punitive sanctions, reducing the confidentiality of proceedings, and greater incarceration of adults and young people in the same facilities.

Against this background, the MacArthur Foundation entered the field of juvenile justice in 1996. Since then, the Foundation has invested nearly \$40 million in three areas: advancing the scientific knowledge base about adolescent development and criminal behavior; improving laws, policies, and practices; and supporting the development of model juvenile justice systems. Over the next five years, we will double our commitment to this work with \$60 million more — a total investment of over \$100 million in the field of juvenile justice.

Youth on trial

The rising rate of violent juvenile crime in the 1990s called for a reexamination of the juvenile justice system — the policies and practices of courts and correctional facilities. But treating young offenders as adults has proved counterproductive and raised questions about the fundamental fairness of a criminal justice system that fails to acknowledge their immaturity. Studies conducted by the MacArthur Research Network on Juvenile Justice and Adolescent Development have confirmed that there are significant differences in the cognitive development of adolescents and adults that affect the ability to make judgments. Other findings point to the high individual and societal costs of treating juveniles as adults, including increased recidivism, reduced educational and employment prospects, and troubling racial disparities in arrest and incarceration rates.

There are encouraging signs that this research is helping lay the groundwork for significant change in the field. Earlier this year, the Supreme Court drew on these findings in *Roper v. Simmons*, which prohibited the death penalty for those 18 and younger. Several states have closed down youth prisons and shifted resources toward community-based programs and services. Some have passed laws to reduce the number of youth tried and sentenced as adults. And there is rising concern for the

mental health needs of young people who commit crimes.

Models for Change initiative

This newsletter describes MacArthur's Models for Change initiative, which builds upon ongoing efforts to improve policy and practice. It will help accelerate system-wide reforms that are fair, effective, and recognize the developmental differences between children and adults. The goal is to support programs in several states that can improve public safety and provide lessons across the nation.

Currently, Models for Change involves four states — Illinois, Louisiana, Pennsylvania, and Washington. Each state was selected on the basis of its commitment to key principles that experts have identified for model juvenile justice systems: individual responsibility and fundamental fairness; recognition of juvenile and individual differences; and recognition of young people's potential. Based on these principles, the initiative's framework lays out goals, characteristics, practices, and outcomes against which actual systems can compare themselves. In areas where they fall short or depart from the ideal, it is hoped the framework will both stimulate and give practical direction to reform efforts.

Tracking five key outcomes

Progress in each state will be documented

About this newsletter

Each issue of the MacArthur newsletter will highlight one area of the Foundation's grantmaking. Areas selected will reflect the Foundation's overall approach to identifying and carrying out activities to address specific problems. More information about the Foundation and its grantmaking can be found online at www.macfound.org.

In its grantmaking, the John D. and Catherine T. MacArthur Foundation develops and follows a set of strategic, nonpartisan priorities related to a selected problem, holding itself accountable for results, over time. This requires defining problems and approaches, and continuously refining strategies as conditions and

opportunities change. The Foundation reaches out to individuals and organizations it perceives to be the most promising and effective, and provides support over a sufficiently long period of time.

About the Foundation

The MacArthur Foundation is a private, independent philanthropic institution that makes grants through four programs. The Program on Global Security and Sustainability supports organizations engaged in international issues, including peace and security, conservation and sustainable development, population and reproductive health, and human rights. To aid in this grantmaking, the Foundation

maintains offices in India, Mexico, Nigeria, and Russia. The Program on Human and Community Development supports organizations working primarily on national issues, including community development, regional policy, housing, public education, juvenile justice, and mental health policy. The General Program supports public interest media and the production of independent documentary films. The MacArthur Fellows Program awards five-year, unrestricted fellowships to individuals across all ages and fields who show exceptional merit and the promise of continued creative work. With assets of about \$5 billion, the Foundation makes grants totaling approximately \$200 million each year.

in order to provide a blueprint for change in other states. Ultimately, the success of a juvenile justice system will be reflected through improvements in the individual lives of youth in contact with the system. To understand how effective each system is, we will help the states track five key outcomes.

Fairness — as reflected in impartial and unbiased decision making, measured by reduced racial disparities and access to qualified counsel;

Recognition of Juvenile-Adult Differences — as demonstrated by the appropriate retention of youth in the juvenile justice system, measured by reduced transfer to adult criminal court;

Successful Engagement — as reflected by young people leaving the system more capable and productive than when they enter it, measured by increased participation in education, rehabilitation, and treatment services;

Community Safety — as demonstrated by youth who do not re-offend, measured by rates of recidivism;

Diversion — as reflected by an increased proportion of juvenile offenders handled as informally and as close to home as possible, measured by reduced reliance on incarceration as well as increased use of community-based alternative sanctions.

Ensuring that work in one state has an impact beyond its borders calls for two

kinds of action: efforts to document, assess, and understand the process of change, and efforts to spread the news about it.

Information about Models for Change — the knowledge it generates, the innovations it fosters, the results it achieves, the lessons it teaches, and the possibilities it opens — will be made available to a national audience. Outreach will include publications, national conferences, workshops, organized site visits, tool kits, and the launching of a special website devoted to the initiative.

Race matters

To capture and enrich the lessons of each state, we will organize inter-state learning networks with participants from three additional states. One network will focus on an important concern that stands out across all the states we have chosen to work with: significant racial disparities in arrest and imprisonment. Studies reveal that African American and Latino youth receive harsher treatment than whites for the same offenses and are more likely to be arrested, incarcerated, and transferred to adult court. Our goal in the seven participating states is to make real progress in reducing racial disparities wherever they exist in the juvenile justice system. We believe it is possible to help America live up to its ideals of fairness and non-discrimination by focusing on these disparities and taking practical steps to eliminate them.

Investing in individuals who are in trouble or in need ultimately benefits us all. Programs that promote recovery and help integrate individuals into the mainstream make long-term financial and social sense. In Illinois, Louisiana, Pennsylvania, and Washington, the MacArthur Foundation is investing in institutions, organizations, and individuals we believe can pave the way toward a juvenile justice system that embodies its original intent — to enhance public safety while holding young offenders accountable for their actions, providing for their rehabilitation, protecting them from harm, and improving their outlook for success as responsible and productive members of society. In these pages, you will learn about some of these individuals and organizations on the front lines helping turn those high aspirations into reality.

Jonathan F. Fanton
President

Modeling change in juvenile justice

In 1999, when America's juvenile justice system marked the one hundredth anniversary of its founding, there was little to celebrate. During the first decades of the 20th century, the juvenile court's humane and pragmatic approach to the problem of delinquency had spread rapidly throughout the world to become an established feature of all modern democracies. But by the end of the century, in this country, the court and its associated institutions had been under attack for decades — as soft, ineffective, and out of step with current conditions.





Lawmakers in virtually every state, responding to public fears of escalating juvenile crime, had dramatically curtailed the court's jurisdiction, making way for more and more youth to be transferred to the adult criminal court and correctional systems. At the same time, many seemed intent on remaking the juvenile system in the image of the adult criminal one — restricting judges' traditional discretion to deal with individuals on the basis of their needs, doing away with confidentiality protections, mandating once-impermissible practices like the fingerprinting and photo-

Developmental research, including neuroscientific studies of the adolescent brain, have improved understanding of the real differences between adults and adolescents.

graphing of suspects, and introducing punitive new sentencing approaches. So much had changed, in fact, that the boldest critics proposed to celebrate the centenary of the juvenile justice system by abolishing it — some because they preferred the criminal justice system; others because they could no longer see much difference.

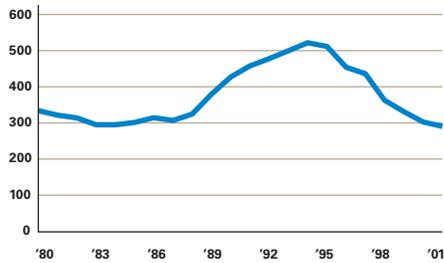
In recent years, however, there have been signs of a swing the other way. The steady ebbing of serious juvenile crime has probably been a factor. Research on the actual effects of get-tough remedies, particularly on recidivism, show minimal impact, and some state legislators now seem willing to acknowledge that their responses to the supposed “emergency” of the 1990s — when public fear of youth crime hit an all-time high — may have been misconceived. At the same time, developmental research, including neuroscientific studies of the adolescent brain, have improved understanding of the real differences between adults and adolescents. The MacArthur Research Network on Adolescent Development and Juvenile Justice, founded in 1997 to provide a developmental perspective to dealing with

young offenders, designed a research agenda to look at adolescents' competence, culpability, and potential for rehabilitation (see Network story, page 12). Network researchers have found that adolescents, by virtue of their immaturity, are in fact developmentally different from adults — they are, for example, more prone to take risks, more susceptible to peer pressure, and unable to foresee the consequences of their actions. And this, researchers say, should mean young offenders are treated differently than adults who commit crimes.

These findings represent an opportunity to regenerate juvenile justice in America. But taking advantage of it will be a challenge. For one thing, the juvenile justice “system” is an extraordinarily fragmented one. Laws, procedures, practices, organizational structures, funding mechanisms — everything from basic aims to basic terminology — can differ radically from state to state, and even from county to county. So juvenile justice change, when it comes, tends to be localized, and piecemeal.

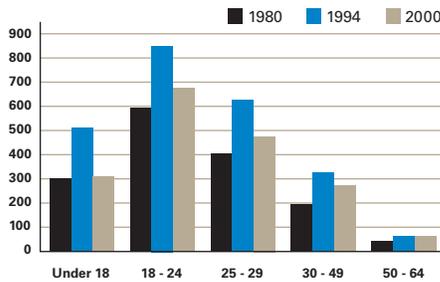
In this atmosphere, where there is
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Juvenile arrest rates for violent crime index offenses, 1980-2001
Arrests per 100,000 juveniles ages 10-17



The juvenile violent crime index arrest rate in 2001 was at its lowest level since 1983 — 44% below the peak year of 1994. All of the growth in the juvenile violent crime index arrest rate that began in the latter part of the 1980s was erased by 2001.

Violent crime index arrests
Per 100,000 population



In 2000, the violent crime arrest rate for juveniles was nearly as low as it had been in 1980.

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momentum for real change, the MacArthur Foundation has launched a new initiative — Models for Change — designed to develop successful and replicable models of juvenile justice system reform. It seeks both to set a broad, unifying agenda for change — to help accelerate change in several states toward more effective, fair, and developmentally sound approaches to juvenile justice — and to ensure that change spreads and reform momentum builds. Commitments that will reach \$60 million by 2009 have been made for reform work in four bellwether states — Pennsylvania, Illinois, Louisiana, and Washington. The idea, wherever the initiative reaches, will be to stimulate and channel what would otherwise be scattered, local improvements into something bigger: a variety of model juvenile justice systems and system components for states and counties across the country to learn from and emulate.

A framework of values

Models for Change grew out of years of MacArthur grantmaking in the field

of juvenile justice, most of it focused on expanding knowledge about adolescent development and advocating for public policies that reflect that knowledge. Beginning in 2002, the Foundation asked a group of national experts, including a number of nationally prominent research, training, and advocacy organizations in the juvenile justice field, to help design a framework of a hypothetical “model juvenile justice system”: that is, a consistent set of goals, characteristics, practices, and specific outcomes that follow from certain broadly accepted core values relating to youth. The resulting framework — which is based on principles like fundamental fairness; individual, community and system accountability; and recognition of juveniles’ individuality and potential — provided the general direction in which the Models for Change initiative would seek to channel reform. From there, it was a matter of identifying states interested in working with the project to accelerate positive change on key issues of reform in each state.

Pennsylvania was the first state selected

for participation in the initiative. According to Robert Schwartz, executive director of the Juvenile Law Center in Philadelphia, the Foundation-funded organization leading the Models for Change team there, Pennsylvania’s selection was a recognition of its potential as a model for the nation, as well as a ratification of many of the reform priorities of its juvenile justice leadership. “The fact that the Foundation, with its reputation, has said to Pennsylvania, ‘We want to help you do what you would like to do, but even better,’ has meant a lot to people in the state,” he says.

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Through 2006, more than \$3 million will be channeled into three targeted areas of improvement in Pennsylvania, chosen in consultation with the state's leadership, and calculated to be good leverage points for effecting change through the system as a whole. For example, the continuum of aftercare services and supports for juveniles returning to their homes, schools, and communities from residential institutions — a disastrously weak point in most state systems — is getting a long-term, top-to-bottom overhaul in Pennsylvania. Models for Change will assist directly with funding for such things as statewide implementation, monitoring, and interagency coordination, as well as indirectly through the work of its grant-supported partners, who will help with planning, communications, training of probation officers, juvenile defenders, and others in such areas as needs assessment and school reintegration, and various kinds of technical assistance and support for pilot experiments at the county level. What counts, Schwartz says, is not so much the dollar cost of all this help but the stimulus

it provides. “MacArthur funds are like a magnet, and all the little filings of funds that have been scattered across the table suddenly are drawn to the magnet,” he says. “Counties are putting in some of their dollars, the state is putting in money, and scores of people have organized around the effort.”

Similarly ambitious reform efforts, focused on the coordination of mental health services for court-involved juveniles and on better monitoring and tracking of disparities in the treatment of minorities in the juvenile justice system, and ultimately working to reduce them, are also being supported by the project.

Different states, different challenges

In Illinois, both the targeted change priorities and the overall strategies are different. “Reform is local,” says Diane Geraghty, who directs the Ciritas Childlaw Center at Loyola University in Chicago, which is handling the coordination of the Illinois Models for Change efforts. The project there is tackling different kinds of challenges — for example, how do you

“right-size” a juvenile court’s jurisdiction, when state law sets no minimum delinquency age at all, and a maximum age of just 16? How do you grow and encourage community-based alternatives to incarceration, where the fiscal incentives all go the other way? How do you reduce minority over-representation in detention centers and youth correctional institutions without mechanisms in place for collecting the data needed to understand the problem?

The work has already borne fruit, with the passage of historic transfer reform legislation that makes Illinois the first state in the nation to take a significant step back from the policy of trying juveniles as adults. Pushed through the state legislature with the help of research and advocacy from Models for Change grantees and signed by Governor Rod Blagojevich in August, the new law abolishes the automatic transfer of 15- and 16-year-olds accused of drug offenses — a practice that had resulted in hundreds of youth, most of them low-level offenders and virtually all of them
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minorities, moving into the adult criminal system. From now on, transfer in Illinois drug cases will occur only after a juvenile court judge makes an individualized assessment of whether a youth should be tried in juvenile or adult court.

Other reforms that are now on the table in Illinois, thanks to the public education and advocacy work of Models for Change grantees, include the establishment of a whole new, non-punitive system for the handling of very young children accused of crime; the expansion of juvenile court jurisdiction to cover 17-year-olds; and the separation of the state's juvenile corrections division from the adult corrections agency in which it is currently housed.

"There isn't going to be a cookie-cutter way of change in every state," Geraghty points out. "And the learning process here is to try to identify some of the common denominators that make things work across jurisdictions, where there really are these different dynamics in place. And that can be translated into knowledge as this effort moves into other states."

Measuring system vital signs

The long-term job of translating the knowledge generated by the Models for Change project — determining the impact of reform efforts, distilling lessons learned, and disseminating them to the field at large — belongs to the National Center for Juvenile Justice in Pittsburgh. "It's basically documenting the process of change," explains NCJJ senior executive director Hunter Hurst.

Hurst explained that efforts in targeted states will not yield models of system change that are replicable elsewhere unless they are thoroughly studied and explained to the field. More basically, he said, someone must do the tracking and assessment needed to determine where "successful system change" has occurred in the first place. For this purpose, NCJJ will not only measure change at the targeted points — aftercare, mental health services coordination, etc. It will also attempt to track and measure change radiating from those points through the system.

NCJJ is attempting to assess and quantify overall system change in the targeted states by taking what it calls "vital sign"

measures, beginning with baseline measurements in Pennsylvania and Illinois. Just as doctors get the big picture by measuring and monitoring just a few key things — pulse, temperature, blood pressure — NCJJ will periodically monitor, in the states where the Models for Change initiative works, five broad indicators of juvenile justice system functioning and alignment with core values: measures of basic racial fairness, transfer, diversion, social engagement, and recidivism following juvenile court intervention. It is hoped that a standardized index of these vital signs will one day provide practitioners, policymakers and the public with an effective method for assessing juvenile justice system strengths and weaknesses, and a tool for isolating trends, facilitating comparisons, and targeting resources. ■

Taking mental health into account

Should this 15-year-old be sent to the department of corrections? Did this 12-year-old knowingly waive his Miranda rights? Should this child be returned to her mother? These are some of the life-altering decisions that judges in Cook County's massive Juvenile Court, the oldest and largest such court in the country, must make every day about the young people who stand before them. Often, the decisions are complicated by the fact that many children in the juvenile courts face mental health or substance abuse problems. In cases when the court needs timely, impartial, high-quality information on a child's mental health, it turns to the Cook County Juvenile Court Clinic.

The clinic conducts individualized psychological evaluations and provides detailed reports on children, youth, and parents to judges, probation officers, lawyers, and others in 28 courtrooms in Cook County. Since 1999, it has transformed the court's process of acquiring mental health evidence from one that was plagued with long delays and poor quality to one that is a model for courts nationwide.

"The courts really value our reports," says clinic director Julie Biehl, who leads a staff of 30 mental health professionals and lawyers. "Judges tell us our reports help them understand the mental health issues, but even more so, help them know the kids better. Even though the child is right in front of them in the courtroom, our work brings the kids alive in a deeper and more detailed manner. We point out not only the challenges the child and the family face, but also the strengths. That's very important, because without identifying the strength of the child and family, how do you move forward?"

Rethinking the system

Until the mid-'90s, reliable information about a child's mental state was provided erratically, if at all. Delays were a particular concern — a judge's request for an evaluation of a child could take weeks or even months to fulfill. The human cost of the wait was high, as the child was in a foster

home or in Cook County's Juvenile Detention Center, separated from family and not receiving services he or she may have urgently needed. Reports were often based on standardized psychological tests rather than on in-depth individualized interviews. Judges, probation officers, states' attorneys, public defenders, and others often did not have what they needed to make informed legal decisions or to determine what kind of community-based psychological services or other interventions the child and family needed.

In 1995, at the request of the Chief Justice of the Circuit Court of Cook County, the court's system of acquiring clinical information (mental health information) underwent a three-year evaluation that involved extensive interviewing with stakeholders, direct observation in the courtroom, and review of other mental health delivery systems. The study and the subsequent redesign and restructuring of the clinic were funded by the MacArthur Foundation in partnership with the University of Chicago and Northwestern University.

One of the major achievements of the clinic is to significantly reduce the time between when the court orders and receives the evaluation. "Every day in the life of these young people is a long time," says Biehl. "Any amount of time we can cut off of the delay improves the permanency of their lives and gets kids to the appropriate services more quickly."

A dramatic improvement

With new standards and procedures in place for the clinic, the quality of assessments has improved significantly. One of the clinic's chief innovations, Biehl says, is the creation of the position of clinical coordinator, a mental health professional who serves in the courtroom as a facilitator to guide judges, lawyers, and other court personnel regarding mental health issues. The coordinator separates requests that are primarily service related — referring children and families to community-based providers of mental health and family services — from

those that require a forensic evaluation, which the court will use to make a legal decision. She then makes sure the right requests get to the appropriate provider as quickly as possible.

The clinic also provides education and training for judges, lawyers, hearing officers, probation officers, and caseworkers, as well as postdoctoral fellows in forensic psychology and graduate students in social work, law, and forensic psychology. It also continually gathers information about specific mental health services and makes it available to the court. Recently, the clinic created an electronic catalogue of hundreds of community mental health providers, making it possible to direct families to appropriate resources.

The impact of the clinic extends well beyond Cook County. Staff have responded to numerous requests for technical assistance in several jurisdictions around the country and have presented the clinic's model for reform at national conferences. ■

Four models for change

Although the nation refers to its juvenile justice “system,” there is, in fact, no single system — each state has its own way of responding to young people in trouble with the law. For its Models for Change initiative, the Foundation chose four “bellwether” states that have very different histories and cultures, population demographics, economic resources, political landscapes, and types of challenges. In particular, they diverge in terms of how far along they are on the spectrum of juvenile justice reform — from the ground floor to the most advanced. By examining change in states that are at different starting points for juvenile justice reform, Models for Change aims to broaden understanding of success in different regions, making it easier to generalize the lessons learned and replicate progress nationwide.

Pennsylvania

Among the four states, Pennsylvania — the first state selected to participate in the program where work has been under way for more than a year — is the most clearly poised to become an exemplary juvenile justice system. It has a relatively low number of youths incarcerated compared to other states and a longstanding commitment to reform. In 1959, Pennsylvania established the Juvenile Court Judges Commission, an organization of all juvenile judges in the state, to assure best practices and standards. The commission, which has considerable authority statewide, focuses attention on juvenile justice issues, helps gain consensus on best practices, and provides leverage for implementing reforms. It is the only such organization in the country.

In the late 1970s, Pennsylvania passed legislation to bring child welfare and juvenile justice policy and practice together into one agency, the Department of Public Welfare — a move that acknowledges that children who suffer from maltreatment or live in foster care are often the same children in the juvenile justice system. The state also established a funding mechanism that gives counties flexibility in meeting

juveniles’ needs but that does so in a way that encourages good juvenile justice practice. For example, the state will fund a larger portion of the cost of providing young offenders with community-based services than it will if they are sent to correctional facilities.

Illinois

Illinois — the second Models for Change state selected in early 2004 — is about midpoint on the juvenile justice spectrum. Although it was the first state in the nation to have a juvenile justice system, its commitment to reform has waxed and waned over the years. Recently, the environment for reform has become much more favorable. For example, Illinois is the only state in the nation that has rolled back “automatic transfer” (the policy of trying young people who have committed certain crimes in adult courts) for drug offenses, returning more discretion to judges in making this decision. Efforts are now under way in Illinois to move juvenile corrections out from under the auspices of the adult corrections system.

Illinois has recently become a national model for juvenile detention reform, with delegations from around the country seeking counsel on how to reduce the population of young people in detention and to use community-based alternatives such as night reporting centers and electronic monitoring. The state recently passed legislation to develop a pilot program to create financial incentives for counties in Illinois to provide young people with services in the community rather than to send them to correctional facilities.

Louisiana

Louisiana — selected in June 2005 — has a different history and starting point. In 1996, the state experienced a crisis when the U.S. Department of Justice found numerous civil rights violations in Louisiana correctional facilities. The state seized a time of increased government and public attention as an opportunity to address juvenile justice issues from top

to bottom. Under Governor Kathleen Blanco’s leadership, the state created the Juvenile Justice Reform Implementation Commission, which has a mandate to lead the juvenile justice reform agenda. A second bill pushed the reform effort down to the parish level by establishing mechanisms in each of Louisiana’s judicial districts to coordinate treatment and services in the community that provide alternatives to incarceration. (As this publication went to press, state officials had made it clear that — although lives have changed dramatically following Hurricane Katrina — the state remains committed to Models for Change and intends to stay the course.)

Washington State

In many ways, Washington — selected in October 2005 — already fits the profile of a model state for juvenile justice. It has a long history of using research to inform policymaking regarding juvenile justice, and many best practices already are in place. In 1997, Governor Christine Gregoire (at the time she was State Attorney General) was instrumental in creating the Community Justice Accountability Act, which was designed to reduce juvenile crime by funding research-based interventions for youth and families. This legislation has become the cornerstone for a variety of effective reforms. The state also has made significant progress in integrating juvenile justice programs with child welfare and mental health services and in improving child and youth information management systems across multiple agencies. Washington is now positioned to tackle more ambitious and challenging juvenile justice reforms and to disseminate model practices more evenly throughout the state. ■

Responding to young offenders

Fourteen-year-old “Brian” was caught carrying marijuana into his school. Possession of drugs on school grounds carries severe penalties in Illinois. Brian’s case qualified for automatic transfer from juvenile to criminal court, even though he had never been in serious trouble before.

The State’s Attorney offered Brian an alternative: he could appear before a Community Panel, a group of trained volunteers from his own neighborhood who would listen carefully to all parties involved and come to a resolution. With the panel’s encouragement, Brian accepted responsibility for his actions and agreed to make restitution to the community in a way that built on his interests and abilities: he would put his passion for movies to work by making a short video about the consequences of drug dealing. With the help of panel members, Brian arranged to have his video viewed and discussed by youth at his local community center. In addition, Brian was referred for math tutoring to improve his grades at school.

Taking responsibility

Each year more than 20,000 young people become involved in the juvenile justice system in Illinois. Most of them haven’t committed violent crimes, but once they’ve entered the system, many will become more deeply involved. Too often, neither the youth nor their communities will benefit from the experience.

As a result, some advocates of juvenile justice reform in the state are exploring informal, community-based mechanisms as an alternative to juvenile court for some young offenders. These new solutions can be a positive and powerful force — an opportunity for communities themselves to respond to crime and reinforce their values, and for youth to reconnect with the community.

Community Panels for Youth is an example of that approach. Built on principles of restorative justice, CPY creates open dialogue among the young offender, the victim, and community members. In a

neighborhood setting, the panels address the harm done to the victim and the community, seek ways to meet the youth’s individual needs, and build relationships that strengthen the social fabric of the community.

Cheryl Graves is director of the Community Justice for Youth Institute, which coordinates the program. “The hearings give youth, victims, and their families an opportunity to speak from the heart, listen to each other, and discover that they’re not so different from one another,” Graves says. “Young offenders learn that they made some bad choices, that they hurt someone, and they’re held responsible for their actions. But they aren’t marginalized. Through the process, young people discover their value to the community.”

CPY began in Chicago’s Austin neighborhood in 1997 and now operates in seven of the city’s most disadvantaged communities. Its success rate is impressive: 85 percent of the young offenders entering the program have had no further juvenile court contact. In contrast, the recidivism rate for youth processed through juvenile court is around 60 percent.

Promoting healthy development

Community Panels go beyond accountability and restitution; they actively seek ways to help young offenders build the competencies that will help them develop into responsible, contributing members of the community. This is often the panel’s most difficult task.

“Some of the youth need mental health counseling or drug rehab,” Graves says. “But more often than not, they just need engaging after-school programs and positive adult role models.”

The only way young people won’t be on the street, she adds, is if they have access to something that interests them — whether it’s chess clubs, video-making, or softball practice. In the communities served by Community Panels, few of these programs exist; those that do generally won’t take youth involved with the courts.

“It’s not just the youth who need to be

held accountable,” Graves emphasizes. “It’s the responsibility of the community, the city, and the private sector to ensure that all young people have what they need to develop into healthy adults.”

Addressing this need, the Community Justice for Youth Institute has established community-based advisory boards to help identify local and non-traditional resources. The boards quickly learn where the gaps are, and they become powerful advocates for community programs and services.

“Restorative practices have tremendous transformative potential,” Graves says. “People realize that they have the capacity not only to resolve their own conflicts, but to effect positive change in their lives and their communities.” ■



Adolescents are different from adults... and in the halls of justice, it matters.

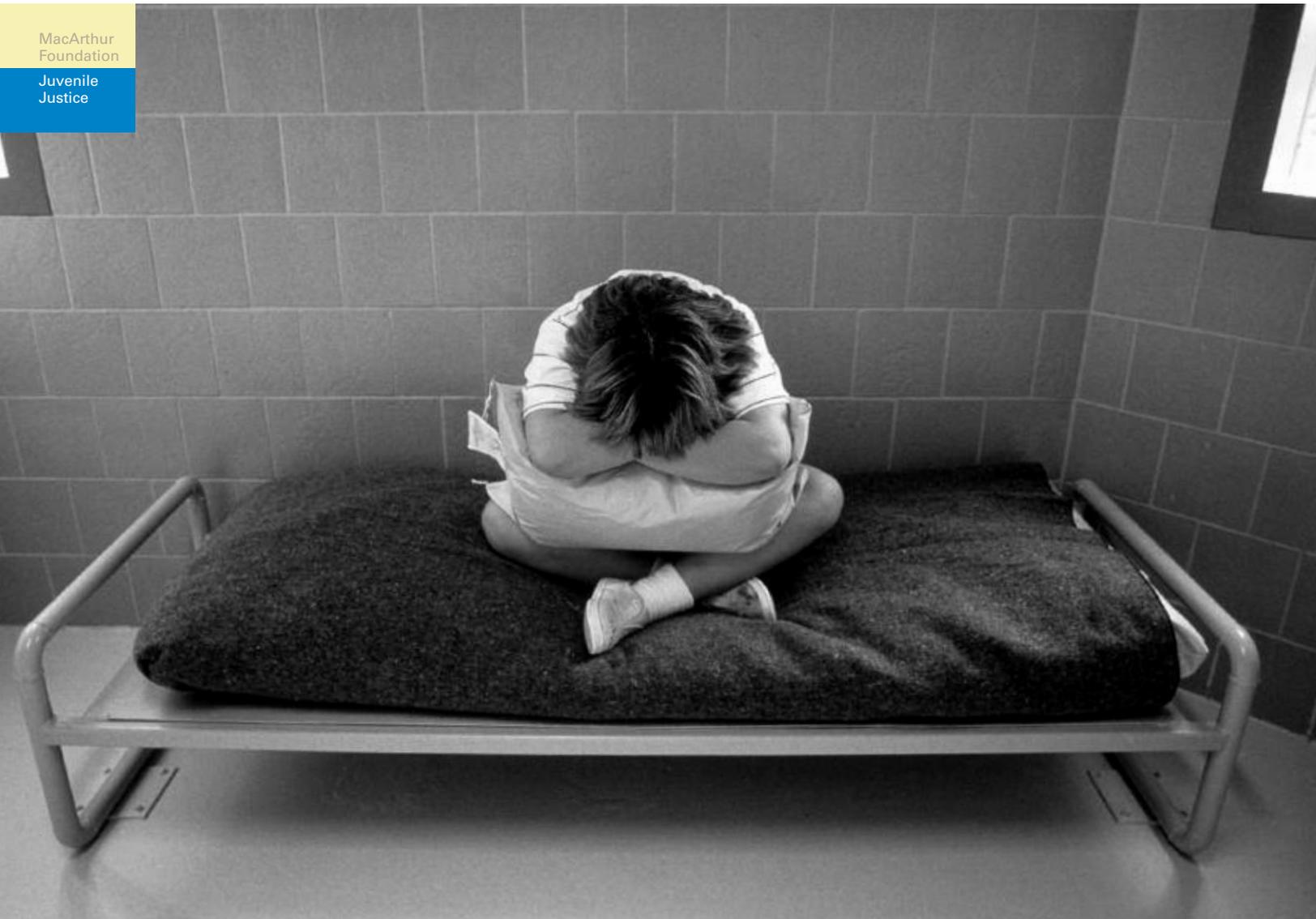
In a landmark decision this year, the Supreme Court outlawed the death penalty for offenders who were younger than 18 when they committed their crimes. Justice Anthony Kennedy, writing for the majority in *Roper v. Simmons*, noted that execution is a punishment reserved for the worst of the worst — those whose extreme culpability, as well as their crime, makes them deserving of death. Adolescents, Justice Kennedy wrote, are inherently less culpable than adults: By virtue of their age they are more prone to immature and irresponsible behavior, more susceptible to peer pressure and, because their character is still being formed, more capable of being rehabilitated.

Justice Kennedy's opinion was based on groundbreaking work by the MacArthur Research Network on Adolescent Development and Juvenile Justice. Seth Waxman, who argued the case before the Court, called the research "absolutely critical" and made it a central point in his arguments.

While the death penalty decision drew nationwide media attention to the research, the network's studies reach much further, touching on nearly every facet of juvenile justice policy and practice.

Providing a developmental perspective
The juvenile justice system was founded more than a century ago on the principle

that children are fundamentally different from adults, and that the justice system that deals with them should reflect these differences. During the 1990s that founding principle was all but forgotten as the system, in reaction to public demand, became increasingly punitive. New legislation passed in virtually every state meant more — and younger — children were being tried in criminal court, and the juvenile system itself began meting out harsher penalties, emphasizing punishment rather than rehabilitation. Law enforcement viewed young offenders as criminals, not as children, while child advocates saw them as children, rather than criminals. There seemed to be no middle ground.



“What was missing was a developmental perspective, based on sound science and legal scholarship,” says Laurence Steinberg, professor of psychology at Temple University. “It had to be both empirical and practical — something that policymakers and practitioners could respond to.”

The MacArthur Foundation established the Network on Adolescent Development and Juvenile Justice to provide that perspective. With Steinberg as its director, the network brought together a broad spectrum of scholars, policy experts, and practitioners in social science, psychology, criminology, and law. Together they designed a research program focusing on three broad themes: adolescents’ competence, culpability, and potential for change. The first two deal with the limitations of adolescence, and how they influence the behavior and treatment of young offenders. The third (the subject of the story on page 16) looks at the factors that lead most adolescents to stop committing delinquent or criminal acts and become productive, contributing members of society.

Are adolescents competent?

In 1999, 12-year-old Lionel Tate killed a 6-year-old friend while imitating the wrestling moves he had seen on TV. Lionel’s mother persuaded him to turn down a plea bargain — the decision was legally his to make — and in criminal court a jury convicted him of first-degree murder. He was sentenced to life in prison.

Even the prosecutor was shocked by the severity of the sentence, which was later overturned. But Lionel’s choice to go to trial, and the decision to try him as an adult, raise the question: Are young offenders competent to stand trial in an adversarial proceeding? The network’s large-scale study

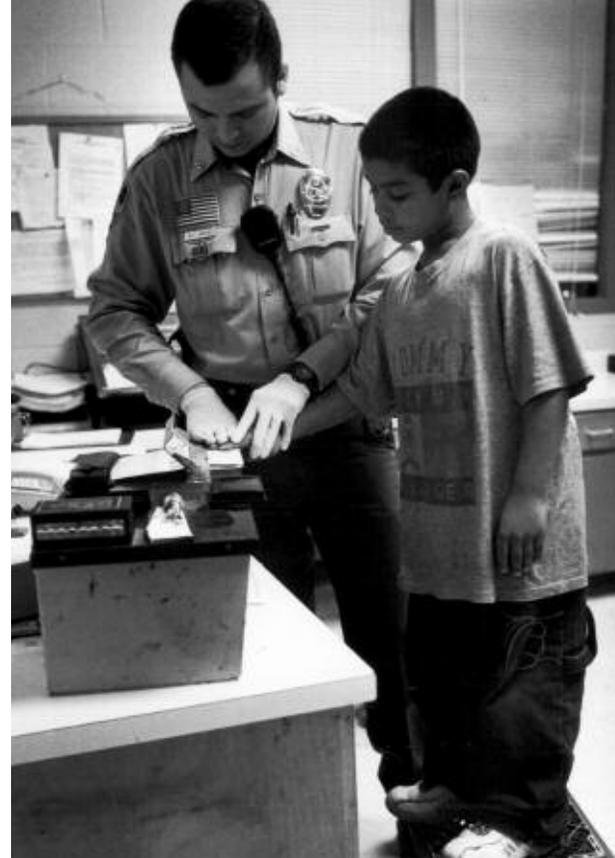
of competence, the first of its kind, was designed to answer that question.

Our legal system requires that adult defendants be competent — able to understand the trial process, assist in their defense, and make important decisions about matters like plea agreements. When juvenile courts were concerned primarily with rehabilitation, competence in these areas wasn’t an issue. “But now we’ve raised the stakes for adolescents,” says Steinberg, “and we need to take competence into account.”

The Network’s Juvenile Adjudicative Competence Study — which involved more than 1,400 youths and adults at four different sites — gave credence to that concern. The study found that on measures linked to competence, a significant proportion of adolescents age 15 and younger — and especially those under 14 — are as poorly prepared to participate in their trials as adults with serious mental illness. Older adolescents are, on average, much closer to adults in their thinking.

“It’s not just that adolescents don’t have the life experience to understand the system,” Steinberg says. “It’s the way they think, and how they use information to make decisions.”

The researchers showed that younger adolescents don’t put facts together and draw logical conclusions the way adults do. They’re more inclined to defer to authority figures, and they’re less likely to recognize the risks inherent in the choices they face, or to consider the long-term consequences of their legal decisions. That means, for example, that they are more apt to accept a prosecutor’s offer of a plea agreement. For the same reason, they’ll more readily confess to police, regardless of their guilt, if they think it will result in an immediate reward,



like going home. Thus, the issue of competence has consequences beyond the ability to stand trial.

State legislatures are beginning to react to these findings. Arkansas now requires competence evaluations of young adolescents charged with very serious crimes before they can be transferred to adult court. Louisiana, Maryland, and Virginia have passed bills requiring that youths have counsel at various stages of juvenile court proceedings. Louisiana also is considering legislation that would set guidelines for competence evaluations of juveniles, and Illinois is looking at bills that would keep more youths in juvenile, rather than criminal, court.

As it did in the Simmons case, the network’s research has provided both a framework and a scientific foundation for these reforms. “The language of adolescent development has become a part of the way *(continued on next page)*

Law enforcement viewed young offenders as criminals, not as children, while child advocates saw them as children, rather than criminals.

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we speak about youth and their needs in the juvenile justice system,” says Mary Ann Scali, deputy director of the National Juvenile Defender Center. “And the research data help advocates support reforms that we know work for kids.”

How blameworthy are adolescents?

The Supreme Court decision on the death penalty centered not on the issue of competence but on criminal blameworthiness, or culpability. While competence concerns an individual’s capacities at the time of arrest and court proceedings, culpability considers his or her state of mind at the time of the offense.

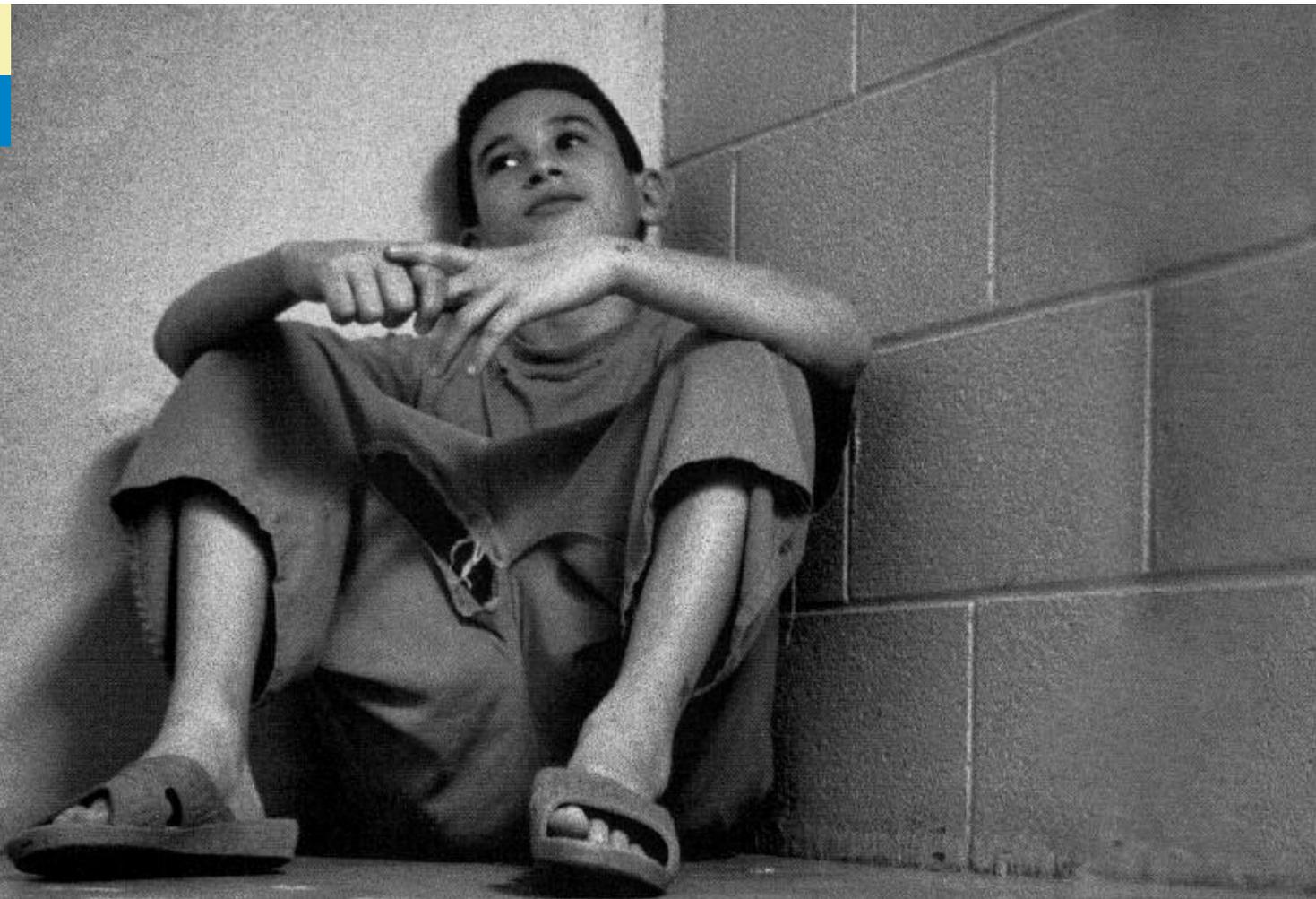
“Our findings from the competence study indicated there are significant, age-related changes in individuals’ ability to consider the future consequences of their actions and in their susceptibility to peer pressure,” Steinberg notes. “That bears on culpability because even if a youngster perceives a situation as an adult would — as risky or morally wrong — his ability to act on that perception might be very different.”

The network brought in legal scholars to examine the concept of mitigation in criminal law, and began to identify the psychological capacities that mapped onto the concept. That work led to an article in *American Psychologist*, “Less Guilty by Reason of Adolescence,” that was quoted

extensively in the Supreme Court decision and in its amicus briefs.

“The network’s culpability work was central in our decision to file an amicus brief in *Simmons*,” says Nathalie Gilfoyle, general counsel for the American Psychological Association. “It’s far more detailed than anything that’s been done before.”

“We’re not talking about excusing adolescents from responsibility for their actions,” Steinberg notes. “But most people agree that the degree of punishment should have something to do with state of mind. That’s why premeditated murder is considered worse than non-premeditated murder. There are many factors that mitigate criminal responsibility; our



article says that developmental immaturity is one of them.”

That contention is bolstered by what neuroscientists are discovering about brain development: During adolescence, the part of the brain that controls “executive functions,” such as complex decision-making and long-range planning, is still very much a work in progress. Research now under way by the network is bringing together work on the psychological and neurobiological aspects of development. Investigators will be using functional MRI to monitor individuals’ brains while they are performing decision-making tasks. The results will show more precisely whether and how task performance correlates with

brain development through adolescence and into adulthood.

Working from the ground up

As significant as the Supreme Court decision is, Steinberg believes the network’s most important audience right now is practitioners. “You can affect policy from the bottom up as well as from the top down,” he says. “Changing the way people in the system operate has as much impact as legislation.”

Laying the groundwork for that change, the network has developed a manual for assessing juveniles’ competence to stand trial. “The protocol is a joint effort by a national group of judges, prosecutors, defense attor-

neys, and clinicians,” says network member Thomas Grisso, professor of psychiatry at the University of Massachusetts Medical School. Grisso and his colleagues are now working to educate juvenile court judges and lawyers about the tool, and to put it into practice by forensic psychologists nationwide.

One of those psychologists is Ivan Kruh, director of forensic services at the Child Study and Treatment Center in Lakewood, Washington. “Our center provides the courts with competency evaluations, violence risk assessments, and evaluation of a child’s mental state at the time of the offense,” Kruh says. “The net-
(continued on back page)

MacArthur network members

The MacArthur Research Network on Adolescent Development and Juvenile Justice was established in 1997 to provide a developmental perspective to juvenile justice reform. Network members come from diverse disciplines and fields, including psychology, criminology, economics, and law. www.mac-adoldev-juvjustice.org

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Public Defender’s Office, San
Francisco, California

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& Clinic, University of
Pittsburgh

Orlando Martinez
Martinez Group, Juvenile
Justice Consulting

Daniel S. Nagin
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**The Honorable Kimberly B.
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Richmond Juvenile District
Court, Richmond, Virginia

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Criminology & Law,
University of Florida

Robert Schwartz, J.D.
Juvenile Law Center,
Philadelphia, Pennsylvania

Elizabeth Scott, J.D.
School of Law, University of
Virginia

Jennifer Woolard, Ph.D.
Department of Psychology,
Georgetown University

Franklin Zimring, J.D.
School of Law, University of
California, Berkeley

For more information on mental health and juvenile justice:

National Mental Health
Association
www.nmha.org

National Center for Mental
Health and Juvenile Justice
www.ncmhjj.com

The University of
Massachusetts Law and
Psychiatry Program
(The National Youth Screening
Assistance Project)
www.umassmed.edu/nysap

What makes delinquent youths “go right”?

A young offender appears in juvenile court. After hearings and evaluations and testimony and deliberation, the judge sentences the youth to six months in a secure juvenile facility. Or to a year’s probation and a treatment program. Or to 200 hours of community service.

What happens when the time is done? Does the youth return to old behaviors? Become a career criminal? Or — like the vast majority of young offenders — does he or she gradually mature and become a contributing member of society?

Judges seldom learn the outcomes of the sanctions they have imposed. Although courts and corrections officials are charged with protecting public safety and helping young offenders become more responsible adults, they get very little feedback on which decisions make a difference.

The largest project of the MacArthur Research Network on Adolescent Development and Juvenile Justice, a longitudinal study called Pathways to Desistance, aims to answer those questions. Researchers are following approximately 1,300 juvenile felony offenders — white, African American, and Latino — from adolescence into young adulthood, assembling the largest, most comprehensive data set on serious adolescent offenders ever available. The study addresses two of the most enduring issues in juvenile justice: the risk that offenders pose to the community, and the results of the treatment they receive in the justice system.

Not which kids, but why

“Risk” is a tricky term. People often think it means predicting which youths are likely to get into trouble. But network member Edward Mulvey, the study’s principal investigator, speaks not of prediction but of assessing and managing risk. “This isn’t about putting people into boxes —

it’s about finding the factors that contribute to desistance,” says Mulvey, professor of psychiatry and director of the Law and Psychiatry Program at the University of Pittsburgh. “We want to know what things in a young person’s life need to change to lower the risk of re-offending.”

Some of those factors relate to the individuals themselves: substance use and mental health, for example, or personality, intelligence, school performance and developmental maturity. Other factors are in the youths’ social context: family, friends, and community. Still others concern the sanctions and services they receive from the justice system. The Pathways study is looking at dozens of factors, and at how they work together to increase or decrease the risk of serious offending.

While the research is still in its early stages, some significant findings are starting to emerge. One is the high correlation between substance abuse and serious offending — even when drug-related offenses are taken out of the equation. Another is that different parenting styles appear to correlate with different degrees of offending. Both, says Mulvey, suggest areas

that could be addressed to try to change the outlook for individual offenders.

Which interventions for which kids?

The heart of this work, says network director Laurence Steinberg, is getting the courts back to considering youth as individuals; what they bring to the situation; and what will get them back on track.

“When people look at studies on juvenile offenders and recidivism, they often come away saying nothing works,” Steinberg says. “The fact is, some things do work for some kids some of the time. But the responses are extremely variable from one individual to the next. If you don’t match the kid with the right intervention... it’s like sending someone with pneumonia to a dermatologist.”

By looking at the full range of sanctions and services in this large and diverse sample, the investigators hope to begin teasing out the factors that determine which interventions are successful for which young offenders — and to delineate the components of a good intervention. ■



Is our system biased against children of color?

In the years since Congress passed the 1992 Juvenile Justice Delinquency and Prevention Act that required states to reduce racial inequities in their juvenile justice systems, minority youth in nearly every state are still more likely than white youth to be arrested, detained, prosecuted, incarcerated, and transferred to adult courts.

Congress's mandate has done little to ameliorate the problem of racial disparities in the system, which is commonly referred to as disproportionate minority contact (DMC). But the law has produced a growing body of data that, while imperfect, provide an alarming picture of a juvenile justice system in which minority youth are over-represented at every juncture.

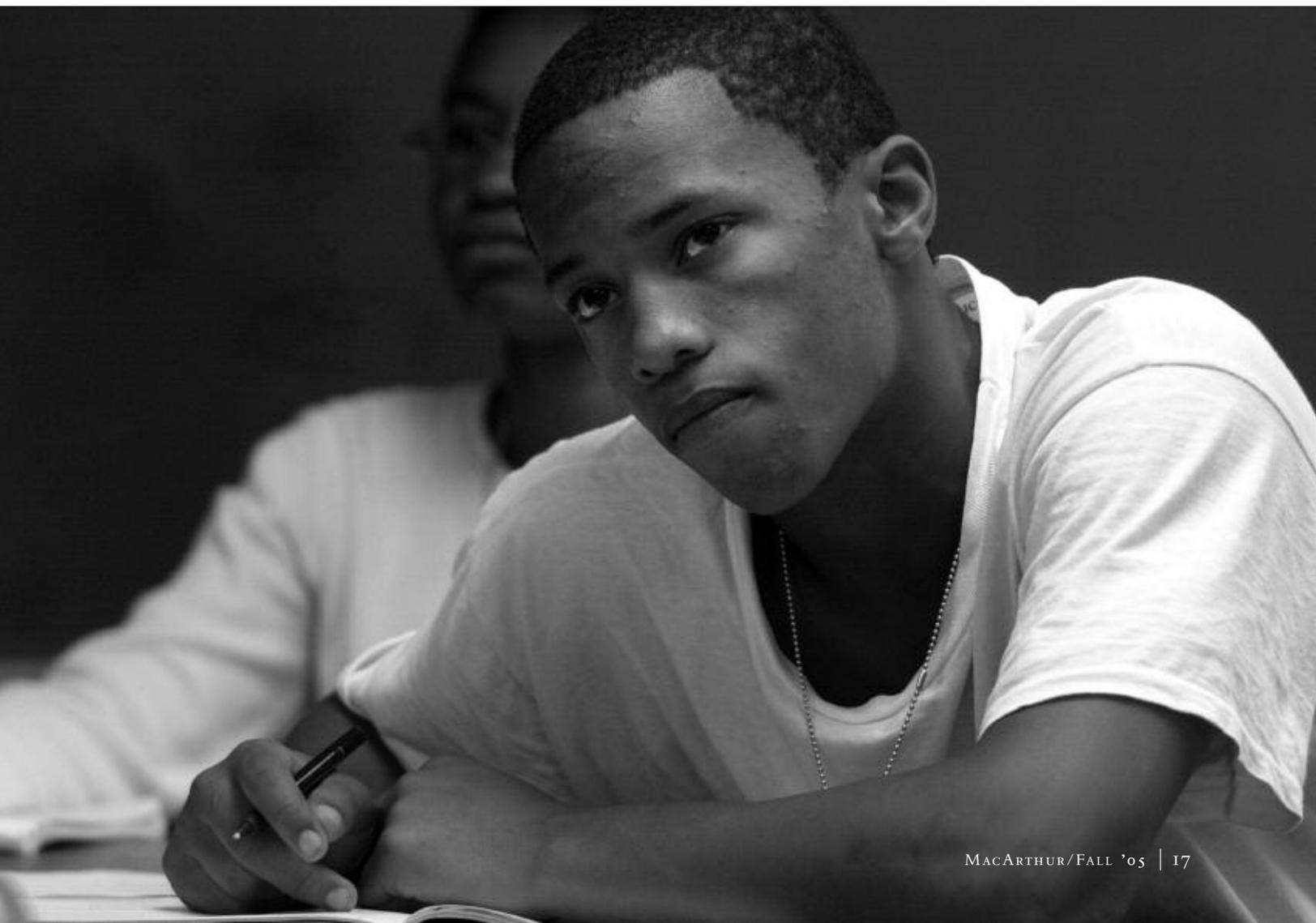
Moreover, evidence is growing that minority youth are treated more harshly even when they are suspected of the same crimes as white youth.

While much is known about the extent of the problem, there is little agreement about its causes. Are minority youth more likely to be arrested because they commit more offenses? Or is it because police patrol in minority neighborhoods more frequently than in white neighborhoods? Are minority youth more likely to be detained and incarcerated because they pose a greater risk to the public than white youth? Or is it because there are fewer alternatives to incarceration in their communities? Experts believe that the problem is most likely

attributable to a whole host of reasons, including unconscious racial biases.

Since the late 1990s, several organizations supported by the MacArthur Foundation have been conducting research and pilot projects to better understand the multiple causes of disproportionate minority contact and to develop interventions to reduce it. They are using their findings to educate stakeholders in juvenile justice systems across the country, as well as the public, about the injustice inherent in the differential treatment of minority youth and the benefits of community-based alternatives to detention and incarceration.

Even before states began reporting data *(continued on next page)*



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on the problem in 1992, the Youth Law Center, a MacArthur grantee, became aware of it through its frequent investigations into conditions of confinement in juvenile facilities around the country. The Youth Law Center, which has offices in San Francisco and Washington, D.C., is a national public interest legal and advocacy organization that works to protect abused and at-risk children. “We’d been doing this work for 15 years, and we were tired of walking into these juvenile centers and only seeing kids of color,” says Mark Soler, president of the center. Soler adds that a major challenge to helping reduce the over-representation of minorities is that existing data does not reflect the problem he and his team had observed.

In 1998, the Youth Law Center and a coalition of other advocacy groups launched Building Blocks for Youth, an initiative aimed at changing public thinking about juvenile offenders, promoting fair and effective juvenile justice policies, and reducing the disparate treatment and over-representation of minority youth in the juvenile justice system. They began by conducting research to document how the over-representation of minority youth is compounded as they progress through the juvenile justice system and to better understand why minorities receive harsher treatment than whites for the same crime. Building Blocks revealed, for example, that a minority youth who is convicted of a drug offense is more than three times as likely as a white youth to be locked up. And the length of incarceration for a Latino youth convicted of a drug offense is more than twice as long as the stay for a white youth.

An issue of fairness

The initiative’s documentation of differential treatment based on race and ethnicity proved effective in helping policymakers and opinion shapers understand that disproportionate minority contact is, in essence, a fairness issue, Soler says. “A lot of people had thought, ‘Of course, kids of color are over-represented. They’re committing more crimes.’ They hadn’t taken into consideration the possibility that the system was biased against them.”

A pilot project launched by Building Blocks in 1999 in Seattle has contributed important knowledge about how each

The important thing is for the players in the juvenile justice system to be aware of their unconscious biases and to attempt to overcome them.

decision-making point in the juvenile justice system contributes to the over-representation of minorities throughout. (The project is now run by the W. Haywood Burns Institute, which was spun off from the Youth Law Center in 2003.) When the Seattle project started, 9 percent of the county’s youth were African American but represented 39 percent of those in detention. The project brought the system’s stakeholders together with youth, community groups, and elected officials to study race patterns in arrests, detention decisions, and court dispositions and then devised interventions that would level the playing field for minority youth.

As a result, the police department began requiring police to screen youth with objective intake criteria before transporting them to detention, and the probation department and the juvenile court expanded community-based alternatives to incarceration. These actions have led to a steady decrease in the total detained population, and a slight decrease in the disproportionate incarceration of minority youth.



Unconscious racial stereotyping

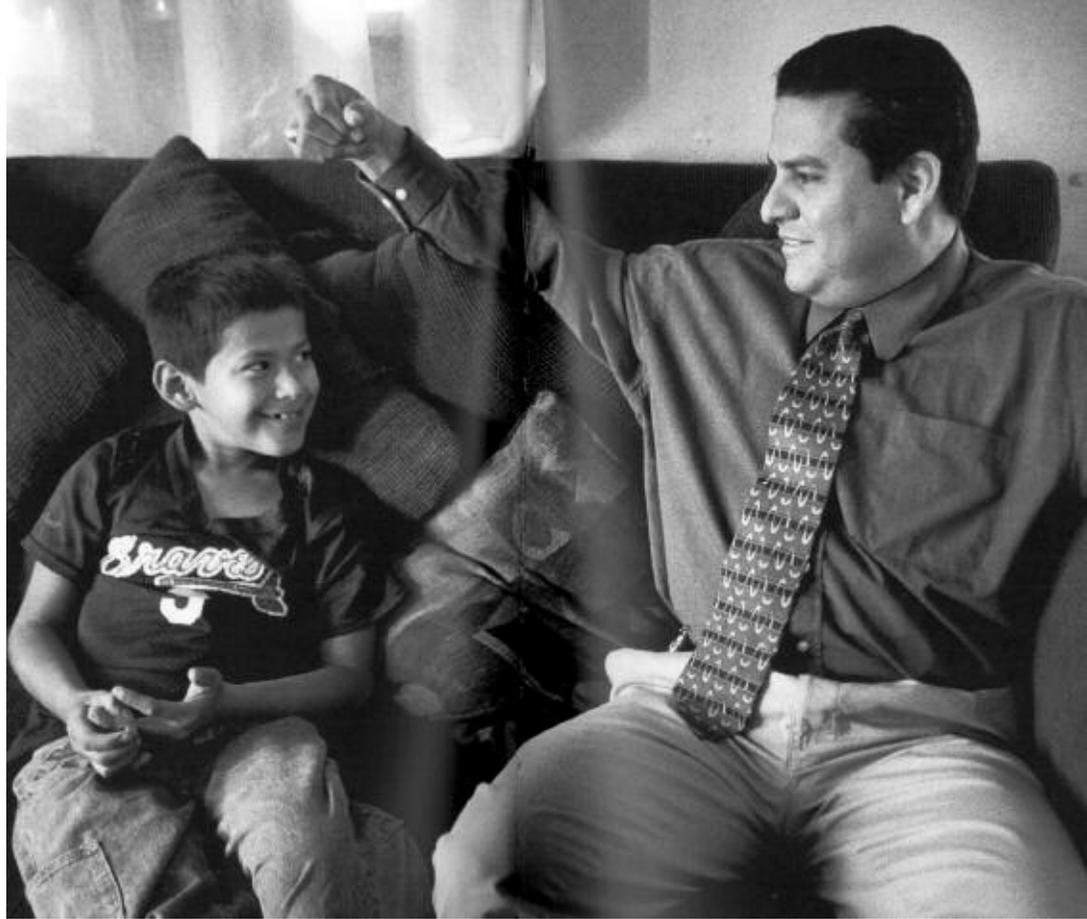
In a related study supported by MacArthur, researchers investigated the impact of unconscious racial stereotypes on how police and probation officers respond to minority youth (see sidebar page 20). They found that unconscious biases affect how minority youth are treated in the system.

“Stereotypes are culturally shared beliefs that everyone holds whether they’re aware of them or not,” says Sandra Graham, one of the principal investigators and a social psychologist at the University of California at Los Angeles. “They are triggered automatically, particularly in situations where there’s a lot of ambiguity.” The important thing is for the players in the juvenile justice system to be aware of their unconscious biases and to attempt to overcome them, she said.

Another MacArthur grantee, the National Council of La Raza, has carried out research on how Latinos are documented in the system. Until recently, most statistical analyses included racial and ethnic categories for white, black, and other — Latinos were simply not counted as a population.

“Without accurate numbers, the seriousness of the problem will remain largely hidden from view,” says Angela Maria Arboleda, a civil rights analyst with NCLR.

In addition to being “lost” within the data, a closer look showed that in every offense category, the average length of incarceration was longer for Latino youth than for any other racial or ethnic group,



including African Americans. According to Arboleda, because the data concealed the real story about Latinos in the system, little has been done until recently to acknowledge their unique needs, such as language barriers and immigration status.

Soler, Graham, Arboleda, and others stress the importance of collecting more and better data as a step toward addressing the over-representation of minority youth in the system and their disparate treatment. As part of the Foundation’s Models for Change initiative (see story page 4), the Youth Law Center will work with officials in each participating state — Pennsylvania, Illinois, Louisiana, and Washington — to develop better data collection methods on race and ethnicity of youth in each state’s juvenile justice system.

And NCLR will launch the Latino Juvenile Justice Network in the four participating states to work with state and local community-based organizations to gather better data about the experience of Latino youth in the system.

“This is about looking at real data to better understand what is happening in our juvenile justice systems,” said Soler. “It may take a long time to remedy the problem, but our data show that it won’t cure itself.” ■

The photographs on the cover and on pages 5, 13, 14, 18, 19, and 21 are by photographer Steve Liss, who gained unprecedented access to a juvenile detention center in Texas for his book *No Place for Children: Voices from Juvenile Detention* (University of Texas Press 2005).

For more information on racial disparities in the juvenile justice system:

Justice Policy Institute
www.justicepolicy.org

National Center for Juvenile Justice
www.ncjj.org

National Council of La Raza
www.nclr.org

Youth Law Center
www.ylc.org

How decision-makers judge minority youth

Two police officers read a “crime report” describing the same scenario: A 12-year-old boy with no prior record has been accused by a convenience store manager of stealing \$40 worth of toys. The youth denies the crime. There are no witnesses.

Asked how they would handle the situation if they were called to the scene, one officer says he would let the suspect off with a warning. The other says he would arrest the youth on felony burglary charges.

What accounts for the difference? Although the scenario makes no mention of race, experiments conducted by Sandra Graham, a member of the MacArthur Network on Adolescent Development and Juvenile Justice (see page 12), strongly suggest that the answer is unconscious racial stereotyping.

The role of stereotypes

Graham, a developmental psychologist at UCLA, and Brian S. Lowery, of Stanford University’s School of Business, presented two groups of police officers with the shoplifting scenario and another involving assault. First, though, the officers were given what they were told was a “mind-clearing” computer task. As they carried out the task, focusing on the center of the screen, words were flashed on the periphery of their visual field at a speed too fast for conscious awareness. One group was primed with words associated with African Americans, such as Harlem, dreadlocks, and basketball. The other group was exposed to race-neutral words like mosquito, laughter, and virus.

The researchers found that, compared to the neutral group, officers primed with race-related words described the offender

as having more negative traits and being more “adult-like” — and thus more blameworthy; they also endorsed harsher punishments for the youths.

The experiment was repeated with juvenile probation officers — who because of their role in rehabilitating youth have a different perspective than arresting officers — yet similar results were yielded. Most notably, the findings held true regardless of the officers’ race.

Objective data, like that generated by Graham’s research, is an important anchor for discussions about why disparities exist.

“Racial stereotypes permeate our society,” says Graham. “We all pick them up, and we’re all influenced by them — including African Americans and others who don’t consciously subscribe to racist attitudes.”

Practical solutions

Graham and Lowery make suggestions about how to address the problem. One approach, they say, would be to develop objective instruments to assess an individual’s risk of re-offending, along with protocols to determine what type of intervention is most appropriate and likely to produce positive results, rather than rely on individual impressions and potentially biased judgments. Another is to improve interpersonal relations between juvenile justice decision-makers and the youths they deal with.

“Recognizing that we are all subject to automatic stereotyping is a first step,” Graham notes. “The next step is to realize that ‘automatic’ doesn’t mean ‘unchangeable.’ People can break their negative associations and build new ones.” ■



Meeting the mental health needs of juvenile offenders

Over the past few years, there has been a growing recognition of the large numbers of young people with mental illnesses or substance abuse problems in the country's juvenile justice systems. The crackdown on juvenile crime in the 1980s and 1990s, combined with dwindling funds for public residential mental health services for children, has meant that many young people with psychological or behavioral problems are finding themselves confined in secure detention and youth corrections facilities. In fact, young people caught up in the juvenile justice system are three to four times more likely to suffer from a diagnosable psychiatric disorder than adolescents in the general population.

Although child advocates agree that the juvenile justice system is not and should not become the nation's new child mental health system — it is not designed for that role and it doesn't have the financial or professional resources to do so — they agree that it should be equipped to tend to the most critical needs of youth in its care, including the appropriate diagnosis of and treatment for those with mental health needs.

"There are many tools available to assess the mental health status of adolescents, but their usefulness within the juvenile justice system is limited," says Dr. Thomas Grisso, a clinical psychologist and professor of psychiatry at the University of Massachusetts Medical School. Grisso explains that the ethnic, cultural, and racial background of youth in the juvenile justice system tend to differ greatly from those for whom most assessment instruments were created, and the tools themselves often are inappropriate for settings in which the staff training and financial support are limited (as is the case in most juvenile detention and correctional institutions). This has meant that many young people in the system who suffer from mental health disorders have gone undiagnosed, which poses a risk to their well-being, safety, and the safety of others in the facility.

Finding the right tools

In the mid-1990s Grisso and his colleague Dr. Richard Barnum, a psychiatrist and director of the Boston Juvenile Court Clinic, created a diagnostic tool to help juvenile justice detention and correctional officials determine at intake whether a youth has mental health needs. The tool — MAYSI-2, short for the Massachusetts Youth Screening Instrument-Second Version — was quickly adopted for use in many juvenile facilities across the nation and is becoming a primary source of data for influencing whether and how juvenile justice facilities provide appropriate treatment for youth with mental illnesses.

"There was a huge need for this tool," says Grisso. "The frontline staff in juvenile facilities were seeing more and more kids with what appeared to be serious mental disorders, and they needed some kind of tool that would allow them to say this is a kid who we need to pay special attention to or divert to inpatient psychiatric services."

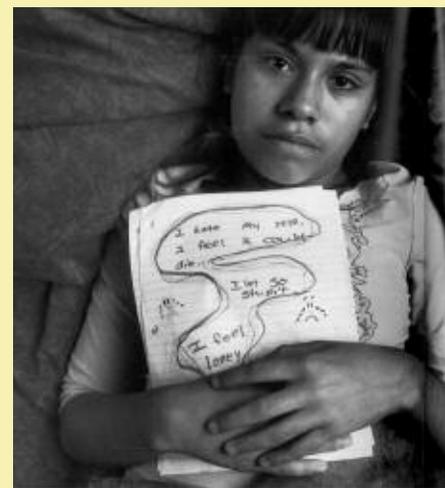
MAYSI-2, developed and distributed with MacArthur funding, is a questionnaire that helps identify youth who may suffer from a substance abuse, anxiety, mood, or disruptive disorder. The questionnaire can be administered by non-clinical staff and takes less than 15 minutes to complete. If a youth's answers indicate reason for concern, he or she is asked a series of follow-up questions to determine what response is needed — for example, whether to be placed on suicide watch or referred for a full mental health assessment. Using data captured through MAYSI-2, Grisso and his colleagues are seeking to better understand how — or whether — the adoption of the new screening tool has affected the provision of mental health services and treatment.

Although identifying the mental health needs of detained and incarcerated youth is a major step forward, providing them with appropriate treatment continues to pose a challenge. "There is an increasing awareness that many of the youth in the juvenile justice system don't belong there,"

says Dr. Joseph Coccozza, who runs the National Center for Mental Health and Juvenile Justice, a clearinghouse for information about the mental health needs of youth in the juvenile justice system and a member of the Models for Change resource bank (see story page 4). "Many are in the system for relatively low-level crimes or because they couldn't access mental health services in the community."

Community-based options

With MacArthur support, Coccozza and another resource bank member, the Council of Juvenile Corrections Administrators, are providing technical assistance in states that are part of the Models for Change initiative to improve the coordination of and access to mental health services for youth in the juvenile system. They hope to press for an increase in the number of community-based options for young people with mental health needs and to improve access to the services and treatment needed to help get young people who have run into problems with the law back on track. "Everybody has to realize that getting these youths effective services in the community will have a much better impact not only on the individual youth, but also on the whole community." ■



Selected Grants in Juvenile Justice

National

AMERICAN BAR ASSOCIATION
JUVENILE JUSTICE CENTER, *Washington, DC*
\$549,130 to disseminate and implement a training curriculum on adolescent development and juvenile justice for juvenile court personnel, including efforts in targeted states.

COALITION FOR JUVENILE JUSTICE, *Washington, DC*
\$400,000 to sponsor the National Network of State Juvenile Justice Collaborations and promote a Nationwide Partnership for State Juvenile Justice Reform.

COUNCIL OF JUVENILE CORRECTIONAL ADMINISTRATORS, *Braintree, MA*
\$375,000 in support of organizational development activities and for work for juvenile justice reform in targeted states.

JUSTICE POLICY INSTITUTE, *Washington, DC*
\$300,000 in support of policy advocacy and communications planning to promote juvenile justice reform in targeted states.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, *Reno, NV*
\$1,250,000 for the National Center for Juvenile Justice, in support of juvenile justice system reform in targeted states.

NATIONAL JUVENILE DEFENDER CENTER, *Washington, DC*
\$275,870 to disseminate and implement a training curriculum on adolescent development and juvenile justice for juvenile court personnel, including efforts in targeted states.

POLICY RESEARCH, *Delmar, NY*
\$1,200,000 in support of the National Center for Mental Health and Juvenile Justice and for efforts to improve policy and practice in the Foundation's targeted states.

TEMPLE UNIVERSITY
DEPARTMENT OF PSYCHOLOGY, *Philadelphia, PA*
Five grants totaling more than \$11 million in support of the Research Network on Adolescent Development and Juvenile Justice.

UNIVERSITY OF MASSACHUSETTS
DEPARTMENT OF PSYCHIATRY, *Worcester, MA*
\$671,000 in support of the National Youth Screening Assistance Project.

YOUTH LAW CENTER, *Washington, DC*
\$975,000 in support of the Building Blocks for Youth initiative's activities to reduce racial disparities, including work in targeted states.

Illinois

CHICAGO AREA PROJECT, *Chicago, IL*
\$250,000 to develop and pilot a model demonstration project to provide community-based alternative sanctions for youth in contact with the juvenile justice system.

COMMUNITY PANELS FOR YOUTH, *Chicago, IL*
\$375,000 to expand the diversion program for juvenile offenders, and to position the program as a community-based juvenile justice model.

JUVENILE JUSTICE INITIATIVE, *EVANSTON, IL*
\$375,000 in support of efforts to improve the juvenile justice system of Illinois.

LOYOLA UNIVERSITY OF CHICAGO
CHILD AND FAMILY LAW CENTER, *Chicago, IL*
\$300,000 in support of activities to develop and implement the work plan to improve the juvenile justice system in Illinois.

NORTHWESTERN UNIVERSITY SCHOOL OF LAW, *Chicago, IL*
Four grants totaling \$2,335,000 in support of the Cook County Juvenile Court Clinic and its evaluation.

NORTHWESTERN UNIVERSITY
CHILDREN AND FAMILY JUSTICE CENTER, *Chicago, IL*
Two grants totaling \$1.76 million in support of general operations.

TIDES CENTER GIRL TALK, *Chicago, IL*
\$225,000 in support of Girl Talk, to expand programming, education, and advocacy on behalf of girls and young women involved in the juvenile justice system.

Pennsylvania

COUNCIL OF JUVENILE CORRECTIONAL ADMINISTRATORS, *Braintree, MA*
\$450,000 in support of project management in three pilot counties in Pennsylvania to deliver mental health services to youth involved in the juvenile justice system.

DEFENDER ASSOCIATION OF PHILADELPHIA
NORTHEAST JUVENILE DEFENDER CENTER, *Philadelphia, PA*
\$105,000 in support of training and technical assistance on effective representation and aftercare advocacy in Pennsylvania.

EDUCATION LAW CENTER, *Philadelphia, PA*
\$150,000 to provide training and technical assistance on aftercare to juvenile probation officers in Pennsylvania.

JUVENILE COURT JUDGES' COMMISSION, *Harrisburg, PA*
\$276,000 to provide technical assistance and training to judges and probation officers in model aftercare approaches.

JUVENILE LAW CENTER, *Philadelphia, PA*
\$625,000 in support of activities as the lead entity coordinating efforts to improve the juvenile justice system in Pennsylvania.

JUVENILE LAW CENTER, *Philadelphia, PA*
\$270,000 in support of technical assistance to three pilot counties in Pennsylvania to plan and implement comprehensive model approaches to aftercare.

MENTAL HEALTH ASSOCIATION OF PENNSYLVANIA
PENNSYLVANIA COLLABORATIVE FOR YOUTH, *Harrisburg, PA*
\$105,000 in support of the Pennsylvania Collaboration for Youth.

PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE, *Harrisburg, PA*
\$125,000 to develop accredited professional certificate programs for state employees in juvenile justice facilities.

PHILADELPHIA DEPARTMENT OF HUMAN SERVICES, *Philadelphia, PA*
\$240,000 in support of the Reintegration Reform Initiative.

PHILADELPHIA FAMILY COURT, *Philadelphia, PA*
\$120,000 in support of the development and implementation of improved aftercare services and supervision.

YOUTH LAW CENTER, *Washington, DC*
\$240,000 to provide technical assistance to Pennsylvania counties to become models for the collection and use of disproportionate minority contact data and information to change practices that contribute to the over-representation of minority youth in the juvenile justice system and in disparities in their treatment.

The Models for Change initiative makes grants to national organizations that together constitute a national resource bank — a treasury of knowledge and tools, training and technical assistance, advocacy and public education strategies — that those working on juvenile justice system reform at the state and local levels can draw upon. Current initiative grantees, which include some of the leading experts and practitioners in the field, are listed below, grouped by their areas of substantive expertise.

Corrections and Probation

Council of Juvenile Correctional Administrators
www.cjca.net/sitecode/cjca_home.html

Child Welfare League of America
www.cwla.org

Youth Law Center
www.ylc.org

Systems Integration

Child Welfare League of America
www.cwla.org

Council of Juvenile Correctional Administrators
www.cjca.net/sitecode/cjca_home.html

Juvenile Law Center
www.jlc.org

Mental Health

National Mental Health Association
www.nmha.org

National Center for Mental Health and Juvenile Justice
www.ncmhjj.com

The University of Massachusetts Law and Psychiatry Program (The National Youth Screening Assistance Project)
www.umassmed.edu/nysap

Child and Adolescent Development
Research Network on Adolescent Development and Juvenile Justice
www.mac-adoldev-juvjustice.org

Training and Professional Development
National Juvenile Defender Center
www.njdc.info

Community Organizing and Advocacy
Juvenile Law Center
www.jlc.org

National Council of La Raza
www.nclr.org

National Mental Health Association
www.nmha.org

Youth Law Center
www.ylc.org

Policy Analysis
Juvenile Law Center
www.jlc.org

Youth Law Center
www.ylc.org

Communications
Coalition for Juvenile Justice
www.juvjustice.org

Justice Policy Institute
www.justicepolicy.org

Research, Statistics, and Technical Assistance
National Center for Juvenile Justice
www.ncjj.org

Despite deep and troubling flaws, the nation's juvenile justice systems offer opportunities to make a real difference in the lives of young people, especially those of color and from disadvantaged communities who come into contact with the law.

Since the Foundation began work in this field a decade ago, we have seen courts, communities, and individuals struggling to do the right thing — and we have seen that change is possible. At the same time, we have learned that no single solution will fit every system; each state has a distinctive social, cultural, historical, and political context that must serve as its starting point for reform.

In the years ahead, we will encourage more states to place a high priority on juvenile justice reform — to give their systems the scrutiny and resources they need, and to demand of them justice, fairness, and accountability. To succeed, they will need to look beyond the courts and focus attention on all child- and family-serving institutions: ensuring that school systems do the job of educating children; that child welfare systems ensure their safety and security; and that health care systems keep children and their families well.

The Foundation will continue to work through multiple strategies — supporting research, policy, and practical interventions — to help the juvenile justice system reclaim its founding principles: the recognition that children and adolescents are different from adults, that they have individual abilities and needs, and that, with rehabilitation and treatment — and community and family support — they have the potential to be successful members of their communities.

Julia Stasch
Vice President
Program on Human and Community Development

Program on Human and Community Development

At the direction of Julia Stasch, Laurie Garduque and Craig Wacker work on Juvenile Justice initiatives. For more information, please call (312) 726-8000 or e-mail 4answers@macfound.org.

work's protocol has helped us refine our evaluation procedures, and we're passing it on through our training program for juvenile forensic psychologists."

The manual also has helped Kruh and his colleagues explain their work to policymakers. "When forensic evaluation work hit Washington's juvenile justice system, the system just adopted the adult statutes wholesale," Kruh explains. "But a child forensic mental health evaluation is more complex and requires more resources than a similar evaluation for an adult. The manual lays out very clearly how a good evaluation is conducted. It's helped us enormously in explaining to the state government what we need and why we need it."

Network member Amy Holmes Hehn, senior juvenile prosecutor in the Portland, Oregon, District Attorney's Office, says that

prosecutors, too, have welcomed the research and are considering how to incorporate the findings into their practice. Hehn is part of a group working on legislation that is addressing how competence challenges should be raised in juvenile court, and what the court's dispositional options should be.

"Oregon's juvenile code is silent on the issue," Hehn says. "As a result, if a youth can't assist in his own defense, even a very serious offense often becomes a dependency case, and the youth is handed over to the child welfare agency. That raises concerns about public safety. So the legislative group is trying to set standards for what a good competence evaluation should look like and who should do it. The network will have a very important impact on this."

More broadly, she says, the network has helped the courts and legislatures by

reframing the issues. "It's no longer just about punishment, but about helping youths understand the consequences of their actions, teaching them about responsibility and restitution, and providing them with opportunities to gain the competencies they need. That means looking at each kid individually, taking development into consideration, and focusing on interventions that are going to work."

That's exactly what the network is hoping for, as work continues not only on competence and culpability questions, but on what can help youths turn away from crime.

"What we'd like," says Steinberg, "is to see the world reaffirm its commitment to treating adolescents like adolescents, not like adults. We'd like to see a return to the founding principles of the juvenile justice system." ■



Juvenile Justice: New Models for Reform

For more information about the Foundation's efforts related to juvenile justice, or for an electronic version of this newsletter, visit our Web site at www.macfound.org, or call (312) 726-8000.

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