

Fixing the Juvenile the Juvenile Justice System:

Getting Our Act Together

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The Juvenile Justice Advocates Challenge:

Advocates for juvenile justice reform are used to hearing from legislators that they have to appear “tough on crime” in order to address their constituents public safety concerns. However, many recent studies and polls assessing public attitudes about children who commit crimes, the juvenile justice system and rehabilitation, show that the public is often ahead of their elected representatives in understanding that the toughest posture on youth crime is not necessarily the smartest one. We can no longer allow this smoke screen to block necessary reforms. A recent small up-tic in the juvenile crime rate makes it imperative that advocates counter the stated misperceptions of policy makers. As youth crime rates rise and fall, advocates will need to continually provide policy makers with the truth about the public’s attitudes towards the treatment of youth who come into conflict with the law.ⁱ

Keeping in mind that juvenile crime rates are much lower than they were in the 1970’s, FBI Uniform Crime Report statistics for 2006 showed an increase of 3.6% in juvenile arrests for violent crime over the preceding year though juvenile arrests for property crime declined by 5.5%ⁱⁱ. Two recent reports (based on preliminary statistics) from the Police Executive Research Forum (PERF) warned of a growing crime wave, and drew considerable media attention. Recent media stories have focused attention on the increasing numbers of juvenile arrests for murder and robbery and the growth of gangs (particularly among immigrant youth).

These stories about rising juvenile crime are disturbing reminders of the (false) reports of a coming wave of super-predators that had dire consequences for the juvenile justice system in the 1990s. Then, politicians who voted for heavier penalties that sent more children into the adult system also claimed that they were supported by public opinion. However, public opinion polls in the 1990’s showed strong support for prevention and rehabilitation and little support for increased reliance on incarceration -- the direct opposite of what politicians enacted! We now can send a child of any age to adult prison and we are doing so in unprecedented numbers. We have criminalized normal adolescent behavior -- a schoolyard fight is now a criminal assault that results not only in expulsion but in a delinquency petition. We do not allow children the perquisites of adulthood (drinking, driving, voting) because we do not believe they are capable of handling them. Yet, when it comes to criminal behavior, we not only treat children as capable but as culpable.

The Action:

We must change current and avert more draconian policies. It is time for everyone concerned with our future to use every tool available to frame effective advocacy strategies. Advocates must be more effective at crafting messages and using those messages to advance researched based policies and programs. Recent polling results can be a powerful tool.

The Tool-Public Opinion Polls:

Looking at the polling questions and how people responded to those questions is helpful in framing messages when advocating for specific policy reforms. A summary of recent questions and responses follows:

Center for Children's Law and Policy (as part of the MacArthur Foundation's Models for Change program) worked with Belden Russonello and Stewart to survey public attitudes on youth, crime, race and the juvenile justice system.ⁱⁱⁱ In the summer of 2007, they conducted eight focus groups on the issues in Chicago, Pittsburgh, Baton Rouge and Seattle. Informed by the results from the focus groups, they conducted a national telephone survey in September 2007 of 500 adults nationwide and an additional 300 adults in the four Models for Change states (Illinois, Pennsylvania, Louisiana and Washington). The results revealed strong support for juvenile justice reforms focused on rehabilitating young offenders rather than locking them up in adult prisons. Respondents were asked about:

- Potential of young people to change: 89% of those surveyed agreed "almost all youth who commit crimes have the potential to change" and more than 70% agreed that "incarcerating youthful offenders without rehabilitation is the same as giving up on them."
- Redirection of funds from incarceration to counseling, education, and job training programs for young offenders: 80% favored reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.
- Providing treatment and services for rehabilitation: majorities saw schooling (72%), job training (66%), mental health treatment (60%), family counseling (57%), mentoring (55%) and community services (51%) as very effective ways to rehabilitate young people leaving the juvenile justice system. Less than 15% of those surveyed thought that incarcerating young people was a very effective way to rehabilitate them.
- Keeping youth in their communities: 76% strongly or somewhat favored placing nonviolent youth in facilities located in their own communities and 80% favored placing them in small residential facilities: 62% favored assigning nonviolent youth to live in their own homes, receiving counseling and other services under the close supervision of a caseworker, rather than in large juvenile facilities.
- Justice system treatment of low-income youth and youth of color: almost two thirds of respondents said that poor youth receive worse treatment than middle class youth who are arrested for the same offense. A majority of respondents (53%) said that African American youth receive worse treatment than white youth arrested for the same offense.

The MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice has supported a series of polls undertaken by Professors Laurence Steinberg and Alex Piquero. The polls gauged the public's support for juvenile justice policies using a methodology known as "contingent valuation" that permits the comparison of respondents' willingness to pay for competing policy alternatives. The first poll was conducted in Pennsylvania from March – August 2005 with approximately 1500 respondents closely mirroring the demographics of the state's population in terms of age, race, income, and education. Further polls were conducted in all four Models for Change states – Illinois, Louisiana, Pennsylvania, and Washington – in 2007 with a random sample of approximately 500 households in each state.

The respondents were asked if they would be willing to vote for a crime policy proposal requiring each household to pay an additional amount of money in taxes. Half the respondents were told that the additional taxes would increase the amount of rehabilitation services provided to serious juvenile offenders, without any increase in their time incarcerated. The other half were told that the tax increase would fund a longer period of incarceration for serious juvenile offenders without the addition of any services. Respondents who indicated a willingness to pay the additional cost were asked further questions to establish how much more they would be willing to pay to support the specific policy.

The results across the sample as a whole (combining data from all four states) showed that the public clearly favors rehabilitation over punishment as a response to serious juvenile offending.

- More respondents were willing to pay for additional rehabilitation than for additional punishment and the average amount they were willing to pay was almost 20% greater for rehabilitation than for incarceration (\$98.49 vs. \$84.52)
- Conversely, significantly more respondents were unwilling to pay for additional incarceration (39%) than were unwilling to pay for added rehabilitation (29%). (These numbers represent the average among the states. In Louisiana, respondents were willing to pay slightly more for punishment than rehabilitation -- \$98 versus \$94)
- The published data from the first Pennsylvania survey included some additional questions to establish the political views and attitudes of the respondents. In general, although respondents differed in their responses to the "willingness to pay" questions depending on their political philosophy (conservative or liberal) and attitudes toward punishment (more or less punitive), the results suggested broad public support for effective rehabilitation. Even the more punitively oriented respondents express substantial willingness to pay for rehabilitation. Conservatives as well as liberals expressed substantial support for public investment in effective rehabilitation although self-identified conservatives reported significantly higher willingness to pay for punishment than self-identified liberals (\$86.29 versus \$62.76), and significantly lower willingness to pay for rehabilitation.
- The first Pennsylvania survey also included a question about willingness to pay for a nurse home visitation program and found that 65% of respondents were willing to pay at least \$75 for the program and 56.7% were willing to pay \$150 or more.

The National Council on Crime and Delinquency (NCCD) published the results of a national telephone survey of likely voters by Zogby International conducted in January 2007. The poll showed that despite concerns about youth crime -- 90% of those polled agreed that youth crime is a major problem -- the public strongly supports rehabilitation and treatment, and opposes incarceration in adult jails or prisons.

The poll found that the public:

- Agrees (by 92% to 6%) that the decision to transfer youth to adult court should be made on a case-by-case basis and not be governed by a blanket policy;
- Agrees (by 89% to 9%) that rehabilitative services and treatment for incarcerated youth can help prevent future crimes;

- Agrees (by 81% to 14%) that spending on enhanced rehabilitation services for youth in the juvenile justice system will save tax dollars in the long run;
- Agrees (by 67% to 29%) that young people should not be incarcerated in adult corrections facilities and does not believe (by 69% to 23%) that incarcerating youth with adults will deter them from future crime;
- Are about twice as likely to agree (60%) than disagree (32%) that non-white youth are more likely than white youth to be prosecuted in the adult criminal justice system.

Florida State University's College of Criminology and Criminal Justice conducted a telephone survey of approximately 1,300 Florida residents aged 18 and older in spring 2006. The survey focused primarily on residents' views of the state correctional system but it included items on attitudes toward juvenile offenders and juvenile justice. Those items investigated included support for abolishing the juvenile justice and expanding criminal justice jurisdiction for young people.

The poll found--

- 80.5% of the public disapproved of eliminating the juvenile justice system (39.6% strongly disapproved)
- 64% either agreed or strongly agreed that violent offenders can be rehabilitated (including a majority, 57%, of those self-identified as conservative).
- Considerable variation in public views about the lowest age at which young people should be tried in adult court -- the average age was 15.6 years with 31% identifying age 17 or older and 28% identifying 14 or lower as the cutoff. Political conservatives and those holding a retributive philosophy of punishment supported the lower ages. Non-Hispanic whites, those with higher education levels and respondents who had been victimized were also more likely to support the younger age of transfer.

Framing the Message:

Unfortunately, we know that data alone does not move people to action. Advocates need to couch data within a meaningful framework, in order for the message to be understood and for individuals to be motivated. The following is a brief summary of several potential frameworks for this polling data that should frame the data in ways that will resonate with the general public:

- **Rehabilitation:** The polls all show that the public believes in rehabilitation. They respond positively to messages that speak to youths' potential for change and the power of rehabilitation.
- **Values:** The most effective frames are those that reflect the values people already hold. For example, in its work for the Youth Transition Funders Group, Fenton Communications research identified messages framed around fairness, justice, equity, responsibility and effectiveness to be ones that people responded to positively. iv Building Blocks also noted that notions of fairness were important to people asked about racial disparities.

- **Accountability:** Across polls and across time, the public wants young offenders to be held accountable. In the CCLP poll, 80% of respondents wanted a stronger focus on accountability and thought that the system is not focused enough on “teaching youth who commit crimes to be accountable for their actions.”
- **No Excuses:** Building Blocks’ analysis of their polling responses found that the public was not convinced by messages that appeared to offer excuses, e.g., “It’s only natural for people to make mistakes when they are young.”
- **Limit Statistics:** In general, people were less convinced by messages that cite statistics.

Now, go forth and advocate!

The latest detailed crime statistics from the FBI show an overall increase in juvenile arrests of 0.8% in 2006 (violent crime arrests increased by 3.6%, non-violent declined by 5.5%). *FBI Crime in the United States 2006*, Table 36 Current Year Over Previous Year Arrest Trends by Age Group
http://www.fbi.gov/ucr/cius2006/data/table_36.html

Violent crimes are offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson. *2006 Crime in the United States*, Table 36, FBI web page at
http://www.fbi.gov/ucr/cius2006/data/table_36.html

A detailed summary of the polling, *Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform*, is available on the website of the MacArthur Foundation at
<http://modelsforchange.net/pdfs/cclpPollingFINAL.pdf>

Talking About Youth Transitions, Youth Transition Funders Group, July 2007, at
<http://www.ytfg.org/documents/TalkingaboutYouthTransitions.pdf>