

# THE LINK

CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

## Potential for Change *Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform*

*Executive Summary*  
*A Center for Children’s Law and Policy Report*

The following is the executive summary of a poll coordinated by the Center for Children’s Law and Policy as part of the MacArthur Foundation’s Models for Change, an initiative to reform juvenile justice across the nation. For more information, visit [www.cclp.org](http://www.cclp.org) or [www.modelsforchange.net](http://www.modelsforchange.net).

### Introduction

New polling data on Americans’ attitudes about youth, race, and crime reveal strong support for juvenile justice reforms that focus on rehabilitating youthful offenders rather than locking them up in adult prisons. The public also believes that African American and poor youth receive less favorable treatment than those who are white or middle class.

The poll was commissioned by the Center for Children’s Law and Policy as part of the John D. and Catherine T. MacArthur Foundation’s Models for Change juvenile justice reform initiative, which supports juvenile justice reform in Illinois, Pennsylvania, Louisiana, and Washington State. Prior to the poll, focus groups on the issues were held in Chicago, Pittsburgh, Baton Rouge and Seattle. The poll included oversampling in the four Models for Change states to determine attitudes by the public there.

### Survey findings include:

- **The public recognizes the potential of young people to change.** Nearly nine out of 10 (89%) of those surveyed agreed that “almost all youth who commit crimes have the potential to change,” and more than seven out of 10 agreed that “incarcerating youth offenders without rehabilitation is the same as giving up on them.”
- **The public supports redirecting government funds from incarceration to counseling, education and job training programs for youth offenders.** Eight out of 10 favor reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.

- **The public views the provision of treatment and services as more effective ways of rehabilitating youth than incarceration.** Majorities saw schooling, job training, mental health treatment, counseling, and follow-up services for youth once they leave the juvenile justice system to help them go back to school or find a job as “very effective” ways to rehabilitate young people. Less than 15% of those surveyed thought that incarcerating juveniles was a “very effective” way to rehabilitate youth.
- **The public favors keeping nonviolent juveniles in small, residential facilities in their own communities rather than in large distant institutions.** More than three-quarters of the public favors juvenile justice policies that keep nonviolent youth in small facilities in their own communities, and six in 10 favor community supervision for nonviolent youth. Eight out of 10 favor keeping these youth in small residential facilities rather than in large institutions.
- **The public believes the juvenile justice system treats low-income youth, African American youth, and Hispanic youth unfairly.** Almost two-thirds of respondents said that poor youth receive worse treatment than middle-class youth who get arrested for the same offense. A majority think that African American youth receive worse treatment than white youth who get arrested for the same offense. More than seven out of 10 favor funding programs that help Hispanic youth who get in trouble with the law

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# DIRECTOR'S MESSAGE

Happy New Year! I am delighted to begin 2008 as the newly appointed Director of the Juvenile Justice Division. I have known of the division and its objectives for the past 6 years, working with it first as an outside consultant and, since 2005, as part of CWLA's consultation staff. I look forward to continuing to help grow the division's important work in juvenile justice-child welfare systems integration and juvenile justice reform. And, I am so excited about the new opportunities to work with you and the division's Juvenile Justice Advisory Committee on a growing agenda that we hope will include success with our objectives to amend and reauthorize the JJDP. For anyone who may be interested in more information on my background, please see my brief bio at [www.cwla.org/programs/juvenilejustice/jjdcontact.htm](http://www.cwla.org/programs/juvenilejustice/jjdcontact.htm).

Early this year, CWLA's annual national conference, "Children 2008: A Call for Action—Leading the Nation for Children & Families," will take place in Washington, DC, at the Marriott Wardman Park (February 25–27). The conference workshops afford an opportunity to focus on, among many other important child welfare topics, continuing efforts to address systems integration and juvenile justice. We hope you will join us at the conference and also participate in our super session, "New Initiatives and Legislation on the Connection Between Child Maltreatment and Delinquency." More information and registration materials can be accessed on the CWLA website, [www.cwla.org](http://www.cwla.org). Two additional highlights of the conference include our semi-annual face-to-face Juvenile Justice Advisory Committee meeting and briefings on the League's call for a White House Conference on Children in 2010.

As you read this issue of *The Link*, I think you will find it to be reinforcing of our goal to keep youth from unnecessarily penetrating further into the juvenile justice system. Exemplifying the continuing support and sponsorship of the MacArthur Foundation's Models for Change (MfC) initiative, two reprinted MfC Executive Summaries illustrate that the public recognizes treatment and rehabilitation in the community are preferable to punishment and incarceration. These findings provide an excellent foundation for furthering our efforts on behalf of juveniles.

Again, I look forward to meeting and talking with many more of you who are so dedicated to efforts to improve outcomes for children in the juvenile justice and child welfare systems. And, I look forward to working together with John Tuell, Director, JJ-CW Systems Integration Initiative, and Sorrel Concodora, Juvenile Justice Coordinator, to be a resource to you in your jurisdictions. You can reach us at [jtuell@cwla.org](mailto:jtuell@cwla.org), [jwiig@cwla.org](mailto:jwiig@cwla.org), and [sconcodora@cwla.org](mailto:sconcodora@cwla.org).

Janet K. Wiig  
Director, Juvenile Justice Division

*As you have noted by reading our Director's Message in this current edition of The Link, CWLA has experienced a change in leadership within our Juvenile Justice Division. We are all aware of the many changes which have occurred at CWLA in the past year. This has included a new President/CEO and numerous other transitions, reductions in work force, and staffing consolidations. Wayne Promisel capably served as Director of the Juvenile Justice Division for just over one year before his departure in November 2007. We are grateful for his positive and professional contribution to our work and wish him well in future professional and personal endeavors.*

John A. Tuell, Director  
Child Welfare-Juvenile Justice Systems Integration Initiative

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## THE LINK CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

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The Child Welfare League of America is the nation's oldest and largest membership-based child welfare organization. We are committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

A list of staff in CWLA service areas is available online at [www.cwla.org/whowhat/serviceareas.asp](http://www.cwla.org/whowhat/serviceareas.asp).

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**Potential for Change**, from page 1

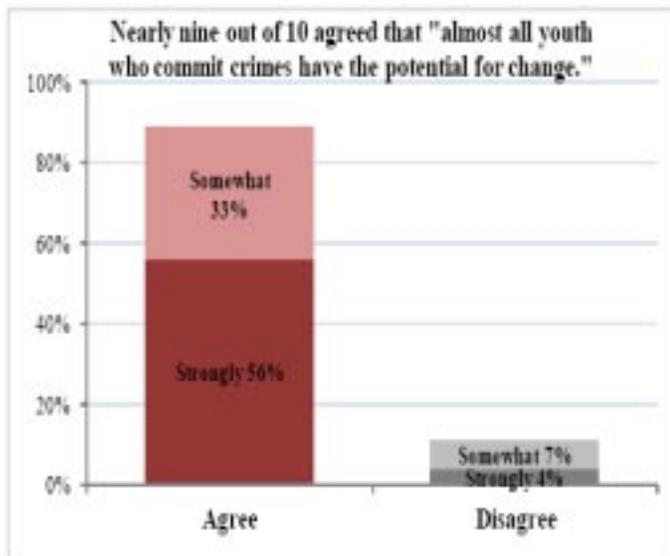
overcome the language barriers they face in the juvenile justice system.

1. The public recognizes the potential of young people to change.

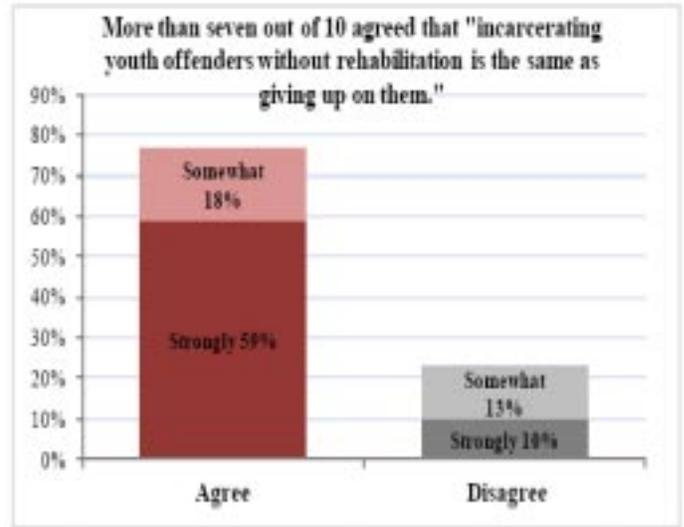
The juvenile justice system in the United States began a century ago in Chicago with the enlightened goal of providing individualized treatment, supervision, and services to troubled and at-risk youth. In the 1990s, attitudes changed. A temporary rise in violent juvenile crime and a few spectacular cases fueled political calls for more punitive approaches: a shift away from rehabilitation and toward the implementation of harsher sanctions, reduced confidentiality of juvenile proceedings and increased incarceration of young people.

Today, the fallacies that drove the wave of punitive policies are being challenged and the space for new ideas to flourish is growing. A number of factors—falling crime rates, state budget crises, rigorous demonstrations of “what works,” and new research on brain development in adolescents—are encouraging policymakers to reconsider the wisdom of “get-tough” policies. There is a large reservoir of public support that policymakers can draw upon to help shift the juvenile justice system back to the principles on which it was founded.

The public believes that almost all young people who commit crimes have the potential to change. Nearly nine out of 10 people nationally (89%) agreed with the statement that “almost all youth who commit crimes are capable of positive growth and have the potential to change for the better.” In the Models for Change states, more than eight out of 10 agreed with the statement. Similarly, more than eight out of 10 disagreed with the



*“Please tell me if you agree or disagree with each of the following statements. (Do you agree or disagree? Is that strongly or somewhat agree/disagree?) Almost all youth who commit crimes are capable of positive growth and have the potential to change for the better.”*



*“Please tell me if you agree or disagree with each of the following statements. (Do you agree or disagree? Is that strongly or somewhat agree/disagree?) Incarcerating youth offenders without rehabilitation is the same as giving up on them.”*

statement that “there is not much you can do to change youth who commit crimes.” More than three out of four agreed that “incarcerating youth offenders without rehabilitation is the same as giving up on them.”

2. The public supports redirecting government funds from incarceration to counseling, education, and job training for youth offenders. In Illinois, Pennsylvania, Louisiana, and Washington, the legislatures have enacted policies that discourage incarcerating youth in large state facilities and encourage having more young people under community supervision or receiving services and treatment in their own communities. The public supports this change in policy.

A majority in the United States and in the four Models for Change states strongly favor taking away some of the money their state spends on incarcerating youth offenders and spending it instead on programs for counseling, education, and job training for youth offenders. Eight out of 10 say they strongly favor or somewhat favor this policy choice.

3. The public views the provision of treatment, services, and community supervision as more effective ways of rehabilitating youth than incarceration.

Large majorities see providing treatment, services and community supervision as more effective ways of rehabilitating youth who commit crimes than punishment or incarceration in either an adult or juvenile facility.

A majority views family counseling, mental health treatment, vocational and job training, and assistance with getting a high school education as “very effective” ways to rehabilitate young people who commit crimes. In contrast, less than 15% see incarcerating youth in either a juvenile or adult facility as being “very effective” at rehabilitating youth who commit crimes.

One of the biggest challenges facing communities is the development of effective “aftercare” services and plans for juveniles: the ability to connect juveniles leaving the system with the programs and services they need to adjust and succeed. More than six in 10 of those surveyed nationally said that “providing follow-up services

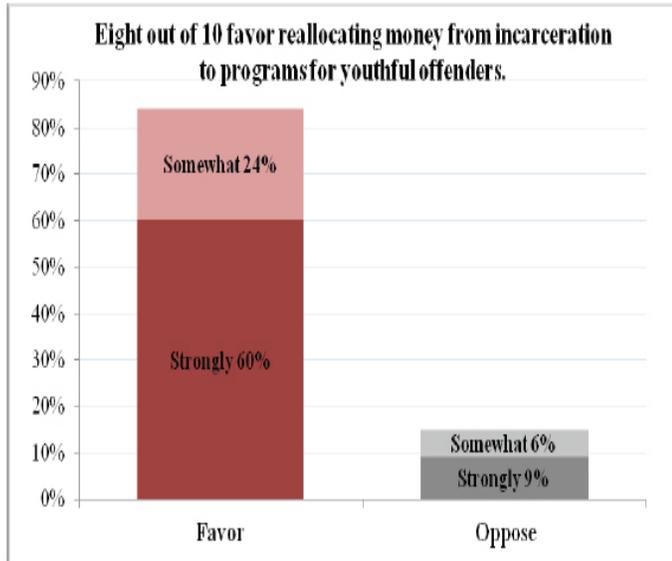
once youth leave the juvenile justice system to help them go back to school or get a job” was a “very effective” way to rehabilitate young people who commit crimes.

Similarly, when responses of “somewhat effective” and “very effective” are combined, most respondents believe that non-incarceration options are productive ways to rehabilitate youth. Across all question items, about nine out of 10 see mentoring, job training, mental health treatment and other non-incarceration options as effective ways to rehabilitate youth who commit crimes.

By contrast, six out of 10 survey participants see incarcerating youth in a juvenile facility as “somewhat” or “very” effective. Few people think that incarcerating youth in adult jails and prisons is effective: less than three out of 10 see them as effective ways to rehabilitate youth.

4. The public favors keeping nonviolent juveniles in small, residential facilities in their own communities rather than in large, distant institutions.

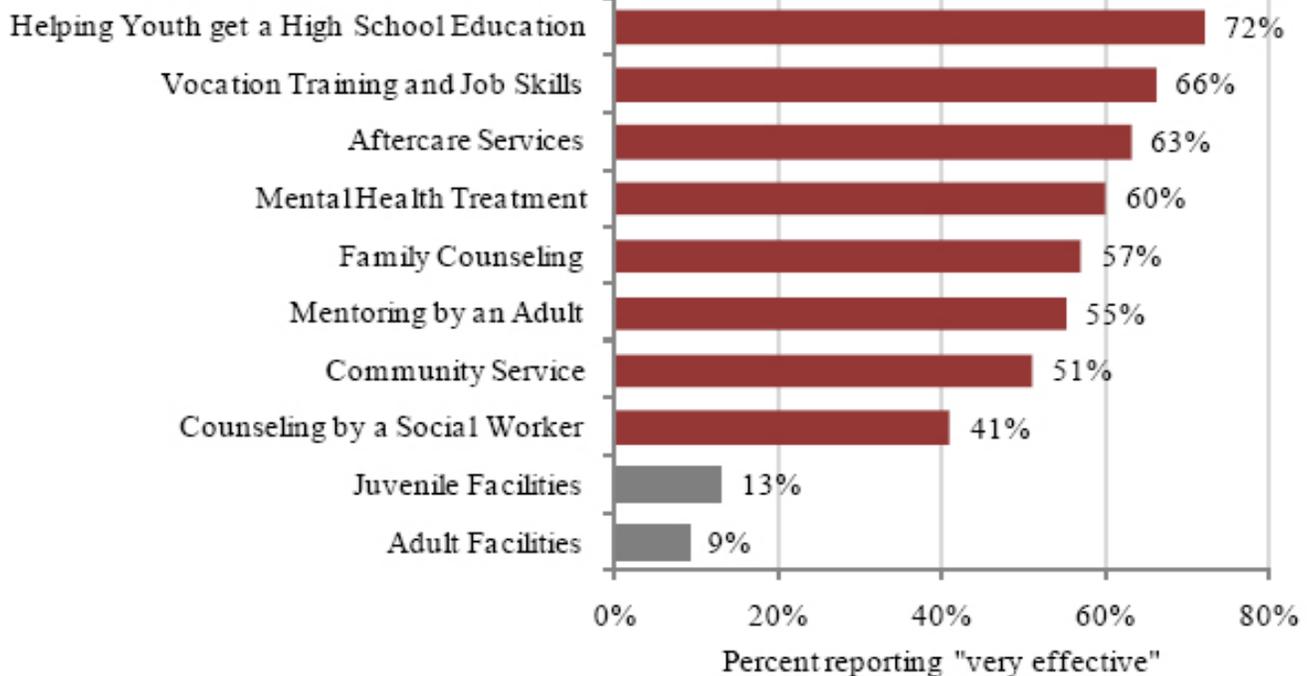
Of all youth arrested each year, more than 90% are charged with nonviolent offenses. Of the youth subsequently held either in detention or juvenile corrections facilities across the country, more than six in 10 are held for nonviolent offenses.<sup>1</sup> Illinois and Louisiana recently



*“Do you favor or oppose taking away some of the money your state government spends on incarcerating youth offenders and spending it instead on programs for counseling, education and job training for youth offenders. Is that strongly or somewhat favor/oppose?”*

1. Sickmund, Melissa, T.J. Sladky and Wei Kang. 2005. *Census of Juveniles in Residential Placement Databook*. [www.ojjdp.ncjrs.org/ojstatbb/cjrp/](http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/)

**Treatment, supervision and services were seen as “very effective” ways to rehabilitate youthful offenders. Less than 15 percent thought that “locking them up” was “very effective.”**



*“I am going to read you a list of things the juvenile justice system can do to help rehabilitate youth who commit crimes. In your opinion, please tell me how effective each of the following is in rehabilitating youth offenders: very effective, somewhat effective, not very effective, or not at all effective way to rehabilitate youth who commit crimes?”*

made policy changes to increase the number of young people in “community-supervision,” which generally involves keeping nonviolent youth in their own homes under the close supervision of a caseworker or probation officer, where they are required to receive counseling services and attend school.

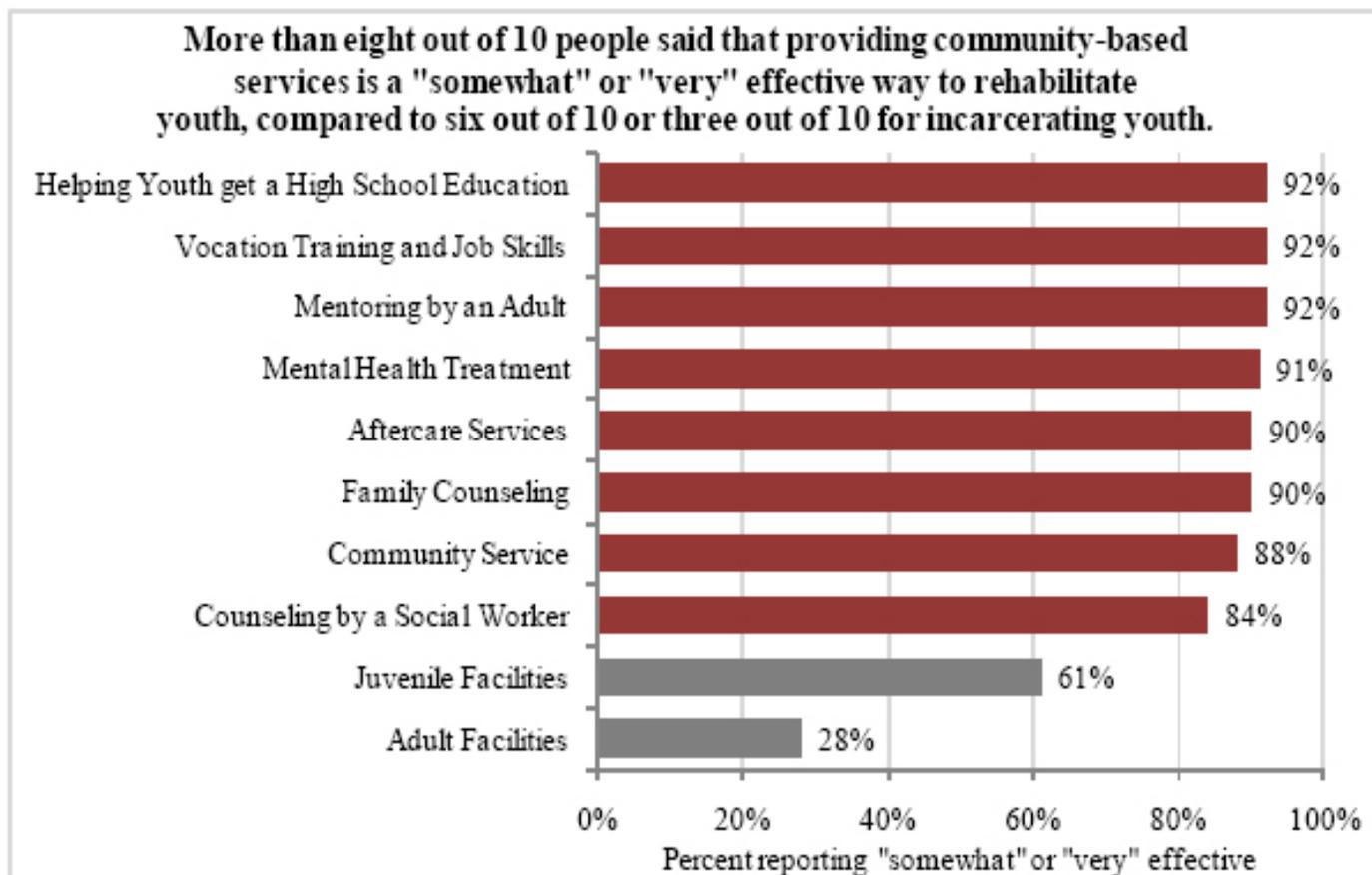
To help move more nonviolent youth to places more likely to reduce their reoffending, several states have embraced the “Missouri model” approach. In Missouri, young people were removed from large, distant state institutions and into small, “community-based” residential facilities that provide intensive services. Three-fourths of those committed to state care in Missouri are placed in open environments, such as nonresidential treatment programs, group homes or other non-secure facilities. In open environments, youth typically spend each weekday focused on both academics and counseling alongside 10 to 12 other youths who share a dormitory. Afterwards, residents participate in community service activities, tutoring, and individual and family counseling.<sup>2</sup> Statistics from the Missouri Department Youth Services found that in 2006, the recidivism rate was only 8.7%.<sup>3</sup> It is difficult to compare that figure to other states’ recidivism rates because states use different measurement practices.<sup>4</sup> In an effort to overcome these measurement differences, the Virginia Department of Juvenile Justice conducted a study in 2005 using the same definition of juvenile

recidivism in 27 states.<sup>5</sup> The study showed that 55% of juveniles released from facilities in Florida, New York and Virginia were rearrested within one year. Louisiana and Washington, DC, have recently embraced the “Missouri model” approach.

Wherever young people are in the juvenile justice system, the public wants them to be held accountable. Eight out of 10 say that they want a stronger focus on accountability and that the system is not focused enough

2. Mendel, Richard A. 2001. *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice*. Washington, D.C.: American Youth Policy Forum. [www.aecf.org/upload/PublicationFiles/less%20cost%20more%20safety.pdf](http://www.aecf.org/upload/PublicationFiles/less%20cost%20more%20safety.pdf).
3. Missouri Department of Social Services. 2006. *Division of Youth Services Annual Report: Fiscal Year 2006*. [www.dss.mo.gov/re/pdf/dys/dysfy06.pdf](http://www.dss.mo.gov/re/pdf/dys/dysfy06.pdf).
4. Snyder, Howard N. and Melissa Sickmund. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. <http://ojjdp.ncjrs.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.
5. Virginia Department of Juvenile Justice. 2005. Juvenile recidivism in Virginia. *DJJ Research Quarterly*. Richmond, VA: VDJJ; cited in Snyder, Howard N. and Melissa Sickmund. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

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"I am going to read you a list of things the juvenile justice system can do to help rehabilitate youth who commit crimes. In your opinion, please tell me how effective each of the following is in rehabilitating youth offenders: very effective, somewhat effective, not very effective or not at all effective way to rehabilitate youth who commit crimes?"

# Rehabilitation Versus Incarceration of Juvenile Offenders

## *Public Preferences in Four Models for Change States*

### Executive Summary

*The following is the research summary of a survey carried out by Alex Piquero and Laurence Steinberg, both of whom were members of the MacArthur Research Network on Adolescent Development and Juvenile Justice. The report was funded through MacArthur's Models for Change, an initiative to reform juvenile justice across the country. For more information, visit [www.adjj.org](http://www.adjj.org) or [www.modelsforchange.net](http://www.modelsforchange.net).*

Over the past few decades, American juvenile justice policy has become progressively more punitive. During the 1990s, in particular, legislatures across the country enacted statutes under which growing numbers of youths can be prosecuted in criminal courts and sentenced to prison. Indeed, today, in almost every state, youths who are 13 or 14 years of age (or less) can be tried and punished as adults for a broad range of offenses, including nonviolent crimes. Even within the juvenile system, punishments have grown increasingly severe.

It is generally accepted that intense public concern about the threat of youth crime has driven this trend, and that the public supports this legislative inclination toward increased punitiveness. But it is not clear whether this view of the public's attitude about the appropriate response to juvenile crime is accurate. On the one hand, various opinion surveys have found public support generally for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts. At the same time, however, scrutiny of the sources of information about public opinion reveals that the view that the public supports adult punishment of juveniles is based largely on either responses to highly publicized crimes such as school shootings or on mass opinion polls that typically ask a few simplistic questions. It is quite plausible that assessments of public sentiment about juvenile crime, and the appropriate response to it, vary greatly as a function of when and how public opinion is gauged. In our own work, we have found that very slight variations in the wording of survey questions generate vastly different pictures of public attitudes about juvenile justice policy.

An assessment of the public's support for various responses to juvenile offending is important because policy makers often justify expenditures for punitive juvenile justice reforms on the basis of popular demand. Punitive responses to juvenile crime (e.g., the incarceration of juvenile offenders in correctional facilities) are far more expensive and often less effective than less harsh alternatives (e.g., providing juvenile offenders rehabilitative services in community settings). If politicians' misreading of public sentiment has led to the adoption of more expensive policy alternatives than the public actually wants, tax dollars are likely being wasted on policies that are costly and possibly ineffective, and that also may be less popular than is widely assumed.

In a previous study conducted in Pennsylvania in 2005, we and our colleagues Daniel Nagin and Elizabeth Scott assessed public opinion toward juvenile justice policy using an approach that differs from conventional polling, by measuring respondents' willingness to pay for alternative policy proposals. More specifically, we compared respondents' willingness to pay for incarceration versus rehabilitation of juvenile offenders who had committed serious violent crimes. In the current report we present the results of a replication of this study conducted in each of the Models for Change sites during 2007.

Our approach has several advantages over conventional public opinion polling. First, asking how much respondents as individual taxpayers are willing to pay for a specific policy yields a more accurate estimate of their attitude toward that policy than merely asking whether they approve or disapprove of it, because the question requires the respondent to consider the cost of the policy as well as its benefits. It is far easier to endorse a particular policy when it is proposed in the abstract (e.g., "Do you favor expanding the city's sanitation services in order to clean the streets more frequently?") than when one is told the actual cost of that policy (e.g., "Do you favor expanding the city's sanitation services in order to clean the streets more frequently, at an annual cost to the city of \$1 million per year?") or what the impact of that policy would be on the respondent's personal tax burden ("Would you be willing to pay an additional \$100 in property taxes annually in order to expand the city's sanitation services and clean the streets more frequently?"). As a consequence, conventional polls may indicate more enthusiastic public support for a potentially expensive policy than would likely be the case if the actual cost burden of the policy were revealed.

Second, our approach permits a more direct comparison of public attitudes toward different policies designed to address the same fundamental problem. In conventional opinion polling, respondents' preference for one versus another policy is often ascertained (e.g., "Do you favor Policy A or would you prefer Policy B?"), but the phrasing of such comparative questions seldom provides respondents with information on the relative effectiveness or cost of the proposed options. Without knowing what the

respondent believes to be the effectiveness or cost of each alternative, one is unable to know what the respondent's answer genuinely reflects.

In the present study, we use an experimental methodology that permits us to compare respondents' opinions about two juvenile justice policy alternatives that are presented as equally effective. Any observed differences in respondents' willingness to pay for two policies of equal effectiveness must necessarily indicate a true preference for one over the other.

#### DATA & METHODS

Telephone interviews were conducted with a random sample of approximately 500 households from each of the four Model for Change sites (Illinois, Louisiana, Pennsylvania, and Washington) during 2007. Respondents were presented with several hypothetical scenarios and numerous questions about their background and attitudes. The basic survey was the same for all individuals, with one important exception. One item, which asked respondents if they would be willing to vote for a crime policy proposal requiring each household to pay an additional amount of money in taxes, was systematically varied. Half of the sample, randomly selected, responded to a proposal to increase the amount of rehabilitative services provided to serious juvenile offenders, without any increase in their time incarcerated, whereas the other half of the sample responded to a proposal to increase the amount of time serious juvenile offenders were incarcerated for their crime, without the addition of any services. Otherwise, the wording of the two proposals was nearly identical, in order to compare responses to each of them.

The text of the added question about willingness to pay for rehabilitation was as follows:

*Currently in \_\_\_\_\_ juvenile offenders who commit serious crimes such as robbery are put in jail for about one year. Suppose \_\_\_\_\_ citizens were asked to approve the addition of a rehabilitation program to the sentence for these sorts of crimes. Similar programs have reduced youth crime by 30%. Youths in these programs are also more likely to graduate from high school and get jobs. If the change is approved, this new law would cost your household an additional \$100 per year in taxes.*

After reading this question, respondents were asked: "Would you be willing to pay the additional \$100 in taxes for this change in the law?" Respondents who indicated 'yes' were asked an additional follow-up question: "Would you be willing to pay \$200 for the same change?" Respondents who indicated 'no' to the original question also were asked an additional follow-up question: "Would you be willing to pay an additional \$50 for this change?" Response options to all questions were 'Yes' and 'No'.

The text of the added incarceration question was nearly identical:

*Currently, in \_\_\_\_\_ juvenile offenders who commit serious crimes such as robbery are put in jail for about one year. Suppose \_\_\_\_\_ citizens were asked to vote on a change in the law that would increase the sentence for these sorts of crimes by one additional year, making the average length of jail time two years. The additional year will not only impose more punishment but also reduce youth crime by about 30% by keeping juvenile offenders off the street for another year. If the change is approved, this new law would cost your household an additional \$100 per year in taxes."*

The same follow-up questions were asked of respondents who received the incarceration scenario as were asked of respondents who were presented with the rehabilitation scenario.

#### RESULTS

As Figures 1 and 2 indicate, across the sample as a whole (that is, with data from all four states combined), the public clearly favors rehabilitation over punishment as a response to serious juvenile offending. More respondents are willing to pay for additional rehabilitation than for additional punishment, and the average amount in additional annual taxes that respondents are willing to pay for rehabilitation is almost 20% greater than it is for incarceration (\$98.49 versus \$84.52). Conversely, significantly more respondents are unwilling to pay for additional incarceration (39%) than are unwilling to pay for added rehabilitation (29%). It is quite clear that the public supports rehabilitation and is willing to pay for it.

This general pattern holds in three of the four Models for Change sites: Pennsylvania, Washington, and Illinois. In Pennsylvania, the public is willing to pay 18% more for rehabilitation than punishment (\$98 versus \$83). In Washington, the public is willing to pay 29% more (\$102

## LATEST DEVELOPMENTS

The Juvenile Justice Policy Network Listserv (JJPOLNET) is a valuable tool for all Juvenile Justice stakeholders who are interested in or participate in advocacy efforts on behalf of youth and adolescents involved with the Juvenile Justice System. With JJPOLNET it is easy keep up with the latest Juvenile Justice news, information, and policy developments, as well as the events, publications, and work being done by the CWLA Juvenile Justice Division. To sign up for JJPOLNET, the CWLA Juvenile Justice Listserv, e-mail [sconcodora@cwla.org](mailto:sconcodora@cwla.org).

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versus \$79). And in Illinois, the public is willing to pay 36% more for rehabilitation than punishment (\$100 versus \$73 annually). In Louisiana, the amounts for rehabilitation and punishment are statistically equivalent (\$94 versus \$98). (See Figure 3)

## DISCUSSION

When informed that rehabilitation is as effective as incarceration (in fact, the former is more effective), the public is willing to pay nearly 20% more in additional taxes annually for programs that offer rehabilitative services to serious juvenile offenders than for longer periods of incarceration. We find this for the sample as a whole, and in three out of four of the Models for Change sites (the sole exception is Louisiana).

These results are consistent with public opinion surveys in general, which usually find more public support for rehabilitation than politicians may believe is the case. The added value of the present survey is that this general trend is found using a methodology that is thought to more accurately gauge public support for various policy alternatives than conventional polling.

One criticism of this approach to assessing public opinion is that the actual dollar amounts generated through the method may not be accurate, because respondents are forced to pick among predetermined responses. Some individuals who indicate a willingness to pay \$200 in additional taxes may in fact be willing to pay even more, but because we did not press beyond this amount, we do not know how large this group is, nor do we know how responses would have differed had we used different dollar amounts to anchor the response categories. Moreover, because the respondents know they are answering a hypothetical question, their responses may differ from what they would say if a genuine referendum were held.

The absolute dollar amounts are less important than the relative amounts, however. Although the true dollar amount that taxpayers are willing to pay for either policy

may be uncertain, what is certainly clear is that participants are willing to pay more for rehabilitation than for incarceration if each delivers the same result. This finding, together with evidence that incarceration is substantially more costly than rehabilitation (at least five times more costly, according to some estimates), supports the conclusion that the returns per dollar spent on rehabilitation are a better value than the returns on incarceration. Support for rehabilitation would likely be even stronger if respondents were told that at least five offenders can be provided with services for the same price as incarcerating just one of them.

Our survey challenges the view held by many politicians and the media that the public opposes rehabilitation and favors incarceration of young offenders. According to conventional wisdom, the driving force behind the punitive reforms in recent years has been the public demand for tough juvenile justice policies, and politicians frequently point to public outrage at serious juvenile crime as justification for sweeping legislative reforms.

We believe, instead, that members of the public are concerned about youth crime and want to reduce its incidence, and are ready to support effective rehabilitative programs as a means of accomplishing that end — indeed favoring rehabilitation to imposing more punishment through longer sentences. Our findings offer encouragement to lawmakers who are uncomfortable with the recent trend toward punitive juvenile justice policies and would like to initiate more moderate reforms.

The high cost of punitive sentencing has become a consideration in the public debate—long sentences translate into more prison space, more staff and generally higher operating costs. Cost-conscious legislatures may become disenchanted with punitive juvenile justice policies on economic grounds and pursue policies that place greater emphasis on rehabilitation and early childhood prevention. If so, they may be reassured, on the basis of our findings, that the public will support this move.

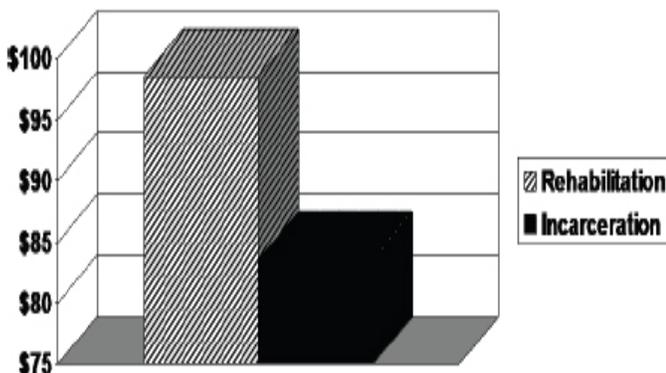
*Alex Piquero is Presidential Scholar & Professor, John Jay College of Criminal Justice and City University of New York Graduate Center Criminal Justice Doctoral Program. Piquero is a member of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.*

*Laurence Steinberg is Distinguished University Professor and Laura H. Carnell Professor of Psychology, Temple University. Steinberg is Director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice and Director of the Models for Change Research Initiative.*

**Models for Change** is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to

Figure 1

### Average Amount Public is Willing to Pay Annually in Additional Taxes for Rehabilitation or Incarceration



accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Four states—Illinois, Louisiana, Pennsylvania, and Washington—have been selected as core Models for Change sites. Other states participate, along with a National Resource Bank, in action networks targeting mental health and disproportionate minority contact in juvenile justice systems.

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Figure 2

**Amount Willing to Pay in Additional Taxes Annually for Rehabilitation or Incarceration**

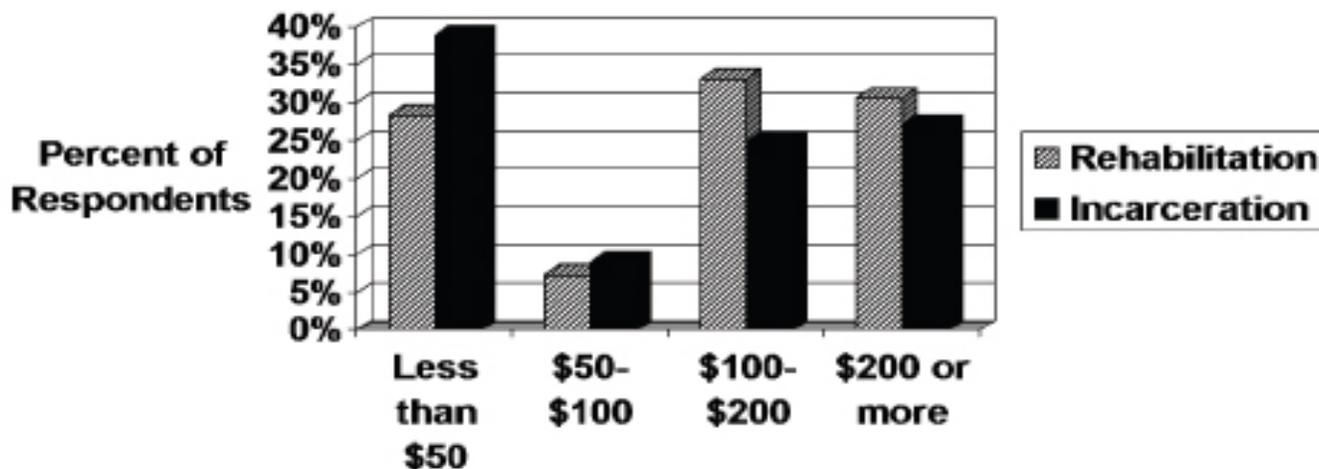
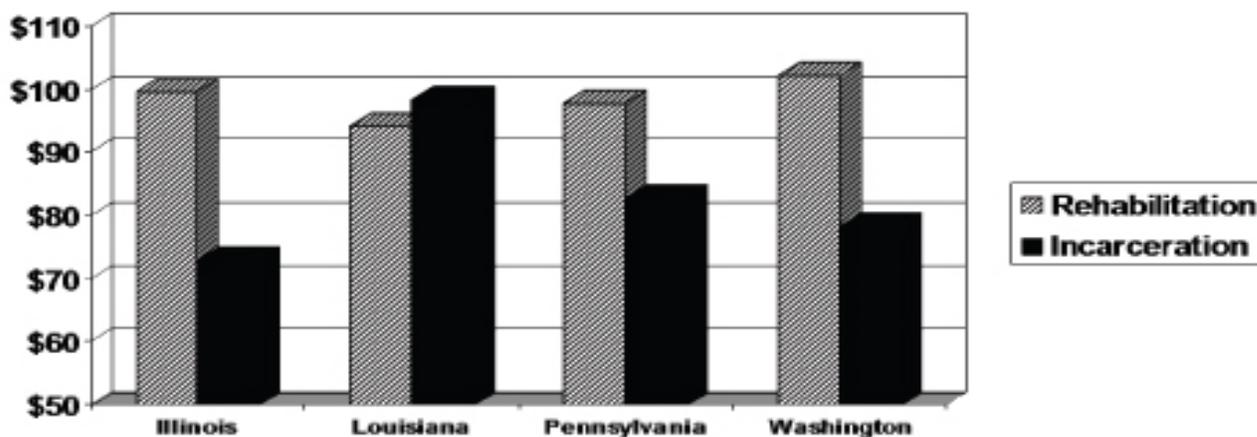


Figure 3

**Annual Amount Public is Willing to Pay Annually in Additional Taxes for Rehabilitation or Incarceration**



# JUVENILE JUSTICE BULLETIN BRIEF

By John A. Tuell

Since the creation of the CWLA Juvenile Justice Division in July 2000, through the generous and ongoing support of the John D. and Catherine T. MacArthur Foundation, CWLA focused on the connections between the child welfare and juvenile justice systems and established the goal of developing an integrated, multisystem approach to program development and service delivery. CWLA has employed an interactive consultation process designed to engage community leaders in the tasks of analysis, design, planning, and implementation while working with numerous jurisdictions across the country. Our job as facilitators is to assist and support, not to supplant the authority, talents, work, or actions of leaders within each particular jurisdiction.

What follows is excerpted from the January 2008 publication, *Child Welfare & Juvenile Justice Systems Integration Initiative: A Promising Progress Report*. It provides a report on the work and progress in numerous state and local jurisdictions around the country that have partnered with CWLA in utilizing the framework to develop statutes, guiding principles, protocols, procedures, legal analyses, new multi-system collaborations, and other reform measures to effectively intervene and interrupt the costly trajectory of maltreated youth deeper into the delinquency and criminal justice systems. Please e-mail [sconcodora@cwla.org](mailto:sconcodora@cwla.org) to receive a copy of this bulletin.

## Los Angeles County, California

In 2005, Los Angeles County, California, embraced a level of effort and organizational construct to impact their jurisdictions' dually involved youth. CWLA used the framework and an extraordinary group of youth-serving professionals to improve the process of information exchange, case planning and supervision, and case management across the multiple youth-serving systems. Building on a statute mandating a joint protocol enacted in the 1990s (California Welfare and Institutions Code section 241.1), Los Angeles County adopted a revised cross-system protocol, currently being piloted in the Pasadena court within Los Angeles County, to improve the outcomes for dual jurisdiction youth. The Los Angeles County protocol was redesigned to:

- include a new multisystem assessment process that takes into consideration strengths, treatment needs, and risks;
- create a multidisciplinary team (MDT) to conduct assessments, develop case plans, and participate in case management; and
- implement California Assembly Bill 129, which provides California counties the option of creating a dual status jurisdiction for dependents and delinquency wards of the court.

Through this new protocol, stakeholders in the Los Angeles juvenile justice system believe they have taken steps to enhance public safety by providing better services to youth and their families, reduce the number of dependent youth who become wards of the Delinquency Court, better serve those who do, and limit their time as wards of the Delinquency Court by maintaining Dependency Court jurisdiction when appropriate. The chief probation officer, director of the social services agency, and the presiding judge of the juvenile court have endorsed the adopted protocol. The amount of information and relevant detail included in the joint assessment report, the methodology for consideration of the available assessments and information by the MDT in formulating a recommendation to the court, the development of a database to track individual case characteristics and treatment needs, the training of court staff (judges, prosecuting attorney, public defender, CASA staff), and the evaluation design (process and outcome) are all outstanding developments emanating from this work.

## Arizona

Arizona has made extraordinary efforts to address the link between the child welfare and juvenile justice systems since the publication of its *Dual Jurisdiction Study*, a work of the National Center on Juvenile Justice (NCJJ) (Halemba, Siegel, Lord, & Zawacki, 2004). This study showed that:

1. Youth with histories of court involvement on dependency matters are twice as likely to recidivate if referred on a delinquency offense as juveniles with no history of dependency court involvement (62% vs. 30%).
2. In contrast to general population juveniles where girls are less likely to recidivate than males, girls with dependency court involvement are as likely as their male counterparts to reoffend.
3. Of youth ages 14–17 with an active dependency, 73% had at least one delinquency referral, 49% were on probation, and 51% were detained at some point.
4. Dual jurisdiction youth tend to start their delinquency careers earlier and have a more extensive and serious delinquency history than court youth without dependency court involvement.

In December 2004, in response to the NCJJ report on Arizona's dual jurisdiction youth, the Governor's Division for Children took the lead in organizing an interagency taskforce to develop an agreement and framework for working together to provide coordinated, integrated services to youth and families involved in multiple systems. This signed agreement and framework helps to direct how the system improvement will occur.

Another major effort to better integrate and coordinate Arizona's child-serving system was launched in May 2006 when the Arizona State Advisory Group (SAG) and the Governor's Division for Children jointly held a Child Welfare Juvenile Justice Summit. Multidisciplinary teams from each Arizona county and a state-level team—totaling nearly 250 attendees—gathered to participate in the learning and planning summit to promote greater integration in the provision of services to children and families in their communities. CWLA provided the summit with planning support and training from its publications on systems integration and coordination.

CWLA continues to provide technical assistance to support Arizona's Interagency Coordination and Integration Initiative (ICII), which is working to identify youth and families at-risk for multiple systems involvement earlier, provide more comprehensive and effective services, and cultivate improved outcomes for children and youth who are at-risk for or who have experienced maltreatment. A set of outcomes and strategies has been developed by the ICII from which a blueprint for action is being completed. Parallel to the completion of the blueprint, multiple committees are moving forward to take action on some of the priority items including:

- Disseminate the Letter of Agreement, promote discussion across the state to staff at all levels, and develop a corresponding training curriculum combining in-person and web-based approaches.
- Develop an information-sharing guide to clarify the guidelines for sharing information between systems that both protects confidentiality and dispels common myths that restrict the flow of important information.
- Develop methods to find and organize data across systems so direct service workers have the information necessary to appropriately serve youth and families and gather information necessary to evaluate the effectiveness of efforts on behalf of these youth and families.
- Examine ways to prevent penetration of youth deeper into the child welfare, mental health, and juvenile justice systems. Including:
  - o identifying and supporting younger siblings of the highest risk youth to prevent the trajectory of these younger siblings into the system;
  - o joint training of agency and community provider staff on adolescent development and principles of positive youth development; and
  - o updating of licensing and contract regulations to reflect current best practice approaches including strength-based

service and positive youth development approaches.

While the state team has gone about identifying and addressing barriers to integration, the state recognizes that the actual activities of integration and coordination happen at the local service level. Therefore, it is most encouraging that in many areas of the state, local teams are moving forward with specific changes in policy, procedure, and practice to better serve youth involved in multiple systems. Ten of Arizona's 15 counties have interagency teams that continue to meet to address issues and develop processes to work together for better outcomes for youth and families.

#### South Dakota

In South Dakota, a group of leaders convened a Juvenile Justice and Child Welfare Records Committee to conduct a legal and policy analysis that would support the construct of draft legislation to improve the manner in which records were shared across these systems (including mental health and substance histories) at key decision points in the juvenile justice system. This effort was formulated to include child protective services and juvenile justice systems and enhance compliance with the provisions of the reauthorized JJDPA.

Specifically, the effort focused on the incorporation of child protective services records into the juvenile justice system at key points in delinquency proceedings and for the purpose of improving case planning and case management. CWLA facilitated this effort and draft legislation was constructed. Subsequent to approval by the South Dakota Juvenile Justice Council, the measure was submitted as HB 1059 for consideration at the 2007 South Dakota legislative session. The reform statute was unanimously adopted and enacted into law at the conclusion of the 2007 session (enacted as South Dakota Children's Law [SDCL] §26-8A-13.1).

Throughout the series of on-site meetings and conference calls of the Records Committee, a guiding document entitled *South Dakota Codified Laws Regarding Confidentiality and Information Sharing* was utilized. This document was completed prior to the initial committee meetings using the CWLA legal analysis template and informed the discussions throughout the process. The examination and analysis of state and federal statute (i.e., South Dakota Codified Law [SDCL], Health

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Insurance Portability and Accountability Act [HIPAA], Code of Federal Regulations [CFR] Title 42, and Family Educational Rights and Privacy Act [FERPA]) combined with the knowledge and expertise regarding interpretation and practice of relevant laws within South Dakota provided by committee members led to extraordinary discussions and resolution, resulting in the new state statute.

Shortly after passage and enactment of the new statute, the Division of Child Protective Services promulgated procedures for release of child protection services information that comply with SDCL §26-8A-13.1. These procedures, outlined in a memorandum to the South Dakota Council on Juvenile Services, Child Welfare Records Committee, detail the processes, protocols, reasonable time frames, and specific information to be shared by the Department of Social Services and the Department of Corrections in South Dakota.

#### The U. S. Virgin Islands

In St. Croix, U.S. Virgin Islands, a broad group of community entities concerned about success for children and youth came together in support of a more integrated system of services and responses for dependent children and youthful offenders. Work began with the Law Enforcement Planning Commission (LEPC) funded U.S. Virgin Islands Juvenile Justice and Delinquency Prevention Symposium held in June 2006, which initiated a dialogue on systems integration through the keynote address provided by CWLA. A follow-up meeting was hosted on September 20, 2006, by the Chief Family Court Judge, attended by key stakeholders and facilitated by the current Assistant Commissioner for the United States Virgin Islands Department of Human Services (USVI DHS). The participants agreed to form a coalition and an initial meeting of the leadership coalition for this initiative was convened on March 29, 2007.

The St. Croix Child Welfare and Juvenile Justice Systems Integration Initiative is a collaboration of public and private agencies and organizations that have come together to examine and make improvements in coordinated and integrated program and policy development and service delivery for children, youth, and families served by juvenile justice and child welfare systems and critical affiliated youth-serving institutions such as education, mental health, and substance abuse. The initiative is supported by the USVI DHS vision to provide a seamless system of a continuum of quality care for our children and families. It is important to note the USVI DHS has oversight and direct responsibility for juvenile services, child protective services, and foster care services and existing units and service divisions to handle these mandated responsibilities.

CWLA was contracted to assist in the facilitation and utilization of the four phase framework detailed previously in this bulletin. At this writing—barely six months into the process—the committees formed to examine data, information management and sharing, and legal and policy issues have produced remarkable results. Of

particular note is the commitment the collaboration has made to develop a remarkable data profile of the dual jurisdiction youth population. Using a core data and information elements grid developed by CWLA, the USVI data subcommittee selected a point in time approach to collection of the data and information. To date, this approach has yielded the following:

- DHS had 347 unduplicated youth reported to have open cases as of June 29, 2007.
- Of the 347 open cases, 123 cases had youth who entered the juvenile justice system, representing 35.7% of all open DHS cases.
- A total of 66 of these 123 cases were found to have a history of maltreatment, representing 53.7% of all juvenile justice system cases.
- Twenty-five youth had both a history of maltreatment and were *simultaneously* involved in the juvenile justice system, representing 20.3% of all juvenile justice system cases.
- Additional findings included mental health (~50%) and educational (over 90%) deficiencies within the dual jurisdiction population.

As a result of this work, committee members were able to identify specific issues needing resolution to ensure that future data and information scans were more reliable and credible in the information yield. One such example involved development of a method to understand which of these youth that while not simultaneously involved in juvenile and protective services, nonetheless have a history of involvement in both systems. Additionally, using the specific data and information elements component of the grid, which provides an inventory of necessary information points from multiple systems (juvenile, child protective, education, etc.), the committee collected information on all 347 unduplicated youth and completed a comprehensive strengths and needs profile. This profile captures a comprehensive service history, family situation, offense profile, behavioral health involvement, and educational assessment for the dual jurisdiction

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### About Our Consultation Work in

- Arizona
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- King County, Washington
- Los Angeles, California
- South Dakota

**For more information, contact Janet Wiig at [jwiig@cwla.org](mailto:jwiig@cwla.org).**

# PUBLIC POLICY UPDATE

## Senate Committee Holds Hearing on Juvenile Justice

On December 5, the Senate Judiciary Committee held a hearing on the Juvenile Justice and Delinquency Prevention Act. It was the first such hearing in eight years and signaled the Senate's growing interest in reauthorizing the legislation.

Witnesses at the hearing focused their comments on strengthening the core protections in the act for youth who come in contact with law enforcement and in supporting prevention and rehabilitation, the basic tenants of the act. The core protections that drew the most discussion at the hearing were removing youth from adult jails and prisons, not allowing status offenders to be placed in detention, and the provision on addressing the racial and ethnic disparities in the juvenile justice system.

The comments from the Senators in attendance reflected strong support for these provisions. Similarly, they were unanimous in their support of the basic foundations of the act (i.e., preventing delinquency and rehabilitating youthful offenders). They spoke of their support for improving and strengthening the act rather than making wholesale changes.

Robert Flores, Administrator of the federal Office on Juvenile Justice and Delinquency Prevention (OJJDP), was one of the witnesses at the hearing. He was challenged on the drastic cuts in funding for juvenile justice in the past five years, and responded that the federal funds have become a magnet for state and local resources devoted to these efforts.

Shay Bilchik, former President and CEO of CWLA and a former administrator of the OJJDP, also testified at the hearing. He focused his remarks on the power of prevention and recent successes in reducing racial and ethnic disparities.

CWLA is one of the leading organizations involved in working with Congress to reauthorize the JJDPA. We participate in the Act4JJ Coalition in this regard. The coalition has developed a website with numerous resources and documents on juvenile justice including a statement of principles for improving and strengthening the JJDPA. To date over 250 organizations and groups have signed on in support to the principles. To view this information, visit [Act4JJ.org](http://Act4JJ.org).

At this time both the House and Senate have held hearings on reauthorizing the JJDPA. It is expected draft legislation will be developed soon and committee mark ups will follow shortly thereafter.

population. Combined with the efforts of the other subcommittees currently engaged in the legal and policy analysis and resource inventory (including programs, services, and workforce), the USVI is well positioned to implement effective reforms to improve the outcomes for their multisystem youth and families.

## References

Halemba, G. J., Siegel, G. C., Lord, R. D., & Zawacki, S. (2004). **Arizona dual jurisdiction study: Final report.** Pittsburg, PA: National Center for Juvenile Justice.

*John A. Tuell, author of Child Welfare & Juvenile Justice Systems Integration Initiative: A Promising Progress Report is Director for CWLA's Child Welfare-Juvenile Justice Systems Integration Initiative. Mr. Tuell and Janet Wiig, Director of the CWLA Juvenile Justice Division and Senior Consultant, have facilitated work with community leaders in King County, WA; Los Angeles County, CA; Arizona; South Dakota; United States Virgin Islands; and Colorado, among other state and local jurisdictions.*

## Substance Abuse & Mental Health Services Administration Web Guide

SAMHSA provides this Web Guide to assist the public with simple and direct connections to websites that contain information about interventions to prevent or treat mental and substance use disorders. The Web Guide provides a list of websites that contain information about specific evidence-based practices (EBPs) or provide comprehensive reviews of research findings. The Web Guide can be used by stakeholders throughout the behavioral health field to promote awareness of current intervention research and to increase the implementation and availability of evidence-based practices (EBPs).

For more information, visit [www.samhsa.gov/ebpWebguide/index.asp](http://www.samhsa.gov/ebpWebguide/index.asp).

from *Potential for Change*, page 5

on “teaching youth who commit crimes to be accountable for their actions.” However, the public supports keeping nonviolent offenders, who comprise the majority of youth who enter the system and the majority of youth who are incarcerated, in community-based facilities or under community supervision.

Seventy-six percent strongly or somewhat favor “placing nonviolent youth in facilities located in their own communities.” Eight out of 10 say they favor placing nonviolent youth “in a residential facility that holds a small number of youth” instead of incarcerating them in a large juvenile facility. Six out of 10 nationally say that instead of incarceration in a large juvenile facility, they favor assigning a nonviolent youth “to live in their own homes and receive counseling and other services under the close supervision of a caseworker.”

5. The public believes the juvenile justice system treats low-income youth, African American youth, and Hispanic youth unfairly.

*“It’s almost like that’s the face they expect to see.”*  
—Focus group participant, Baton Rouge

The public thinks that the system treats some youth—specifically, poor or low-income youth, and African American and Hispanic youth—unfairly and that the juvenile justice system or “programs” should be developed to help the system be more fair to youth of color.

*“I’ve seen kids in white neighborhoods be picked out just for being black. I think there’s definitely an attitude. The attitude that cops have towards them is they’re guilty for walking down the street.”*

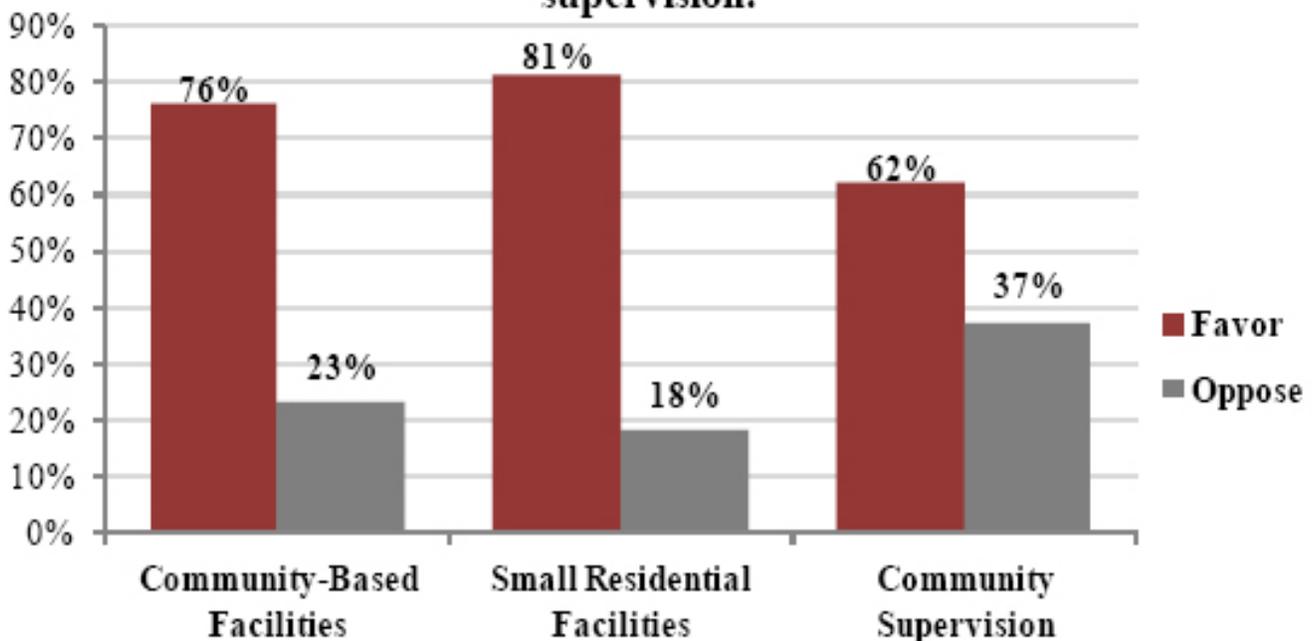
—Focus group respondent, Chicago

The public strongly believes that low-income youth receive worse treatment at the hands of the justice system. Nearly two-thirds of people polled nationwide (65% to 34%), and the majority of those surveyed in the Models for Change states think poor youth receive worse treatment than middle-income youth arrested for the same offense.

About half of those polled said that “an African American youth who gets arrested receives worse treatment by the justice system than a white youth who gets arrested for the same offense.” In each of the Models for Change states, a larger proportion of the public believe that African American youth receive worse treatment rather than the “same” or “better” treatment. At a time when the justice system is just beginning to learn the scale of Hispanic overrepresentation in the justice system, 47% of the public thought Hispanic youth receive worse treatment compared with white youth, with 41% saying they thought Hispanics received the same treatment as white youth.

The public recognizes the language barriers that Hispanic youth face in the juvenile justice system. More than seven out of 10 nationally, and more than six out of 10 in the Models for Change states, think “we should fund

### The public favors keeping nonviolent juvenile offenders in community-based facilities or under community supervision.



*“Please tell me whether you favor or oppose each of the following proposals for dealing with youth convicted of NONVIOLENT crimes. Is that strongly or somewhat favor/oppose?”*

more programs to help Hispanic youth who get in trouble with the law overcome the language barriers they face in the juvenile justice system.” In addition, six out of 10 respondents agreed that “we should fund more programs that acknowledge and address the cultural backgrounds of Hispanic youth who get in trouble with the law.”

**Conclusion:** The public is ready to support juvenile justice reform.

The findings from the survey show that the public is ready to support juvenile justice reform. The public sees rehabilitation, services, treatment, and community supervision as more effective ways to curb reoffending than incarceration in either juvenile or adult facilities. A majority of respondents support moving juveniles out of large institutions and into community-based facilities or into community supervision. And the public favors redirecting funds spent on incarceration to support these community-based services.

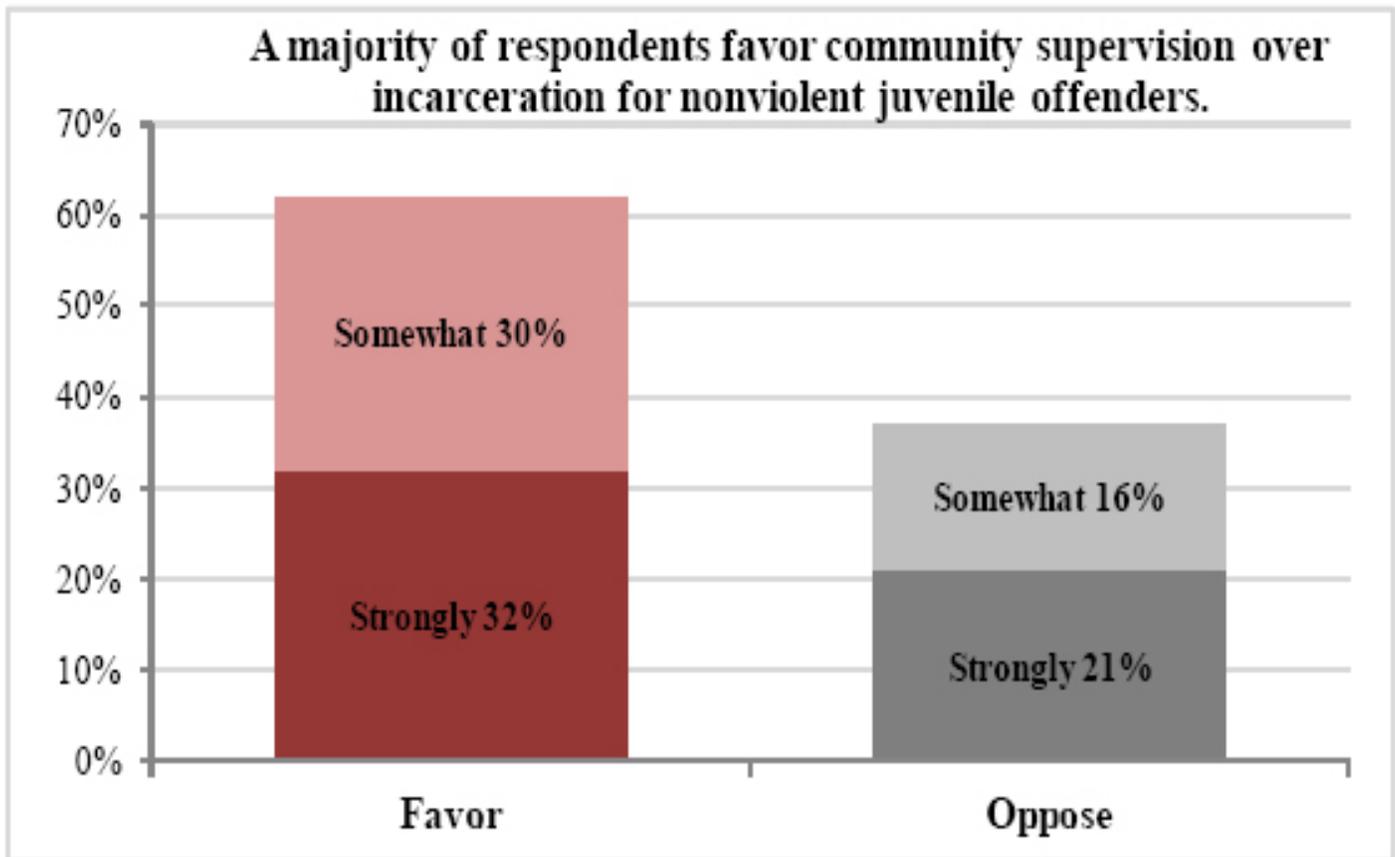
The public believes the juvenile justice system treats low-income youth, African American youth, and Hispanic youth unfairly. The public thinks that poor youth, African American youth, and Hispanic youth are more likely to receive worse treatment in the juvenile justice system than white youth charged with the same offense. More than seven out of 10 think that the system should fund

more programs that help Hispanic youth overcome language barriers, and six out of 10 support measures to address their cultural backgrounds when they are in the justice system.

These results also show that Models for Change is implementing the kinds of reforms the public supports in Illinois, Pennsylvania, Louisiana, and Washington. While the nature of the work varies from state to state, all are working toward reducing overrepresentation and racial and ethnic disparities, improving the delivery of mental health services, expanding community-based alternatives to incarceration, increasing the number of youth receiving services that have been proven effective, keeping young people out of adult facilities, and helping young people return home after being in the juvenile justice system.

#### About the Poll and Methodology

As part of Models for Change, one of the initiative’s grantees—the Center for Children’s Law and Policy—asked a public opinion research firm to survey public attitudes on youth, crime, race, and the juvenile justice system. In the summer of 2007, Belden Russonello and Stewart (BRS) conducted eight focus groups on the issues in Chicago, Pittsburgh, Baton Rouge, and Seattle. Informed by the results from the focus groups, BRS conducted a national survey in September 2007.



*“Please tell me whether you favor or oppose each of the following proposals for dealing with youth convicted of NONVIOLENT crimes. (Do you favor or oppose this? Is that strongly or somewhat favor/oppose?) Instead of incarceration in a juvenile facility, assigning youth to live in their own homes and receive counseling and other services under the close supervision of a caseworker.”*

Survey interviews were conducted September 17 to September 29 of 500 adults 18 years or older nationwide and approximately 300 adults in the four Models for Change states. The national survey of 500 people had a margin of error of  $\pm 4.4\%$ , and the individual state surveys had a margin of error of  $\pm 5.7\%$ .

For more information, contact Mark Soler, Executive Director, Center for Children’s Law and Policy, at [msoler@cclp.org](mailto:msoler@cclp.org) or (202) 637-0377, ext. 104.

**Models for Change** is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Four states—Illinois, Louisiana, Pennsylvania, and Washington—have been selected as core Models for Change sites. Other states participate in action networks targeting mental health and disproportionate minority contact in juvenile justice systems.

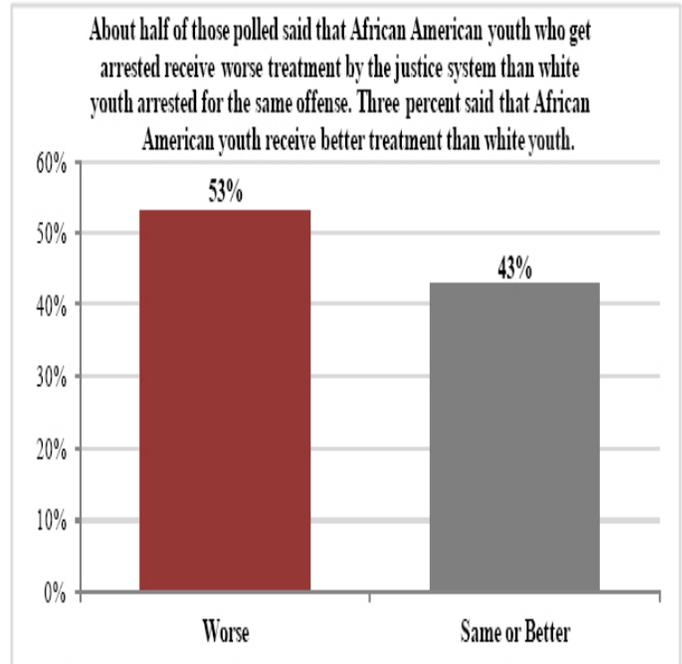
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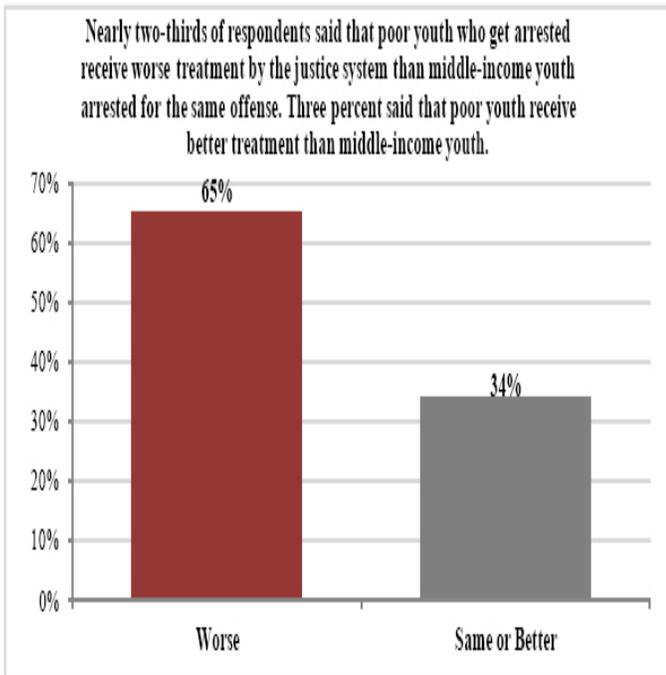
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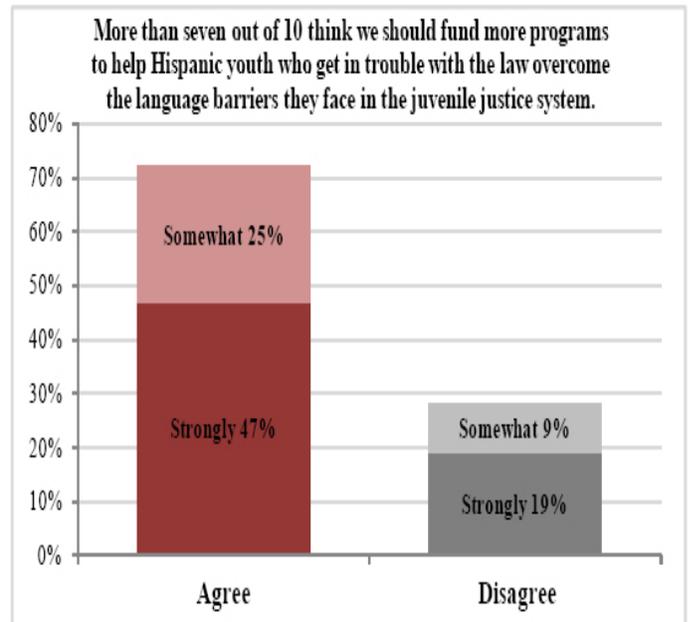
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*“In general, do you think an African American youth who gets arrested receives the same, better, or worse treatment by the justice system than a white youth who gets arrested for the same offense?”*



*“In general, do you think a poor youth who gets arrested receives the same, better, or worse treatment by the justice system than a middle-income youth who gets arrested for the same offense?”*



*“Please tell me if you agree or disagree with the following statements. (Do you agree or disagree? Is that strongly or somewhat agree/disagree?) We should fund more programs to help Hispanic youth who get in trouble with the law overcome language barriers they face in the juvenile justice system.”*

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