

# **IMPACT/JUSTICE**

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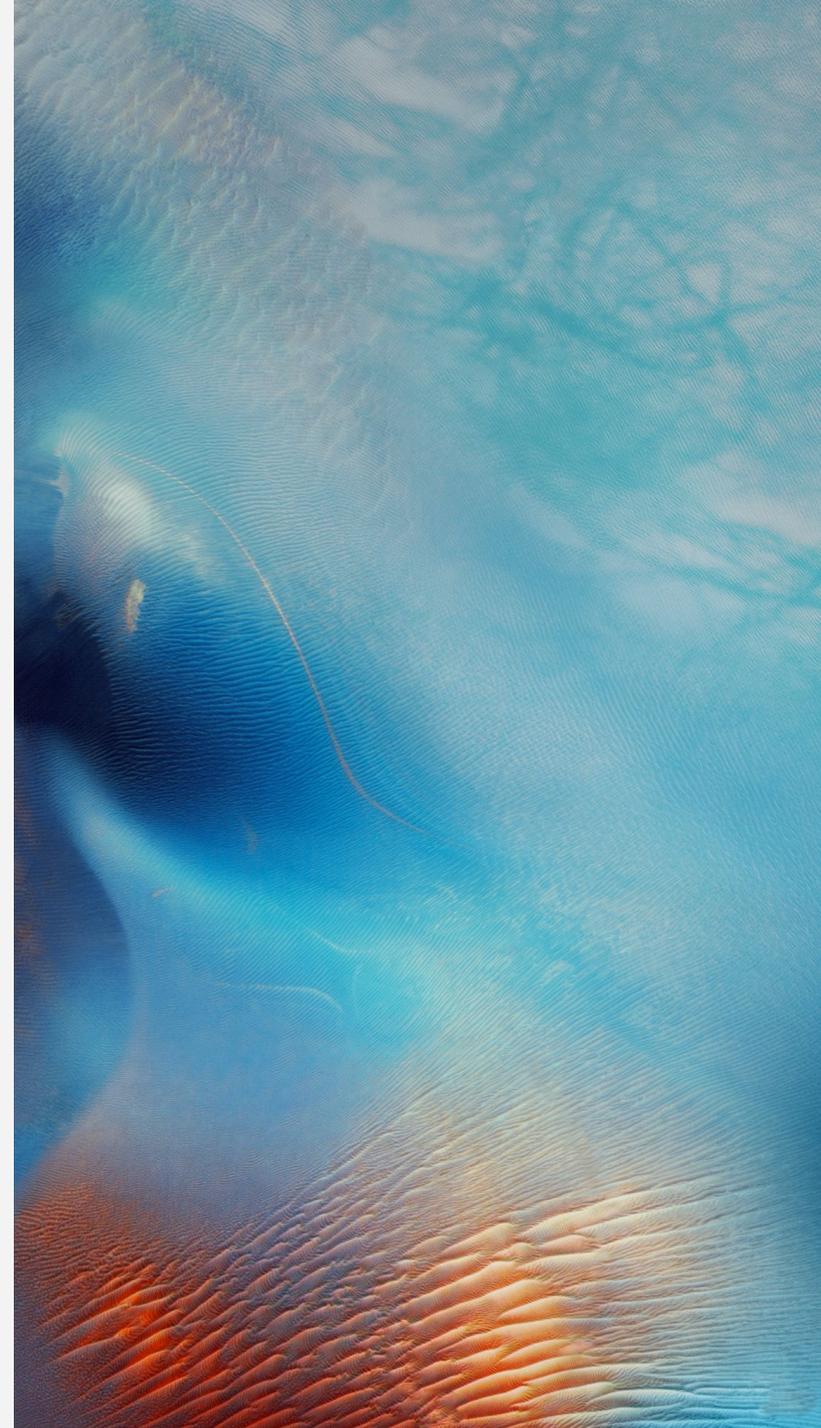


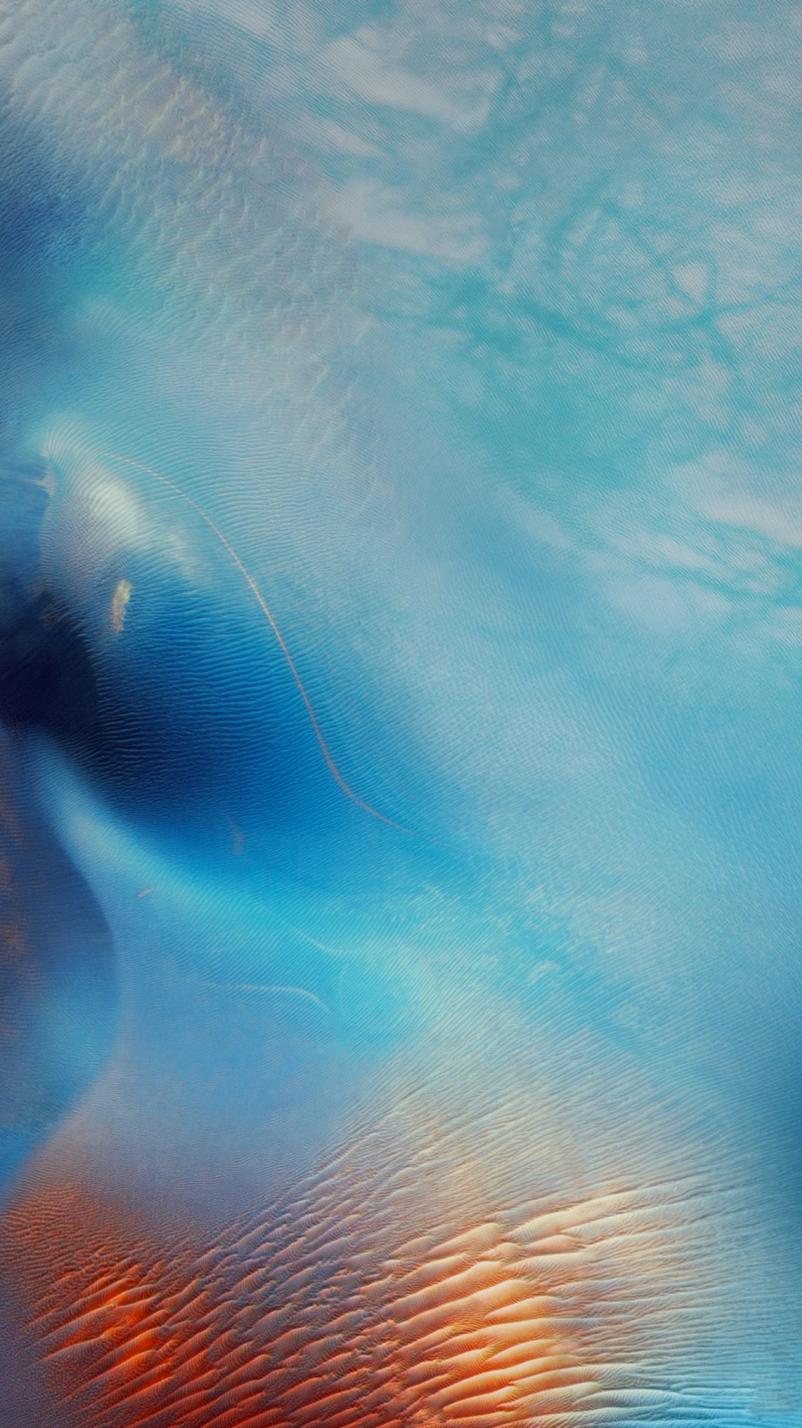
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## Juvenile Justice Reform: Historical Context & Lessons

# General Background

- The first juvenile court was established in 1899
  - Idea caught on quickly and many states established their own juvenile justice systems
- CA Statehood in 1850 – boys were sent to San Quentin
  - First separate facility for juveniles: SF Industrial Schools in 1859
    - Privately run
- CA Juvenile Court established 1903





# General Background

- There is no federal juvenile justice system (JJS)
  - Each state is (mostly) free to set up whatever system they feel is best
  - We have dozens and dozens of distinctly operating JJS in the USA
- Now California is moving to dismantle its state-level JJS, and return responsibility to the Counties
  - What does this mean in practice?
  - What are the implications of this?
  - How do we break new ground & learn from past mistakes?

# “Other Peoples’ Children”

- The juvenile justice system was developed and implemented by people who were deeply concerned about other people’s children
  - Mostly children from immigrant groups (most seen as non-white at the time)
  - Native American children
  - Children in urban areas
- This sentiment has led to the development of a system that is much more harsh than most of us would ever feel is acceptable for our own children

# Racism & Prejudice

- Racism and prejudice against poor families resulted in the creation of a very powerful system
  - Because POC & poor people weren't seen as capable of being "good, moral" parents, the State was given incredible power to intervene in their lives
  - "Kids will be kids" doesn't extend to POC kids, particularly black youth
    - I.e: Adultification of youth of color □ We treat them like adults at early ages
- We are still dealing with racism and classism today
  - People and communities of color are disproportionately impacted by the system

# Constant Pendulum Swing

- Supreme Court decisions have swung back and forth over the years
  - Cycle between viewing the JJS as “help” that youth need at any cost
    - I.e. If we’re helping them, they don’t need “protection” from the system

VS.

- Viewing the JJS as an adversarial system, in which youth need protection of their rights
  - Where we get Miranda rights, right to attorney, etc. extended to juveniles

# Cycle of Juvenile Justice

- For more than 100 years, we've struggled to make real improvements to JJS
- While some good changes have been implemented, we haven't been able to escape the pendulum swings of public opinion
- The power of the system, and the local nature of the systems make them very susceptible
- We've inherited a system that is not based on research, but on public opinion, particularly that of the wealthy & powerful

# Constants in Public Opinion

- The majority of people overestimate crime rates
- Majority of people believe “kids today” are worse than when they were young
- Majority of people expect 100% success rates & overreact to instances of re-offending
- Underestimating societal & structural factors
  
- This has been true for more than 50 years of public opinion research

# Delinquency, Responses, & Change

Cycles of Juvenile Justice “Reforms”:



“Over-corrections” have happened throughout our history

# Misguided “Reforms”

- “Tough on Crime” Policies of the 1990s and early 2000s
  - War on Drugs is a perfect example of criminalization of racialized poverty
    - But also: 3-strikes laws; life without parole; felony murder; mandatory minimums, etc.
  - Directly led to our current system of mass incarceration
  - Harmful, dysfunctional system that we’re still working to undo

# Misguided “Reforms”

- Deinstitutionalization of Mental Health services in the 1970s
  - Horrific, abusive conditions in many state-run “mental health” facilities led to public outcry
  - In response, most states went through a rapid period of deinstitutionalization
    - Motives were good – get people out of those places & restore patient rights, etc.
  - **But** no other systems of support were put into place
  - Has led to current mental health crisis
  - County jails are now the largest provider of mental health services in California

# Misguided “Reforms”

- Present-day reforms have typically excluded the SB 823 population
  - Difficult to extend reforms to “serious, violent” charges
  - Many programs and reforms have only applied to “low-hanging fruit”
- Addressing mass incarceration, providing real therapeutic services requires including those with serious & violent charges

# Changing Systems

- Challenging existing systems will ALWAYS be an uphill battle
  - People generally like to think of themselves as good and well-intentioned
  - Those in charge of systems are rarely those impacted by it
- The idea that **society** is responsible for crime/harm  threatening to existing systems, because they'd have to change
- The state will generally be supportive of the expansion of system power
  - See it as an extension of their own power
  - i.e. Although CA is closing state facilities, the systems still exist on a more local level

# Our SB 823 Challenge(s)

- Not replicate the dysfunctional state system at the local level
  - May require significant innovation
- Ensure that racial/ethnic disparities are not replicated
  - We can and should do better than DJJ
- Ensure that disparities based on SOGIE are not replicated
  - Need to be especially mindful of girls & LGBTQ+ young people
  - Historically girls have been punished much more harshly for “moral” offenses (running away, defiance, other status offenses)
  - Evidence still today that girls are punished more harshly for minor offenses

# Our SB 823 Challenge(s)

- Ensure we're not net-widening because we created a "better" system
  - I.e. Look how great these facilities are! We should make sure more kids can benefit from this
    - Dangerous thinking that leads to higher incarceration rates & punishing more people in the name of "help"
- Ensure average length-of-stay (by offense type) does not increase
- Creating a plan that satisfies the DAO & Judiciary to avoid increase in transfers to the adult system



# Making Real Progress

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- Real change is possible
- Recent innovations like:
  - Credible Messengers
  - Community-based alternatives
  - Home-like housing
- All show success in research! I.e. lower recidivism than traditional system & better outcomes for youth



# Making Real Progress

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- Real oversight is needed for any system with considerable power
  - “Real” = system impacted people & those from impacted communities
- Community-based solutions show the highest rates of success
- All demonstrate that centering the people and communities most impacted results in real success
  - Treating justice-involved youth as “our kids” is essential

Thank You!



Any questions?