

# BEYOND DETENTION



## **BEYOND DETENTION** **JDAI Transforming the System** **Dallas JDAI Conference, September 2007** **Judith A. Cox**

It would probably be a safe bet to say that virtually everyone in this room has been exposed, in some manner or form, to the professional literature that tells us that the elements of an effective Juvenile Justice system should be community-based, family-centered, strength-based and individualized. Why is it, then, that we find this so difficult to do?

We are remarkably the same – despite vast geographic distances, varying fiscal climates and significant demographic and political differences, the juvenile justice systems in the United States are strikingly similar. They are built upon vast expenditures on secure detention and commitment facilities – not on communities, kids and families. We are a "one size fits all" service delivery system which still relies on suppression and incapacitation as the predominate operating principles. If that were not the case, we would see a system in which our investments in both time and money would be primarily spread among community-based stakeholders, rather than held and controlled by the formal system.

Detention reform has been for us, now 10 years into JDAI, an ever-evolving, iterative process. Like exercising and using muscles that you've never used before, you gain strength, flexibility and endurance and are thus able to do things you never thought possible...and each step forward builds on the one before it.

In California and Texas reform is occurring at the state level. No longer will low-level offenders be committed to the State facilities. However, in Santa Cruz, this reform will not result in dramatic change because as we implemented JDAI and built upon the eight core strategies, we were able to create a rich array of community-based interventions for teens without compromising public safety, therefore, in 2006 we didn't send any youth to the State system. I want to talk today about how that happened.

As I prepared for this presentation, and as a way to measure the distance we've traveled, I thought back to the time prior to our involvement with this Initiative and tried to recall our relationships with the community's youth-serving agencies and families.

I thought of a number of events and scenes from over a decade ago when I was, at the time, the director of Juvenile Services. I recalled when some key community-based organizations were reaching out to me for inclusion. I realized that four people stood out, and a bit later in time, a fifth, who were trying to teach me something. I say their names out loud even though I know there are only about forty people in this room who know them, but I do this to honor them as the teachers that I now know them to be. They spoke truth to power in a gentle way, even though they were constantly frustrated in their efforts to be included.

Albino Garcia was a gang interventionist then and is now a spiritual leader in New Mexico. He was on his own path of personal transformation in those days and through those changes he demonstrated something powerful about the direction the formal system should go. The others included Walter Guzman who is no longer with us, OT Quintero and Nane Alejandrez from Barrios Unidos, and David True.

These men were not just community-based but of the community, and they were trying to knock on the door of the system for only one reason – they loved kids, and felt certain they could help. I suspect they also had a pretty good idea that what we were doing wasn't helping much. They understood that where I saw a booking, an intake, a petition to be filed, a social study to be done – they saw a family in crisis. Not that I didn't care for youth – we just had different primary perspectives. All five have somewhat poetic aspects to their personalities and they all spoke to me a lot about the pain and suffering the families and teens were enduring in their lives. I remember feeling that perhaps they were being overly dramatic in effort to make a point.

Now, twelve years later, I see that what they were trying to communicate was the truth. I know this now, because as we put on the brakes on our use of detention and slowed down that run away vehicle, we had to get into a new vehicle that took us more directly into the community and into the homes of families.

Most of you have probably heard that well-known quote from Booker T. Washington – that there are "two ways of exerting strength -- one is pushing down, the other is pulling up." We have tried to find our strength as a system and to nurture the strength in the teens by "pulling up." The vast and diverse array of activities we have are now nearly impossible for me to describe to others. In the past, the system could be described as including detention, diversion, supervision, placement prevention, out-of-home placement, and post-dispositional residential or commitment programs. We had a few variations on that basic theme, but young people were

cycled into one or another of those chutes. Now, the array of our formal justice system choices is richer and more varied, and, more importantly, there is a dizzying network of services provided by community partners. The beauty is that it has taken on a life and creativity of its own that we don't have to control. Just as the formal system has evolved and built on previous experiences, the community partners have done the same.

For example, a community-based organization was given a small contract to provide a somewhat traditional weekend community service program in lieu of a weekend in detention that was at one point a commonly imposed punitive sanction utilized by the court for probation violators. In talking and working closely with the young people, the agency saw that they wanted help in employment readiness, job seeking and supported employment. The agency created these programs, as well as a youth leadership group which is represented in the slides behind me (they are giving us recommendations that changed the way we do drug testing).

The group then developed and implemented a variety of strategies to make sure that youth and family voices and perspectives were heard, such as parent/youth dialogues; parent/youth summits; political advocacy and organizing with legislators; and a ethnographic project in which justice system-involved youth made audio recordings of youth in out-of-home placement which were played to policy makers. This kind of program building as a response to the desires and needs of families and youth occurs all over our jurisdiction. I have had the experience of sitting in my living room and watching the local community television station in which a panel is discussing our juvenile justice system -- explaining eloquently and in detail, JDAI and its underlying values -- talking about the system as if it is theirs; and the participants will be people I've never met!

This sharing of power and control means letting go and sharing resources. By sharing significant amounts of resources, we are priming the pump, the water starts to flow, and then gushes. We have found that all of us have the ability to attract more resources if we put it all on the table -- and it is the only way to create numerous individualized responses and opportunities to replace the "one size fits all" system. We are still in the vehicle, but now not only are there others in the vehicle with us, they actually take their turn in the driver's seat.

Another example is the developmental path that involves the role of parents and families. It also illustrates the unique role of community partners in shaping how the voice of parents can be brought forward in a manner that they choose. We started by having family conferencing at intake; we have paid family partners who advise on policy issues and we have adopted the tenet of "no meeting about us, without us." We have an English/Spanish video that explains the court process, and parent-generated information brochures created by parents for parents. We have put great emphasis on family-centered solutions like wrap-around and family preservation, and we do not make decisions about out-of-home placement without parents in the room.

We have learned that great wisdom resides within families. Parents told us they wanted support as families. Our community partners told us about a family strengthening curriculum that honored cultural and family traditions. The communities requested that we bring the training in for everyone (over 200 people came to learn about it). We received commitments from twenty agencies to become trainers and to actually deliver the family strengthening

curriculum to parents throughout the county. Now that parents have attended these sessions, they find that they want to continue meeting to support each other. These groups of parents can then use their collective voices to change the system, strengthen their families and help their children – all in the manner they choose. I couldn't have predicted or designed this.

However, I also want to offer a word of caution. We have been working hard with the Burns Institute to identify and eliminate disparities in treatment for youth of color in our system. As part of that effort, we did a survey of Latino parents and, despite the whole list of things we have done to change our culture, the surveys will tell us that parents are not having a good experience when they go through court. This lesson means that in the process of implementing JDAI, our rhetoric about the value of family voice and sharing power should always be challenged. If you ask, and folks feel safe to do so, they will tell you and, if they tell you something you don't like to hear, you must accept it as the truth.

I live in a powerful place, a place where Caesar Chavez organized and marched and where his legacy is still felt. Yet, the children and grandchildren of those who marched are still, today, the largest group to be incarcerated. I now know that the community leaders would not have chosen to talk about the suffering in the community, if it had not been the predominant message on their minds. Within the values and traditions of families and cultures there is a power. Although the starting point is suffering, from suffering, a spark of hope can emerge, from hope, the will to struggle is born, in struggle – a community is formed, with community, justice is possible, and with justice, finally, there is freedom. Therefore, there is great power available within the cohesion of community.

All of your communities have people just like Albino, Nane, OT, Walter and David. People who are of the community and are passionate about helping kids. Each of your communities and families have their own rich and unique histories and cultures from which lessons can be learned and in which solutions reside. I would urge each of you to give up a bit of your control and power and trust the wisdom that resides in your home place. It's very simple – let other people in the vehicle with you, take turns driving, and sample some of their music on your journey!