

# CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

## October 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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### ACROSS THE COUNTRY

#### Virginia Crime Commission Releases Preliminary Findings

On October 14, the Virginia Crime Commission staff presented their preliminary findings from a three-year study of the juvenile justice system, including juvenile transfer to the adult criminal justice system. The Commission's results were based on data collection and analysis as well as surveys, meetings, and focus groups with juvenile justice interests across the state.

According to the presentation, analysis of transfer data from 2006 and 2007

indicated several major problems. For one, transfer is being used as a plea bargaining tool, requiring juveniles to plead guilty to avoid transfer to adult circuit court. Secondly, juveniles tried as adults are not provided with all rehabilitation services available in the juvenile justice system.

The Commission staff proposed several options that would address the problem, including giving judges sole discretion to transfer, limiting the number of crimes eligible for transfer, and giving circuit court judges authority for reverse waiver.

The Commission will meet again on December 9th to determine which of these proposals, if any, it will adopt and recommend.

To learn more about the Virginia Crime Commission, visit:  
<http://vscc.virginia.gov/>.

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### **DC Council Committee on Public Safety and the Judiciary Holds a Hearing on Juvenile Justice Improvement Amendment Act of 2008**

On Monday, October 20th, the DC Council Committee on Public Safety and the Judiciary held a public hearing on two bills - Bill 17-431, the Juvenile Speedy Trial Equity Amendment Act of 2008, and Bill 17-913, the Juvenile Justice Improvement Amendment Act of 2008. The hearing was chaired by Councilmember Phil Mendelson (At-Large), Chairperson of the Committee, and was also attended by Councilmember Tommy Wells (Ward 6).

The Juvenile Justice Improvement Amendment Act (JJIA Act) would make several positive changes for youth under 18 charged as adults in the DC Criminal Division that reflect the latest research on youth in the adult criminal justice system. The JJIA Act would give DC Criminal Division judges the authority to send youth charged as adults back to the District's Family Division through a "reverse waiver" hearing at any time prior to their sentencing. The bill would also allow youth charged as adults to be held pre-trial in more appropriate and humane juvenile facilities.

The hearing was well attended by over 100 individuals from all over the city who supported the bill. The Campaign for Youth Justice would like to sincerely thank all of our local and national partners who attended in support of the bill. We would especially like to thank Peaceoholics, a DC-based group that works with youth at-risk or involved in the juvenile justice system, for coordinating the attendance of many youth from the District to show support for the bill.

Witnesses who testified in support of the bill included:

- Richard E. Redding, J.D., Ph.D., Professor of Law, Chapman University School of Law (Dr. Redding authored the recent OJJDP bulletin on transfer research);
- Scott Perry, Director, Latin American Youth Center Workforce Investment and Social Enterprise Division;
- Dr. Jennifer Woolard, Assistant Professor, Department of Psychology and Research Fellow, Center for Social Justice, Georgetown University (Dr. Woolard wrote a recent report on youth at the DC Jail and has authored transfer research);
- Ronald Moten and Jauhar Abraham, Co-Founders of Peaceoholics;
- Laura Hankins, Special Counsel to the Director, Public Defender Service;
- Saleem Hylton, Alliance of Concerned Men;
- Alan Pemberton, Partner, Covington and Burling and Counsel to Plaintiffs in the Jerry M., et al. v. District of Columbia, et al. case;
- Wallace Mlyniec, Professor of Law and Director of the Juvenile Justice Clinic of the Georgetown University Law Center;
- Ashley Nellis, Ph.D., The Sentencing Project;
- Drew, a youth previously incarcerated at the DC Jail; and
- Michael Bocian, Principal, Greenburg Quinlen Rosner Research (Mr. Bocian testified on a recent poll conducted in the District showing that an overwhelming majority of District residents support keeping youth out of the DC Jail).

During the hearing, several individuals raised concerns about or testified in opposition to the bill, including representatives from law enforcement, the United States Attorney's Office, and several crime victims from Councilmen Wells's ward, Ward 6. The Mayor's office, through the DC Office of the Attorney General, also testified in opposition to the bill.

The Washington Post wrote an article on the hearing, which can be accessed at: <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/20/AR2008102002673.html>.

The full text of the JJIA Act, as well as a list of co-sponsors, can be viewed by visiting the following site and entering B17-0913 into the search box at the top of the page:

<http://www.dccouncil.washington.dc.us/lims/BillRecord.asp?billid=checked>

The bill is currently co-sponsored by seven additional Council Members: Alexander, Bowser, Brown, Cheh, Evans, Gray, and Thomas.

**Action items:** In the next several months, CFYJ and our partners will be continuing to build support for the Juvenile Justice Improvement Amendment Act by organizing individuals, neighborhoods, and organizations in the District. Below please find ideas for how you can get involved, either as an individual or an organization, and thank you in advance for your support of our efforts in DC!

Individuals:

- **Watch the video and share the action alert.**  
<http://www.dclj.org/jjiavideo>;
- **Add your name to a sign-on letter** to the DC Council being circulated in support of the bill (to obtain a copy of the letter, please email [edavies@cfyj.org](mailto:edavies@cfyj.org));
- **Share the sign-on letter** with your networks and friends and encourage them to sign on;
- **Send postcards** to your Councilmembers in support of the bill (to get postcards, please email [sgray@cfyj.org](mailto:sgray@cfyj.org)); and
- **Visit your Councilmembers** in support of the bill. Please email [edavies@cfyj.org](mailto:edavies@cfyj.org) to volunteer to do a Council visit.

Organizations:

- **Watch the video and share the action alert.**  
<http://www.dclj.org/jjiavideo>;
- **Add your name to the sign-on letter** to the DC Council being circulated in support of the bill (to obtain a copy of the letter, please email [edavies@cfyj.org](mailto:edavies@cfyj.org));
- **Share the sign-on letter** with your networks and coalitions;
- **Request Take Action Packets and Postcards** to distribute at any upcoming events your organization is hosting, including holiday parties, coalition meetings, etc. To request a Take Action Packet, please email [sgray@cfyj.org](mailto:sgray@cfyj.org).

Take Action Packets include:

- Postcards to send to DC Councilmembers in♣ support of the bill;
- Two-page summary of the bill; and♣

Addresses of ♣ DC Councilmembers.

For more information on the D.C. Council, visit:

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

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### **California Ballot Measure Would Fund Youth Treatment Programs**

The Campaign for Youth Justice recently endorsed Proposition 5, the Nonviolent Offender Rehabilitation Act (NORA), an initiative in California appearing on the Nov. 4th ballot. California currently offers virtually no publicly funded substance abuse treatment options for youth under the age of 18. The new ballot measure will invest in treatment for at-risk youth. As part of a comprehensive, common-sense solution to the prison overcrowding crisis, Proposition 5 would create a system of care for at-risk youth by 1) dedicating annual funding of at least \$65 million per year for youth treatment programs as well as about \$4 million more from fines collected from adults for low-level marijuana offenses; 2) ensuring that the new system of care meets the spectrum of youth needs, including family therapy, mental health interventions, educational and employment stipends, and more; and 3) requiring science-based educational programs and counseling, instead of a misdemeanor conviction, for young people found in possession of small amounts of marijuana.

The Campaign for Youth Justice supports Proposition 5 because it will safely reduce the number of nonviolent offenders locked up in California's terribly overcrowded prisons, improve conditions behind bars, and put rehabilitation back in the prison and parole systems.

To learn more about Proposition 5, visit:

<http://www.Prop5Yes.com>.

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### **New Connecticut Website Promotes Raise the Age Success**

This month, the Connecticut Juvenile Justice Alliance (CTJJA) launched a new website documenting the success of Raise the Age Connecticut, a campaign to end automatic transfer of 16- and 17-year-olds to the adult justice system for any crime. This resource demonstrates how victory against automatically prosecuting youth as adults is possible and identifies strategies to meet ongoing challenges. The website describes in detail the process by which CTJJA and its allies managed to get a law passed in 2007. The law goes into effect January 1, 2010.

The website first describes the social and political landscape in Connecticut, where it was necessary to make sweeping fundamental reforms without appearing radical to a change-resistant state. The CTJJA had to appeal to Republican and Democratic policy makers and convince all communities, even those with children that rarely end up in the system, that juvenile justice reform was in their best interest and worth a significant taxpayer investment.

Next, the website explains Connecticut's especially poor record on juvenile incarceration, with over 10,000 kids entangled in the adult court system annually. Connecticut incarcerates more youth in adult corrections facilities than any other state, the vast majority of them for minor, non-violent crimes. Additionally, facilities run by adult corrections do not emphasize rehabilitation and either have inappropriate or no treatment for youth, putting them at great risk of victimization and suicide.

The Raise the Age campaign enlisted the support of advocates, empowered parents, urban progressives, Democratic, Republican, urban, and suburban legislators, state agency heads, judges, and faith communities to advocate for the bill. National groups and parent advocacy groups such as National Alliance on Mental Illness - Connecticut (NAMI-CT), a family advocacy group for children's mental health (FAVOR), and African Caribbean American Parents of Children with Disabilities (AFCAMP) also participated in the effort. The campaign worked tirelessly to receive favorable media coverage from The New York Times, Hartford Courant, and Connecticut Post.

The campaign employed a number of strategies to achieve successful passage of the legislation. It provided preaddressed post cards to mail to legislators, an email system to allow supporters to contact officials in a few clicks, and rides to the Capitol for "Educate the Legislature Day." Strategically, the campaign made its case for reform in terms of public safety, emphasizing research showing that youth who do time in adult prisons are more likely to reoffend more quickly and more violently. Raise the Age also presented research showing that the adolescent brain is not fully developed, making it unlikely that 16- and 17-year-olds will make mature, well-reasoned decisions as an adult might. Finally, the campaign brought in experts from around the country to testify about programs that are proven to rehabilitate youth cost-effectively.

Opposition to raising the age came from police chiefs, who maintained that returning 16- and 17-year-olds to the juvenile system would create logistical problems around investigating crimes and detaining juveniles. Others claimed a new policy would create an unwieldy expense. The Raise the Age campaign, however, demonstrated effectively that the reform would save the state money and reduce crime in the long run because kids who go through the juvenile system are less likely to reoffend and become reincarcerated.

In 2007, the governor signed the bill into law; it goes into effect in 2010. The Raise the Age campaign must now continue to hold the state accountable for adequately financing the bill in order to make the reform a success.

The passage of the Raise the Age bill marked a change that will hopefully accelerate the pace of improvements to Connecticut's juvenile justice system. The success in Connecticut sets forth a promising model for other states to follow in their campaigns to unite stakeholders and reform juvenile justice policies.

Visit the Raise the Age Connecticut website at:  
<http://www.raisetheagect.org/index.html>.

## RESEARCH AND POLICY

### **New Resource Released to Improve Education Services for Youth in the Juvenile Justice System**

A new toolkit is available to help improve the educational services provided to youth in the juvenile justice system. "Transition Toolkit 2.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System" was developed by the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who are Neglected, Delinquent or At-Risk (NDTAC). The toolkit provides practical and empirical information such as sample forms, protocols, and tools currently used at each stage of the justice system, with a focus on effective records transfer and maintenance and increased family involvement. The Toolkit also contains a self-study and planning tool to guide program improvement within facilities for youth who are delinquent.

The toolkit is available online at:  
[http://www.neglected-delinquent.org/nd/docs/transition\\_toolkit200808/full\\_toolkit.pdf](http://www.neglected-delinquent.org/nd/docs/transition_toolkit200808/full_toolkit.pdf)

Learn more about NDTAC at:  
<http://www.neglected-delinquent.org>.

## MEDIA WRAP

***Juvenile Justice Matters in a Big Way!***

The Campaign's new radio show on the Blog Talk Radio network, *Juvenile Justice Matters*, is reaching an increasing audience weekly with facts, discussions, and profiles of how juvenile transfer harms kids. With its debut show earlier this month, the internet-based radio program averages 80 listeners a week. Callers can listen to the show from around the world and even call in to ask questions.

Here is a recap of our October shows:

Our debut show featured Liz Ryan, CEO of the Campaign, who discussed her involvement with the transfer issue as well as public perceptions and research in the field.

<http://www.blogtalkradio.com/jjmatters/2008/10/10/Juvenile-Justice-Matters-Debut-Show>

Our second guest, Tracy McClard, discussed her personal involvement with the adult system, the loss of her son, and advocacy work happening in Missouri. <http://www.blogtalkradio.com/jjmatters/2008/10/16/An-exclusive-interview-with-a-parent-advocate-who-has-been-personally-affected-by-the-adult-system>

Dwayne Betts, a poet, scholar, and formerly incarcerated youth, joined us for our third program. Dwayne painted a picture of what prison was like and how he managed to turn his life around. He has written a memoir, *A Question of Freedom*, which is due out next summer.

<http://www.blogtalkradio.com/jjmatters/2008/10/23/An-interview-with-a-former-incarcerated-youth-who-has-turned-his-life-around>

October ended with an informative conversation with Neelum Arya, Research and Policy Director for the Campaign. She discussed a recent report that she authored, *Critical Condition African-American Youth in the Justice System*. <http://www.blogtalkradio.com/jjmatters/2008/10/30/Neelum-Arya-discusses-new-report-on-African-American-Youth-in-the-Justice-System>

*Juvenile Justice Matters*

can be heard live every Thursday at 4:30 p.m. Eastern. If you can't catch the show live, you can always listen later or download it.

[www.blogtalkradio.com/jjmatters](http://www.blogtalkradio.com/jjmatters).

November will feature interviews with Vicky Gunderson, a parent and advocate in Wisconsin; Mario Rocha, a formerly incarcerated youth from California; and Dr. Jennifer Woolard, a psychologist from Georgetown University. Please join us!

## VOICES



### **Mario Rocha Cleared of All Charges**

We received great news this week from Campaign for Youth Justice spokesperson Mario Rocha! After 12 years of engagement with the courts, including 10 years in prison and 2 years out on bail, Mario Rocha has finally been cleared of all charges.

In 1996, at the age of 16, Mario was at a house party in Los Angeles when a gang shooting occurred, leaving one young man dead in the driveway. Days later, Mario was roused from his sleep early in the morning by police and taken to an interrogation room. He was detained after the questioning and did not return home for more than ten years for a crime he did not commit.

After languishing in detention for two years awaiting trial, Mario was tried as an adult alongside two known gang members, despite his lack of gang association. Police and other youth at the detention center told him that being tried as an adult was a good thing since he would face a jury rather than the unlimited discretion of a lone judge. To give their son the best trial, Mario's family mortgaged their home to hire a private attorney for the case. Unfortunately, poor legal representation by this attorney failed to bring complete evidence to the trial, leading Mario to a double life sentence based solely upon a single eye-witness account of the shooting. Of their legal representation, his family said, "We lost our money. We lost our son."

Sister Janet Harris, a chaplain and co-founder of InsideOUT writers, a youth writing program at Mario's juvenile detention center, befriended Mario and secured the pro bono legal representation of an international corporate law firm to take on Mario's wrongful conviction. For nearly a decade, while Mario served his sentence in adult prison, they worked to investigate the elements of the case and encourage the courts to hear new evidence. Finally, in December 2006, Mario's conviction was overturned, and he was freed on the basis of ineffective counsel; however, the possibility of a retrial had been hanging over his head until Tuesday, October 28, when Los Angeles County prosecutors announced at a hearing that they will not retry his case because witnesses from the original trial could not be located.

It was an inspiring scene at the courthouse, as Judge Michael Pastor praised Rocha for his successful release and for his many supporters who packed the courtroom. Rocha embraced his mother and friends as he left, to a round of applause. The *LA Times* quoted Mario as saying that while he had at times

doubted whether he would ever be free, he now felt "like a butterfly that's just been released from his cocoon."

Through his time behind bars as a youth, Mario came to know the importance of staff, mentors, and programs in juvenile facilities. He says that "the staff in juvie are counselors, mentors almost," and this personal approach is essential to effective rehabilitation. During his time in juvenile detention, Mario discovered poetry and writing through InsideOUT Writers, a creative writing program that operates in the juvenile halls in Greater Los Angeles. "[Writing] was an outlet - someone to talk to. It was my friend...like praying with the words just pouring out." Mario continued writing after his transfer to adult prison and his plays and poems are still shared with young offenders in California's juvenile facilities. He says, "If I'm not addressing the people that go through the system, then I feel I've failed as a writer... [Writing can] help others free themselves. We are our own liberators."

Mario's incarceration has also given him unique insight into how the criminal justice system can be made more effective. He advocates for "[investing] in the restorative justice model for all offenses" as a way to help stem the antagonism between victims and the accused. "The [current] system is set up to pit us against each other." Furthermore, he decries the lack of oversight in the trial process itself and the impact incarceration has on families. "It was so easy to sweep me under the rug... I could have been doing a lot in those 10 years... [All of this] has affected my family in a psychological and emotional way... tearing them apart."

Since his release, Mario has been persistent in his efforts to foster community and advocate for youth in Los Angeles and across the country. He produces short films for various causes, teaches, and works as a youth organizer. Mario says, "I'm living off the love and support of those that got me through prison... [and] valuing the time and opportunities to connect with people." Currently, Rocha is campaigning against a ballot measure in California that would increase penalties for juveniles accused of gang-related crimes. This past summer, he taught a creative writing course in a juvenile hall on a grant from the late NBC journalist Tim Russert and his wife, Maureen Orth. He aspires to one day become an attorney and help his wrongfully convicted friends in the way he was helped.

A documentary of Mario's wrongful conviction case was filmed over the course of seven years of court proceedings. For a copy of the documentary and more information on "Mario's Story," visit:

[www.mariostory.org](http://www.mariostory.org).

To read *LA Times* coverage of Mario's dropped charges, visit:

<http://www.latimes.com/news/local/la-me-rocha29-2008oct29,0,626505.story>

CFYJ collects stories of youth tried as adults for publications and research. To share your own story or the story of a family member, download the case profiles project toolkit at:  
[http://campaignforyouthjustice.org/your\\_story.html](http://campaignforyouthjustice.org/your_story.html).

## NATIONAL MOMENTUM

### **Brookings Institute Holds Event on Juvenile Justice, Focus of Transfer to Adult Court**

On October 15, the Brookings Institute held a public forum to release the latest volume of its journal, *The Future of Children*. The new volume, entitled "Juvenile Justice," features nine essays on various topics in juvenile justice, emphasizing the need for a shift away from the "get-tough" policies of the 1990s and toward policies informed by recent research on adolescent development and recidivism. Over 300 attendees packed the Falk Auditorium for the standing-room-only event.

The release of the journal was marked by two panels, the first of which gave an overview of the issue. The speakers were Laurence Steinberg, Professor of Psychology at Temple University and the editor of "Juvenile Justice," and Hon. Denton Darrington, Chairman of the Idaho Senate Judiciary Committee, who co-chaired a commission that examined his state's juvenile justice system.

The second panel, focusing on appropriate and cost-effective responses to youth delinquency and emphasizing the dangers of trying and incarcerating youth in the adult criminal justice system, featured Shay Bilchik, former administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP); Jeffrey Fagan, Professor of Law and Public Health at Columbia University; Kristin Henning, Professor of Law at Georgetown University; Bart Lubow of the Annie Casey Foundation, and Cristine Crooks, from the Office of Rep. Michael Castle (R-DE).

The speakers made it clear that research data increasingly finds that exposing youth to harsh punishments is not an effective deterrent and does not lower crime rates. They also discussed evidence that adolescents have not reached emotional or intellectual maturity and therefore should not be processed through the adult justice system. Steinberg gave the following call to action: "The scientific study of adolescent development has burgeoned in the past two decades, but its findings have not yet influenced juvenile justice policy

nearly as much as they should."

Three major reforms were suggested by the writers of the articles included in the journal: change system to emphasize that it is dealing with adolescents, not adults; focus on rehabilitation, employing incarceration conservatively; and address the wide ranging problems that affect most of the adolescents who enter the system by cooperating with a variety of youth serving agencies.

For more information on this event please go to:

<http://www.futureofchildren.org>.

The new Future of Children edition, "Juvenile Justice," can be accessed at:

[http://www.futureofchildren.org/usr\\_doc/Justice\\_08\\_02.pdf](http://www.futureofchildren.org/usr_doc/Justice_08_02.pdf).

## ON THE CALENDAR



### **Dwayne Betts Reading of New Memoir**

Dwayne Betts, poet and friend of the Campaign for Youth Justice, will read from his forthcoming memoir, *A Question of Freedom*, on November 6, 2008 at 7:00 p.m. at the University of the District of Columbia, Building 41, Room A-03. The memoir

documents Dwayne's discovery of art as a means of hope in the midst of his eight years in prison for an offense committed at the age of 16. The reading is sponsored by the literary Club at UDC and the UDC English Department. For more information, please contact Professor Petti at 202-274-5035 or The Literary Club at [nikkif22@juno.com](mailto:nikkif22@juno.com)

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### **Oregon to Hold DMC Conference**

On November 17 & 18, 2008, a conference on disproportionate minority contact in the juvenile justice system will be held in Portland, Oregon, at the Red Lion Hotel at Jantzen Beach. The conference, entitled "Building Momentum for the Next Decade, Strengthening Collaborations, Affirming Milestones" is sponsored by the Governor's Summit on Eliminating Disproportionate Minority Contact in the Juvenile Justice System in partnership with the Coalition for Juvenile Justice, Washington, D.C., and Multnomah County Local Public Safety Coordinating Council. The Campaign for Youth Justice is sponsoring two workshops: one in cooperation with the Partnership for Safety and Justice on the transfer of youth to adult court, and one focusing on the impact of the justice system on

Native American youth, especially as regards transfer to the adult justice system.

## GET IN THE ACTION WITH CFYJ

**Listen** to past and future editions of *Juvenile Justice Matters* radio show at: [www.blogtalkradio.com/jjmatters!](http://www.blogtalkradio.com/jjmatters!)

**Call in** to the show with questions at (347) 843-4360.

**Join** the Campaign for Youth Justice group on Facebook and connect with hundreds of advocates across the country at:

<http://www.facebook.com/group.php?gid=22937084155&ref=ts>.

**Visit** the Campaign's YouTube channel at:

<http://www.youtube.com/user/jjreform>.

**Read** JJ Today, Youth Today's blog on juvenile justice at:

[www.youthtoday.org/jjtoday](http://www.youthtoday.org/jjtoday).

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