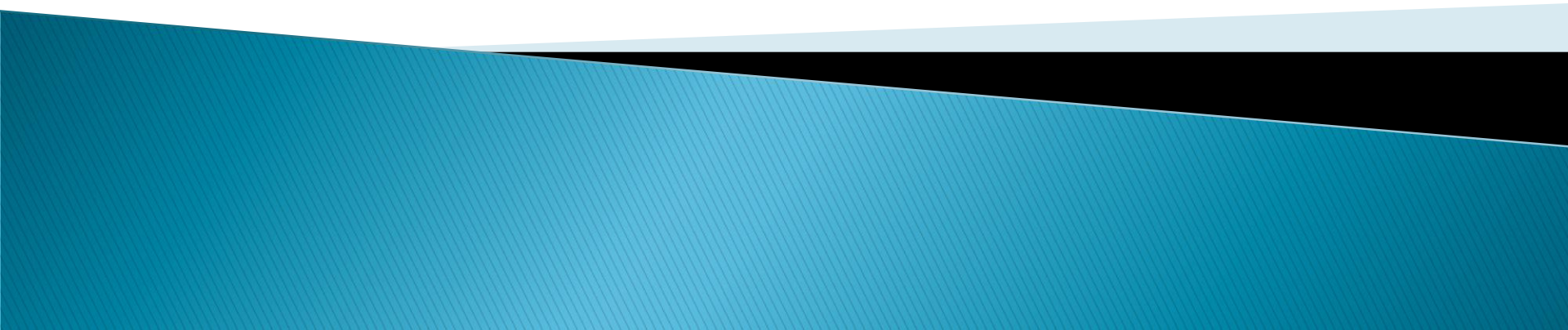


# Working with the Prosecutor

Reclaiming Futures Webinar  
September 22, 2011

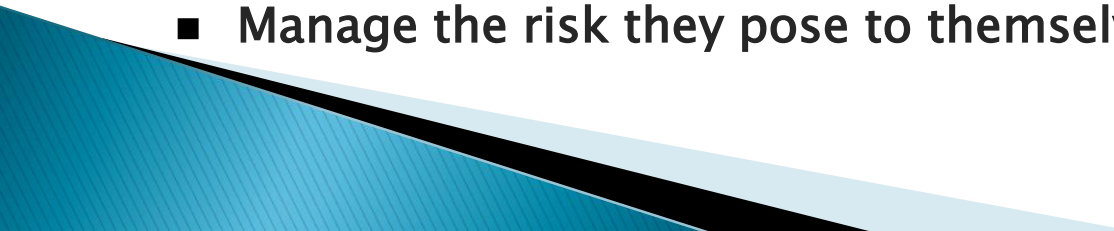




CJJR supports leadership development and advances a balanced, multi-systems approach to reducing juvenile crime that both holds youth accountable and promotes positive child and youth development.



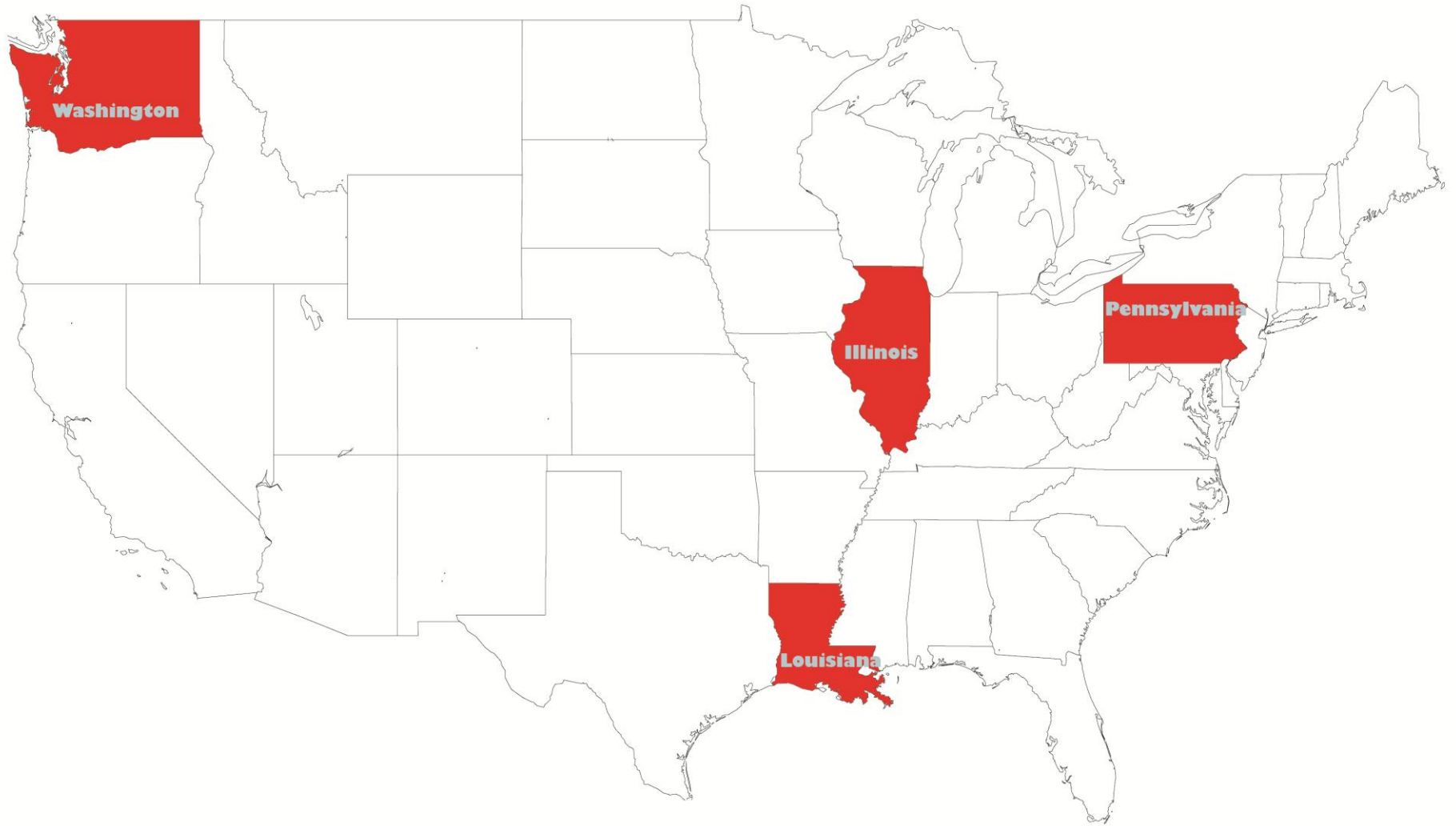
# MacArthur Foundation Models for Change

- Developed a working framework for a model juvenile justice system.
  - Foundation has partnered with selected states to advance reforms that effectively:
    - Hold young people accountable for their actions
    - Provide for their rehabilitation
    - Protect them from harm
    - Increase their life chances
    - Manage the risk they pose to themselves and public safety
- 

# MacArthur Foundation – Models for Change

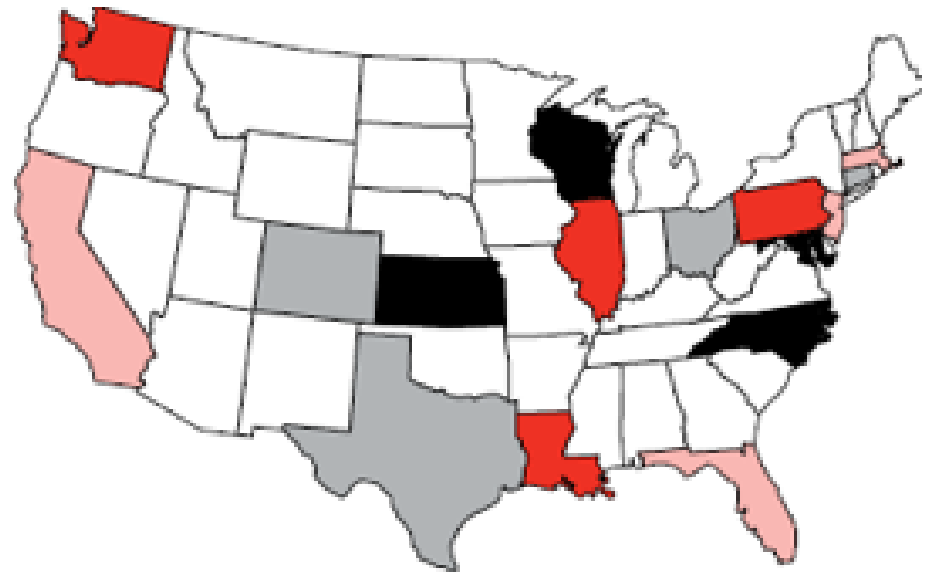
- ▶ September 2008 – CJJR joined the MfC National Resource Bank
- ▶ Role – to serve as a convener of prosecutors in the MfC states and to encourage participation in the reform efforts underway in their states.

# Models for Change Core States



## Action Network States

- Models for Change Core States
- Juvenile Indigent Defense Action Network States
- DMC Action Network States
- Mental Health Action Network States

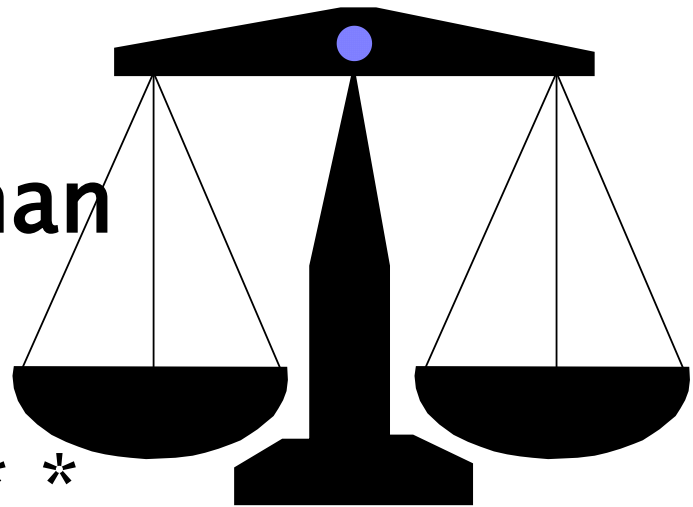


# The Power of a Prosecutor

**“The prosecutor has more control over life, liberty, and reputation than any other person in America.**

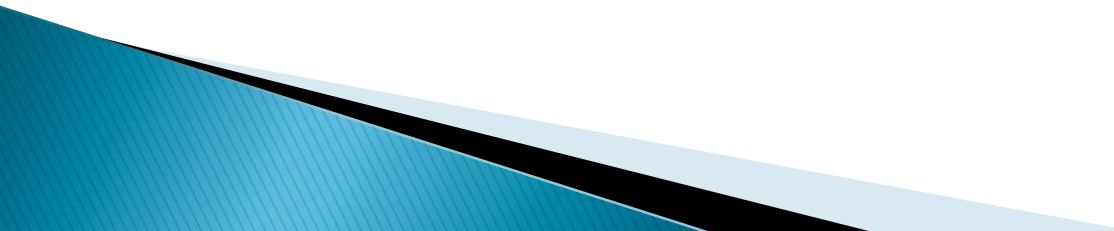
\* \* \* \* \*

\* 1940 Attorney General  
Robert H. Jackson, later  
Supreme Court Justice.



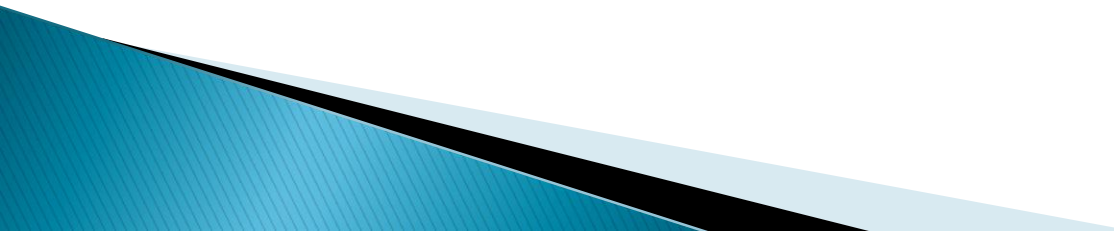


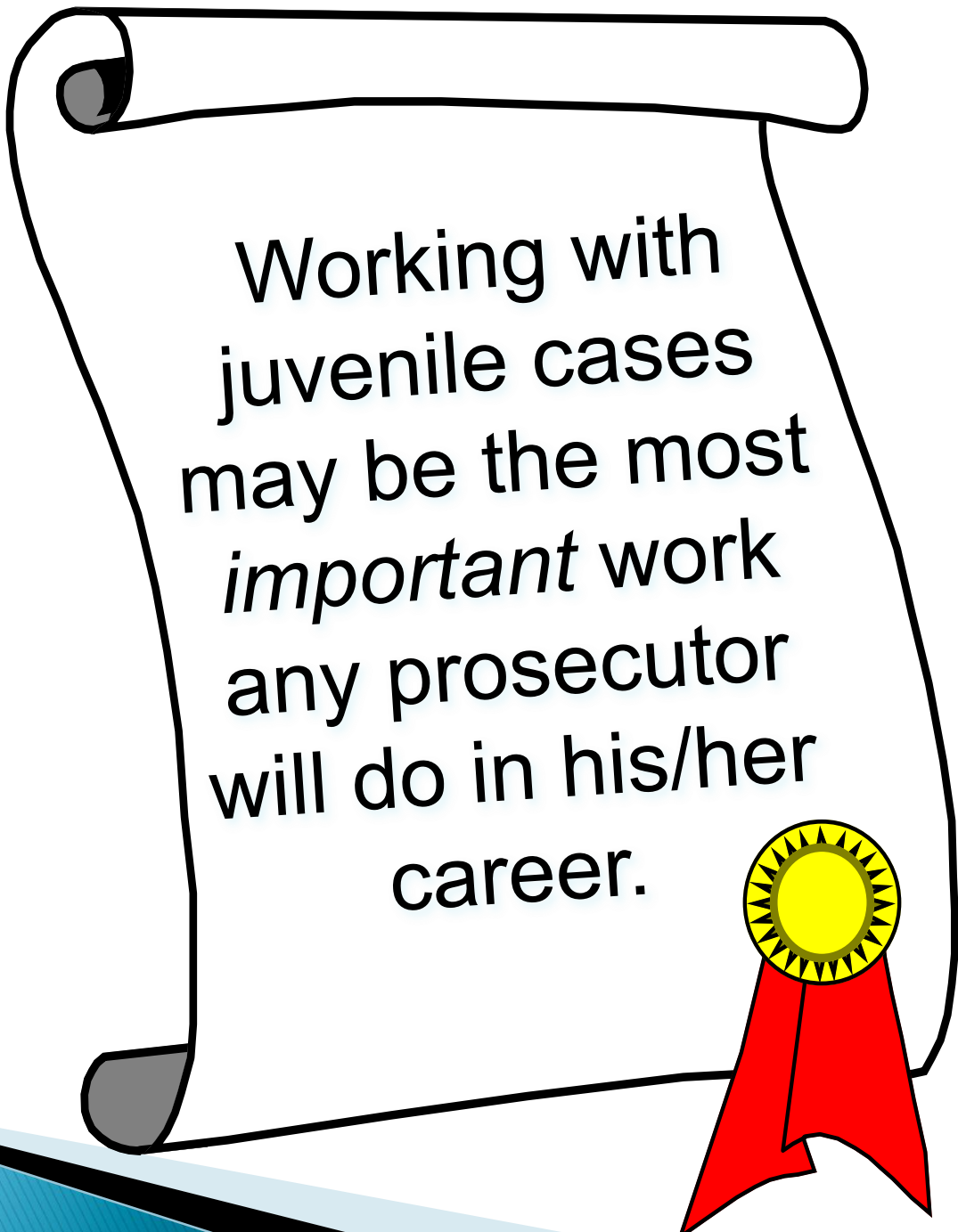
# Historical Perspective

- ▶ Juvenile Court was viewed as being in loco parentis.
  - ▶ Historical focus of Juvenile Court: What is in the best interest of the child?
  - ▶ Prosecutors role at one time was extremely limited, served as a convenience to the court.
  - ▶ Today, juvenile court is much different and prosecutors play a much bigger role
- 



# Role of the Juvenile Prosecutor

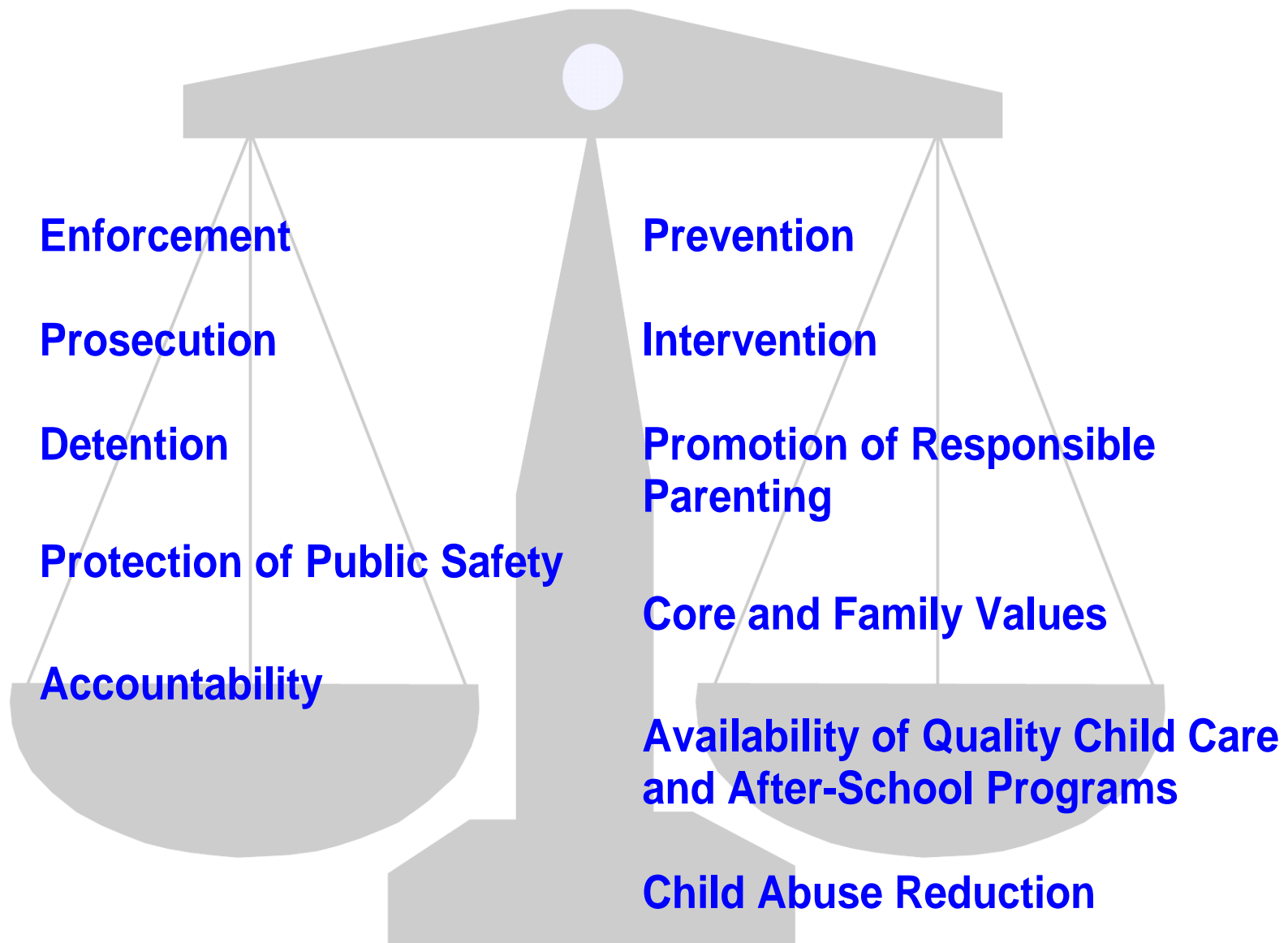
- ▶ Prevention
  - ▶ Early Intervention
  - ▶ Trials
  - ▶ Conditions of Detention
  - ▶ Re-entry
- 

A cartoon illustration of a rolled-up scroll. The scroll is white with a black outline and is tied with a red ribbon that forms a bow at the bottom right. A yellow seal with a sunburst pattern is attached to the ribbon. The scroll is partially unrolled, revealing text. The text is written in a black, sans-serif font and is centered on the scroll. The background is white, and there is a blue and white striped area at the bottom left corner.

Working with  
juvenile cases  
may be the most  
*important* work  
any prosecutor  
will do in his/her  
career.

# **A Balanced Approach To Juvenile Justice Is Needed**

- ▶ **While a prosecutor's first commitment must always remain protection of the public safety and holding offenders accountable for their crimes -- a balanced approach is needed in addressing juvenile crime.**



# NATIONAL DISTRICT ATTORNEYS ASSOCIATION

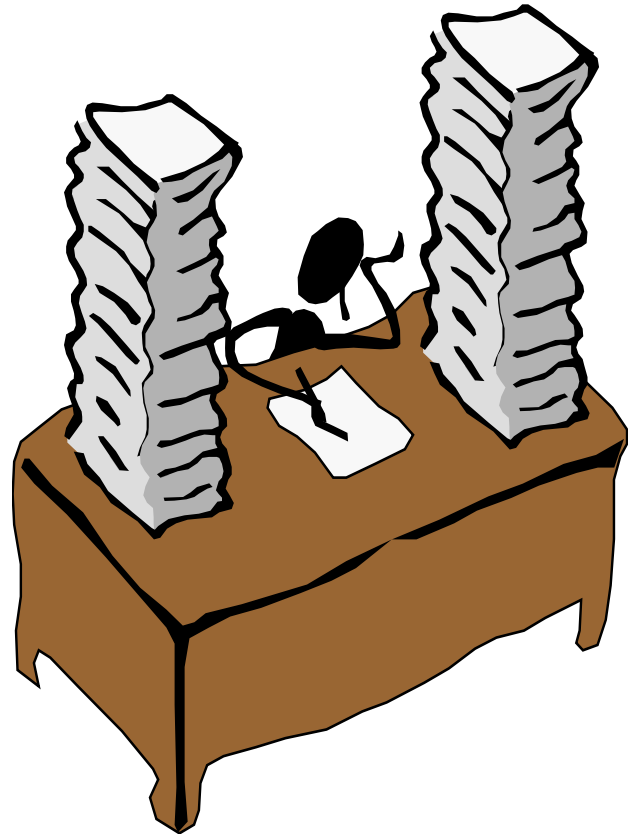
## RESOURCE MANUAL AND POLICY POSITIONS ON JUVENILE CRIME ISSUES

Adopted: November 16, 1996; Revised July 14, 2002


National District Attorney's Association, 99 Canal Center Plaza, Suite #510  
Alexandria, Virginia; 22314, Telephone # (703)549-9222, Facsimile # (703)836-3195

# Organizational Issues

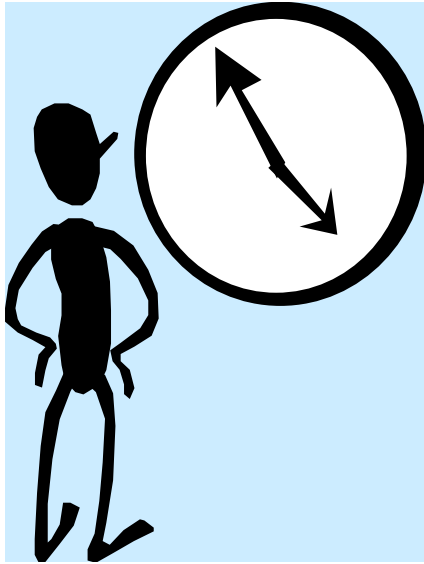
- Juvenile prosecutors must receive appropriate training and should be selected on the basis of their skill and competence.
- The practice of assigning juvenile court cases to entry level prosecutors must change.
  - Juveniles who commit criminal offenses require special attention.



# Juvenile Cases Are Important and Require Experience.

- Juvenile cases are clearly as important as those involving adult offenders.
  - Juvenile cases often pose technical difficulties not always seen in adult cases.
  - Presentation of evidence and dispositional alternatives require expertise that the new, under-trained, or less experienced prosecutor cannot provide.
  - Having trained and experienced deputies who can evaluate the facts, the juvenile's criminal and social history and the dispositional alternatives in the effort to obtain justice is important.
- 





## Juvenile Cases Should be Processed as Quickly as Possible

- Time is a major consideration in handling juvenile cases.
- The longer it takes to complete a juvenile case, the more likely it will be that the long-term message will be lost.



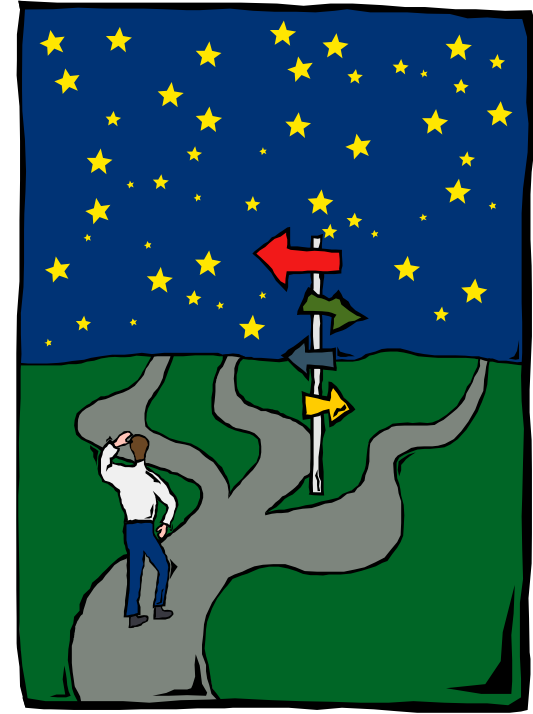
## The Prosecutor Serves As The Gate-keeper To The Juvenile Justice System

### Charging Function

The Prosecutor determines who should be charged with crimes, who should be diverted from prosecution and whether to seek waiver or transfer to adult criminal court.

# Diversion

- The decision to divert a case from prosecution is a charging decision -- it is a determination that sufficient evidence exists to file a charge in court but that the goals of prosecution can be reasonably reached through other means.
- Prosecutors should consider establishing diversion programs for appropriate first-time or low-level juvenile offenders who pose no apparent danger to the public safety.



# Early Intervention

- ▶ Diversion– Models for Change Diversion Guidelines

# CHARACTERISTICS OF GENERATIONS

- ▶ 50's – Family/Individual Values
- ▶ 60's – Revolutionists
- ▶ 70's – Me
- ▶ 80's – Greed
- ▶ 90's – Violence
- ▶ New Millenium – What will we make of this generation?



# What Does The Future Hold?

- ▶ How will history define the next generation?
- ▶ You have a front row seat in the answering of this important question.

# Columbia University

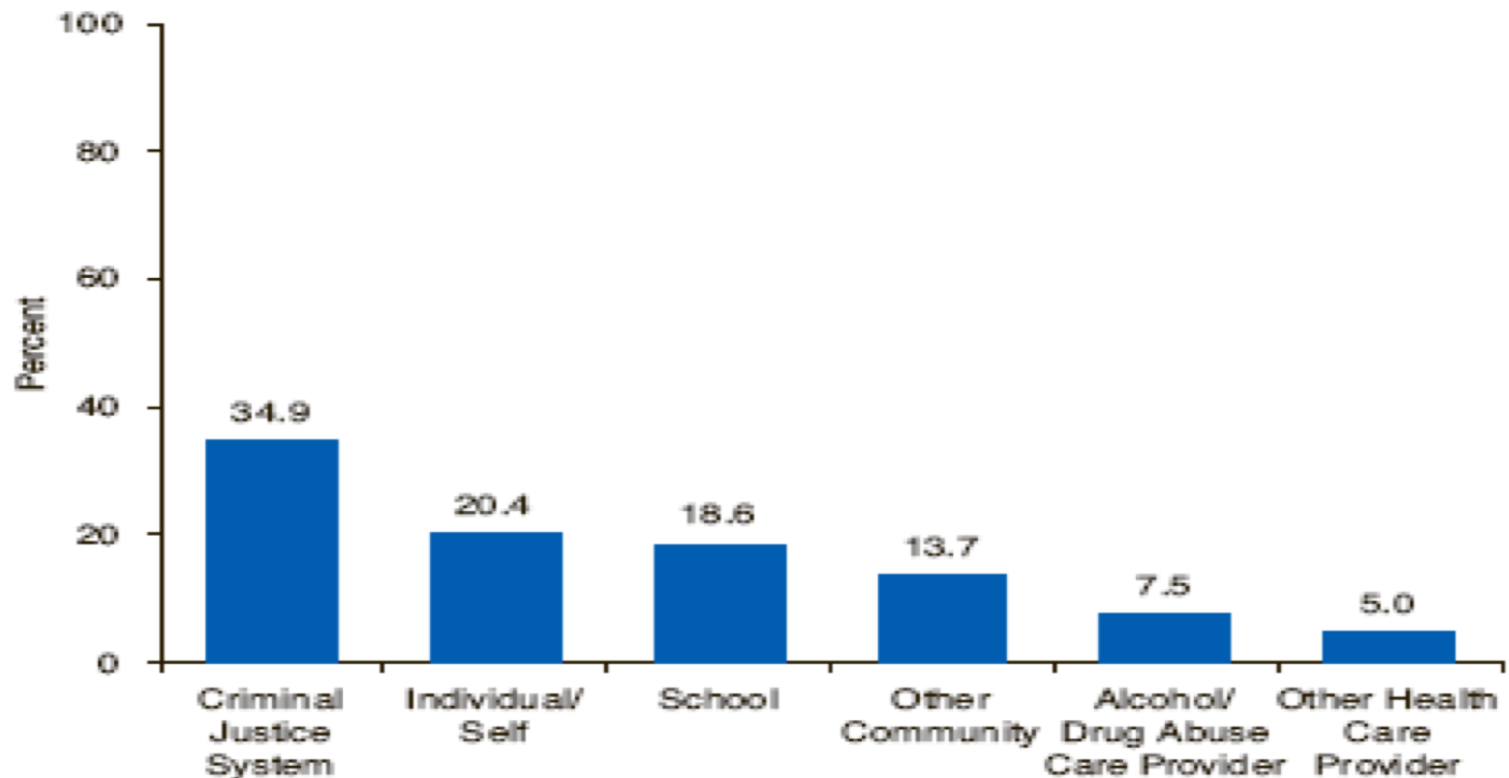




# Will be involved

- ▶ Link between substance use and offending
- ▶ DA's are gatekeeper to the system
- ▶ Majority of referrals to treatment come from JJ system

**Figure 5. Principal Source of Referral among Early Adolescent Admissions: 2008**

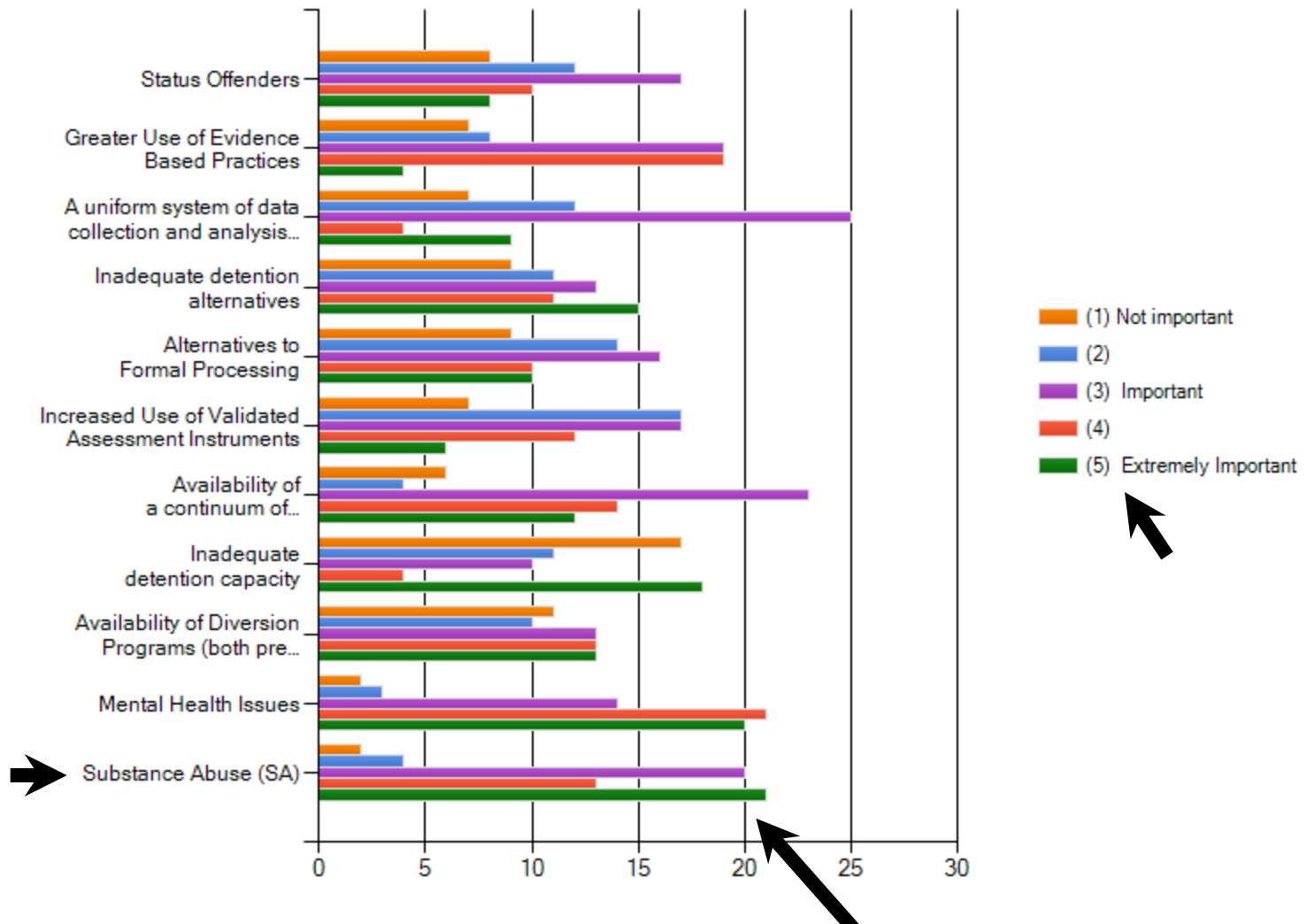


Note: Percentages may not sum to 100 percent due to rounding.

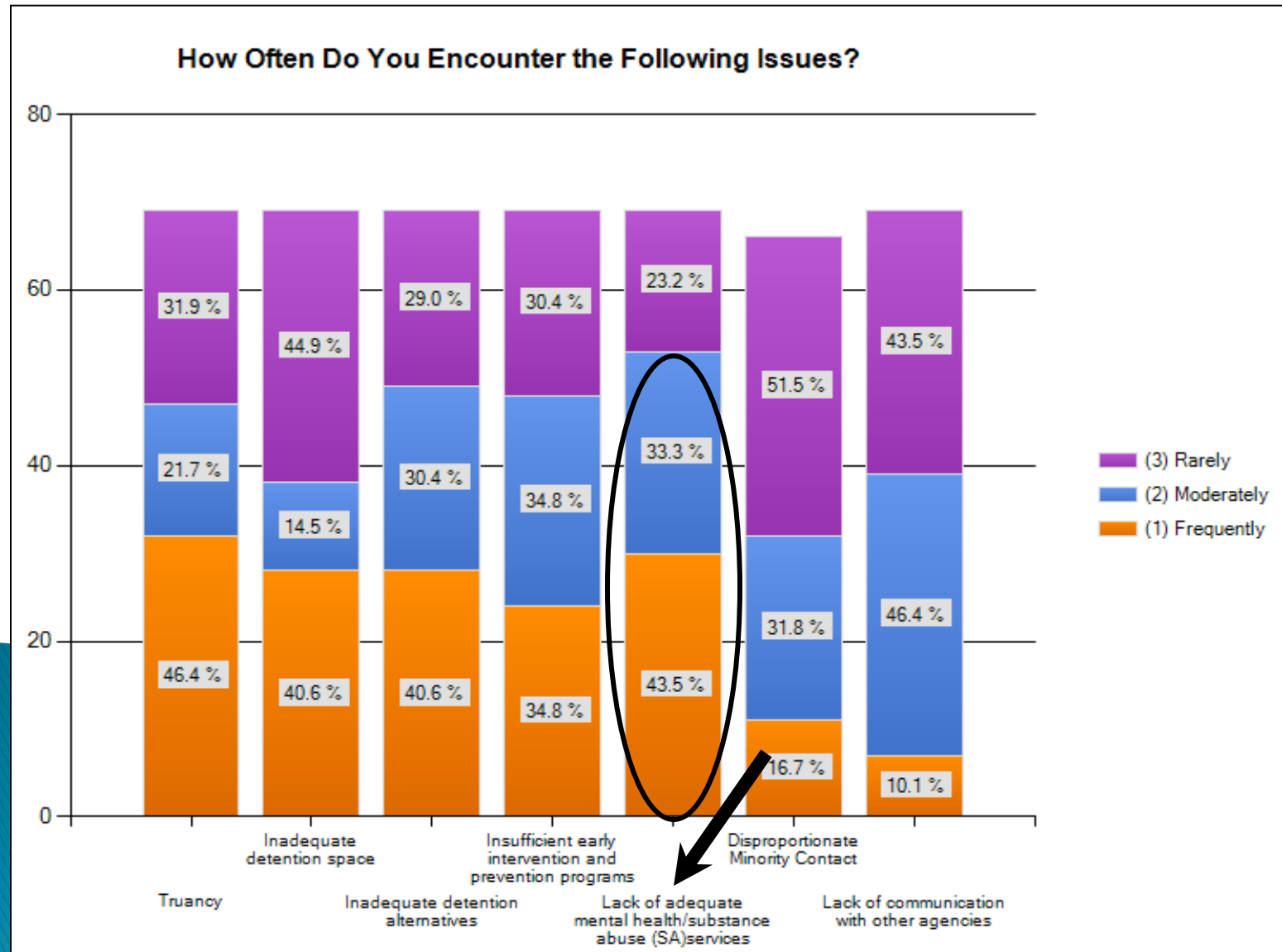
Source: SAMHSA Treatment Episode Data Set (TEDS), 2008.

# Substance Abuse Considered to be the most “Extremely Important” Reform Issue by Surveyed Prosecutors

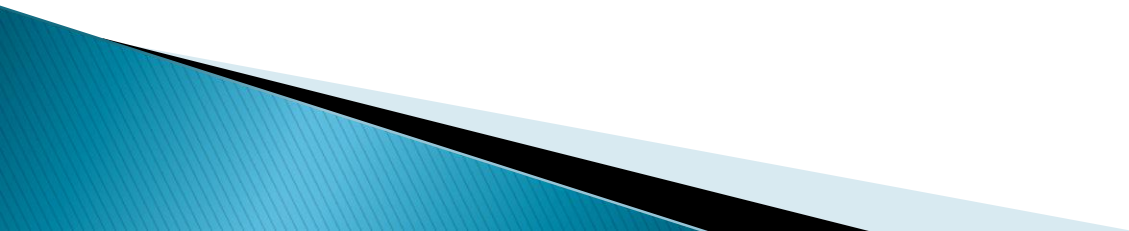
Please Rate the Importance of the Following Reform Issues In Your Jurisdiction



76.8% of prosecutors surveyed frequently or moderately lack adequate mental health/substance abuse services.

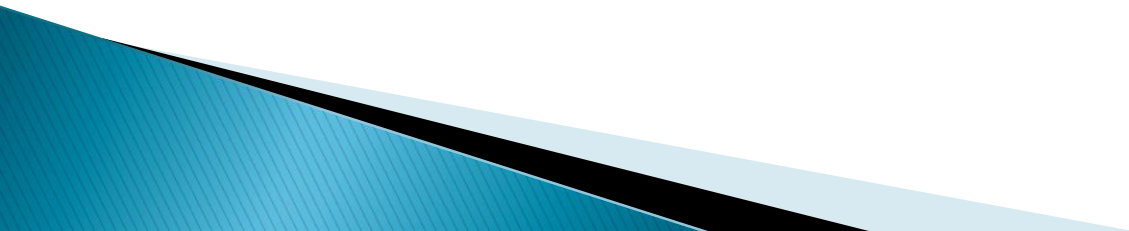


So where do we go  
from here???



# BREAKING DOWN THE BARRIERS

- ▶ AGENCIES OPERATING IN SILOS
- ▶ MENTALITY

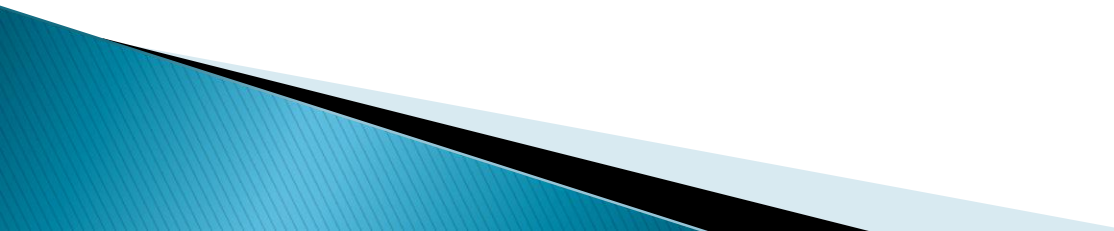


# Prevention

- ▶ Addiction is a preventable disease.
- ▶ Must raise awareness of the consequences of alcohol and drug abuse and dependence
  - Age of onset
  - Brain Development



# The Prosecutor Should Be Involved in Community Outreach Efforts to Address Substance Use and Abuse

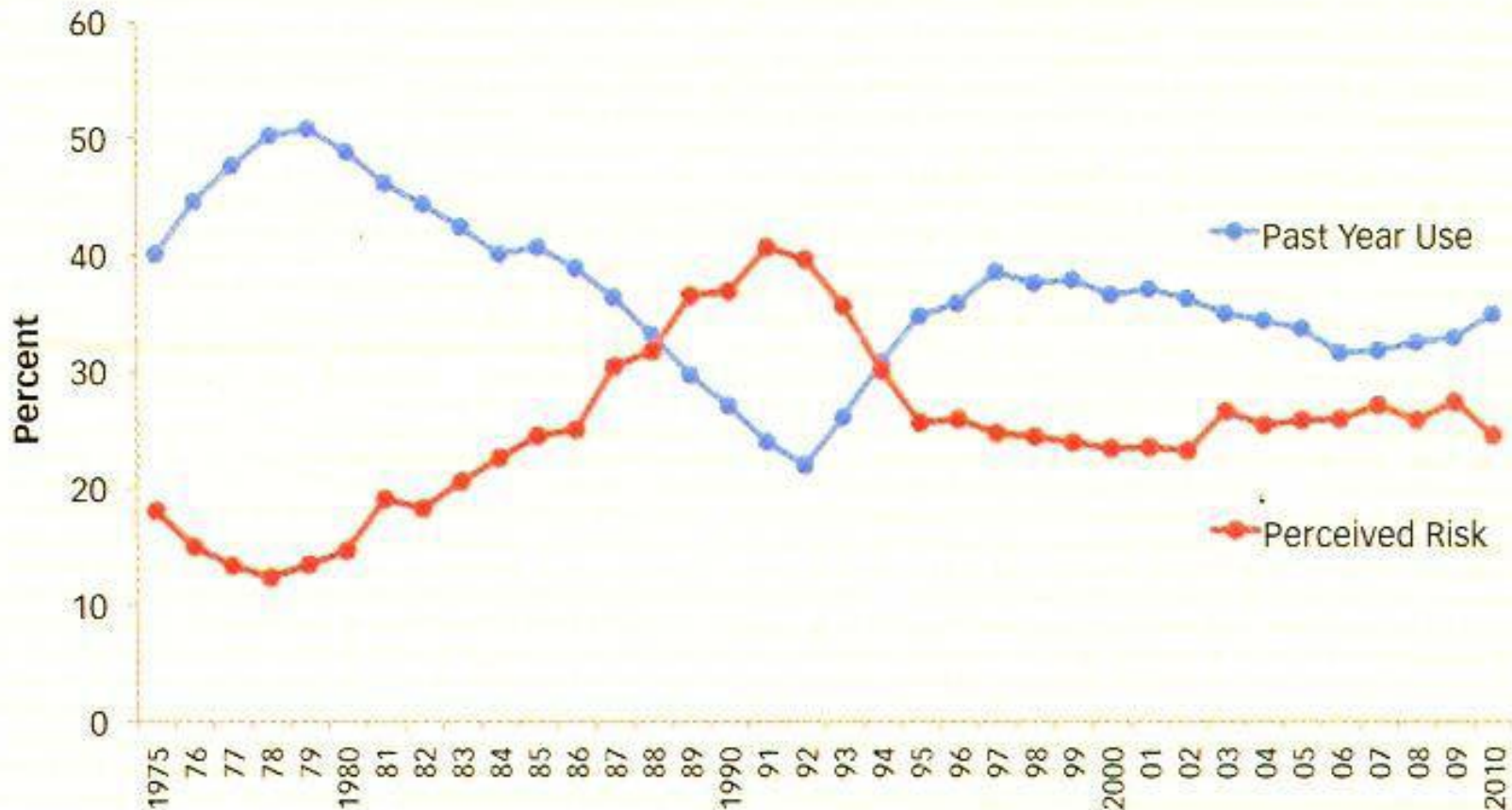
- Address juvenile justice issues in public speeches and presentations.
  - Participate in juvenile crime prevention programs.
  - Law enforcement efforts alone cannot solve the juvenile crime problem.
- 

- Prosecutors should take an active role in raising awareness.



# Increases in Marijuana Use Correspond to Declines in Risk Perception

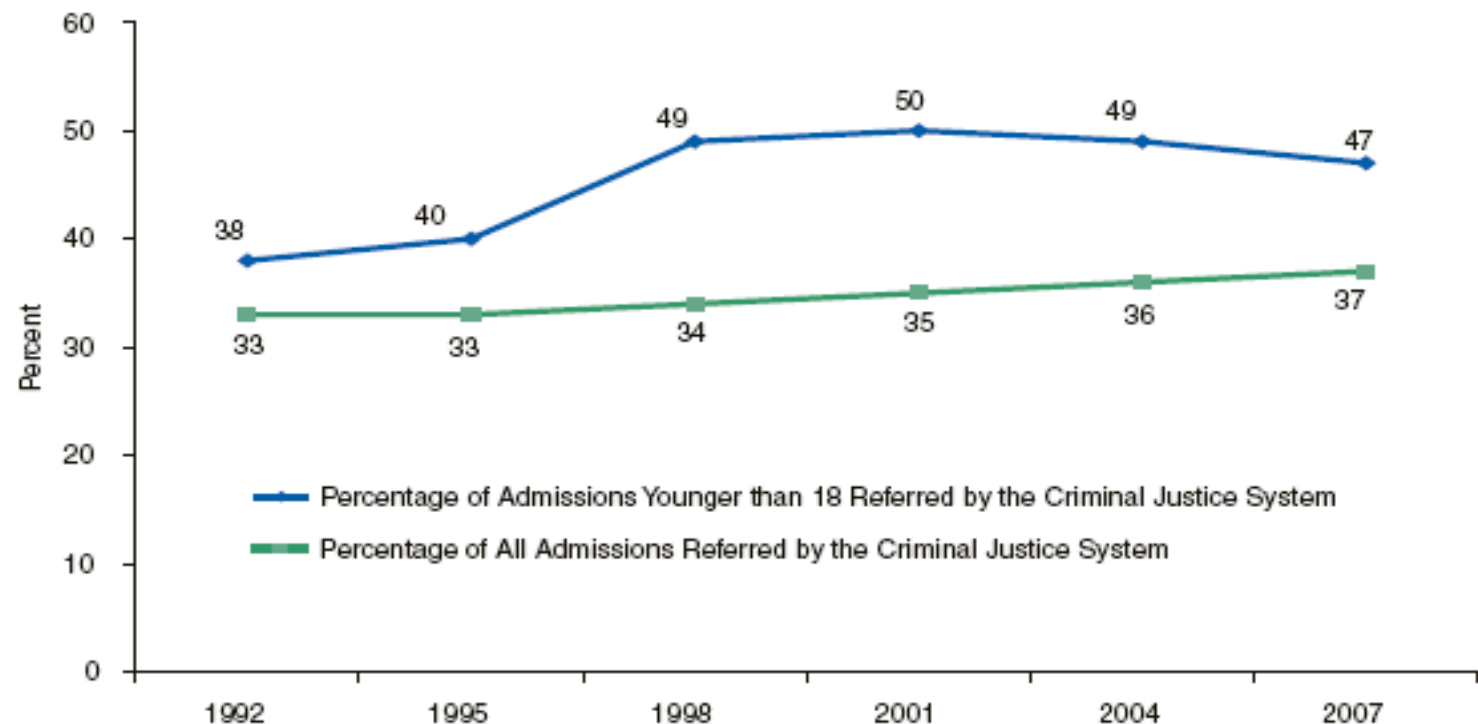
12th-grade Students



Source: University of Michigan, 2010 Monitoring the future study

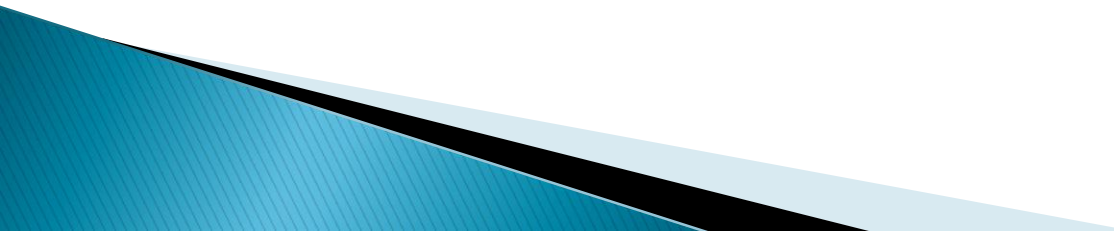
# Criminal Justice System Referral to SUD treatment among young people has increased

**Figure 3. Trends in Criminal Justice System Referral Admissions: 1992 to 2007**



Source: 2007 SAMHSA Treatment Episode Data Set (TEDS).

# **Principles of drug abuse treatment for criminal justice populations (NIDA, 2006)**

- ▶ **Recovery requires effective treatment, ongoing management/monitoring.**
  - ▶ **Treatment must be long enough to produce stable change**
  - ▶ **Monitor drug use during treatment**
  - ▶ **Continuity of care essential on community re-entry.**
  - ▶ **A balance of rewards and sanctions encourages prosocial behavior and treatment participation.**
- 

# Drug Courts

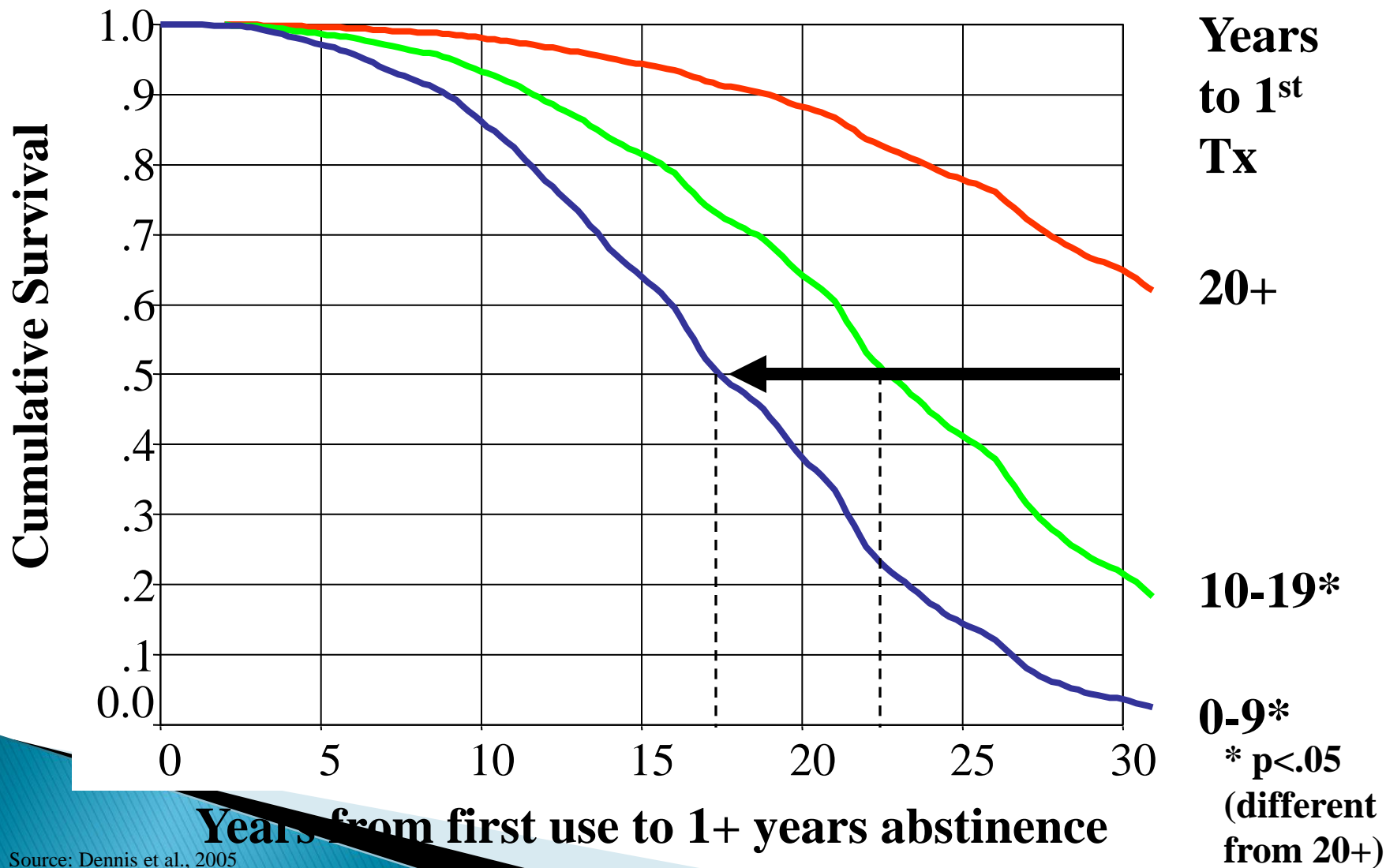
- ▶ "Young people need to be held accountable when they break the law. But research shows that teens who use drugs and alcohol are more likely to get into trouble. Without effective treatment these young people are likely to keep coming back to court again and again. Our model helps juvenile courts provide treatment and other services to help break that cycle."
  - Susan Richardson, National Director of Reclaiming Futures.

## John Kelly PhD: Justice System can provide an opportunity for early treatment exposure and engagement

- ▶ For young people with SUD in legal difficulty, JS involvement provides a powerful opportunity to engage young people in treatment earlier than they might seek it out
- ▶ This motivational fulcrum has been shown to be one critical component in recovery management studies showing substantial and sustained improvement across many years among adults
- ▶ SUD and related problems are common among JSI youth
  - To the extent that criminal activities are driven by addictive behaviors, effective SUD treatment should reduce crime-related recidivism and crime-related costs (e.g., Gerstein et al., 1994; Kelly et al, 2005).



# Earlier Intervention Lessens Impact and Duration of SUD



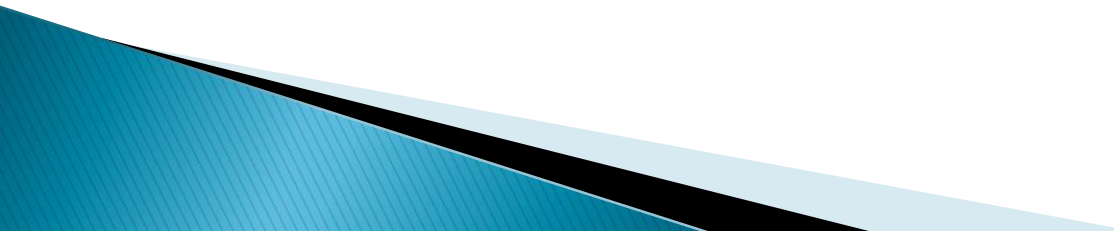
# Serious Offenders

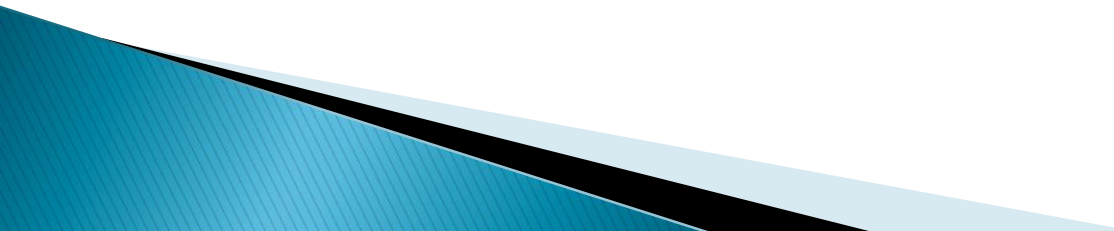
- ▶ Pathways to Desistance Study

# Recovery – looking at the big picture

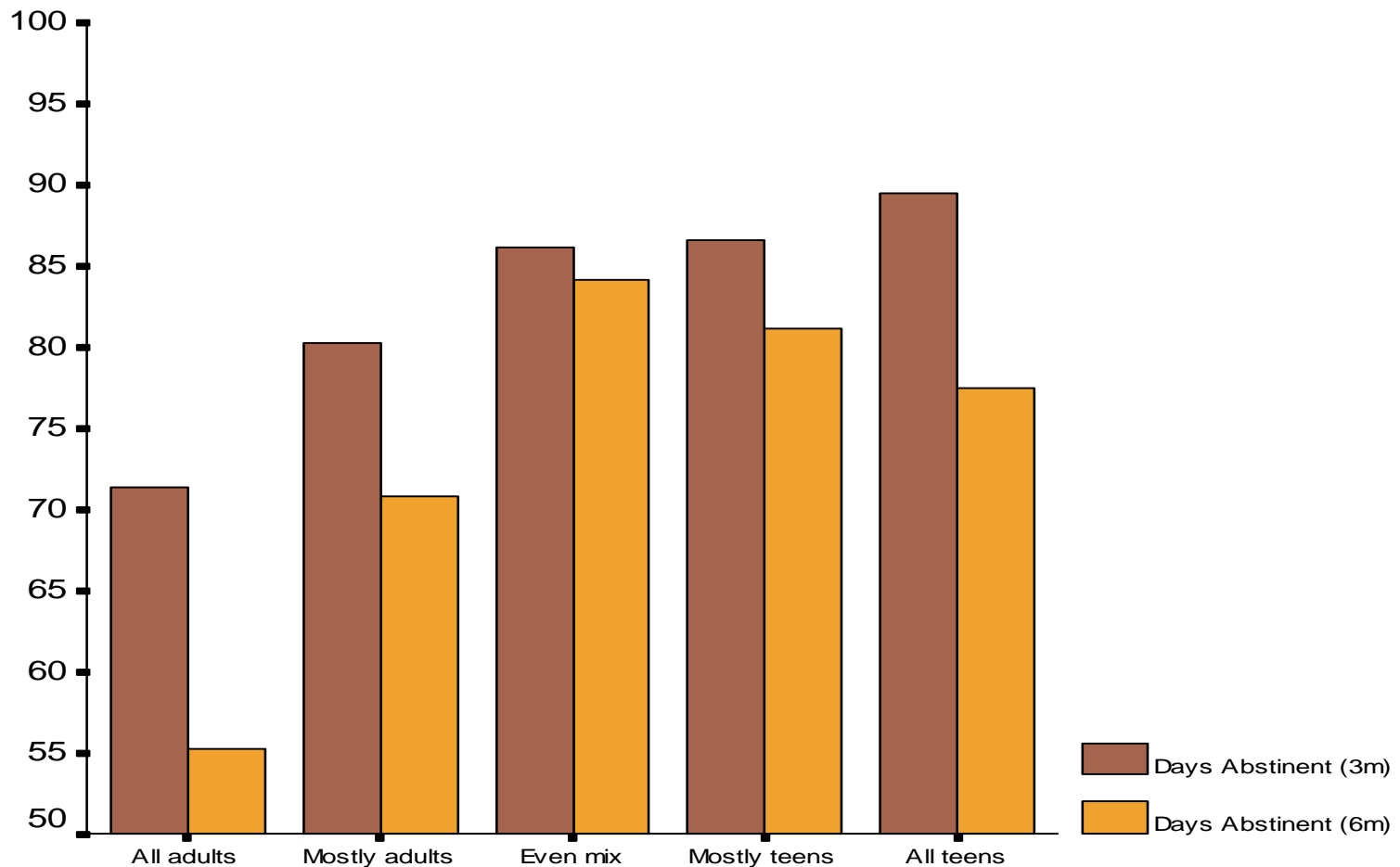
- ▶ Recovery Management
  - Happens in the Community

# Advantages of Community Mutual-help Organizations

- ▶ Addiction **typically chronic/relapsing** (ARE – Selye, 1956; “self-control strength” Muraven et al, 2006)
  - ▶ **Cost-effective –free**; attend as intensively, as long as desired (Humphreys and Moos, 2001; 2007)
  - ▶ **Widely available, accessible at high risk times** (evenings/ weekends/ Holidays)
  - ▶ **Access to relatively rare recovery supportive social network**
- 

- ▶ **Youth Specific Barriers:**
    - **Mostly adult age composition**
    - **Severity/chronicity content mismatch**
    - **Life-stage content mismatch**
- 

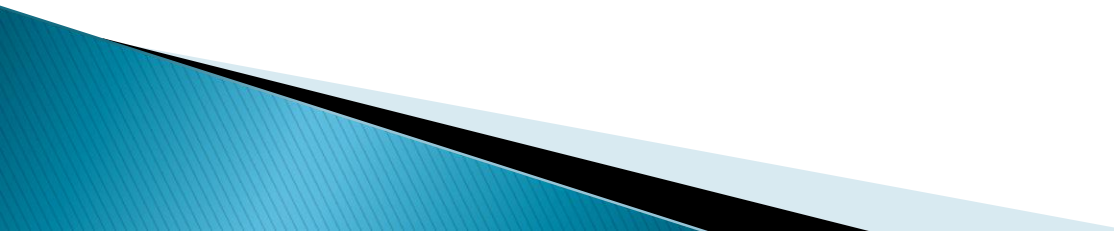
# Relation between Age Composition of Attended Meetings and Percent Days Abstinent for Adolescents



# Recovery Management

- ▶ Community mutual-help participation may provide a cost-effective recovery resource that can be accessed once longer term stabilization has been achieved and external monitoring has ended

# NCJFCJ: USING SOBER SUPPORT GROUPS IN YOUR JUVENILE COURT

- ▶ Youth with longer history of substance use and greater addiction severity are more likely to attend and benefit.
  - ▶ When adolescents cannot identify with others in the group, or when they feel unsafe, they are unlikely to experience the program's benefits.
- 



# NCJFCJ: Federal Court Decisions

.GRIFFIN V. COUGHLIN 88 N.Y.2d 74 (N.Y.  
1996)

KERR V. FARREY 95 F.3<sup>rd</sup> 472 (7<sup>th</sup> Circuit, 1996)

WARNER V. ORANGE COUNTY DEPARTMENT OF  
PROBATION 115 F.3d 1068 (2<sup>nd</sup> Cir. 1997)



By working with others in your community - parents, teachers, school administrators, faith communities, business and civic leaders, community based organizations and youth --



**WORKING TOGETHER WE  
CAN MAKE A DIFFERENCE**

# Recommended Reading

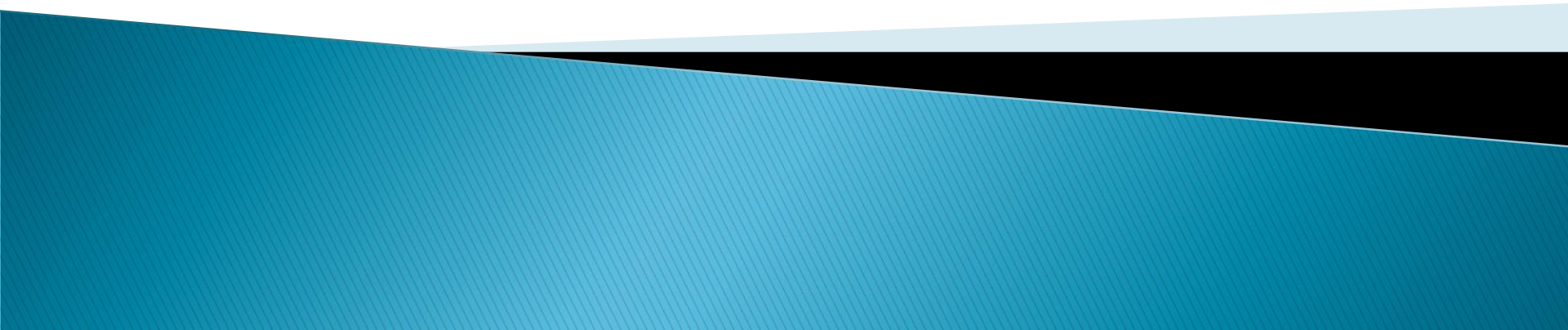
- ▶ **Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders**  
By Edward P. Mulvey  
<https://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf>
- ▶ **Adolescent Substance Use: America's #1 Public Health Problem**  
By the National Center on Addiction and Substance Abuse at Columbia University  
<http://www.casacolumbia.org/upload/2011/20110629adolescentssubstanceuse.pdf>
- ▶ **Results from the 2010 National Survey on Drug Use and Health: Summary of National Findings**  
By SAMHSA  
<http://oas.samhsa.gov/NSDUH/2k10NSDUH/2k10Results.htm>

# Recommended Reading

## Using “Sober Support” Groups in Your Juvenile Court

By National Council of Juvenile and Family Court Judges

<https://www.ncjfcj.org>



# Questions, Comments....

- ▶ Susan Broderick
  - 202-687-1527
  - [sb434@georgetown.edu](mailto:sb434@georgetown.edu)