

THE CHRONICLE OF PHILANTHROPY

THE NEWSPAPER OF THE NONPROFIT WORLD

Gifts and Grants

From the issue dated May 15, 2008

Leaving Hard Time Behind

Foundations lead effort to change juvenile-justice systems

by Caroline Preston

When Emily Tow Jackson first started talking to leaders of local youth organizations in the late 1990s about supporting their efforts to improve the Connecticut juvenile-justice system, many were skeptical that a grant maker wanted to get involved.

"They thought a foundation wouldn't be interested," says Ms. Jackson, executive director of the Tow Foundation, in Wilton, Conn. "They could get people to fund programs for elementary-school kids, or for SAT-prep classes, but there wasn't much history of foundations funding those really down-and-dirty issues."

But over the past eight years, the Tow Foundation and its grantees have won a string of victories in their efforts to persuade the state that sending kids to prison is not necessarily the best way to reduce crime.

The fund helped convince state legislators to design a plan to improve the two agencies that oversee the juvenile-justice system, and last year, along with the Campaign for Youth Justice, in Washington, and other allies, it won approval of legislation that raises to 18 the age at which children in Connecticut are automatically tried as adults.

The foundation now supports programs to reduce the number of children who are sent before judges because of misdemeanors they commit in schools, among many other projects.

\$100-Million Effort

Those successes are part of a growing effort by grant makers to find new ways to help young people who get in trouble with the law. In recent years, a handful of local and national grant makers, including the John D. and Catherine T. MacArthur Foundation, the Annie E. Casey Foundation, the JEHT Foundation, the Open Society Institute, and the Eckerd Family Foundation, have produced research and financed model efforts that emphasize rehabilitation, rather than harsh punishment.

Preliminary successes from those projects prompted the MacArthur foundation, in Chicago, to allocate \$100-million through 2012 to efforts to overhaul the juvenile-justice system in four states and examine how mental-health problems, racial injustice, and poverty can increase a young person's chances of ending up in prison.

Meanwhile, the Open Society Institute, in New York, and other grant makers are trying to end life-without-parole sentences for people under the age of 18, following a 2005 Supreme Court decision that struck down the death penalty for juveniles.

And the Annie E. Casey Foundation, in Baltimore, continues to expand a program it pioneered in 1992 to reduce the number of children who are detained.

"I'm not prone to optimism, but it may be the case that we're poised to demonstrate really fundamental change in juvenile justice in ways that we haven't seen in a hundred years," says Bart Lubow, who leads the Casey foundation's program for troubled youngsters.

Other grant makers are taking note. The number of foundations that receive information on juvenile-justice issues through the Youth Transition Funders Group, a network of grant makers focused on youth issues, has grown to 37, three times as many as in 2003.

Deborah Leff, president of the Public Welfare Foundation, in Washington, said she decided in 2007 to make criminal and juvenile justice one of three key causes the foundation supports because she was heartened by the success of advocacy efforts like the one last year in Connecticut.

"When you're a mid-sized foundation, you look for opportunities where an injection of funds can make a difference," she says. "Our grantees saw enormous opportunities for change."

Challenging Cause

Compared with many causes, however, the number of foundations that make grants to juvenile-justice groups is still relatively small. Grant makers provided about \$191-million for crime, justice, and legal issues in 2006, according to the Foundation Center, only a portion of which went to juveniles. (That money includes not just efforts to change the judicial system but also programs to improve public safety, among many other causes.)

Some foundation leaders say that the complexities of juvenile-justice grant making may dissuade others from stepping in. The cause requires foundations to work closely with governments, which can be challenging as political views of officeholders change. What's more, juvenile offenders rarely pull at people's heart strings.

"This isn't a population that people have a lot of sympathy for," says Robert Crane, president of the JEHT Foundation, in New York. "If you have a choice between funding a program in a school for underserved kids who are working really hard to succeed in their lives and funding criminal-justice work, justice work is a hard sell."

Yet advocates say that the urgency of juvenile-justice work was laid bare in February with the publication of a study by the Pew Center on the States. The report found that the United States imprisons more people than any other country, with 1.6 million people, or 1 in 100 American adults, serving time behind bars. Many nonprofit and foundation leaders say the failures of juvenile facilities have contributed to those high incarceration rates among adults.

"As a country, we believe that the practice of imprisonment, and the threat of imprisonment, deters crime," says Mr. Lubow. "And yet we're the country with the most people locked up and the highest crime rates."

The MacArthur foundation, in particular, has been key to supporting research that undermines the notion that hard time reduces juvenile crime.

The Chicago grant maker started supporting juvenile-justice research in 1996, the same year that John DiIulio (then a Princeton University professor), along with other criminologists, published a book predicting that bands of hardened young "superpredators" would drastically increase the levels of youth violence in the United States. Such warnings prompted a wave of legislation that made it easier to prosecute adolescents as adults.

Those measures led MacArthur to spend \$12.6-million on research documenting how young people's brains are less developed than those of adults and how serving time in adult prisons doesn't reduce young people's risk of committing future crimes. In fact, one study found that youths who were punished through the juvenile system were about 60-percent less likely to commit another crime than those who went before adult courts.

Advocates have relied on that research to persuade policy makers and citizens nationwide of the disadvantages of prosecuting young people as adults. The Supreme Court cited the MacArthur-supported research, for example, in its decision three years ago to strike down the death penalty for juveniles.

To build on that research, the MacArthur foundation created a new program, known as Models for Change, that will help four states — Illinois, Louisiana, Pennsylvania, and Washington — use the research to make changes in their juvenile-justice systems.

The foundation works with a broad array of individuals, including charity leaders, prosecutors, legal advocates, and people in all three branches of government, to build a program that can sustain changes in political administrations and shifting public opinion.

The foundation will also support efforts to design and put in place new policies in 12 additional states that seek to reduce racial inequality, ensure that young people with mental-health problems receive the services they need, and improve legal representation for impoverished youths. Black youths are arrested at twice the rate of white youths nationwide, while an estimated 25 percent of juveniles in the justice system have serious mental-health conditions.

Dropping Crime Rates

Meanwhile, the Annie E. Casey Foundation is building on the success of a program it began in 1992 to help counties, cities, and states decrease the number of young people who are detained. The Baltimore fund works with government officials to show them how alternatives to detention can keep children who aren't a threat to public safety out of the penal system.

The program also provides government officials with tools to evaluate how racism might play a role in sentencing. It helps them improve the conditions in which young people serve out detention and provide home care and other alternatives to prison time.

The Casey foundation has some encouraging statistics to back up the program's success. Youth crime has dropped by 47 percent in places that have adopted its approach, while the number of juveniles behind bars has decreased by 55 percent. Today, approximately 95 jurisdictions in 25 states have embraced the approach known as the Juvenile Detention Alternatives Initiative.

It has also won support from other grant makers. In 2005, the JEHT Foundation gave \$2.5-million to help expand the program. (Mr. Lubow estimates that the Casey foundation has spent \$50-million over the past 15 years on the program.)

Grants to states adopting the initiative, meanwhile, range from \$50,000 to \$200,000. But the biggest challenge, says Mr. Lubow, has proved not to be money but a lack of determination on the part of policy makers and citizens.

Some of the efforts Casey has supported "have failed for want of administrative acumen or political will, but not for lack of resources," he says. Mr. Lubow cites the example of New York City, which adopted the Casey foundation's model under Mayor David Dinkins's administration in 1992. But the foundation had trouble garnering support for its agenda under Mayor Rudolph Giuliani and ended its funding a few years after he took office.

Indeed, that is a major challenge for all foundations seeking to improve treatment of juvenile offenders. Political winds shift and allies may get voted out of office.

"At the end of the day, change will only occur if you get the political powers that be to understand the value in changing," says Mr. Crane, of the JEHT Foundation. "You can't create a private justice system. You're stuck with the system you have."

Even so, some grant makers have managed to change how government acts. For instance, the Tow Foundation makes a deliberate effort to test promising programs and then asks states to step in and finance them. It was able to phase out support for dance and music classes to inmates at the Bridgeport Juvenile Detention Center, for example, when the government stepped in and paid for the program's expansion to all of the state's detention centers.

Spreading an Idea

The Casey and JEHT funds have also supported efforts to improve correctional facilities based on an approach pioneered in Missouri. Their grants have helped the Missouri Youth Services Institute, a nonprofit group founded in 2005, spread Missouri's techniques — which emphasize smaller facilities and a more cooperative relationship between youths and staff members — in places such as Santa Clara County, Calif., and Washington.

Family foundations, such as the Eckerd Family Foundation, in Tampa, Fla., and the Tow Foundation, have been key to producing change on the state level.

Last year, the Eckerd Family Foundation persuaded Florida legislators to create a committee that drew up recommendations to improve the juvenile-justice system. The foundation gave \$100,000 to pay for consultants, travel, and other expenses, an unusually large grant for the foundation and one of the first it made to aid a government entity.

Marie Osborne, chief of the juvenile division of Florida's Miami Dade Public Defenders Office, says that her experience working with the Eckerd Family Foundation showed that grant makers can provide a nonpartisan voice of reason, persuading policy makers to pass legislation based on evidence, not on the political climate.

"They're independent of whether this is the get-smart-on-crime year or the get-tough-on-crime year or the rehabilitation year," she says. "They can say, 'This is the science of what works for what type of children at what stage of their development, and this is the cost.' That is so sobering, and so necessary."

No-Parole Problem

As foundations look to the future, some are mobilizing around an effort to end life-without-parole sentences for juveniles.

More than 2,225 adolescents under the age of 18 have been sentenced to life imprisonment without parole. Seventy-three of them were 13 or 14 when they committed the crime for which they're in prison, according to the Equal Justice Initiative, in Montgomery, Ala.

In February, the Open Society Institute held a meeting of foundations and nonprofit groups concerned about the issue.

"It's a way to bring fresh thinking to a problem and to make connections between funders and advocates," says Nancy Chang, a program officer at the New York foundation. "There's a large group of excellent advocates working in this area, but there's a need for some coordination and additional funding to push these state campaigns."

Mr. Lubow, of the Casey foundation, says progress nonprofit leaders have made in rolling back punitive state laws, combined with the success of many counties and cities in reducing the number of youths they imprison, has left him convinced that private dollars can have a big impact.

But, he says, the challenge remains of translating a collection of small successes into nationwide, systemic change.

"There are places that have broken their addiction to incarceration," he says. "But as a country, we still believe that the path to public safety is paved with punishment."