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Toward A Family Centered Justice System

Justice for Families (J4) is an emerging national network of local organizations working to transform families from *victims* of the prison epidemic to *leaders* of the movement for fairness and opportunity for our nation's youth. J4 is partnering with over a dozen local organizations around the country to produce a National Families Report, which will outline the contours of family-centered juvenile justice practice. The following paper summarizes preliminary policy recommendations based on research findings in New York only and are prepared in the context of our response to the 'Close to Home' initiative. More detailed findings and recommendations will be forthcoming in our National Families Report.¹

J4 commends Governor Cuomo's 'Close to Home Initiative', and recognizes that it will help ensure that New York City youth are served closer to home, when placement is deemed necessary. Yet we believe more could be done to keep youth out of the system in the first place and move in the direction of a family-centered justice system.

Juvenile justice systems should be reformed so that administrators and relevant stakeholders: 1) Listen to Families 2) Orient and Provide Peer Support for Families 3) Open Doors to Families 4) Share Power with Families and 5) Invest in Families and Communities.

Listen to Families

Families have worked diligently to compile research documenting their own experience with the juvenile justice system in New York. The Probation Department and the Administration of Children Services should work with community-based organizations to establish listening sessions where families can present research findings and speak from their experience about their concerns and ideas for a more effective system. This should be part of an ongoing back-and-forth process to refine the 'Close to Home' initiative as it moves forward.

Orient and Provide Peer Support for Families

A consistent concern raised by families in New York was the lack of clear communication and information about what families can expect during the court process. For example, in King County (Seattle) Washington, the county supports a family partner program run by families who have been through the juvenile justice system. These families provide critical services to their peers including: 1) workshops in the community to alert parents of the collateral consequences of juvenile justice system involvement; 2) a thirty minute orientation to the court process; 3) support during the court process; and 4) a resource bank of materials and connections to organizations that can provide ongoing support to families. More information can be found about this program at www.jj101.org.

J4 is not making an endorsement of this program and it has not yet been evaluated, but this is the kind of program that should be investigated for potential replication in New York. Although this particular program focuses on family orientation to the system, we think the implementation of peer-to-peer supports for families are an under resourced strategy within the juvenile justice system as a whole. The King County family partner program is based on the successful “systems of care” model in the mental health field. Other successful peer-to-peer support programs include the work of the Child Welfare Organizing Project right here in New York.

Open Doors to Families

Because facilities may be located closer to families, does not mean facilities will be more open to families. All New York City youth detention and placement facilities should be open to regular public inspection including by family members. An example of this kind of oversight is the monitoring being conducted by Families and Friends of Louisiana’s Incarcerated Children (FFLIC)ⁱⁱ in partnership with both local and state juvenile justice authorities. As part of the Juvenile Detention Alternatives Initiative, FFLIC has participated in the monitoring of the New Orleans’ local detention center, and is now also participating in the monitoring of the state’s residential facilities. We would gladly put you in touch with family advocates in New Orleans who could provide you with more details and connect you to system administrators.

Further, the American Bar Association has provided recommendations on how to conduct oversight at correctional facilities. These recommendations constitute model standards for independent oversight and should be adopted with an emphasis on ensuring that community and family representatives are included in oversight committees. While the ‘Close to Home’ Initiative proposes a significant number of oversight staff through OCFS, it is also imperative that data be shared with the public regularly and oversight monitors include family and community members. Finally, the ‘Close to Home’ initiative should specify a maximum number of beds per facility and otherwise enact regulations to avoid the use of large dormitory settings that are not conducive to safety and rehabilitation.

Share Power with Families

True family engagement is not just about improving families’ capacity to understand the juvenile justice system as individuals, it also means giving families access to the levers of institutional change. Families should be involved in crafting the continuum of care designed to support youth success. For example, in Calcasieu Parish, Louisiana, Calcasieu Parish’s Children and Youth Planning Board is comprised of two parents of children in the justice system, children themselves, and numerous other community stakeholders, such as professional advocates and members of faith based organizations—all of whom fill slots mandated by state law. The role of the Planning Board is to identify the needs of the community and advocate for them. The Planning Board reviews standards of the Office of Juvenile Justice Services and participates in conditions of confinement inspections. The Planning Board has also partnered with community based advocacy groups to put forward legislation to improve detention conditions.

Families can be leaders not just in terms of system oversight but also in terms of system design. In California, families of incarcerated youth were among the first to travel to Missouri to investigate the ‘Missouri Model.’ This spurred further investigation by California legislators and administrators. If New York City does further investigation into potential model programs, city administrators should consider bringing families. Families often ask questions and raise issues that administrators might not and in so doing help to inform what best practice really means.

Invest in Families and Communities

As has been documented by researchers such as Bruce Western, Todd Clear and others, mass incarceration has not only failed to make us more safe, it has made the predominantly low-income communities of color that have been most impacted by it, worse off. In the past, New York’s youth corrections system has contributed to this downward spiral. Given this reality, the decreasing number of youth in juvenile institutions should not just be an opportunity for realignment, but for reinvestment. New York City can be a leader nationally in this regard.

Much ado has been made about the concept of ‘justice reinvestment’ but its actual practice has been rather narrow. We offer the conceptual distinction between *intra-institutional reinvestment* and *inter-institutional reinvestment* in order to clarify this difference and to hopefully contribute to all of our efforts to make communities safer.

Intra-institutional reinvestment consists of changes that can be made *within* systems to move justice practice away from an overreliance on incarceration, toward the use of more effective and often less costly alternatives. The Probation Department’s efforts to create a more robust continuum of care with more alternatives to residential placement for youth who would otherwise be placed in non-secure or limited-secure residential placements would fall within this conception. These efforts are admirable, but still more could be done to keep youth out of residential placements.

By investing in community and family-centered safety solutions, justice systems can reduce their footprint and increase the informal community controls that make communities safe. For example, transferring specified probation department duties to paid community and family partners through the use of peer support programs can help create a more collaborative-minded department and strengthen disadvantaged communities. Similarly, a deeper investment in restorative justice practices including community conferencing would help to strengthen community capacity and reduce reliance on costly interventions. These are the kinds of changes that build true community trust and partnership because they help to change the culture of institutions from the inside out.

In addition to these needed changes, the families we talked to in New York said that what’s lacking most in their communities is not the perfect in-home therapy program, but meaningful educational, recreational and employment opportunities for themselves and their loved ones. Too often these are the calls that are ignored or downplayed by system administrators and advocates themselves. Not necessarily because of disagreement, but because families are calling for more than what administrators and advocates can accomplish by themselves.

Though not necessarily using these words, families are calling for *inter-institutional reinvestment* or the reallocation of resources *across institutions* away from youth and adult incarceration and toward greater investment in social and educational services and employment opportunities. These are not the kind of changes that can be accomplished by one agency alone but instead require cross-sector partnerships.

While Justice for Families has no blueprint on how to advance this kind of reinvestment, families were consistent in their calls for meaningful employment opportunities for youth and this perhaps offers a meaningful step forward that could bolster the sustainability of realignment. Probation Department efforts to expand workforce development opportunities through the Link Program are commendable in this regard, but particular emphasis should be placed on whether this workforce development can be connected to actual job opportunities.

J4 claims no expertise in either workforce development or job creation but as part of our National Families Report we are investigating promising approaches including YouthBuild which has demonstrated success both as a preventative program and as an alternative sanction, along with the Washington DC Green Jobs program which incentivizes energy efficiency construction contractors to hire formerly incarcerated people for government financed projects. Finally, we plan to investigate the Pathways to a Green Economy program, which recruits, trains and offers weatherization specialists job opportunities to people with barriers to employment. The Sustainability Institute in Charleston, South Carolina coordinates this program.

Recognizing the realignment of limited-secure and non-secure facilities to the City will not necessarily save a great deal of money, and that no one agency can accomplish all of the changes described above, these recommendations offer concrete ways to maximize resources as we work collaboratively to secure a community and family centered juvenile justice system.

ⁱ In furtherance of our National Families Report, J4 and its local partners have conducted a review of media coverage of families of system-involved youth, compiled a literature review of family-centered best practices, collected over 1,000 hour-long surveys of families and conducted 26 family focus groups (including 168 surveys and 4 focus groups in New York). Families have led the design of the focus groups and surveys, conducted the focus groups, collected the surveys, and are leading the analysis of the literature review, survey, and focus group findings. The completed National Families Report will not only define family-centered justice practice but also demonstrate the capacity of families to craft and define a policy agenda in their own interest.

ⁱⁱ Families and Friends of Louisiana's Incarcerated Children is a statewide membership-based organization that fights for a better life for all of Louisiana's youth, especially those involved in or targeted by the juvenile justice system.