

Report for The Winston Churchill Memorial Trust

A Travelling Fellowship
New York and San Francisco
September – December 2005

ALTERNATIVES TO CUSTODY FOR YOUNG PEOPLE



Acknowledgements:

I am very grateful to the Winston Churchill Memorial Trust for funding this research – for giving me the opportunity to see things I could never normally have seen.

I was astonished over and over again by how generous people were with their time and expertise while I was in the US. Thank you to each and every person who gave me their time and talked openly and honestly to me about their struggle to help the young people of America live uncaged.

Alice Dawnay
alicedawnay@hotmail.com

EXECUTIVE SUMMARY

1) Introduction: UK Experience and Expectations pp. 1-2

UK experience (paras 1-3) fed expectations (paras 4-6)

Refocusing Expectations

These expectations were challenged by the US experience (paras 7-8) and this changed the brief (paras 9-10).

2) The US Justice System pp. 3-9

The Philosophy Behind the Sentencing Laws in the US

Fear drives the US system – it colours the US approach to youth issues and devolves individual responsibility to the courts. This leads to disproportionate reliance on the police to implement a policy designed to tackle the effects rather than the causes of alienation (a) particularly in the schools (b) – an unvirtuous circle underpinned by a compliant political system (c)

(a) = Broken Windows

(b) = School-Prison Pipeline

(c) = Politics

The Results / Effects of this Philosophy

An increase in high cost correctional facilities at the expense of preventative programmes.

3) Alternatives to the Incarceration and Detention of Young People in New York and San Francisco pp. 10-18

-8 alternative approaches

Systemic Problems of the Alternative Programmes

- jail as the default option, struggle for funding, high caseloads, poor training, poor status, competition with government agencies...

The Positive Impact of the Listed Alternatives and Others

- individual response, cost reduction, uses of preventative measures

4) What the UK should learn from the US experience pp. 19-23

INTRODUCTION:

Still not so far down US road that we can't pull back but danger signs are there

ATTITUDE:

Need to re-examine society's attitude and approach to young people and determine constructive strategy

IMPLEMENTATION:

Develop policy that tackles causes not effects: education not ASBOs, positive policies not negative policing

FAITH NOT FEAR:

Prison represents society's failure – should be recognised as the last, not first, resort.

- Annexes:
- A. Glossary
 - B. Itinerary
 - C. Behind Zero-Tolerance for young people
 - D. Bronx Principle Arrest
 - E. Formal statistics of alternatives to custody
 - F. New York Criminal Justice System
 - G. Californian Criminal Justice System
 - H. Riker's Island Jail
 - I. SQUIRES programme
 - J. San Mateo Probation Department

1) Introduction: **UK Experience and Expectations**

I have always had a particular interest in alternatives to custodial sentences for young people and it has invariably played a substantial part in the work I do. Since December 2003 I have worked full time for a charity called Fairbridge and volunteered for my local Youth Offending Team in London. Fairbridge is a personal development programme for 13-25 year-olds. I worked first as Development Tutor and later as Outreach Worker. The young people I worked with were caught up in the criminal justice system to varying degrees.

As a panel member of the Kensington and Chelsea Youth Offending Team I chaired meetings of young offender, parent/guardian, caseworker and, if possible, victim. This constituted a restorative justice collaboration to carry out a referral order imposed by the court.

I had previously volunteered at The Airborne Initiative, an alternative to custody for high-risk 18-25 year-old prolific offenders in Scotland, I was particularly inspired to research this subject. Shortly after my time spent there Airborne was closed down by the withdrawal of funding support from the Scottish Executive, ostensibly for not providing 'value for money'.

Working in northwest London it was clear that the tide of destruction wreaked by crack and guns showed no signs of ebbing. Maybe the USA with its experience of the crack epidemic of the '80s and close acquaintance with a gun culture could give me some idea of how to understand and tackle these blights. My work at Fairbridge had given me a portal into an urban phenomenon of lives cruelly hijacked by the proliferation of crack and guns. And it was *young* lives that were being taken hostage.

With juvenile recidivism rates in the UK running at 70-80%, I wanted to learn about how sentencing could be more appropriately delivered. Incarceration was serving neither our young people nor our community. I imagined that America would have all sorts of different approaches and fresh ideas about how best to deal with juvenile offending.

I spent nearly two months before I left emailing organisations in the US, researching who it was I needed to talk to and whether I could spend time with them. I was buoyant with expectation.

Refocusing Expectations

Once in the United States I realised I needed to give myself a crash course in a whole new Juvenile Justice System so I sat in the family court, the supreme court, the criminal court...etc for some days thanks to an organisation that worked for alternative sentencing for young people. And I asked lots of questions. Little did I anticipate that in California I would have to start out all over again to understand a completely new state system.

I quickly learned that there were very few alternatives to incarceration in New York and California. Because of the way US sentencing works, even young people who have been granted an alternative to custody have normally spent a night or two behind bars between their arrest and sentencing. And, once in the system, 95% of young people go

to jail; the Alternatives to Detention and Incarceration (ATIs) are available to only 5%. I found myself bowled over by coming face-to-face with the people behind the numbers and the statistics. *Why were so many young people being locked up?*

So my investigation became a more general enquiry and I became very involved with learning about the system - the individual stories as well as the broader picture at both a state and a federal level.

A great deal was achieved but it would not be true to say that the outcome matched the original objective of my fellowship. I learned that the inadequacy of the ATIs and the story behind that inadequacy was what we in the UK needed to be much more concerned about. The ATIs themselves were often stars shining in the dark and they had much to teach us. But it was the dark itself that we really needed be aware of – and concerned about. I return with more of a cautionary tale than a list of recommendations.

2) The US Justice System

UNITED STATES DEPARTMENT OF JUSTICE MISSION STATEMENT

“To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice to all Americans”¹



Courtesy, Professionalism, Respect: NYPD

The Philosophy Behind the Sentencing Laws in the US

California sends more of its children to jail than any other US state. There were 19,072 under 18s in custody in 1999. This is largely due to fear. During the 1980s and 1990s, American youth were characterised by the media as being more threatening in their violence and lack of remorse than ever before. This translated into increased funding for more control mechanisms to confine the behaviour of juveniles in the streets and in the schools. The increase of control over activities of young people means legislation and social policy that criminalises youth behaviour that was once legal. In New York, young people, unlike adults, can be arrested for being out in public during certain hours, for example. Mike Males, a sociologist at the University of California at Santa Cruz, calls American teenagers “the most stigmatized, cruelly punished, and least free of any youth in the Western world”².

My research has rendered similar conclusions. To me, the most damaging measure implemented on juveniles is that they have to contend with law enforcement in their classrooms. No longer does breaking a school rule mean a visit to the headmaster. Now it is a night behind bars and the beginning of what may be a long involvement with the juvenile justice system. According to the Rev. Jesse Jackson, founder of the Operation Push and former presidential candidate, “Schools have become a feeder system for the penal system”. A policewoman I spoke to in Millbrae, CA (a well-to-do neighbourhood

¹ <http://www.usdoj.org> Official United States Department of Justice website.

² Conservative Agendas and Campaigns: Youth ‘Defending Justice: Political Research Associates’ p. 175

south of San Francisco) said that she thought about 60% of juvenile arrests in the area were arrests made in schools.

The fear prevalent among the population of the United States has much to answer for in its effect on judicial sentencing. The courts are expected to treat the country's social ills. But quarantining those with symptoms of generic social ills is proving costly and ineffective in that the symptoms are just demonstrated again upon release. To inoculate the population secures a more effective course of action. Preventing an epidemic is more beneficial than reacting to it. And for those already portraying symptoms, what about exploring other medicines and different treatments?

I question whether it is in fact the place of the courts to play doctor to maladies in society. For at the same time the courts are effecting the break up of society: by removing its members to secure facilities for periods of time and then sending them back into family units that don't know them and onto a welfare system that can't sustain them. Judge Michael Corriero argues, "the socialization of our youth is the responsibility of the whole of our society and its institutions, not just the courts. Despite the convenient and politic belief that the courts have the primary responsibility of controlling crime, the burden ... rests on all aspects of our society, family, school and community government."³

Fear is the watchword of a nation contaminated by mistrust of its own citizenry. The US middle classes build fortified communities and live within them. Schoolchildren must pass through metal detectors to enter high schools. Guns are readily available. Young people operate in gangs to protect themselves and each other. The ghettoisation of the classes is a phenomenon resulting from a siege mentality embodied by gated communities at both ends of the economic spectrum. It is a way to contain the problems born of fear. People's own agendas are addressed but not the underlying problems; once the electric gates are built, those behind them have little interest in finding a solution. The Prison Industrial Complex has, in a way, reached a societal level. It is more than just the prison population who are living behind bars.

In the UK the phenomenon of the gated community is expanding in much the same way. On the South Kilburn estate where I used to work, one of the housing blocks, Wordsworth House, had a strong high metal fence built around it about 18 months ago. The residents asked for it to be built. Each flat has possession of one or two electronic keys with which people can enter their homes. This was the response by the council to an escalating problem of drug-related violence in the block. By all accounts it has done little to curb that activity and is a mental obstacle to those formerly-incarcerated residents I have spoken to who are trying to settle back into life on the outside. Near-by, shops have notices on their doors proclaiming that those wearing hoods will be refused entry. The effects of fear generate further fear by lowering communities' expectations of safety, particularly around young people.

We have the same social problems as they do in the US: economic deprivation, young people who are not in education, racism, the breakdown of family structure, the breakdown of the community support structure... and there are the same symptoms of these 'social ills' on both sides of the Atlantic. The difference is that there I found there are more young people locked up and for a much wider array of offences.

³ Corriero, Michael A. New York Law Journal "Youth parts: Constructive Response To the Challenge of Youth Crime" 1990, p.5

Even without noting the high rates of arrests from within the schools, young people can be more easily arrested through specific incrimination via Status Offences in the US. A Status Offence is a law that only applies to young people i.e. running away from home, truancy or breaking curfew. Strictly, a child should not be locked up for a Status Offence but the judge can put him on probation, send him to foster care, a group home or a residential treatment centre. Young people are also more likely to be cited for 'Quality of Life' crimes including drinking in public, jaywalking, graffiti, loitering, curse and abuse, disorderly conduct, possession of marijuana and trespassing.

(a) **BROKEN WINDOWS**

Mayor Michael Bloomberg has adopted the same "Broken Windows Policy" for New York City youth crime as his predecessor, Mayor Rudolf Giuliani. The philosophy of the unfixed broken window blighting the neighbourhood and inviting further broken windows by lowering expectations means that the first sign of disorder must be attended to immediately to preserve self-respect.

(see Annex C for background to zero-tolerance for young people)

This philosophy is really a pre-emptive gesture suggesting that if there is one broken window, rampant disorder and many more broken windows are bound to follow. The system that results is one of zero-tolerance and high alert to signs of disturbance. But I believe fear and vigilance and preconceptions break neighbourhoods and communities faster than broken windows.

And what if the assumption of the resulting mayhem is false? What if the child who gets into trouble was just being a child and before he knows it he is absorbed into the criminal justice system and serves years of probation. Is his disenchantment with life not going to cause much more damage along the way? Joel Copperman, Director of CASES⁴ explained that he believes the policy may frighten those who are opting for a life of criminal activity onto a less destructive path. Yet simultaneously it advances lives of criminal activity in those young people who made a mistake but could otherwise have been productive members of society.

This philosophy extends its pre-emptive fix-it policy into the education system in what has been called the 'School to Prison Pipeline'. The school's broken windows are no longer being fixed by the educational system but by the police department program, Operation Impact. Rather than responding to crime, the police officers in the 'Impact Schools' are reacting to violation of school rules. Once breaking the school rules can land you in the criminal justice system, more young people are incarcerated. So an alternative to incarceration for young people is to have the schools implement their own rules and stop criminalising children for bad behaviour.

The school staff are undermined by the police presence. Where does the current situation in Impact Schools leave those responsible for school discipline? In one case, in jail along with the pupil... *(see Annex D for article)* So what is the alternative to this kind of situation? This is a philosophy responsible for kidnapping young lives from the classroom to the cellblock. There must be another way.

⁴ Center for Alternative Sentencing and Employment Services, New York

I propose that the first window was not broken by an unruly kid in the corridor but by the fact that these schools are chronically overcrowded (the worst of the Impact Schools – two in the Bronx- were at more than 180% capacity in 2004). Perhaps the second window was broken by the significantly smaller investment in pupils of Impact Schools (\$1,482 less per student than at the average city High School in 2003). *These* broken windows weren't fixed before focus was turned on the pupils as the proponents of disorder. The application of the zero-tolerance stance is wrong. It should be applied to the condition of the services. Holding cells and sweep rooms became part of the school facility not additionally but in some cases in place of classrooms (which were removed).

From what I have seen, and from the people I have spoken to, it is crucial to the future of the children that state monies are spent on keeping schools in a condition that engenders pupils' respect. That prevention by provision is more effective than prevention by intimidation.

(b) THE SCHOOL-PRISON PIPELINE

"Let's not prepare our students for a place in the state penitentiary"

(Kate Kjung Ji Rhee, Director Prison Moratorium Project)

If the criminal justice system is being absorbed into schools then it reduces the space for childhood and learning. Between 1980 and 2000, state spending on corrections nationwide grew at six times the rate of state spending on higher education. California is the number one state for prison spending but comes in at number 41 in the US for spending on education.

With a zero-tolerance outlook in schools, provoked by fear and further propelled by heavily documented school shootings, the number of expulsions has skyrocketed (3000% in ten years in Chicago). Yet it is common knowledge that to be out of education is to be on a slippery slope into the justice system. In fact, one study found that a 1% increase in male high school graduates would reduce the number of crimes committed nationally by 100,000 and save the nation \$1.4 billion⁵.

Behaviour such as shouting, refusing to co-operate, and verbal altercations are warranting referrals to law enforcement under vaguely termed statutes that include 'disrupting schools', 'safe school ordinances', and 'being beyond the control of schools'. At the Community Assessment and Referral Center (CARC) in San Francisco, I was told that most of the school children brought into their offices (they are brought there as an alternative to the Juvenile Hall) have been arrested for a scuffle in the school grounds ('assault') or 'terrorism' charges. An exchange involving a phrase such as, "I'm gonna kick your ass" translates as 'terrorism'. An example was cited to me of a kid who was throwing crumpled up paper being cuffed for 'assault' of the teacher. Touching someone of the opposite sex during school hours constitutes behaviour of a 'sexual predator' and is an arrestable offence.

Students in high poverty, high minority schools are routinely provided fewer resources⁶ - \$1482 less for each student of an Impact school in New York than for the average high school student in 2003. This is when six in ten children at Impact schools are from families

⁵ Lochner, Lance and Moretti Enrico The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports JCPR Working Paper 287, 2002

⁶ Wald, Johanna and Losen, Daniel The Civil Rights Project "Directing and Redirecting a School-to-Prison Pipeline"

whose incomes are below 130% of the poverty line. These children are then criminalised for the school's failings. Analysis by the National Crime Victimization Survey shows a rise in reports of school violence in those schools with increased security measures, while schools relying on methods of engaging their pupils by explaining school rules and talking through appropriate behaviour with them, had less school crime.

It is disheartening to note that college programmes in US prisons were cut from 350 in 1982 to less than a dozen in 2001 despite having been shown to reduce re-incarceration rates. This shows that education is considered low priority when making budget cuts but also illustrates the particular value of ATI programmes, many of which have an education facility.

(c) POLITICS

Since political campaigns that highlight crime increase the public's awareness and concern for their own safety, they are very popular with those competing for office. In June 1993 only 7% of the polled population considered crime to be the nation's biggest problem. But in August 1994, after a highly publicised legislation debate over anti-crime laws, it was 52%⁷. Anxiety had risen dramatically, paving the way for someone running with 'Tough on Crime' as their main agenda to sail through the elections. To play on people's fears is to give oneself a golden ticket to vote winning. Politics is the enemy of ATIs.

It is common amongst the organisations lobbying against the rate of incarceration in the US to hear the phrase, 'War on Youth'. In a time when much of the West is supporting a 'War on Terror' this kind of aphorism reads easily and the reader may not notice its implications. Unlike the 'War on Terror', the 'War on Youth' is unofficial. And yet it has a definite – and very populous – enemy. In the same way as civilians have constituted collateral damage in Iraq, there are many young people in the American juvenile justice system who are simply young rather than criminals but have been treated as dangerous nonetheless.

The media has a lot to answer for. The British press refer to young people as thugs, yobs, monsters, brutes, scum, a menace, heartless, sick and inhuman. The British newspapers are throwing down the gauntlet and, as in a war, the other side reacts. Without adequate support and people to tell them otherwise, it is no wonder the youth are retaliating.

Scapegoating young people for problems they did not necessarily cause is dividing societies on both sides of the Atlantic. It is easier to identify and manage problems if they have a face. In this way, the scapegoat goes a long way to deflect interest or concern from the real issues that the government does not want scrutinised. The public's awareness of the complex social problems behind criminal activity is diverted by pointing the finger its perpetrators. Locking them up is easier. Yet it is a cowardly way to solve problems.

⁷ Beckett, Katherine [Making Crime Pay: Law and Order in Contemporary American Politics](#), Oxford University Press 1997, p.25

The Results / Effects of this Philosophy

The most evident tangible result is the massive growth of the prison population in the US. In the 1990s, an average of 25 prisons a year was built in America⁸.

The 'Tough on Crime' approach is reliant on the strength of the argument of deterrence to bring young people round to the idea of positive behaviour. Recidivism rates prove that this argument does not hold. Punitive penalties cannot bring young people to a better understanding of lifestyle choices. And as for deterrence for those that have not yet started making negative decisions, there is little that can proffer more kudos on the streets than time spent inside.

A focus on crime prevention, on the other hand, forms part of what is seen as a 'Soft on Crime' approach. This stand does not win votes. To concentrate on 'front end' crime prevention is also a very long process that is going to take a while to implement and years and years before the country begins to reap the benefits from the changes. It is not therefore as attractive as the quick-fix 'back end' response. The combating of crime is apparent to the public in the way money is poured into surveillance technology and prison expansion. If that same money were spent on education or community programmes it would not appear to be being used to protect the people. The budgeting would seem 'Soft on Crime'. But there is a correlation between not serving a full school career and serving a long time behind bars. There is a correlation between illiteracy, homelessness, mental health needs, a childhood spent in different group homes *and prison*. It is the front end not the back end that needs intervention, as without support in infancy these young people have no hope of dodging the penal system.

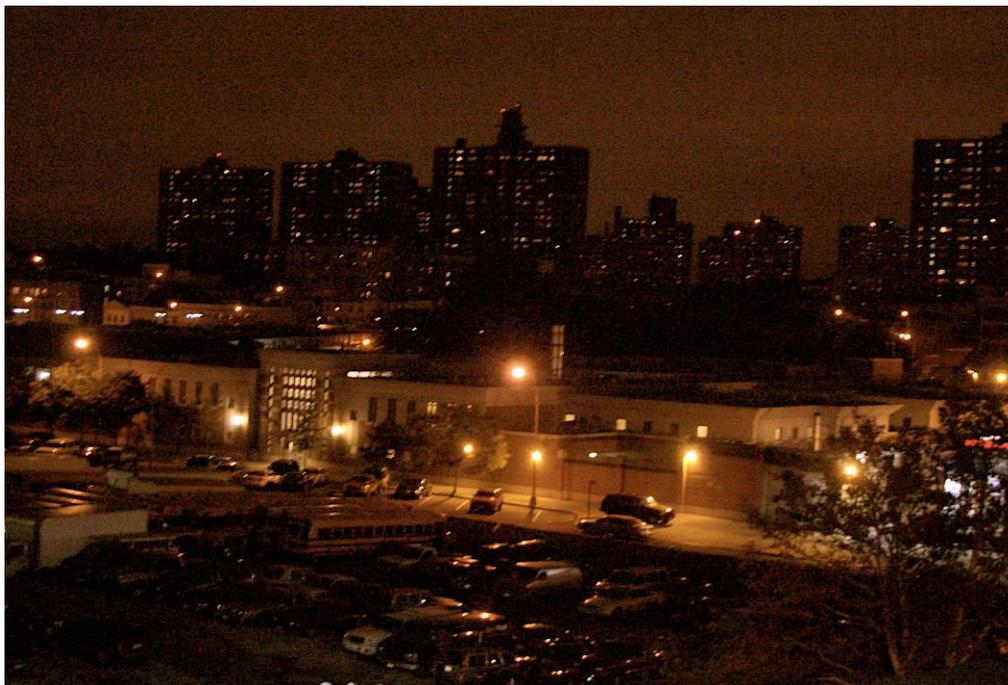
To clamp down on behaviour without examining its causes will not divert it. To make fortresses of schools is simply to make armies of children. It is possible to make these dangerous little soldiers into children again by re-investing in education and by replacing fear with trust.

My research was originally concerned not with the product of the system: the thousands of young people in custody, but with the by-product: the many alternatives. While many children and young people are behind bars, there are many zealously compassionate people campaigning for and actively creating little pockets of hope through alternatives to incarceration.



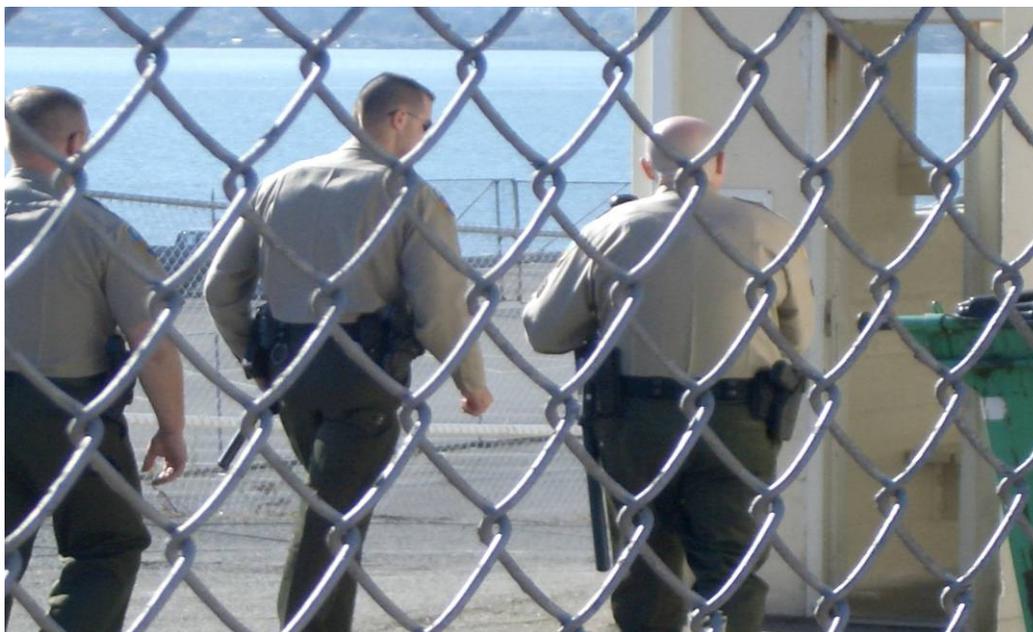
Bayview, San Francisco, CA

⁸ Wagner, Peter The Prison Index, 2003, p.35



Horizons Juvenile Detention Facility, Bronx, NY

"In the United States, at the current rate of increase, in thirty years half the country would be imprisoned and the other half would be guarding them. It is an untenable trend."⁹



San Quentin State Prison, CA

⁹ Faith, Karlene [Transformative Justice](http://www.rapereliefshelter.bc.ca/issues/transform_justice.html) see: http://www.rapereliefshelter.bc.ca/issues/transform_justice.html

3) Alternatives to the Incarceration and Detention of Young People in New York and San Francisco.

(see Annex E for formal statistics of these ATIs)

Abolitionists hold the extreme view that all prisons should be closed down. They have a vision of a different society. They believe that in the US at the moment, social and political problems are being answered by locking people up and that this is not the right way. The modern prison system is only 200 years old in America; it doesn't have to be in existence. There was a time before it existed and there can be a time after. They believe we should be working towards reducing the number of 'harms' in society. Harms such as poverty, racism and classism should be addressed at grassroots level rather than being used as a trigger to build more correctional facilities.

Critical Resistance based in Oakland faces a dilemma in alternatives to incarceration. Agreeing with many of the notions behind community alternatives, they also see that these options perversely free up more beds in secure facilities and thereby perpetuate the expansion of the Prison Industrial Complex: more children come under the supervision of the Juvenile Justice System.

Books Not Bars, on the other hand, although advocating the closure of youth prisons (their focus is the CYA: California Youth Authority), is far less purist politically. They too want to see better economic opportunity and to see restorative justice models used in place of punishment but they understand this must happen gradually and think that alternative sentencing is a step in the right direction. Since 300 of their members have family locked in the CYA, they cannot fight for abolition. For the sake of the incarcerated children they want to see a smaller population of inmates serving less time in more humane facilities. They need to be fighting for things that can change now as those children are locked up now. To be campaigning for a new social order is too much to ask and means abandoning these kids to their current fate.

The Prison Moratorium Project based in Brooklyn, NY is comprised of people who have spent time behind bars, activists, and young people from affected communities in New York. They too believe that justice and safety are not served by imprisonment but by investing in education, housing, healthcare, jobs, mental health and programmes that respond to social and economic needs. In 2002 they were instrumental in ensuring \$53 million of a projected \$65 million allocated for the expansion of juvenile correctional facilities was removed from the city budget proposal. Like Books Not Bars, they promote change and bring people's attention to the issues of imprisonment through organising demonstrations with young people and those whose lives have been affected by prison. Workshops are held for young people in activism, community organising and peer educating.

Accountable Community Sentencing is the term I use for programmes to which young people can be sentenced by the courts that use accountability, structure and support to help young people move away from a criminal lifestyle. These organisations work with young people as an alternative to custody. Their court advocates will study individual cases to see if the young person is eligible for placement with them. If so, they will interview the defendant, write a letter to the District Attorney and appear in court to advocate for their release to that programme. This is at the judge's discretion. The programme must re-refer the young person to court if, during their time with the programme, they are suspended from school, they do not report when instructed to,

they miss curfew a certain number of times, have one or two positive urine samples or are simply not engaging with the programme. They all involve the young people checking in with the judge on a regular basis in order to monitor their progress.

The Center for Alternative Sentencing and Employment Services works with young people on this basis. It is well respected by the judges because it has a good reputation for holding its young people accountable. They have to be drug-tested on site and all the opportunities offered are strictly on condition of absolute compliance with the court. They can gain employment through CASES, they can come off drugs, learn anger-management and other life-skills and have access to staff that are positive role models. It is the threat of a return to court and a custodial sentence that keeps them in the programme.

Esperanza works similarly but with a multi-systemic therapy approach. The young person's family are involved throughout the sentence and the final phase involves a devolving of control back to them. By the end, the family is empowered to respond to both the child's failures and successes. The initiatives used by the programme have been integrated into daily living so that the regimes begun by Eperanza continue. Cognitive behavioural skills are taught and strengths are built upon within the home environment of the child. After incarceration, on the other hand, the child would be returning to the same situation that he left - the one that ended up in court.

Bronx Connect is a small, new ATI programme for young people from the Bronx. Its size and locality give it a family feel and its careful matching of young people to mentors (who they meet for two hours a week for a year) means connections are made and maintained through people from the community. Mentors are drawn primarily from Bronx churches and the programme is operated under the umbrella of a non-denominational Christian ministry: The Urban Youth Alliance. However, they serve all young people who, as court-mandated youth, are not compelled to participate in religious activities.

The Youth Advocacy Program uses a biometric curfew monitoring system to ensure the young person is at home at a certain time. They provide both individual and group sessions on a variety of issues and can mandate family therapy (for instance, when a parent is released from prison or rehab).

Specific support sentencing is an option I came across a few times. The referral process is through court advocacy in the same way as Accountable Community Sentencing. A specific offence might gain a young person access to a programme with high levels of support for working with the particular issues behind his delinquent behaviour.

Adolescent Portable Therapy is a provision designed particularly for young people with heavy substance abuse issues. However, it is not so much about drug treatment as it is about addressing the child's quality of life. They use a multi-systemic therapy approach to improve family function, tackle mental health issues and trauma. Drawing strength from the family and the community of the child, they promote a sustained lessening of drug use. Whereas adults are given different (rehabilitative) sentencing through the drug courts, for children who abuse substances there is no alternative provision but this. 65% of the 5000 children (under 16s) who are arrested in New York City every year admit to common drug use but APT has the resources to treat only 150 of them.

Girls Educational and Mentoring Services (GEMS) works with girls charged with prostitution or soliciting. They aim to empower young women who have experienced

sexual exploitation and violence to exit unsafe and abusive lifestyles and to develop their full potential. They are assisted in obtaining and completing educational and vocational training and given the tools to take up opportunities for positive change. The court leaves the organisation to discern which sessions each individual would benefit from attending. The Family Court in New York gives a 12-month minimum custodial sentence for prostitution and upon release it is usual for the girl to have nowhere to return to but her pimp. This programme inspires the girls to leave that life behind through support and example.

-At the time of writing GEMS is working with the Judge of the Domestic Violence court in Queens to establish a court part that would deal exclusively with prostitution cases. This way, the judge involved would be familiar with GEMS and its working practices and the girls would be sentenced by someone who was fully informed of their situations and options. Many judges it seems do not otherwise know how to handle these cases without locking the girls away.

-The average age of entry into prostitution in the US is 13.

Brothers Against Guns works to prevent youth at risk of involvement in the justice system from going along that road. It also works with young people whose disposition is violence-, gun-, or gang- related. The staff provide intensive home-based supervision to the young people on behalf of the Probation Department and run sessions addressing the issues these young people are facing. They give the young men information that could save their lives on the street. The staff have similar backgrounds to the boys they work with but there is no leniency because of family history etc – they are accountable and will be sent back to court for violations of probation. *Brothers Against Guns* operates in tough neighbourhoods in San Francisco that other interventions cannot reach on a local level.

Camps are intensive probation programmes used in many states as the residential alternative to incarceration. Since they are residential, they can influence young people with high levels of supervision and accountability.

Camp Glenwood's two objectives are to keep delinquents off the streets and provide rehabilitation. The boys sent to this camp in San Mateo County, California are provided with education as a top priority throughout the length of their stay. They are offered incentives by gaining points for cleanliness, tidiness, good behaviour etc. These points are used to determine whether or not they can go home for visits. Cognitive Behavioural Therapy teaches them how to attain empowerment to make the right choices in life. They are kept busy and supported to achieve as much as they can whilst there. An aftercare component ensures a high level of supervision and support upon release from this acutely structured environment.

Supported Re-entry programmes are vital. Since the most common attribute of incarcerated adults is youth incarceration, supported resettlement is instrumental in preventing repeat offending. If the young people are not supported in returning to the outside world, many of them are back behind bars within days. Supported re-entry can therefore be seen as an alternative to incarceration.

Friends of Island Academy works with young people who have just left Riker's Island in New York. The FOIA staff go weekly into the school on Riker's Island to teach classes and offer support to the young people inside planning for a future beyond incarceration. They are invited to attend FOIA after release. There, goals are set with them for housing,

counselling, education, leaving gangs and other needs. 25% of the staff were previously on the FOIA programme. The holistic approach of having mental health staff, college advisors, employment services etc all on the same floor, all with their doors open, means that the young people are not getting bundled from one place to the next like parcels. They can take their GED at the education department there and everyone is looking out for each other. The young people also go out onto the streets to talk to other children at risk in the community and in high schools.

Young people are released from Rikers at midnight and dropped at Queens Plaza at about 3am with a metrocard. The area is rife with dealers and pimps and other 'recent releasers'. Currently eight to ten teenagers are dropped at that desolate spot – the nearest transit hub to Rikers - every week. FOIA has just bought a van with which to transport adolescents back to their centre for breakfast and support.

(see Annex H for description of visit to Riker's Island)

Covenant House in Oakland, California has 25 beds for homeless youth (including those newly released). They offer education, music studio equipment, job search, résumé writing, internet access, drugs counselling, life skills and safe sex classes, connection with other services and community activism through political awareness classes.

Diversion from detention at point of arrest is an intervention I did not come across in New York. Such a diversion will help the child avoid further involvement in the juvenile system and to stay out of jail. Also it will provide the child with support in making healthy choices and accessing local programmes. It is an inter-agency setup with a probation officer, psychiatric nurse, Sheriff and case-managers subcontracted from different youth programmes.

The Community Assessment and Referral Center (CARC) in San Francisco is a place where the arresting officer brings juveniles instead of to Juvenile Hall. The child will be seen by a psychiatric nurse to assess their appropriateness for intake. CARC contacts the parents/guardian of the child to collect them. The child will be assigned a case-manager to help them find a school place if necessary, to attend probation hearings with the child, to offer support in general and to refer them on to other services.

Community Intervention before the point of arrest is the best way to address issues before their symptoms lead young people to court involvement.

Caught in the Crossfire (CiC) is a hospital-based peer violence intervention programme for youth injured in violence. CiC trains and employs young adults from communities in Oakland, many of whom have overcome violence in their own lives. These 'Intervention Specialists' will sit at hospital bedsides and promote positive alternatives to retaliation and violence and link the youth and his family to services in his area. This intensive mentoring with a young person in such a vulnerable position helps achieve a positive watershed. At their centre in LA, half of CiC's staff are paraplegic owing to gang/street violence. The staff understand the conditions their clients and their families face every day.

Peninsula Continuation High School in San Mateo County is an alternative education facility with 250 students. It is for children who are very behind in their credits for their high school diploma and at risk of non-completion of school. Problems for these children include substance misuse, homelessness and pregnancy. It is a 'second chance' for

those who have had difficulties in mainstream education. Flexibility allows for and supports emotional problems but there is a clear boundary when it comes to the sporting of gang colours for instance. The principal must interview every child and their parent/guardian before admission and every child that attends has asked to be there. The school is proud that 80% of admissions improve their reading skills by one year during one semester and 36% make at least two year gains in one semester. The facilities include a crèche for infants of the students.

Scared Straight programmes aim to use consequences of delinquent and criminal behaviour to deter juveniles from a life spent in and out of secure facilities.

San Quentin Utilization of Inmate Resources, Experience and Studies (SQUIRES) was the original 'Sacred Straight' programme. It is still running though its methods have evolved. No longer do inmates shout at the juveniles, threatening them with terrible treatment were they to be sentenced to incarceration. Now the lifers who have volunteered to run the programme (called SQUIRES members) welcome groups of young people and mentor them. There are two workshops: the first allows Squires members to hear from the young people about their personal situations and their involvement with the justice system. The second involves Squires members giving the young people a tour of San Quentin State Prison and offering graphic descriptions of life inside. There then continues interaction between the youth and the lifers and they counsel and advise the young people about the best course of action to take to avoid further involvement with the law.

(see Annex H for description of day with SQUIRES programme in San Quentin Prison)



Sidewalk, San Francisco, CA

Systemic Problems with the Alternative Programmes

In general, alternatives to detention and incarceration programmes were found to be more successful in reducing recidivism and in treating the person as well as the crime. Notwithstanding the financial gain of alternative sentencing, the young people themselves believed that these programmes were the best chance they had of breaking their cycles of crime. Some told me these organisations had saved their lives.

The main problem with these services is their scarcity. Only 5-10% (depending on who you talk to) of young people have access to such diversions from custodial sentencing. Jail is the default option and young people are taken directly to the Juvenile Hall (unless they are taken to CARC in San Francisco) upon arrest. The young people enrolled on the programmes tend to have spent at least a few nights in Juvenile Hall (or Rikers for those 16 and over in New York) before being sentenced. So almost every young person in the juvenile justice system has experienced secure detention.

It was interesting to talk to the staff at the programmes about their views on what obstacles they faced in making the facilities the best they could be. In almost every case, the struggle for funding and the lack thereof was cited as being an ongoing task. ATIs average an annual \$6000 per juvenile. However, gleaning this funding should not logically be so hard given that New York City, for example, spends over \$140, 000 a year incarcerating each young person¹⁰.

Many organisations also spoke of the consistent docking of funding despite the good record of the programme. CARC used to be open until 2am but now it can only be open until midnight, they used to be open every day but now they are closed on some of the public holidays because there is simply not enough money for them to provide a more full-time service. This means that children arrested at the 'wrong' time will be taken straight to Juvenile Hall and are likely to be detained there. At other organisations, counsellors seem to be the first to go when funding is reduced.

High caseloads mean that caseworkers cannot spend as much time with each young person as they need. They are overburdened because they are understaffed because they are under-funded. Many staff in many programmes said that they were frustrated by their ratios of staff to young people and Bronx Connect cited their small caseloads as one of their proudest attributes as an organisation for young people.

I never heard this from caseworkers themselves but one of the abolitionists argued that it is damaging for the juvenile to have a counsellor whose job is also to breach you for violating court sanctions. She said that since the staff at these organisations are court advocates rather than child advocates the child is expected to ask for help from someone who has equal powers to have them locked up.

Another criticism is that staff's good intentions are simply not enough. Owing to the lack of funding they cannot be trained to understand the bigger picture even though seeing the system from the outside would make it easier to steer young people through it. And because the pay is meagre, the good staff, who could get better paid jobs in a different field, move on. This high turnover of staff is disruptive to the young people and expensive for the organisation. Judge Corriero, a progressive New York judge of the Supreme Court who handles cases of young people and children being tried as adults, believes the key

¹⁰ Kyung Ji Rhee, Kate [The New York Sun](#) "NYC's School-to-Prison Pipeline" February 9, 2005.

to a good ATI is to attract and develop a good staff team. Good people would stay for good pay.

Another complaint is not so much about the workings of the programmes but more about the system in general. It is that really the public have very little idea that such programmes even exist. Without public consciousness of ATIs, it is too much to expect the American people to divert their interests from the building of more prisons. They do not know there are alternatives.

Nor, it seems, do many of the judges. They are not conscious of the sentencing options on offer. Many organisations cited education of judges as the most crucial factor in their survival. Yet for those judges who *are* aware, there are political concerns. What if they use the ATI only to appear in the *New York Post* for being 'soft on crime'? - the judge should release a young person to an ATI on a rational basis (i.e.: because that particular young person would benefit from what the ATI offers) but the reality is that very few judges are prepared to trust alternative sentencing. They make risk-based assessments instead.

It is hard for the ATIs to generate credibility when they have no official status (municipal and private funding is a hazy and indefinite affair). Despite informal integration into the system, some argue that ATIs should offer something completely different by adopting restorative justice measures and representing a separate, rather than additional, way of dealing with youth crime. They argue that as things stand, ATI programmes are not respected by the system since they are viewed more as an appendage tacked onto a structure built in a different style. The original structure was self-sufficient and can't see the point of its messy new building-works.

The Department of Probation tends in many cases to view ATIs as leeching its money. Probation Officers believe they are losing money to an unnecessary duplication of effort and are often very uncooperative with alternative programmes. This is not always the case - Esperanza enjoys a very good relationship with probation for example - but often there is a lack of understanding. As with the judges and the probation officers, also with the police. At every stage there is potluck involved in the juvenile justice system. The police are instructed to bring every child arrested in San Francisco to CARC for family services unless they have an automatic booking charge. However, the police there bring in only about a third of the true number of arrests. It affords them a bit of additional paperwork to take the child somewhere other than to Juvenile Hall

The Positive Impact of the Listed Alternatives and Others

One boy I spoke to at Esperanza, who had finished their programme, said that he believed the way that the counsellors there work with young people and their families and communities in New York is the only way to help young people extract themselves from the imprisonment of gang involvement. Another young man who I spoke to at CASES said that the only positive thing he had gained from three stints at the adolescent jail on Riker's Island is the knowledge that he didn't want to go back there. He said this knowledge would have been no good to him without the faith that there was a different way. This faith had been developed in him by the staff he was working with at CASES.

These are just two examples of young people who had grown up making the wrong choices through never knowing their options. There are many who are grateful to be

shown a new way of working things out rather than simply being punished for their ignorance.

But the truth is that everyone could benefit from alternative sentencing – the money saved could be building better resources. Numbers differ depending on whom you talk to about the financial cost of incarcerating young people. The Correctional Association of New York quote the average annual cost of holding one young person in secure accommodation at \$149, 650¹¹. Friends of Island Academy say it costs \$60,000 to detain an adolescent on Riker's Island for a year and only \$5,500 for one youth to benefit from their services. And since prison sentencing yields a much higher harvest of recidivism, the cost is really incalculable.

I am also more aware of the mental health cost generated by incarceration having seen some acutely disturbed men when visiting San Quentin State Prison in California. If these men were howling and barking before they were sentenced, then surely prison is the wrong establishment for their needs and the needs of society. But if they developed such torments since, then the state of the prisons is the backdrop for much mental health spending. ATIs tend to offer mental health services on site and if not, they have close connections with external services and facilities.

One of the biggest ATIs has turned out to be diversions through the drug courts. Introduced in the late 1980s in Florida, they have been widely accommodated throughout the States. They run alongside the criminal courts and can divert those arrested for low-level drug offences into an approved treatment programme. A 1999 RAND Corporation study found that public savings generated by drug treatment programmes nationwide were about \$9,000 per participant – 3 times higher than their cost¹².

I have mentioned that the biggest factor in predicting adult incarceration is juvenile incarceration. It is also important to remember that to have a parent incarcerated makes a child six times as likely to go the same route. In 1999 nearly 1.5 million young people under the age of 18 had a parent in prison. That is over 2% of the nation's youth and a 60% increase since 1991. Alternatives to incarceration for young people could come about via alternative sentencing for, or a reduction in the rate of incarceration of, their parents. At the current rate of imprisonment one in every three African American males will be incarcerated in his lifetime. Most of these men will have children... the USA has 726 out of every 100, 000 members of its population incarcerated. This is the highest number per head of the population of any nation. Belarus, Russia and Bermuda are next with 532 each, and England and Wales lock up many fewer: 142 in every 100,000¹³. So the US, with such a huge number of people locked up, will need to keep expanding its prison capacity to accommodate all the children of these inmates who are bound to follow.

Alternatively, it is an option to try to resolve the social problems that created this situation and to build solutions from grassroots level. Yet to do so would not be politically acceptable – it would not be a quick-fix and it would not help the biggest government lobbyists, the Prison Guards Union (strictly, the 'Californian Correctional Peace Officers

¹¹ Mayor's Management Report, Fiscal Year 2005, P187 (the annual cost of secure detention is based on per diem cost of \$410).

¹² Cusac, Anne-Marie, Society has to respond to lawbreakers, but does it always have to lock them up? Anarchist Black Cross, July 10, 2001.

¹³ www.defendingjustice.org Factsheet, 'The United States Versus the World'

Association’) to employ more people. Alternative education in an inclusive, supportive environment is another way to keep young people out of custody.

There are schools in the US that cater particularly for those children that are finding society hard to deal with. These schools give particular attention to the individual needs of their pupils. Peninsula, a ‘Continuation High School’ in San Mateo County, CA, can accommodate children with alcohol problems, homeless children, children with children (they have a crèche) and a whole array of emotional problems. The pretext to gaining a place at this school is being behind in grade credits or at risk of non-completion of high school. The correlation between non-completion of high school or a low reading ability and falling into crime is very strong. Schools such as Peninsula, San Mateo and the Life Learning Academy on Treasure Island, San Francisco are hugely influential in keeping vulnerable young people out of the Juvenile Justice system. Such schools are effectively ATIs through their success at prevention.

4) What the UK Should Learn from the US Experience

In America, research over the last decades has shown that intensive family-focussed or multi-dimensional intervention programmes have produced the lowest recidivism rates of all. Functional Family Therapy (FFT) works with youth in their homes, involving the family to address the behaviour of the child. It costs \$2000 per young person. Multi-systemic therapy works similarly, gleaning the potential for support from the family and the wider community. While it costs \$4,500, it is still far less than that of residential placements. Both act as a sort of 'rallying round' of the child to give him the nurturing and support that he had otherwise been seeking in gang-involvement, drug use, street life and all that that entails... leading him to court intervention. These therapeutic approaches re-build a collaborative structure within which the young person can grow. Jenny Kronenfeld, Director of Esperanza, a New York based programme that uses a multi-systemic therapy model to great effect, says that what Esperanza is doing is working out a way to help young people live in their own homes. This may sound like an overly simplistic answer but it is key. It is what residential placements cannot do and yet home is where these kids are going back to. Many young people I have spoken to talk of creating mayhem in the last few weeks of a custodial sentence because they cannot bear to have to deal with the same (or worse) situation that they were stuck in before, and they want more time inside. They don't learn to function in the home by being locked up elsewhere.

To take a young person out of his environment to be 'rehabilitated' is often productive only until he is returned to his old environment. However, a programme of treatment such as multi-systemic therapy or FFT needs to be implemented with care. Like a scaffold, these therapies facilitate the re-building of a broken foundation. The counsellors act as a prop to the young person and his family (available 24 hours a day if need be at the beginning) whilst new girders are put in place. Gradually, the scaffolding is removed piece by piece to render the structure sustainable and freestanding. The family has been shown how to take ownership of the work of the previous months, they have integrated the initiatives into daily living and they can ensure the regime continues on their own. These programmes are very concentrated and time-intensive for the counsellors (a counsellor at Esperanza has a caseload of only six children) but they are also very short. They are short so as not to create a reliance on either the interventions or support of the staff.

The models include cognitive behavioural therapy with the use of behaviour plans and self-monitoring. The implementation of cognitive behaviour skills training into ATIs and drugs programmes has been proven by research time and again to have a huge impact on reducing recidivism and relapse. More and more such programmes in the US are adopting it.

It is also interesting to note how many programmes contain education components within the ATI. Many provide schooling as well as career advice and job training, and a few are even licensed to hold examinations for the GED. One such programme is Friends of Island Academy (FOIA), which, although not strictly an ATI, does keep people out of jail and prison by supporting them in re-settlement. They are a particularly good example as not only do they host an education department with GED testing but the architecture itself is designed inclusively. All around the centre are services for mental health, counselling, drug treatment, housing, job training, family therapy... etc. It is a holistic environment operating wraparound services and it does not challenge the young

person to have to travel about the city to re-introduce himself to all the different service providers he needs when he is at his most vulnerable, having just re-entered a hostile society. There is a lot we can learn from this model.

I also found that many of the ATIs I visited educated young people on the history and structure, purpose and design of the juvenile justice system. Some used this education as a foundation for youth-activism – a chance for them to have a voice from within the system that had silenced them. Other programmes held such sessions simply to make the youth aware of their rights and their status. Too often we take for granted that those involved with the law are aware of the roles of the people that work in the system, aware of their rights, the types of sentence, the jargon. Having acted as ‘appropriate adult’ for children whose parents do not speak English in London, it is clear to me that we are quite wrong. One 16 year-old with plenty of prior involvement with the system started telling his lawyer a convoluted and unlikely story before I explained to him that the lawyer was on *his* side and needed to know the truth. The number of re-convictions of young people due to ignorance can certainly be culled from present levels.

What can we learn from American attitudes towards young people and crime?



Juvenile Hall: YGC, San Francisco, CA

America is one of only two countries left in the world that still implements the death penalty for juveniles. On that basis it is easy to forge a mental chasm between the way we implement policing regarding young offenders and the way they do in the US. It is not so clear-cut. Many of our responses to the behaviour of young people in the UK are provoked by a similar media profiling of youth and effected along the same lines. We need to be careful that we don't create further generations of ‘thugs’ and ‘menaces’ by lowering our expectations and our jargon to just that level.

Since the US is so large and incarceration is such big business, it has been possible to build more and more prisons. In the UK our overcrowding problem cannot be handled by the construction of more and more overflow – there simply isn't the space. We tend to look to community-based sentencing options more readily.

Estelle Morris instigated the presence of police in our schools in 2002. In this area we are moving along the same lines as the Americans. I believe we need to be very cautious. Many American high schools share the same characteristics as prisons with metal-detectors, random searching and armed officers on their grounds. Children are suspect

because of their age. We in the UK began along this road with police constables providing programmes in schools to teach children about the role of officers in society, about crime and its consequences, about personal safety and drugs. As such, they were clearly on the same side as the school children – explaining how they were there to help them by forming a link with the teachers and pupils. In 2002 this changed somewhat. The police were suddenly reassigned: officers were needed in schools with high truancy and discipline problems because of the obvious link between truancy and crime. Their role is now completely different. They are ‘a presence’ to be heeded.

Police are trained to act when they see a crime. Likewise, police in schools. In the US, when they witness something in the playground that might be classed as ‘assault’ on the street, it is difficult for them to allow the school authorities to deal with it. The lack of trust they impart is reciprocated by the children to the whole of the school authority. The officers have guns and the ability to humiliate a child by arresting him and removing him from the classroom. I have met children in the UK for whom school is a respite from a world of fear. We need to remember that it is not just a house of learning or a place to see your peers but that, for many children, school is the place where they have most adult supervision and where indeed they spend most of their time. It is important that they do not feel there are people in uniform prowling the corridors with guns waiting for them to slip up. Childhood is about learning from your mistakes not paying for them behind bars.

Although in the UK we do give young people more chances for change, more and more we are creating ways to criminalise youth – ways that were not in existence a few years ago.

One of these ways is Anti Social Behaviour Orders. Not only are they criminalising young people who may have committed no illegal act other than violating the ASBO, but they are also contributing to the further detriment of troubled communities. By advocating a sort of espionage from its members, ASBOs are in danger of tearing apart the communities they are purportedly safeguarding.

And young people are members of the community as well. They become enemies of that community when treated as such. When evicted and moved on. When expelled from school and having to spend hours on different buses heading to a school the other side of London. When the neighbours ignore the din of domestic violence. When everyone lives piled on top of each other in tall tower blocks and no one knows that the lady in the flat next door has died. No one talks to each other; they use their fists. The only place to hang out and chat is the freezing cold stairwell that they normally run up as quickly as possible to get past the syringes and the smell.

To tell a young person, whose life is too hard for him to handle without being a nuisance, that his life is just about to be made a lot harder (can’t see his friends, a curfew to be home at night by 9pm when that is where the problems lie) and then to punish him when he can’t handle these further restrictions is not just crazy, it’s a trap. It’s condemning people whose behaviour is crying out for support and who have often committed no crime.

Our Dispersal Orders are much like the American Proposition 21 laws where groups of young people (more than three in the US, more than two here) can be moved on or ‘dispersed’ from an area without being given a substitute option. Loitering is an offence in the US and sanctions such as our Dispersal Order are bringing us closer to a situation where to be a kid on the street is illegal in certain ‘zones’. Increasingly prejudice and

fear mean that it is considered acceptable for young people's movements and rights to be severely restricted.

In a tower block, the only way to get to know your neighbours is to take the time to speak to them on the street. And to get to know one's neighbours is a way of community-building; a way for people to look out for each other. It is fortunate that mothers are not considered anti-social if they stand around in groups with pushchairs by the schools at 3 o'clock. If families don't know who is living in their block, they are more likely to call the police about the boy being noisy in the stairwell than they are to go and talk to him or his family.



Memorial Wall, San Francisco, CA

What do we have that we need to build upon for the future of our young people?

Young people in the UK are given the chance to put things right before finally being given a custodial sentence. From contracts and pre-court orders through to Intensive Supervision and Surveillance Orders, we have in place more than 13 sanctions before incarceration. There are two custodial orders for young people: a Detention and Training Order and Section 90/91. These are given only to those with 'a high level of risk or a significant offending history' according to the Youth Justice Board. There are also preventative interventions that can be put in place for those at risk of a pattern of offending behaviour. Positive Activities for Young People and the Youth Inclusion Programme are for those children spotted by schools, social services, police etc as being at risk. Our focus on preventative measures and on keeping young people out of institutions, means that young people are not only more supported in their communities but that the government saves money. Research shows that the younger children are when risk factors are addressed, the less likely they are to begin getting into trouble when older and the more money ends up being saved overall.

If they do get into trouble, our Referral Order process for a first offence is a good example of an attempt at restorative justice. It reasons that society is responsible for all its members and cannot simply dispose, even temporarily, of those who are disrupting it. Society needs to accept every member and allow the one that slips up to make amends for his behaviour and to learn from it. The system keeps justice in and among the people and allows people to help one another and to be answerable for their actions.

At Referral Order panel meetings, the two panel members are trained volunteers from the local community. They, with the Youth Offending Team caseworker, the young person and his parent or guardian, agree on a plan of action that includes reparation hours and individually-tailored sessions such as victim awareness or peer pressure. The victim is contacted to determine whether they are prepared to be part of the process and if so, they too sit in on the meetings and have their say in respect to how the crime affected them and what they would like to see happen in reparation. A contract is drawn up out of the action plan and is signed by the young person, his guardian, a panel member and the caseworker. In signing, they each agree to support the young person in completing the order. Everyone sees justice done. The community has taken responsibility for its young, and the perpetrator has understood the effect of his action and agreed how to pay back the society they have wronged.

I would suggest we need to build upon such restorative justice models and to develop that which is tried and tested. In the US, more and more of those looking to activate 'rehabilitation' for young people are looking to research-based evidence to do so. Time and again it is cognitive behavioural therapy (often within wider therapy structures) that is proven to be most effective in turning people around to new thinking and behaviour. Looking to research to find the most suitable way of working to prevent re-offending and to prevent offending in the first place is an important (if self-evident) starting point.

Faith not Fear

Prison is the most punitive sanction society can impose on offenders in the UK and it is meant to be reserved for those whose liberty is a threat to society. In America it is administered almost by default. The reason for this is either that in America there are thousands of young people who really do represent a threat to society, or that the courts are forgoing lesser sanctions and locking kids up in a pre-emptive measure to satisfy a fearful public. I don't believe that America has more delinquent and criminal youth than other places in the world yet it is generally understood that all those behind bars are a danger to society. I think it is important to remember what role society has played in shaping the attitudes of its young.

Furthermore, it is crucial that we challenge and change the tabloid notion of young people as threatening, habitual dissenters. This sensationalism is now universally interpreted as fact. It feeds on threats breeding fear and fear breeding hate. We need to have faith in the potential of young people rather than fearing it. To embrace their potential lets them know they have it and helps them accept guidance to realise it. To condemn them for being children is to create the monsters everyone is frightened of.

The old adage of the Zen master and Nobel Peace Prize nominee, Thich Nath Hanh, simply illustrates the point so many people are overlooking. "When you plant a lettuce, if it does not grow well, you don't blame the lettuce. You look into the reasons it is not doing well. It may need fertilizer, or more water, or less sun. You never blame the lettuce."¹⁴ It is an idea that may not have much political persuasion but it is powerful all the same. And in the end we will all lose out if we wage war on youth. We must recognise that a generation of young people are struggling to grow in poor soil. They would blossom and enrich their lives and the lives of everyone around them if encouraged towards the sun.

¹⁴ Cited in Garbarino, J. Lost Boys: Why Our Sons Turn Violent and How We Can Save Them NY Free Press, 1999 pp. 233-234

GLOSSARY

ATI: Alternative to Incarceration (in this case used to denote alternatives to incarceration and detention).

Detention: Being held in a jail or Juvenile Hall pending sentence.

Disposition: Sentence.

Family Court: Deals with juvenile justice matters of delinquency (crime) and PINS cases (persons in need of supervision). Also with child welfare cases.

Felony: A sentence deserving of more than a year in custody.

GED: General Education Diploma. Equivalent exam to the High School Diploma.

Incarceration: Being held in a secure facility as sentenced – a prison or youth authority.

Jail: Local correctional facilities where time is served on remand or for misdemeanour sentences.

Juvenile Hall: Jail for juveniles (same as Juvenile Detention Center).

Juveniles: Those who are under the legal age of adulthood who can commit 'delinquent acts' rather than 'crimes' although in this paper all illegal activity will be referred to as criminal.

Misdemeanour: A sentence deserving of more than 15 days but less than a year in custody. A fine or forfeiture may also/otherwise be imposed.

PIC: Prison Industrial Complex.

Prison: State correctional facilities where felony sentences are served.

Supreme Court: Deals with felony cases. Juveniles can be referred here for sentencing for certain felonies to be tried as adults.

YGC: Youth Guidance Center – the name of the Juvenile Hall in San Francisco.

Young people: Those under 25. This may include juveniles.

Youth Authority: Prison for Juveniles (their offence must have been committed while still a juvenile).

- *I will use the pronoun 'he' to denote 'he/she' unless the gender is specified.*

ITINERARY

Chronological list of places visited between 7th September and 17th October in New York: some for a few days... some for an afternoon... some for a couple of meetings...

CENTER FOR ALTERNATIVE SENTENCING AND EMPLOYMENT SERVICES (CASES)

346 Broadway, 3rd Floor
New York, NY 10013
www.cases.org

FAMILY COURT OF NEW YORK

60 Lafayette Street,
New York, NY 10013

MANHATTAN CRIMINAL SUPREME COURT

60 Lafayette Street,
New York, NY 10013

JUDGE MICHAEL CORRIERO

111 Center Street, 11th Floor
New York, NY 10013

VERA INSTITUTE OF JUSTICE

233 Broadway, 12th Floor
New York, NY 10279
www.vera.org

FRIENDS OF ISLAND ACADEMY (FOIA)

330 West 38th Street, Suite 301
New York, NY 10018
www.foiany.org

ESPERANZA

636 Broadway, 4th Floor
New York, NY 100212
www.esperanza-hope.org

BROOKLYN FAMILY COURT

330 Jay Street,
Brooklyn, NY 11201

SAFE RETURN

c/o VERA
233 Broadway, 12th Floor
New York, NY 10279

YOUTH ADVOCACY PROGRAM

25 Chapel Street, Room 701
Brooklyn, NY 11201
www.communityalternatives.org

EACH ONE TEACH ONE
THE CORRECTIONAL ASSOCIATION OF NEW YORK
135 East 15th Street,
New York, NY 10003
www.correctionalassociation.org

GIRLS EDUCATIONAL AND MENTORING SERVICES (GEMS)
298b West 149th Street
New York, NY 10039
www.gems-girls.org

BRONX CONNECT c/o URBAN YOUTH ALLIANCE
442 East 149th Street, 4th Floor
Bronx, NY 10451
www.uyai.org

ADOLESCENT RECEPTION AND DETENTION CENTER (ARDC) RIKERS ISLAND JAIL
11-11 Hazen Street,
East Elmhurst, NY 11370
www.vera.org

QUEENS CRIMINAL COURT
151-20 Jamaica Avenue,
Jamaica, NY 11432

PROJECT CONFIRM
492 1st Avenue, G38
New York, NY
www.vera.org

ADOLESCENT PORTABLE THERAPY
80 Broad Street, Suite 1700
New York, NY 10004

CROSSROADS JUVENILE CENTER
THE CITY OF NEW YORK DEPARTMENT OF JUVENILE JUSTICE
17 Bristol Street
Brooklyn, NY 11212
www.nyc.gov/nycdjj

PRISON MORATORIUM PROJECT
388 Atlantic Avenue, 3rd Floor
Brooklyn, NY 11217
www.nomoreprisons.org

Chronological list of places visited between 18th October and 2nd December in San Francisco, Oakland and San Mateo: some for a few days... some for an afternoon... some for a couple of meetings...

COMMUNITY JUSTICE NETWORK FOR YOUTH (CJNY)

180 Howard Street, Suite 320,
San Francisco, CA 94105
www.cjny.org

HUCKLEBERRY YOUTH: COMMUNITY ASSESSMENT AND REFERRAL CENTER (CARC)

121 Leavenworth Street,
San Francisco, CA 94102
www.huckleberryyouth.org

BROTHERS AGAINST GUNS

Inc. 8 West Point Road,
San Francisco, CA 94124
www.brothersagainstguns.org

CENTER ON JUVENILE AND CRIMINAL JUSTICE (CJCJ)

54 Dore Street,
San Francisco, CA
www.cjcj.org

JUVENILE HALL: YOUTH GUIDANCE CENTER

375 Woodside Avenue
San Francisco, CA 94127

CRITICAL RESISTANCE

1904 Franklin Street, Suite 504,
Oakland, CA 94612
www.criticalresistance.org

CAUGHT IN THE CROSSFIRE

3300 Elm Street,
Oakland, CA 94609
www.youthalive.org

COVENANT HOUSE

2781 Telegraph Avenue,
Oakland, CA 94612
www.covenanthouse.org

SAN QUENTIN UTILIZATION OF INMATE RESOURCES EXPERIENCES AND STUDIES (SQUIRES PROGRAM)

California State Prison,
San Quentin, CA 94964

SAN MATEO DEPARTMENT OF PROBATION

21 Tower Road,
San Mateo, CA 94402
www.co.sanmateo.ca.us

CAMP GLENWOOD

PO BOX 39,
La Honda, CA 94020

SAN MATEO YOUTH COURT

21 Tower Road,
San Mateo, CA 94402

JUVENILE HALL: HILLCREST

21 Tower Road,
San Mateo, CA 9440

BOOKS NOT BARS

Ella Baker Center,,
344 40th Street,
Oakland, CA 94609
www.ellabakercenter.org

Behind Zero-Tolerance for Young People

A brief summary of pp175-183 "Conservative Agendas and Campaigns: Youth" from *Defending Justice*, a publication of the *Political Research Associates*.

(see <http://www.defendingjustice.org/pdfs/chapters/youth.pdf>)

©1982-2006 Political Research Associates

Zero-tolerance law enforcement was customised by the broken windows philosophy to preserve the rights of ordinary citizens to a life free from fear. In the 1980s New York City was rife with street violence to the extent that people were afraid to travel on the subways or to walk across Central Park. The dangers were largely due to the crack cocaine epidemic whose harm affected the whole of the city.

It was predicted that the situation could, in fact, get even worse. This generation of crack addicts were having children and the generation to come were bound to be even more frightening and dangerous. The so-called 'crack babies' were to be more amoral and out of control than any previous generation owing to their intravenous drug intake through the mother while still in the womb. Articles were written about potential medical problems that would prevent reasoning in these children. Fear was aggravated also about the financial cost of the next generation: The New York Times instigated that crack babies would cost the nation over \$500 million annually¹⁵. Panic was inflamed.

Youth of colour were most impacted by the media hype since its affiliation of the problem with inner cities gave birth to racial stereotyping. This is despite the fact that white males were the predominant drug users. The media illustrated its campaign against the evils of crack babies with poor, black, urban mothers having many children with no regard for social responsibility. From 1991 to 1994, 84% of women on network TV news stories about crack were black¹⁶.

Such stereotypes helped Reagan, Bush and the Right to cut back funding for numerous social services, especially welfare. People feared that their tax dollars were going towards feeding drug addictions and not children.

When studies were undertaken by the Journal of the American Medical Association however, they asserted that crack babies were "poster children" for the Reagan/Bush War on Drugs. In fact exposure to crack cocaine in-utero had no consistent negative effects on physical developments, test scores for young children, and was not proven to cause any detrimental effects independent of other factors¹⁷.

But terrible crimes committed by young children were widely publicised by the media, giving rise to fear of escalating youth crime. John Dilulio, then a professor at Princeton University, brought forth the idea of the 'super-predator'. Super predators were born into 'moral poverty' – another catch-phrase – and moral poverty was characterised by a

¹⁵ New York Times, "The Cost of not Preventing Crack Babies." Op-ed, , October 10, 1991, A26.

¹⁶ Ana Teresa Ortiz and Laura Briggs, "The Culture of Poverty, Crack Babies, and Welfare Cheats," *Social Text* 21 (3): 39.

¹⁷ Deborah Frank, et. al. , "Growth, Development, and Behavior in Early Childhood Following Prenatal Cocaine Exposure," *Journal of the American Medical Association* 285 (12): 1613-1625. Wendy Chavkin, "Cocaine and Pregnancy-Time to Look at the Evidence," *Journal of the American Medical Association* 285 (12): 1626-27.

combination of factors. Single-parent families, prevalent drugs or alcohol in the home, verbal or physical abuse, criminal associates, neglect, lack of positive role-models and never having been taught right from wrong. The super predator theory was strengthened by reports of high divorce rates, many children in single-parent households and the lack of regular church attendance by young people. Population trends also predicted increased numbers of these dangerous young people. So, “radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs, and create serious communal disorders” were predicted by Dilulio. His words were so strong that his 1996 report, *The state of Violent Crime in America* influenced the passage of The Violent Youth Predator Act of 1997 that, among other policies, allows certain juveniles to be tried as adults.

Dilulio’s theory has been discredited and he now admits that there were mistakes with his notion of ‘super-predator’. However, the ripple effect from his predictions were far-reaching and his influence is evident in American legislation for young people. Vincent Schiraldi, President of the Youth Justice Policy Institute, called Dilulio the single person most “closely identified with unsound crime analysis and punitive imprisonment policies”¹⁸.

While widespread evidence exists to refute the claims that such large numbers of youth are a threat to our society, the myths of crack babies, super predators and gang-bangers continue to circulate. They persist because they fit so well with the idea that we must get tough on crime. Scapegoating young people and heightening people’s fears of youth have added to a climate that promises safety through strict social controls.

¹⁸ Vincent Schiraldi, “Will the Real John Dilulio Please Stand Up?” Washington Post, February 5, 2001. <http://www.commondreams.org/views01/0205-02.html>

Arrested Bronx Guild HS Principal,
Student And School Aide To Appear In
Court

Related Story:

[NYCLU: Cops overstep boundaries while
policing city schools](#)

March 23, 2005 -- The principal, a student and a school aide from Bronx Guild High School appear in court today after they were arrested and removed from their positions at the school last month.

The New York Civil Liberties Union joined the attorneys for the three and City Council Member Eva Moskowitz on the steps of Bronx Supreme Court before the hearing to assess the case, to show how the NYPD's actions overstepped the principal's authority, and to call once again for the reinstatement of the three to their school.

"We are troubled by the removal of the principal and school aide from their positions and seek their prompt return to the Bronx Guild community," said Donna Lieberman, Executive Director of the NYCLU. "While New York Education Law clearly establishes principals' authority over their schools, there are deficiencies and contradictions in governance of the schools in the Chancellor's Regulations and the NYPD Patrol Guide that must be corrected."

The incident for which they were arrested took place at the non-impact Bronx Guild High School, which is housed within impact school Adlai Stevenson High School. On February 3, 2005, a student left her classroom without permission and was being escorted back by a school aide. The student reportedly triggered Officer Juan Gonzalez' attention by making a loud statement in the hallway, which is against school rules but is not against the law. Officer Gonzalez rejected a suggestion to have the principal handle the situation and announced that he would get the student from the

classroom himself if the school official did not.

Officer Gonzalez barged into the classroom without permission from Principal Michael Soguero in order to arrest the student. In doing so, Officer Juan Gonzalez disrupted the educational process, alarmed students, leading to the arrest of the student, Principal Soguero and School Aide James Burgos while they were trying to do their jobs as educators. The student was ultimately charged with disorderly conduct and spent 2 days in jail. Soguero and Burgos, who each spent one day in jail, were removed from their positions at the school.¹⁹

¹⁹ New York Civil Liberties Union
http://www.nyclu.org/adlaistevenson_hs_pr_032305.html

CENTER FOR ALTERNATIVE SENTENCING AND EMPLOYMENT SERVICES (CASES)
346 Broadway, 3rd Floor
New York, NY 10013
www.cases.org

Established: **1989**

Sex and age of participants: **Males 13-15 (Mosaic Program) and 15-18 (Court Employment Program) Females (GirlRising Program)**

Funding: **Division of Probation and Correctional Alternatives, Office of Children and family services, NYC Council and others**

Residential: **No**

Number of participants: **600/year on the Court Employment Project**

Length of programme: **6 months or case-specific**

Cost to family: **None**

Services: **Court advocacy, Court Employment Project, GirlRising programme, Mosaic programme, Career Exploration Project, substance abuse services, random drug testing, links to local agencies, education department (and official testing site for GED)**

Ratio staff : young people: **1:25**

Measure of success: **No new criminal convictions within 2 years of graduating from the programme**

Success Rate: **80%**

Aftercare support: **Career-ex alumni services**

FRIENDS OF ISLAND ACADEMY (FOIA)
330 West 38th Street, Suite 301
New York, NY 10018
www.foiany.org

Established: **1990**

Sex and age of participants: **Both 11-21 (but can remain if still in need of services)**

Funding: **Government support and Corporate and Foundation support – especially The Robin Hood Foundation**

Residential: **No**

Number of participants: **200/year**

Length of programme: **person-specific**

Cost to family: **None**

Services: **Education facility, employment assistance, group work, individual counselling, legal advocacy, training in youth leadership, recreation activities, addressing housing issues, family meetings, individual gang intervention, mental health services, peer education, a Friends to Fathers programme.**

Ratio staff : young people: **1:6**

Measure of success: **Number of youth who don't return to jail**

Success Rate: **95%**

Aftercare support: **Support is ongoing**

ESPERANZA

636 Broadway, 4th Floor
New York, NY 100212
www.esperanza-hope.org

Established: **2003**

Sex and age of participants: **Both 11-16**

Funding: **NYC Department of Probation**

Residential: **No**

Number of participants: **216/year**

Length of programme: **4-6 months**

Cost to family: **None**

Services: **Court advocacy, available 24 hours/day to respond to crises, school support, curfew monitoring, cognitive behavioural therapy, multi-systemic therapy, development of goals, accompaniment to probation appointments.**

Ratio staff : young people: **1:6 families**

Measure of success: **Graduating from the programme (ie: not being terminated by Esperanza or violating probation)**

Success Rate: **65%**

Aftercare support: **Aim is to have young people move on and not become dependent on the programme.**

YOUTH ADVOCACY PROGRAM

25 Chapel Street, Room 701
Brooklyn, NY 11201
www.communityalternatives.org

Established: **1985**

Sex and age of participants: **Both 12-16**

Funding: **Office of Children and Family Services, Division of probation and Correctional Alternatives, and more state services and divisions.**

Residential: **No**

Number of participants: **51 Supreme Court and 26 Family Court cases/year (77/year)**

Length of programme: **6 months - 1 year**

Cost to family: **None**

Services: **Court advocacy, curfew monitoring, supervision of school attendance and performance, home visits, family therapy, random drug testing, individual mentoring, group meetings, educational and vocational counselling, opportunities to volunteer in the community, links with local agencies.**

Ratio staff : young people: **1:17**

Measure of success: **How many are not returned to court for re-arrest**

Success Rate: **90%**

Aftercare support: **Not specified**

GIRLS EDUCATIONAL AND MENTORING SERVICES (GEMS)

298b West 149th Street
New York, NY 10039
www.gems-girls.org

Established: **1999**

Sex and age of participants: **Female 13-21 (sometimes up to 26)**

Funding: **Foundations, Fund for City of New York, The Union Square Award.**

Residential: **No -but transitional housing is available to 6 girls aged 17+**

Number of participants: **currently 60-90**

Length of programme: **Person-specific**

Cost to family: **None**

Services: **Court advocacy, sexual exploitation educational workshops, life skills training, 1:1 counselling, career readiness training, employment opportunities, youth leadership training**

Ratio staff : young people: **about 1:20**

Measure of success: **Making a decision to get out and leave a life of prostitution**

Success Rate: **76% (96% of those who benefited from the transitional housing facility)**

Aftercare support: **Support is ongoing**

BRONX CONNECT c/o URBAN YOUTH ALLIANCE

442 East 149th Street, 4th Floor
Bronx, NY 10451
www.uyai.org

Established: **2000**

Sex and age of participants: **Both 13-19**

Funding: **Foundations, churches, individuals, NYC Mayor's office of the Criminal Justice Co-ordinator, Department of Education.**

Residential: **No**

Number of participants: **currently 20-30**

Length of programme: **1 year – 18 months**

Cost to family: **None**

Services: **Intensive case management and counselling, court advocacy, mentoring, tutoring, parent support, groups and activities, educational support, job training and placement.**

Ratio staff : young people: **1:10**

Measure of success: **Keeping young people free in the community without reconviction during mandated 12-month participation.**

Success Rate: **83%**

Aftercare support: **Many stay with the programme voluntarily after their mandated year participation has expired.**

ADOLESCENT PORTABLE THERAPY (APT)

80 Broad Street, Suite 1700
New York, NY 10004
www.vera.org

Established: **2001**

Sex and age of participants: **11-16**

Funding: **Department of Juvenile Justice**

Residential: **No**

Number of participants: **150/year**

Length of programme: **Can be over a year (4-6 months in intensive community phase of treatment)**

Cost to family: **None**

Services: **Family therapy, strengths-based approach, multi-systemic therapy. Therapists follow young person through justice system – in detention centres and upstate facilities if necessary as well as in communities upon release**

Ratio staff : young people: **Variable**

Measure of success: **Monitoring substance use, school attendance and employment, mental health, family functioning and recidivism analysis**

Success Rate: **There is greater success with APT treatment**

Aftercare support: **Support generated within family. Therapists also available over the phone.**

HUCKLEBERRY YOUTH: COMMUNITY ASSESSMENT AND REFERRAL CENTER (CARC)

121 Leavenworth Street,
San Francisco, CA 94102
www.huckleberryyouth.org

Established: **1998**

Sex and age of participants: **Both 11-17**

Funding: **Mayor's Office of Criminal Justice**

Residential: **No**

Number of participants: **600/year**

Length of programme: **3 months – 1 year**

Cost to family: **None**

Services: **Staff attend: school meetings to aid with re-entry, probation hearings, make referrals to tutoring/education assistance, counselling, job placement, recreation activities. Mentoring programme, links with local agencies, legal advice, psychiatric nurse.**

Ratio staff : young people: **1:25**

Measure of success: **Number of young people diverted from direct transportation to the Juvenile Hall (plus many other measures of success)**

Success Rate: **Two thirds**

Aftercare support: **Referral to community agencies.**

BROTHERS AGAINST GUNS
Inc. 8 West Point Road,
San Francisco, CA 94124
www.brothersagainstguns.org

Established: **1996**
Sex and age of participants: **Both 9-17 and 18-25**
Funding: **Mayor's Office of Criminal Justice**
Residential: **No**
Number of participants: **500 on database**
Length of programme: **6 months – 1 year.**
Cost to family: **None**
Services: **Gang/turf conflict intervention, school-based support, counselling and case management, supervised recreational activities, links to local support agencies, transport to funerals, Street Talk programme at the Juvenile Hall, intensive home-based supervision.**
Ratio staff : young people: **Variable**
Measure of success: **Re-arrest rate (for ATI component of programme)**
Success Rate: **In 2004, only two out of 80 young people on the ATI component of the programme were re-arrested**
Aftercare support: **Centre is at heart of community and its doors are open.**

CAUGHT IN THE CROSSFIRE
3300 Elm Street,
Oakland, CA 94609
www.youthalive.org

Established: **1994**
Sex and age of participants: **Male 12-20**
Funding: **Department of Justice and charitable foundations**
Residential: **No**
Number of young people on Programme: **200/year**
Length of programme: **Up to 1 year**
Cost to family: **None**
Services: **Bedside support, home visits, peer-mentoring, role-models, links with local resources, legal assistance and court advocacy, family support, life-skills.**
Ratio staff : young people: **1:1**
Measure of success and success rate: **A study following youth for 6-months post-injury found young people on the programme are 70% less likely to be arrested and 60% less likely to have any criminal involvement than non-participants. A year post-injury, 100% had not participated in retaliatory violence, 99% were not re-injured in retaliatory violence, 59% re-connected with school, 35% obtained employment.**
Aftercare support: **Doors are still open upon completion of programme.**

SAN QUENTIN UTILIZATION OF INMATE RESOURCES EXPERIENCES AND STUDIES (SQUIRES PROGRAM)

California State Prison,
San Quentin, CA 94964

Established: **1964**

Sex and age of participants: **Male, 12-17**

Funding: **Youth organisations that bring young people to the programme**

Residential: **No**

Number of young people on Programme: **Various**

Length of programme: **7.30am-2pm for two Saturdays**

Cost to family: **None**

Services: **Break down by the SQUIRES inmates of barriers and false fronts put up by the youth, rapport established. Tour and graphic descriptions of prison interior: location of Death Row, housing (young people experience being shut in a cell) etc. Group sessions and intense interaction with individual young people.**

Ratio staff : young people: **1:1 (staff are lifers who are SQUIRES members)**

Measure of success: **Positive feedback from participants and parents**

Success Rate: **Unmeasured by SQUIRES but some studies suggest that it is highly effective for the year following the course and then the youth may become re-involved in crime**

Aftercare support: **Through community programmes / whoever put forward the young person to SQUIRES**

CAMP GLENWOOD

PO BOX 39,
La Honda, CA 94020

Established: **1961**

Sex and age of participants: **male, 14-18**

Funding: **Federal and state monies (tax dollars)**

Residential: **Yes**

Number of young people on Programme: **60 (full capacity)**

Length of programme: **6 months**

Cost to family: **max. \$25/day and graded by income – some pay nothing**

Services: **education, cognitive skills training, art, gym, gardening and selling produce at farmers' market, selected to work in kitchens, points system for earning weekends at home, medical team on site, drug/alcohol counselling, sex education, counselling, gang programme, life skills, drumming circle, work group (maintenance etc) and community work groups at weekend, fathers' group.**

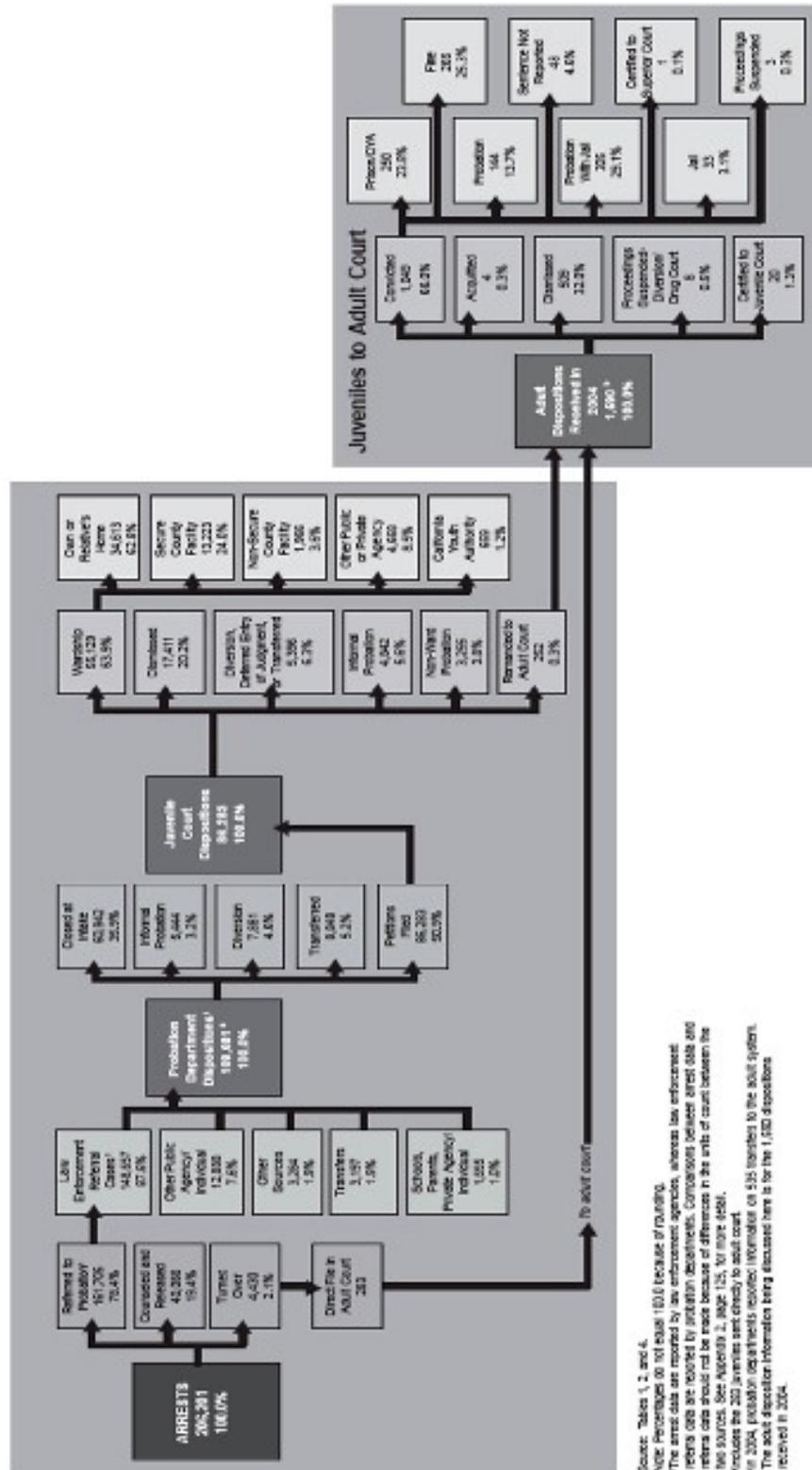
Ratio staff : young people: **1:15 in classroom, 1:30 in sections at night**

Measure of success: **completion of programme**

Success Rate: **about 95%**

Aftercare support: **Intensive supervision through the Furlough programme, and encouraged to phone staff at camp any time for support.**

Juvenile Justice Procedures in California 2004
 (http://caag.state.ca.us/cjsc/publications/misc/jj04/preface.pdf)



Source: Tables 1, 2, and 4.
 NOTE: Percentages do not equal 100.0 because of rounding.
 *The arrest data are reported by law enforcement agencies, whereas law enforcement referrals data are reported by probation departments. Comparisons between arrest data and referrals data should not be made because of differences in the units of count between the two sources. See Appendix 2, page 125, for more detail.
 **Includes the 203 juveniles sent directly to adult court.
 ***In 2004, 600,000 of commitments received information on 535 transfers to the adult system. The adult disposition information being discussed here is for the 1,520 dispositions received in 2004.

Riker's Island Jail

Article by Alice Dawnay, October 2005, published at www.noinnocentbystanders.com

Riker's Island is home to 10 jails. Adults and juveniles, men and women, murderers, rapists and those who have jumped the turnstyle at the subway. The irony is that the view from the island is the same view that is on all the postcards - the Manhattan skyline. The difference is that it is seen through row upon row of razor wire.

So I was at the ARDC - Adolescent Reception Detention Centre - which sounds rather nice. But the conditions are similar to a refugee camp. Sleeping in huge semi permanent tents called Sprungs that house 100-150 16-18 year olds each is the way that many young people spend their first time incarcerated. These are the young people on remand / the ones who do not have the money to stump up for bail. They have not been sentenced and yet three of the guys I spoke to today have been held there for a year already. This is not at all uncommon - there are so many people being squeezed through the justice system and if you can't pay thousands of bucks worth of bail money, you should have thought of that before you jumped the turnstyle (an arrestable offense, and if by that 'theft from the state' you are breaching your probation by re-arrest you are imprisoned).

The kids who have killed people are in the same area as the turnstyle-hoppers. The portacabin-type classroom facilities are in the corner of the island that is least crucial as far as electricity supplies and general maintenance. The place is very shoddy and falling apart and there are buckets everywhere so that walking down the corridor is like doing a slalom round receptacles for the leaking roof. There is often (today was exemplary) no electricity and therefore no air-con / heating. It is illegal for people to be held in conditions above/below a certain temp but these guys are and the COs (Correctional Officers - no irony intended in their job titles apparently) don't mind a bit as being too hot or too cold tends to make people sleepy and lethargic and this is a perfect condition in which to have your wards.

Our portacabin was, we were told, not likely to have much trouble because the CO in charge had everyone's respect. We were told that how he gained that respect was not talked about but that 'He's not a Buddhist let's put it that way'. I thought I was going to be observing but everyone was so excited by my accent that I was encouraged by Tongo (the guy who I was shadowing) to take most of the class (which was really just provoking debate on the Katarina disaster. Since 515 prisoners drowned in their cells when all the COs took flight in New Orleans, not much provocation necessary).

The class was exhausted from lack of sleep from watching their backs 24 hours a day. According to one of the teachers there, the COs just look on as the guys fight each other to assume hierarchy. They think that the only alternative to letting them sort it out with their fists is for the COs to be constantly telling the guys that have been there longer to lay off the newer ones but that this only ends in a worse showdown in the showers later. They say it is better to let them fight it out. About 30% of the lads I saw today had puffy eyes and bruising/cuts. All of the inmates that I saw were black/Hispanic.

And I felt really ashamed. That this was being allowed to happen on an ongoing basis with absolutely no hint of reform or basic improvements. Even the buckets catching the pouring water coming from the ceilings were permanent fixtures in themselves. For their 19th birthdays many of these kids have little more to look forward to than changing out

of their 'tans' and into their 'greens' and moving along the island to the adult jail.

In many American States a prison record means that you can no longer vote. Ever again. So the people who know where their taxes are going insofar as the justice system can't vote and that is, typically, many African-Americans. In some states 13% of the black population is unable to vote due to being incarcerated, on parole or probation and that does not include those who cannot from old offenses in the past. And a drug conviction means you can never claim welfare in the future.

The 'Scared Straight' Programme

Article by Alice Dawnay, November 2005, published at www.noinnocentbystanders.com

"This is where gang-life gets you. This is your prize. Do you see any trophies?" I look around the cage I am crammed into with ten 12-17 year-old boys in the reception and referral component of San Quentin State Prison, California. No. I see no trophies. I see a smear of blood on the wall behind my shoulder.

This is where convicts are first introduced to San Quentin. They might be kept in this cage for a day while they are processed before being delivered their orange pyjamas, black plimsolls, razor, soap, pencil and tiny toothbrush. This is after they have each been stripped and searched just the other side of the bars. "People see you naked in here more times than your wife ever has". They might be in the cage with 15 others or with one. That one might be their enemy. They might have killed his brother or robbed his sister; "It gets ugly in these cages". There's a metal toilet in the cage. No toilet paper.

I am on a 'Sacred Straight' programme. It is called SQUIRES: San Quentin Utilization of Inmate Resources, Experience and Studies. Boys deemed 'at risk' of criminal activity, and those that are already involved in the Juvenile Justice system, and some of their parents, are brought to the State Penitentiary to be terrified onto the straight and narrow. Lifers are our guides. Whilst the guards ensure security, the lifers (most of whom were convicted aged 17 and 18 and have been locked up for two or three decades) run the place. They give up yard time and other privileges to press their gut-wrenching testimonies on the younger generation of hustlers, that if they do end up in prison, it won't be through ignorance or false notions of status and kudos.

We move through to the area where fingerprints and hand prints and personal details are logged, and where DNA samples are taken by swab from the mouth. It is mandatory that DNA is taken and refusal means a visit to The Hole. A second refusal results in six officers in riot gear paying you a visit and using "a reasonable amount of force" to extract it (blood is taken this time). There will be no question of your doing what you are told when they start to pump pepper spray into your unventilated cell out of enormous fire-extinguisher-like units we are told. "Isn't it a whole lot easier to mind your parents on the street now while you have the chance?" one of the Squires members asks quietly.

As we parade through the yard the lifers form a circle around us. Bodyguards. And the rest of the population of the enormous yard stare at us like cats trailing the unravelling of a ball of wool, heads turning slowly and deliberately. Who will pounce first? The guards, standing at intervals on the scaffold above us, silhouetted with their rifles against the sky, dissuade any attempt.

The yard is segregated with absolute clarity as though a pedantic artist has arranged his palette with an eye to exact gradations of skin tone. I am taken aback by the profundity of this self-imposed racial isolation. The Hispanics suffer the most of any group I am informed, because gang loyalties are paramount to their survival.

We head to the West Block; a house of horror. The wing is for those prisoners who are awaiting a more permanent abode (though they are kept here for 3-9 months). Five storeys of cells. Each cell just longer than the length of a bunk, with a toilet squeezed into the space behind it at the back. About half a meter of space between the bunk and the wall. Two to a cell. When one stands up, the other lies down. If the prisoner has

received any post it is displayed on the wall. If not, the cell is whitewashed (or was once many years ago) and has obscenities or pleas to The Almighty scratched into its surface. The stench kicked the back of my throat as the noise wailed like a siren in my ears. It was Hell, perhaps.

The gun-walk along a platform at the top of the opposite wall allowed a bullet from a guard's rifle to enter any of the cells. Razor-wire was everywhere. Bodies in orange jumpsuits were pressed up against the bars that were each cell door. Bodies flexing and stretching for space like Leonardo's Vitruvian Man. Threats and curses were drowned by howling, barking and roaring from other inmates. Did the mental health problems pre-date the sentencing of these men? Is there no more suitable residence for them? The noise is ceaseless, I was told. And the choking stench? -"What you smell is misery and fear".

The boys were warned, "This could be the last time in your life to see this. Or you could see it for the rest of your life". One of the boys sniggers. "You think this is funny? You think this is funny? D'you think it's funny to me that I can't leave this place?" The boy is quieted and the Squires member admits that laughter is sometimes the way we express fear. None of us was without fear and disgust. And yet most of the men on West Block were there for violation of parole – 75% of those released on parole are back inside within the year. Despite the conditions. We experience being the other side of the bars, taking it in turns to be shut in.

San Quentin is the best prison he's been in, says Brian, a lifer who has served 24 years since his incarceration for murder eight days after his 18th birthday. It is a good one because it has an education department (developed by volunteers from the university, not by the state). We passed death row -now called 'condemned row' by a government that have also renamed the California Department of Corrections the 'California Department of Corrections and Rehabilitation' and call 'inmates' 'clients' (another whole story I feel...)- and the execution chamber and the cages where death row inmates can enjoy yard time in a cage in the yard. We pass bullet holes from 'warning shots'. We enter the education department.

If you can't read and write you will have to spend four days a week in a classroom. You may be 60 and have to raise your hand to ask permission of a 21-year-old female teacher to use the bathroom. You are the ones that never listened in school. Or never went. You were probably the school bully. Now you are made to sit behind a formica desk with all the other bullies. You have never had a respect for adult authority and now you are supervised by a teacher who is just a child to you. This is the most dangerous place to be in the prison because ignorance is the mother of fear and fear breeds anger. And you are a bully anyway.

Here the Squires speak to the boys on an individual basis with compassion and humility, the understanding of one who has been through the same thing, the intelligence of a highly competent psychoanalyst. And a form of no-nonsense compassion. One of them explains to a boy the risk that his children's home caseworker has taken in bringing him here. He gestures to me; "There is a risk I could take her by the neck and hold her hostage. There is a risk I could kill again here now. But there is also a risk I could save someone's life. Your caseworker has said you need to speak to a convicted murderer. She has said you need to listen before you're living on West Block". I take a furtive glance around the room at six murderers, two boys, and one plain-clothes guard. Risky.

The men explain to me that they are trying to find out 'Why?' of these boys' behaviour. The 1964 model of the Scared Straight programme has evolved somewhat and they say now that, "We don't scare straight, we communicate". "We can scare you", they say, "we can make you cry. But that would make you angrier. It makes you close up and shut down. Instead we try to make you understand yourself by helping you to understand how we are like you". With years of time to contemplate and years of counselling behind them, and a command of the boys' attention, these men are the most proficient counsellors I have ever seen. They speak with tears in their eyes to a white boy who hustles on the streets of East Oakland, a boy whose step-father held a gun to his head necessitating his residence in a group home from the age of eight. They can see his prospective future and they help him to see it.

Before we leave, the boys publicly and in turn thank the Squires members and then the men each have a message. One stands up and speaks to the group, voice breaking with emotion:

"Before these days when the groups come I get nervous because I don't know if I'm gonna make a difference. I want you to know my pain and my past and I ain't afraid to show any man my tears because I want you to know this ain't cool. I wish I could put my arms around my mother and say I'm sorry I disrespected you. Don't make the penitentiary the one to make you realise this. I've been here for nearly thirty years and we believe the air smells different the other side of these walls. It's very difficult for us to see you walk out when it is something we hope and pray for every day. I don't know if I'll ever walk out. I put handcuffs on myself. I did it. This shit is not cool".

Another says:

"You are not welcome here! I don't ever want to see you again because if I do that means I failed."

It seems that it is almost a relief for the men to speak honestly. The kind of truth that they can articulate to these kids doesn't come forth very often in a prison I am told, all the lies about the money, the women...

And I am left wondering what fantastic work these men could do in our communities, with our young people. They have changed their own mindsets so completely that they would tolerate nothing less than the same from others going along the same path. They have so much wisdom to impart and yet but for the Squires programme, that is locked up with them. For life. The very people who have the power and the will to challenge and inspire our youth have not the liberty to do so on any large scale.

6000 inmates populate San Quentin (designed for 3,317) - nearly 600 of whom live on death row. As, a bit further out of the bay, the tourists wander wide-eyed around the crumbling structure of Alcatraz, do they know what horrors are perpetuated across the water?

FOR MORE INFORMATION:

<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/18/WB74761.DTL>

San Mateo County Probation Department

Loren Buddress, Chief of Probation for San Mateo County is proud to tell me that he knows the four ways that work to rehabilitate offenders and cut crime. This is a bold statement and exciting. Particularly for California's young people. The reputation of the youth prison, the California Youth Authority (CYA), is very low. It has been exposed as being rampant with abuse and neglect and nine out of every ten young people released from that facility will be in prison again within the next three years²⁰. Judges sending young people to the CYA therefore, are effectively creating lifelong criminals. San Mateo County recognises this and they do their best to put alternative solutions into play.

Mr. Buddress has solutions that will protect his county from recurring criminal behaviour. These are: drug treatment, mental health treatment, cognitive skills training and educational and vocational programmes. He claims that research by Professor Latessa says these four methods of working with criminals produce a drop in recidivism rates of 15-63%. It is simple: to create safer communities, get young people into treatment so that they can get out of the criminal justice system and become pro-social, taxpaying members of society. Isn't that what everyone wants?

The same research conveys that without treatment, criminality in these people *increases* by 7%. He swears by cognitive skills training. If he were King for the day, he would make sure cognitive skills were being taught in every school and every probation department. His drugs treatment programme, Bridges, works with offenders who have abstained from drugs and alcohol while in jail despite a history of dependency. They are non-violent offenders, committed to abiding by the programme rules, curfew, attending regular court reviews and submitting to search and seizure. Bridges claims 99% clean drug screens of its participants. 100% are housed and employed by graduation from the course and all outstanding court matters are cleared. \$400,000 jail costs are saved per year. This is an outstanding result and one that leaves little room for disputing the effectiveness of Mr. Buddress' treatment initiatives.

His department has a feeling of warmth and team-spirit. The staff are passionate about building better lives for the people of their community. And the ambition of Loren Buddress is endless. This year a 'Youth Services Center' will open with a new Juvenile Hall, probation office, girls camp, group homes, health service, education, juvenile court and community school all on one large campus. Its core is rehabilitation. Comprehensive programmes will meet young people's physical, emotional, familial, educational/vocational and social needs and the young people will be linked with appropriate community service providers upon leaving the facility. It is designed to be an "institution where kids and their families will be better off for having come here" Mr. Buddress explains.

"San Mateo County has a commitment to treatment. Not because it is a soft option but because that is what data and research tells us works". This science motivates his staff to work towards results they know are possible. There is no discouragement. And San Mateo County Probation Department is busy with hope for the future.

²⁰ <http://www.witness.org>