

CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

September 2008 Newsletter

The Campaign for Youth Justice is a national organization dedicated to ending the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

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FROM THE HILL



House Committee Holds Oversight Hearing on the U.S. Department of Justice's Office of Justice Programs

On Thursday, September 18th, the House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on the U. S. Department of Justice's (DOJ) Office of Justice Programs. The Office of Justice Programs (OJP) oversees several bureaus and offices within the DOJ, including the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the federal bureau dedicated to juvenile justice issues. OJP also houses several other bureaus such as the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

The hearing was held by Chairman Robert C. "Bobby" Scott (D-VA), Chairman of the Subcommittee, and Ranking Member Louie Gohmert (R-TX); Anthony D. Weiner (D - NY) and Howard Coble (R - NC) also attended.

During the hearing, Members of Congress heard from Jeffrey Sedgwick, the Acting Assistant Attorney General for OJP. Several witnesses also testified on other parts of OJP, such as the Byrne Justice Assistance Grants and the Office for Victims of Crime. All testimony from the hearing can be viewed at: http://judiciary.house.gov/hearings/hear_080918.html.

On the juvenile justice front, Shay Bilchik - a former OJJDP Administrator and the founder and Director of the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute - testified on the current leadership at OJJDP. Mr. Bilchik also made several key recommendations on how to improve OJJDP in the next Administration, such as: a) realigning the agency's focus to the JJDP and its core protections, b) focusing on assistance to States, c) restoring the comprehensive nature of the agency, d) engaging the juvenile justice field, e) increasing transparency, and f) developing the juvenile justice workforce. The hearing served as a unique opportunity to highlight juvenile justice issues and OJJDP and was especially critical given the upcoming Administration transition.

Mr. Bilchik's entire testimony can be accessed here: <http://judiciary.house.gov/hearings/pdf/Bilchik080918.pdf>. Mr. Bilchik's testimony was covered on Youth Today's blog; the article can be accessed at: http://youthtoday.org/talk/comments.cfm?blog_id=36&topic=20.

Hilary Shelton Speaks about Juvenile Justice Issues at the Congressional Black Caucus Foundation's Annual Legislative Conference

On Thursday September 25th, Hilary Shelton, Director to the NAACP's Washington Bureau, presented on juvenile justice issues at the Annual Legislative Conference (ALC) hosted by the Congressional Black Caucus Foundation (CBCF). Among other topics, Mr. Shelton announced the release of the Campaign for Youth Justice's new policy brief, *Critical Condition: African American Youth in the Justice System*, discussed later in this newsletter.

Mr. Shelton presented at this year's CBC "Education Braintrust: Addressing Disparities in Education: A Road Map for the Next Four Years." The event was hosted by CBC Education Task Force Co-Chairs Representatives Robert C. "Bobby" Scott (D-VA) and Danny K. Davis (D-IL), along with Reps. Donald Payne (D-NJ), Chaka Fattah (D-PA), Shelia Jackson Lee (D-TX), Diane Watson (D-CA), and Yvette Clarke (D-NY), all members of the CBC Education Task Force.

Participating in a panel with other esteemed experts in the education field, Mr. Shelton spoke about juvenile justice issues, highlighting the disparities in the juvenile justice system with a particular focus on African-American males. Citing CFYJ's *Critical Condition* as his major source, Mr. Shelton pointed out the staggering number of young African-American boys who are disproportionately prosecuted and transferred to the adult criminal justice system, where they are less likely to receive appropriate services.

Other panelists at the "Education Braintrust" discussed a wide range of education issues with a focus on obstacles facing African-American youth, including early childhood education, students with disabilities, funding equity for schools, closing the achievement gap, and the dropout crisis.

The CBCF is a nonpartisan, nonprofit, public policy, research and education institute that helps to improve the socioeconomic circumstances of African-Americans and other underserved communities. More information on the CBCF can be found at <http://www.cbcfinc.org/>. Each year the CBCF hosts its ALC, where Members of Congress who belong to the Congressional Black Caucus present on major issues for the African-American community. More information on this year's ALC can be found at <http://www.alc2008.org>.

ACROSS THE COUNTRY

Seeking Virginia Youth Prosecuted as Adults

Just Children, a legal advocacy group and the Campaign for Youth Justice's Virginia partner, is collecting the stories of youth who were prosecuted as adults in order to understand and share their experiences, perspectives, and recommendations for change on the prosecution of children in the adult criminal justice system. Just Children is looking for individuals or the families of individuals who are or have been involved with the adult criminal justice system as minors (under 18) in Virginia. In particular, they are interested in hearing about cases with the following circumstances:

- cases that were transferred or could have been transferred directly by prosecutorial waiver
- simple robbery cases (i.e., not involving a weapon)
- first time offender cases
- cases of children under 16

Just Children provides legal representation on individual cases of youth transferred to the adult criminal justice system, conducts trainings for attorneys on how to improve individual transfer case advocacy, and works to expand legal representation through pro bono assistance to youth facing transfer or who have been convicted in adult court in Virginia. The case profiles they gather will help them better understand the experience of those who are or have been directly affected by the prosecution of children in the adult criminal justice system.

If you or someone you know has a story to share, please contact Andy Block at Just Children at andy@justice4all.org or 434-977-0553 x11 for more information.

The Campaign for Youth Justice is also conducting a national Case Profiles Project for youth tried as adults, so if you have a story or a story referral from outside of Virginia, please contact Kate Figiel at 202.558.3580 ext. 29 or email at kfigiel@cfyj.org.

Reaching Out in DC - Juvenile Justice Improvement Amendment Act of 2008

The D.C. Council is currently considering a bill that would make two significant positive changes to D.C. law for youth under 18 charged as adults. The Juvenile Justice Improvement Amendment Act of 2008, B17-0913, was introduced in the D.C. Council on July 15, 2008 by Councilman Mendelson and Councilman Wells.

First, current D.C. law allows the United States Attorney's Office, which prosecutes cases, to

determine whether to charge and try a 16- or 17-year-old youth as an adult. B17-0913 would give D.C. adult court judges added authority to determine whether a youth should be prosecuted as an adult. If the adult court judge believes a youth can be rehabilitated and it is in the public's interest, the judge can send the youth back to the District's juvenile court after a "reverse waiver" hearing. During this hearing, the judge must consider a variety of factors, including the youth's age and mental condition.

Second, current D.C. laws permits children as young as 15 to be prosecuted as adults. Once the decision is made to prosecute a youth as an adult, and if the youth must be detained before his or her trial, the youth must be placed in the D.C. Jail. The Juvenile Justice Improvement Amendment Act of 2008 would allow youth charged as adults to be held in juvenile facilities both while a reverse waiver motion is pending and before trial. If a judge determines that the youth should be held in an adult facility, the youth must be separated from adults.

In order to build support for the legislation, CFYJ is helping to coordinate several efforts for individuals in the District to become involved and help move the bill closer to passage. The D.C. Council will hold a hearing on the bill on October 20, 2008 at 9:30am in Hearing Room 412 of the John A. Wilson Building (1350 Pennsylvania Avenue, N.W.; Washington, D.C. 20004).

Action items: Join us in support of the Juvenile Justice Improvement Amendment Act of 2008, B17-0913, by:

- Sending a postcard to your Councilmembers in support of the bill-to request postcards, please e-mail kfigiel@cfyj.org;
- Volunteering to visit your Councilmembers in support of the bill-to volunteer to do a Council visit, please e-mail edavies@cfyj.org; or
- Testifying in support of the bill at the October 20th hearing-to obtain a copy of past testimony given by the Campaign or to find out how to testify, please e-mail edavies@cfyj.org.

RESEARCH AND POLICY

CFYJ Releases *Critical Condition: African American Youth in the Justice System*

On September 25, the Campaign for Youth Justice (CFYJ) released *Critical Condition: African American Youth in the Justice System*, a look at the current state of racial disparities for black youth in the juvenile and adult criminal justice systems. The brief analyzes demographic data, risk and protective factors, delinquency research, and justice-system data to provide a comprehensive overview of court-involved African-American youth. *Critical Condition* provides strong evidence that African-American youth do not commit more crime than white youth; however, they are overwhelmingly subjected to more punitive treatment including transfer to the adult courts and detention in adult jails.

For instance, in a study of 40 major jurisdictions, African-American youth made up 62% of transferred youth and were nine times more likely than white youth to receive an adult prison sentence. Over 40% of these youth were ultimately not convicted, suggesting that cases brought against them were not very strong. Nevertheless, many spent time in an adult jail; of the black youth held pre-trial in the adult system, 65% were held in adult jail.

The brief also reviews promising approaches to reducing racial disparities in the justice system and makes recommendations for state and federal policy. In the upcoming reauthorization of the Juvenile Justice and Delinquency Prevention Act, the brief recommends that Congress update the law to end the practice of detaining youth in adult jails and strengthen the "Disproportionate Minority Contact" core requirement to support states in reducing racial disparities in the juvenile justice system.

View the whole report at: <http://campaignforyouthjustice.org/documents/AfricanAmericanBrief.pdf>.

View the press release at: <http://campaignforyouthjustice.org/documents/AfricanAmericanPressrelease.pdf>.

NCJJ Posts Webpage on State Transfer Laws

Thanks to our colleague Patrick Griffin at the National Center for Juvenile Justice (NCJJ), there is a new webpage that provides easy access to state transfer laws that has been updated through the 2007 legislative session. The page features a chart that shows which states have judicial waivers; direct file; statutory exclusion; reverse waiver; once an adult, always an adult; and juvenile blended and criminal blended sentencing laws. There is also a quick link to more in-

depth information about each state's laws.

Check it out at:

http://www.ncjj.org/stateprofiles/overviews/transfer_state_table.asp.

New Study Finds Decreasing Violent Crime

A study by the Chapin Hall Center for Children at the University of Chicago, "Violent Crime in 100 U.S. Cities," examines violent crime in 100 U.S. cities and reviews the direction and magnitude of crime trends between the years 1985 and 2007. According to the analysis, only nine cities (including 6% of the population) are experiencing generally increasing violent crime rates, while 50 cities (including 67% of the population) are seeing generally decreasing violent crime. Across all 100 cities in this study, however, recent increases in overall violent crime are small compared with the scale of violence seen in recent decades.

The report is available online here: http://www.chapinhall.org/article_abstract.aspx?ar=1474&L2=61&L3=132.

Article Chronicles Efforts to Raise the Age of Jurisdiction in North Carolina

A new article by Professor Tamar Birckhead, "North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform," published in the North Carolina Law Review, examines the repeated attempts by advocates and lawmakers to raise the age of juvenile court jurisdiction in North Carolina. North Carolina is one of three states that currently end juvenile court jurisdiction at age 16 (New York and Connecticut are the other two states), and as a result, approximately 26,000 16- and 17-year-olds are convicted each year in North Carolina, with only four percent of these youth ultimately being convicted of violent offenses. This article traces nearly 100 years of history of the failure of the state of North Carolina to extend juvenile court jurisdiction to 16- and 17-year-olds. Professor Birckhead suggests several reasons for the failure to raise the age, including: claims by opponents that the existing juvenile justice system is already underfunded; the fear of "coddling" youth; and the continued reluctance of the bench and bar to view juvenile court as a critical forum requiring specialization and commitment from its participants, rather than a mere training ground for inexperienced judges and lawyers.

The article can be found online at: http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=tamar_birckhead.

MEDIA WRAP

Listen in to New CFYJ Radio Show, *Juvenile Justice Matters*

The Campaign has joined up with the Blog Talk Radio Network to present a new 30-minute weekly "radio" show, *Juvenile Justice Matters*, which will broadcast over the internet. Focusing on juvenile justice issues, *Juvenile Justice Matters* will feature interviews with parents, young people, and experts about the latest issues. The show debuts Friday, October 10, at 4:30 p.m. EST. Tune in to hear an interview with Liz Ryan, CEO of the Campaign for Youth Justice. The show will normally air on Thursdays at 4:30 p.m. EST. Speakers for the coming week as well as any date changes will be announced on the previous week's show and in the weekly news roundup. We are looking for your input, as we will be taking calls on the show! The call-in number for *Juvenile Justice Matters* is (347) 843-4360.

"Tune in" at: <http://www.blogtalkradio.com/jjmatters>.

VOICES



Tamika, prosecuted as an adult at age 16 and currently incarcerated, writes:

"On [that] tragic night...I had no idea anyone would get killed or even hurt; those were never my intentions... I often think back to my childhood to find answers. I [ask] myself 'why'? Why was I out late that night doing what I did? Why was I taking drugs and drinking alcohol? I was trying to mask my feelings of loneliness. I was scared, ashamed, and felt unloved... I just never had anyone to say to me that 'you can make it', 'you're beautiful', [or] 'here's a better way.' [From] age 8 until I was 14, different men used me for their own perverted pleasures. We moved a lot and I had a hard time making friends and keeping them, so I was always a loner... I felt as if I had no options and no one to talk to... [When I finally did make a friend, she] always needed me to help her, and I was more than willing. She made me feel loved and needed at the time although now I know it was...not real love at all. I was being manipulated at 16 with all my emotional baggage...I guess I was an easy target to be used.

"I made some terrible decisions as a child, but I am no longer a child. I am a mature, 29-year-old woman... I have been working very hard to rehabilitate myself...in hopes that one day people will realize that in spite of the mistake I made...I am not beyond repair. I have obtained the skills that could provide a way for me to be a productive citizen.

"I pray that...laws are adjusted to help juvenile offenders. With the proper tools, examples, and direction, we can really make a difference. All we need is someone to talk to, someone to believe in us, someone to care about us. The [worst] thing you can do is to lock us away forever, never to be seen again. I believe those measures are too extreme, especially for first-time offenders... We are not beyond repair. We would like a second chance at life."

NATIONAL MOMENTUM

***Kids Count* Annual Meeting Features "A Roadmap for Juvenile Justice Reform" Panel**

This year's annual *Kids Count* conference, held on Friday, September 26, in Baltimore, Maryland, featured the essay released by the Annie E. Casey Foundation (AECF), entitled, "A Roadmap for Juvenile Justice Reform."

Bart Lubow, Director of Programs for High Risk Youth at AECF, kicked off the session with a discussion of the key themes in this essay, highlighting the following points:

- 1) Trends in juvenile justice practice blur or ignore the well-established differences between youth and adults;
- 2) Indiscriminate and wholesale incarceration of juveniles is proving expensive, abusive, and bad for public safety;
- 3) Juvenile justice systems too often ignore the critical role of families in resolving delinquency;
- 4) The increasing propensity to prosecute minor cases in the juvenile justice system harms youth, with no benefit to public safety;
- 5) Juvenile justice has too often become a dumping ground for youth who should be served by other public systems;
- 6) System policies and practices have allowed unequal justice to persist.

A panel of experts, moderated by Liz Ryan of the Campaign for Youth Justice (CFYJ), discussed their perspectives on the major issues in juvenile justice today. In addition to Bart Lubow, the panel included Vincent Schiraldi, Director of the D.C. Department of Youth Rehabilitation Services (DYRS); Grace Bauer, Parent Organizer at Families and Friends of Louisiana's Incarcerated Children (FFLIC); and William Rivera, college student and formerly incarcerated youth prosecuted as an adult at 17 and a volunteer at the Free Minds Book Club & Writing Workshop.

The panel discussion concluded with the experts' recommendations for action, including engaging most affected communities, particularly parents and court-involved youth, in advocacy

efforts and focusing on one of the key issues in the essay and starting an advocacy effort on that issue.

The *2008 KIDS COUNT Data Book* essay, "A Roadmap for Juvenile Justice Reform" looks at the nearly 100,000 children confined to juvenile facilities on any given night in the United States and what can be done to reduce unnecessary and inappropriate detention and incarceration and increase opportunities for positive youth development and community safety. The essay was released in conjunction with the *2008 KIDS COUNT Data Book* which gives national and state-by-state profiles of the well-being of America's children through rankings on 10 key measures and information on the economic, health, education, and social conditions of America's children and families.

The *2008 KIDS COUNT Data Book* and the essay "A Road Map for Juvenile Justice Reform" are available at: <http://www.aecf.org/kidscount/sld/databook.jsp>.

JDAI Annual Meeting Features Former Senator Birch Bayh, Transfer Reform Session, and "A Roadmap for Juvenile Justice Reform" Plenary Panel

The Juvenile Detention Alternatives Initiative (JDAI) annual conference was held on September 22-24 in Indianapolis, IN, featuring former Senator Birch Bayh, one of the main architects of the 1974 Juvenile Justice & Delinquency Prevention Act (JJDPA). In an incredibly moving and emotional speech, he thanked the conference participants for their work on juvenile justice reform stating that it was a "dream come true" for him. He recounted stories of his days as a U. S. Senator and his work on many issues, particularly focusing on juvenile justice. His keynote address wrapped up with resounding applause and a standing ovation from over 500 participants who attended the lunch.

Among the many expert panels and workshops featured at the conference was a CFYJ-hosted session entitled "Youth in the Adult Criminal Justice System: The Intersection between Juvenile Transfer Reform and Detention Reform" featuring Betsy Clarke, President of the Illinois Juvenile Justice Initiative (IJJ); Neelum Arya, Policy & Research Director at the Campaign for Youth Justice (CFYJ); Jim Payne, Technical Assistance Provider to the JDAI; and Vincent Schiraldi, Director of the D.C. Department of Youth Rehabilitation Services (DYRS). The panelists discussed the latest research findings on transfer, the reasons why transfer laws should be reformed, the complimentary efforts between JDAI and transfer reform efforts, and strategies for changing state laws.

The conference concluded with a plenary session featuring this year's annual Kids Count essay, "A Roadmap for Juvenile Justice Reform." Bart Lubow, Director of Programs for High Risk Youth at the Annie E. Casey Foundation (AECF), led off the session by highlighting the key

issues in juvenile justice today. A "living room style" discussion followed with panelists talking about the major issues and their recommendations for how the juvenile justice system could be substantially improved. Panelists featured included Bart Lubow; Jim Payne, Technical Assistance Provider to JDAI; Dr. Juan Sanchez, President of Southwest Key Programs; Vincent Schiraldi, Director of the D.C. Department of Youth Rehabilitation Services (DYRS); Grace Bauer, Parent Organizer at Families and Friends of Louisiana's Incarcerated Children (FFLIC); and William Rivera, college student and volunteer at the Free Minds Book Club & Writing Workshop.

ON THE CALENDAR



VA Crime Commission to Release Findings on Juvenile Justice

On October 14, the Virginia Crime Commission is set to present its findings from a three-year study of crime trends in the state. The study is focused on a variety of juvenile justice issues, including juvenile transfer to the adult criminal justice system. The meeting will be held at 10:00 a.m. Wednesday, October 14, in the General Assembly Building in Richmond, Virginia, in House Room C.

For more information on the Virginia State Crime Commission, see:
<http://vscc.virginia.gov>.

Juvenile Justice: A *Future of Children* Event

On October 15th from 9:00 to 11:00 a.m., a slate of panelists, including researchers, policy advisors, and advocates will discuss reforms to the juvenile justice system that are based on the view that adolescents differ from adults in ways that policy ought to take into account.

This event marks the release of the latest volume of *The Future of Children* journal, "Juvenile Justice" published by Brookings and Princeton University's Woodrow Wilson School.

Ron Haskins, Co-Director of the Center on Children and Families and Senior Fellow at The Brookings Institution will moderate the session and Dr. Laurence Steinberg, Distinguished University Professor and Laura H. Carnell Professor of Psychology at Temple University will provide an overview of the issues.

The event will be hosted by The Brookings Institution in the Falk Auditorium located at 1775 Massachusetts Ave, NW, in Washington, DC.

To RSVP, visit: http://www.brookings.edu/events/2008/1015_juvenile_justice.aspx.

D.C. Council to Hold Hearing on Juvenile Justice Bill

On October 20, 2008, a hearing is scheduled in the D.C. Council for The Juvenile Justice Improvement Amendment Act of 2008, B17-0913. The bill was originally introduced in the Council of the District of Columbia (DC Council) on July 15, 2008 by Councilman Mendelson and Councilman Wells. This bill would create a "reverse waiver" hearing for youth charged as adults, allowing a D.C. judge authority to send the youth back to juvenile court. It would also allow youth charged as adults to be held in juvenile facilities both while a reverse waiver motion is pending and before their trial. This legislation includes several recommendations from CFYJ's 2007 publication, *A Capital Offense: Youth in D.C.'s Adult Criminal Justice System and Strategies for Reform*, including ending the pre-trial placement of youth in the DC Jail and providing a "reverse" waiver mechanism for youth in adult court.

Learn more about the DC Council at:

<http://www.dccouncil.washington.dc.us/>.

The full text of council bill B17-0913 can be found at:

<http://www.dccouncil.washington.dc.us/images/00001/20080721164210.pdf>.

Read *A Capital Offense: Youth in DC's Adult Criminal Justice System and Strategies for Reform* at:

http://www.campaignforyouthjustice.org/Downloads/NEWS/C4YJ004-DC_Chapter.pdf.

Oregon to Hold Conference on Disproportionate Minority Contact

On November 17 & 18, 2008, the Coalition for Juvenile Justice, the Governor's Summit on Eliminating Disproportionate Minority Contact in the Juvenile Justice System, and Multnomah County Local Public Safety Coordinating Council will host an annual conference on disproportionate minority contact in the juvenile justice system in Portland, Oregon, at the Red Lion Hotel at Jantzen Beach. At the event, entitled "Building Momentum for the Next Decade, Strengthening Collaborations, Affirming Milestones," CFYJ's Oregon ally, Partnership for Safety and Justice, will be sponsoring a workshop on youth transfer to the adult criminal justice system.

CFYJ WELCOMES NEW AND RETURNING STAFF

Bieta Andemariam, Research and Policy Program Associate

Bieta Andemariam comes to the Campaign for Youth Justice from her native Boston, where she has just completed her B.A. in English at Harvard. Bieta is here for one year through the Center for Public Interest Careers, which matched her with CFYJ based on her interests in law, defense, and human rights. She has previously worked as an investigator at the Public Defender Service here in Washington, D.C., and she spent this past summer in China as an English teacher. At Campaign for Youth Justice, Bieta will work alongside Neelum Arya as Program Associate for research and public policy.

Liz Hilliard, Policy Fellow

Liz Hilliard, from Woodbridge in Northern Virginia, will be working with Erin Davies on legislative and policy strategy. A second year student at American University, Liz was drawn to this position with Campaign for Youth Justice by her interest in juvenile justice and CFYJ's promise of a substantive fellowship experience. Liz has her hands full with a 17-credit college semester as well as two jobs coaching swim lessons and working as an office assistant on campus. She loves playing rugby for AU, and she is currently trying out propping and flanking. Go Eagles!

Tarun Wadhwa, Returning Policy Fellow

CFYJ is pleased to have Tarun Wadhwa returning as a policy fellow. Now in his junior year as a political science major at George Washington University, this native of Chapel Hill, North Carolina couldn't get enough of working toward justice for youth, and so he returns for another semester.

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