Guiding Principles for Juvenile Justice Reform in Utah

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The state of Utah, with the blessing of leadership from each branch of government, has embarked on an analysis of our juvenile justice system with technical support from the Pew Public Safety Performance Project. Community-based organizations and advocacy groups with a stake in systemic reform in the juvenile justice system wish to ensure that their valuable input is considered from the outset.

Specifically, the below-signed organizations present this series of “Guiding Principles” to direct the analysis and problem-solving of the Juvenile Justice Working Group, assembled by state leaders to manage this process.

Our hope is that these Guiding Principles are held in mind by the Juvenile Justice Working Group, to appropriately shape eventual legislative and administrative improvements, as well as to initiate future and complementary improvements that will continue to serve Utah’s youth in the years ahead.

Voices for Utah Children
Journey of Hope Utah
YWCA Utah
Racially Just Utah
HOPE Center Utah

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Utah Coalition of La Raza
NAACP of Ogden
Disability Law Center
ACLU of Utah
National Alliance on Mental Illness (NAMI)
Utah Pacific Islander Civic Engagement Coalition
Utah Coalition Against Sexual Assault
Utah Minority Bar Association
Salt Lake Peer Court
Utah Educators for Social Justice
Utah Prisoner Advocate Network
Comunidades Unidas / Communities United
Catholic Diocese of Salt Lake City

True juvenile justice reform will...

• Promote the critical role of early, non-criminal-justice intervention in the lives of young people, for the purpose of avoiding future justice involvement.

Early intervention includes not just obvious diversion programs for youth at risk for criminal justice involvement, but programs that ensure a solid footing of health, education and community support long before any involvement with the criminal justice system becomes likely or even possible. Such programs include: comprehensive health coverage for children, as well as pregnant and nursing mothers; early childhood education for all children regardless of ability to pay; and regular access to pro-social before- and after-school activities in the community.

• Address the over-criminalization of age-appropriate behavior among young people, which has contributed to this urgent need for reform in our juvenile justice system.

A fight in the school parking lot need not become a misdemeanor assault charge that introduces a young person to the criminal justice system. Occasionally skipping school need not land a child in front of a juvenile court judge, who can eventually detain that child for contempt. A third-grader who tags a sign near his elementary school does not need to be labeled a “gang associate” at age eight.

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• Address the documented racial disparities in our juvenile justice system, as well as overrepresentation of youth with disabilities and LGBTQ youth.

Stereotypes of kids of color as “hyper-aggressive” and inherently violent or criminal have infused our juvenile justice system in many ways; these often unconscious biases must be openly acknowledged and compassionately addressed. For example, the over- prosecution of “status crimes” and overly-aggressive “anti-gang” strategies disproportionately and negatively impact kids of color. Perhaps unintentionally, such strategies tend to enforce, rather than challenge, implicit racial biases among juvenile justice system public servants and the general public.

• Utilize diverse and numerable early alternatives to official involvement in the criminal justice system, such as peer court and other school-based, peer-oriented restorative justice approaches.

Recognizing that juvenile justice system involvement is one of the strongest predictors of adult justice system involvement, every opportunity to avoid contact with the system, even for children engaged in seemingly-criminal activity, must be fully exploited before official system contact is initiated.

• Provide or refer resources to address the trauma and abuse frequently experienced by young people prior to, or in conjunction with, their involvement with the juvenile justice system.

Physical, psychological and sexual abuse play an integral role in the anti-social behavior of juveniles, including boys but especially for girls and gender-non-conforming children. Legitimate reform efforts will reflect a gender-responsive, identity-accepting and trauma-informed approach.

• Ensure that all juveniles who appear in court prior to and in the process of adjudication are represented by vigorous legal representation, regardless of their ability to pay for such counsel.

Juveniles in crisis are incredibly vulnerable. They require and deserve a legal advocate who is: always working in their best interest; not overly burdened with high workloads and low resources; cognizant of the many collateral consequences of various degrees of justice involvement; and sensitive to the unique needs, abilities,

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characteristics of children and adolescents.

• Improve detention conditions endured by juveniles who are detained in state custody and "community-based programs" affiliated with the juvenile justice system.

o Juveniles in detention are incredibly vulnerable to sexual assault by staff as well as by other juveniles; every provision must be made to protect the physical safety and bodily integrative of even the most difficult and dangerous child.
o Adequate and appropriate mental health treatment must be provided to youth in detention, as detention itself can and should be considered a mental health stressor.
o Detention facilities must also offer substantial transitional services, and coordinate with community support programs to ensure ongoing care for vulnerable juveniles.

• Ensure the proper identification and classification of justice-involved juveniles with special needs (including mental health issues and learning disabilities).

There is strong evidence that Utah is seriously undercounting the number of children in the juvenile justice system who have significant learning disabilities and other challenges. These issues may have contributed to juveniles' involvement in the system in the first place, and they continue to present obstacles to recovery, education and rehabilitation while in state custody. Utah must ensure that youths are appropriately diagnosed and treated during their time in contact with the juvenile justice system.

• Focus on schools, not just courtrooms and secure facilities, as areas in desperate need of "criminal justice" reform.

Many of the issues that contribute to overrepresentation of youth of color, youth with disabilities and LGBTQ youth in the juvenile justice system begin in public schools: over-criminalization of age-appropriate behavior; overly harsh punishment for status offenses, including truancy and dress code violations; too-early referral to law enforcement without adequate opportunity for non-court diversion; punishment for alternative cultural expression and language utilization; and so on.

• Consider the unique needs of juveniles who are adjudicated, incarcerated

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and supervised in the adult system, as well.

When a court legally determines that a child can be tried as an adult for a serious crime, the community is not immediately alleviated of its moral responsibilities to attend to the unique needs of that child. The physical safety, mental health, emotional stability and rehabilitative progress of juveniles in the adult system must be a priority.

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For 30 years now, Voices for Utah Children has called on our state, federal and local leaders to put children's needs first. But the work is not done. The children of 30 years ago now have children of their own. Too many of these children are growing up in poverty, without access to healthcare or quality educational opportunities.

How can you be involved?

Make a tax-deductible donation to Voices for Utah Children—or join our Network with a monthly donation of $20 or more. Network membership includes complimentary admission to Network events with food, socializing, and opportunity to meet child advocacy experts. And don't forget to join our listserv to stay informed!

We look forward to the future of Voices for Utah Children and we hope you will be a part of our next 30 years.

Special thanks to American Express for sponsoring our 30th Anniversary Year.

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