



Getting Juvenile Justice Right by Thinking Outside the Cell

Beyond the Bench Conference
December 15, 2011
San Francisco, CA

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Introduction

- **TPPF Mission: Individual Responsibility, Free Enterprise, Limited Government, Private Property Rights**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with allies across the political spectrum.**

Different States: Similar Strategy

- Texas and California have both pursued juvenile justice funding realignment to control costs and emphasize community-based programs.
- Impetus in California was litigation while abuses in Texas state youth lockups stimulated overhaul beginning in 2007.



Texas Juvenile Justice Reform: Prioritizing Local Solutions

- In 2007, lawmakers gave counties \$57.8 million to handle youth misdemeanants on probation who previously would have been sent to state lockups at twice the cost.
- A 2009 budget provision allows counties that agree to reduce commitments to state lockups to receive a share of the state's savings for local, research-based programs with performance measures.



Texas Juvenile Justice Reform: Less Incarceration & Less Crime

- The number of youths incarcerated at state lockups is about a third of the total in 2006 and the number of youths in county lockups has remained steady.
- Juvenile crime in Texas has continually declined, falling 10.3% in the 2009 fiscal year and dropping further in major metro areas in 2010.

May 2011: Gov. Perry Signs Law Consolidating Juvenile Agencies

- Prioritizes community-based approaches.
- At least 3 additional remote state lockups to close this year.
- Includes monitoring of all facilities.
- Includes outcome-focused performance measures.
- Includes planning for youths with disabilities and reentry.



**New Approach to Juvenile Justice
Gaining Traction on the Right:
It's Not Your 1990's Conservatism and
the Boom in Building Large, Remote
Lockups Has Bust**



Momentum is Building on the Right for Criminal Justice Reform

Governors Pushing Reforms Include:

- Bobby Jindal (LA)
- Mitch Daniels (IN)
- Rick Scott (FL)
- Robert Bentley (AL)
- John Kasich (OH)
- Mike Beebe (AK)
- Nathan Deal (GA)

Gov. Deal Commits to Georgia Rewrite of Its Juvenile Justice Code

- Gov. Deal: “The time has come for us to rethink how our state is responding to children who have found themselves in trouble with the law.”
- Juvenile code rewrite effort led by coalition including Barton Child Law and Policy Center of the Emory School of Law, Voices for Georgia’s Children, Georgia Appleseed.





**Conservatives
Latch on to Prison
Reform**

January 28, 2011



**Right on Crime Noted
in “Budget Crunch
Forces New Approach
to Prisons”**

February 15, 2011



***National Review*
Praises Right on
Crime**

February 21, 2011

Conservative Leaders Weigh In

- **Jeb Bush, Speaker Newt Gingrich, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles**
- **Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results**



Grover Norquist,
President, *Americans for
Tax Reform*

Finding the Right Intersection: How Our Agenda Embodies 9 Core Conservative Values



1) Prioritizing Public Safety

- Research has shown alternatives such as in-home programs utilizing evidence-based practices such as functional family therapy and multi-systemic therapy and smaller, Missouri-style community residential programs more effectively reduce recidivism than incarcerating youths in large, remote facilities.

2) Limiting Government Spending

- Locking up juveniles costs from \$130,000 per year in Texas state facilities to \$226,000 per year in N.Y.C. juvenile detention.
- If a first-time youth offender goes on to a life of crime, societal cost is \$2 to \$3 million.
- Must identify percent of adult prison inmates who dropped out or were pushed out of school and/or were in juvenile system.
- Address fiscal disincentive to use alternatives if counties bear much of that cost but state pays for lockups.

3) The Restitution Principle and Giving Victims a Voice

- **Restitution is the core principle of criminal justice in the Bible and nearly every major religious tradition.**
- **Conservatives tend to support the primacy of the individual, emphasizing the harm to a specific victim and rejecting notion of “repaying debt to society” by going to jail.**

The Victims' Perspective

Survey of Iowa Burglary Victims

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence Year or More	7.1%

1997 Iowa Crime Victimization Survey, University of Northern Iowa.

Making Victims Whole

- **Victims often pay twice: once for the crime and once for the time.**
- **Probationers pay \$391 million in restitution (at least 34 times more per offender than inmates) and do 135 million service hours.**
- **Victim mediation: 14 states with statutes. Must be chosen by victim & offender. Proven to increase victim satisfaction as a result of apology and completion of restitution in 89% of cases. Most studies find less re-offending than with the adversarial process.**

4) Individual Liberty & Limited Government

- Too many criminal laws and enhancements—more than 1,700 in Texas, including 11 felonies relating to oysters.
- Passed law to stop 10 year-olds from getting a ticket for chewing gum, but hundreds of thousands ticketed for disrupting class.
- After Columbine, Texas repealed law prohibiting suspension as a penalty for truancy.

5) Accountability

- **Must demand outcome-oriented performance measures for the criminal justice system just as we do for other government programs.**
- **In education, a focus on “teacher quality” but not a single google result for “probation officer quality.”**
- **In addition to recidivism, use positive benchmarks such as educational advancement, employment, and victim satisfaction.**
- **K-12 accountability for disciplinary practices that keep kids in school.**

Strengthening Accountability in CA. Delinquency Prevention Programs

- **CA. spending about a billion, much of it on after-school programs, without results-oriented performance measures that could better guide funding.**
- **Programs are spread out over 15 different state agencies, departments, and divisions.**
- **Need info sharing across agency silos, competition in service delivery, and emphasis on high-risk youths including those in alternative schools.**

6) Efficiency

- For example, some elements of JDAI are simply common sense changes to the processing of youths to minimize unnecessary detention time.
- Better information sharing across juvenile justice, education, child welfare, and mental health systems can promote coordination in service delivery and enhance use of resources by reducing duplication like performing the same assessment or home visit twice.
- Institute police diversion.

Next Frontier in Cost-Benefit Analysis

- **Pew Results** First model deploying Steve Aos' team to customize Washington's cost-benefit meta-analyses model for other states, matching it to their programs and offender pool.
- **Enables states** to run simulations on what fiscal and crime rate impact of various budgetary decisions to invest in incarceration versus a wide range of alternatives.
- **Need risk/needs assessment and utilization review.**

7) Centrality of the Family

- **Emphasize juvenile justice and child welfare strategies that keep the family intact. For example, some mothers can be given treatment for an addiction that thereby improves the home environment.**
- **Truancy program in Fort Bend County, Texas sends school employee to help rather than issuing a citation to the parent. They provided clothing in a case where student skipped because they had nothing to wear.**

8) Act on Evidence, Not Emotion

- **Look to scientific facts about youth brain development instead of branding youths as adults because we say so.**
- **California allows prosecutors to unilaterally file on children as young as 14 in adult court whereas Texas requires judicial certification hearing.**
- **Recidivism and abuse of youths is higher when put in adult lockups.**

9) Flexibility for States to Innovate vs. One-Size-Fits-All Mandates

- **Child Florida, Los Angeles, Alameda County, and other jurisdictions have achieved success with federal child welfare waivers that de-link funding from the number of out-of-home placements and invest in broader array of strategies such as early intervention.**
- **Federal sex offender registry, including lifetime registration for juveniles, interferes with more rational state registries and several are rejecting it.**

What's Not Conservative

- Writing a blank check for building lockups while zeroing out everything that reduces the actual or perceived need to incarcerate.
- A government so big and intrusive that it stamps a scarlet letter on youths for the rest of their lives, interfering with their ability to access the free market for education and employment.

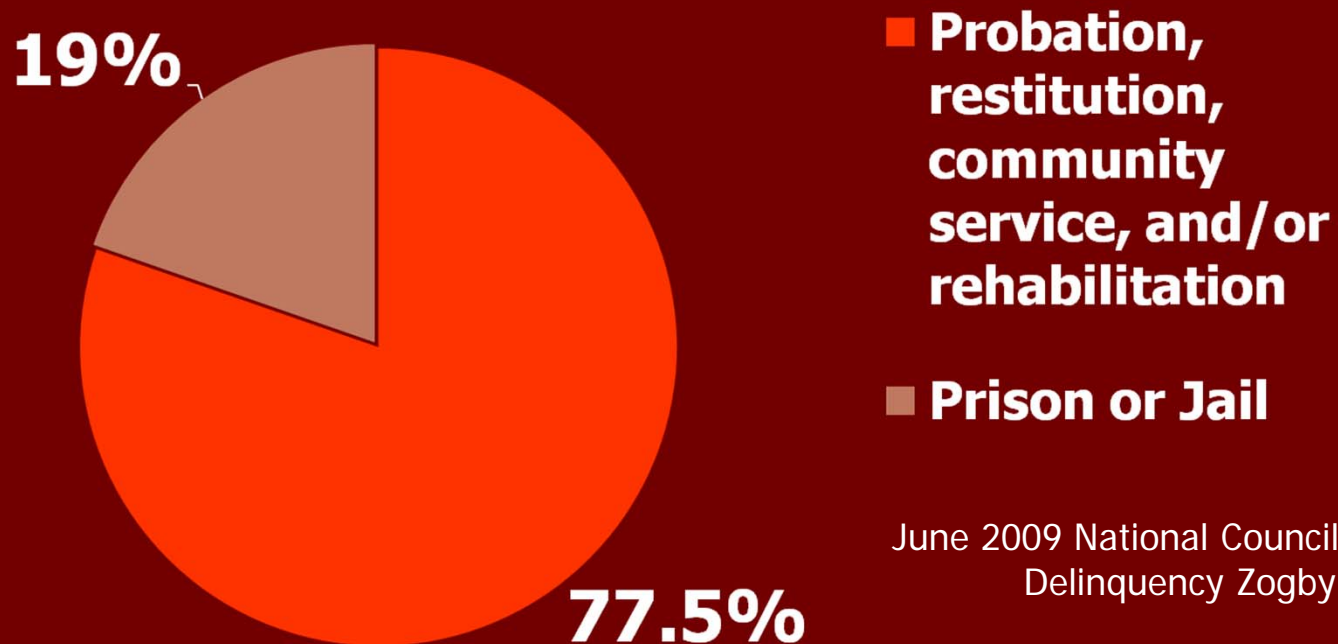


Public Demands Balanced Approach That is Tough *and* Smart on Crime



Use Incarceration Wisely

What do voters think is the most appropriate sentence for a nonviolent, nonsexual offender whose crime did not involve significant property loss (less than \$400)?



June 2009 National Council on Crime & Delinquency Zogby Poll

Consensus is Building for Reform

- IL.: 62% for drug treatment vs. 25% for more prisons & penalties
- TX.: 83% for treatment vs. prison for low-level possession
- FL Right on Crime Poll: 79% of conservatives say alternatives to lockups for nonviolent offenders is being tough on crime
- MI: 78% oppose sending 14 to 16 year-olds to adult prisons

Taking the Next Steps



How TPPF & Right on Crime Can Help

- Equip policymakers with research
- Develop and promote reforms
- Take the case to the public and the media
- Work with key allies across spectrum

How TPPF & Right on Crime Can Help

- Provide technical support to other groups, including fellow free-market think tanks in the State Policy Network that are in all 50 states.
- Leverage our prominent signers of the Right on Crime Statement of Principles to help elected officials summon the courage to make policy based on evidence, not emotion.

Conclusion: It's Time to Light the Way Towards Powerful Solutions to Reclaim America's Youth

