

MAY THE SONGS I HAVE WRITTEN

SPEAK *for* ME



*An Exploration of the Potential of
Music in Juvenile Justice*

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It humbles me to see these talented young people. Although they may have made some bad choices in their young lives, we can show them that this is not the end of the road—it is only the beginning.... Watching each performance is always a new experience for me. Not only am I an administrator, but I am also an excited cheerleader, an astonished spectator, and overall a proud person to be a part of it.

—Jennifer Romelien, Executive Director of Program Services,
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EXECUTIVE SUMMARY: MUSIC AS A PARTNER IN JUVENILE JUSTICE

I like pie; I like sleep; I like hip hop; I like my freedom...

—Residents of non-secure juvenile detention facilities in an
icebreaker exercise during a choral workshop

For decades the United States has outstripped other nations not only in the number of adults, but the number of juveniles, in its correctional systems—systems that have historically failed to rehabilitate the young men and women entrusted to its facilities and services. In fact, involvement in the juvenile justice system has harsh life-long effects, diminishing young people’s school achievement, mental and physical health and, consequently, their ability to re-enter and thrive in their communities, to become someone other than that person who made and paid for bad choices.

Nationally, a groundswell of forces is advocating for change in the juvenile justice system. While mindful of public safety, states and municipalities are seeking to re-imagine this system as an intervention that can foster youth development, rather than as a junior penitentiary system. The reform is three-fold. First, a redesigned system focuses on prevention—to reform the process of arrest, arraignment, and detention into a network of effective youth engagement programs, alternatives to detention, community-based placements, probation, and supports. Second, advocates aim to transform the one-hundred-year-old correctional system from a “holding tank” model of incarceration into one that allows for a pause in self-destructive and violent behaviors and promotes development for young people who have lived much of their lives at risk. Finally, the third imperative is to address the harsh current realities of re-entry by creating sustainable paths out of the juvenile justice system and towards purposeful lives.

Turning these hopes into realities will demand a cascade of changes at the community, state, and federal levels, in the design, location, and staffing of juvenile facilities, and in programs that educate, treat, and support young people who enter and then exit the prevention, corrections, and parole systems. But while policy changes can provide the blueprints, funding streams, and agency mandates, it will require a network of partnerships to make the promised reforms realistic, meaningful, and sustainable—fiscally, politically, and socially. In part, this work entails guaranteeing the basic civil rights of youth offenders while in custody and afterwards: they have to be able to enroll in high schools, they must be eligible for jobs, or viable candidates

for scholarship programs for colleges. And it entails fundamental services like counseling and high-quality mental and physical health care. But the young people involved in or exiting the justice system need access to more than these basics. Their minds, spirits, and imaginations also deserve attention—many of them will be on their own to invent new choices and futures. Thus, far from being “extras”, the arts could potentially make significant contributions to the reform and future conduct of juvenile justice. If asked to the table, cultural organizations and individual artists could offer a curriculum in ensemble work, persistence, and imagination:

To be enabled to activate the imagination is to discover not only possibility, but to find the gaps, the empty spaces that require filling as we move from the is to the might be, to the should be.

—Maxine Greene, Quoted in Freeman, 2012

Acting at the intersection between juvenile justice reform, youth development, and a sense of the civic mission of cultural organizations, Carnegie Hall, through its Musical Connections program of the Weill Music Institute, is collaborating with New York City’s Administration for Children’s Services, the Department of Probation, the Department of Education District 79, and other New York City agencies to think about how participatory music-centered programming can support young people who enter and exit the juvenile justice system. Since beginning the work in 2009, Carnegie Hall has sponsored ten creative projects: eight in secure detention facilities and two in non-secure detention settings, serving more than a hundred young people, plus audiences of staff, peers, and families. These residencies last two weeks on average and engage young people in songwriting, instrumental playing, producing, and performing. Each residency culminates in a concert for other residents and staff and the production of a CD. The purpose is not only to teach music or the possibility of ensemble work—it is to jump-start the sense of being a person with potential.

The following paper shares what Musical Connections has learned so far in this work by: 1) examining the history and current reforms in juvenile justice; 2) reviewing the underlying research and evaluations conducted by other musical projects both in

adult and juvenile corrections; and 3) harvesting and reflecting on its own musical work in juvenile justice over the last three years. The paper contains these sections:

- A history of juvenile justice in the United States with an emphasis on the long-standing tension between incarceration and rehabilitation
- An overview of the current movement for reform
- A summary of basic research on adolescent development, with an emphasis on the new brain science that explains why adolescents are prone to risk-taking, thrill-seeking, and emotionally-driven choices, coupled with a discussion of the potential of music to reach and affect adolescents
- A review of research and evaluations from an international set of music programs in both adult and juvenile corrections facilities, with an emphasis on what such programs accomplish and the specific effects they have
- A reflection on the design principles emerging from effective programs
- An examination of the current work in juvenile justice supported by Carnegie Hall and the Administration for Children’s Services in New York, with an emphasis on the issues and choices that are arising as this work enters a second, deeper, and more challenging phase.

*I ain't going back
I ain't going back
I ain't going back
Not down the same old track.*

*Lookin' don't know what I see
Asking myself is this really me
Keep thinking 'bout me, family,
life
Keep thinking bout it this is my
last strike
I gotta help them out I gotta find
a way
I gotta get on my knees and &
then I gotta pray
I gotta pray to God that he gon'
help me out
I don't care, ya, this is what I'm
all about.*

The purpose of this review is to invite readers and stakeholders—including organizations, musicians, staff, and advocates—to think about these questions:

- What exactly can music (or, more broadly, the arts) contribute to the reform of juvenile justice systems?
- What constitutes making that contribution responsibly and well?
- How do we build evidence that music (or the arts more broadly) make a difference in the lives of youth, staff, families, or facilities?

Put even more concretely, how do artists, along with arts and cultural organizations, partner with their communities to provide the alternatives to “the street” that young people seek?

*I ain't going back
I ain't going back
I ain't going back
Not down the same old track.*

*Easy to be young, yea, that's
what they say
But they never know the feeling
and the part we gotta play
Feeling lost not knowing where
to go
Who I'ma talk to, who can help
me out
Can't stop crying, damn, I'm
really stresst out
I regret the things that I did on
my life
Wishing I can go back in time &
do it all right.*

– Original lyrics from a songwriting residency at Horizons Juvenile Center, May, 2012

INTRODUCTION: JUVENILE JUSTICE, MUSIC, AND IMPACT

Institutionalizing young people should be the choice of absolute last resort, reserved only for those who pose such a serious threat that no other solution would protect public safety. For the small fraction of youth who do need to be placed in an institutional facility, the state should treat and rehabilitate them, not hurt and harden them. In all other cases, young people can be well served, and the public kept safe, by community-based supports and services that align with best practices in the field.

*Charting a New Course, Paterson Task Force on
Transforming Juvenile Justice, 2009, p. 13*

All justice-involved youth, even those who require some...specialized treatments, need basic supports and opportunities if they are to avoid future criminality and learn to lead positive, productive lives.

Butts, Bazemore & Meroe, 2010, p. 7

The United States incarcerates more youth than any other developed nation (Sickmund, 2010) and for longer periods of time (Gopnik, 2012). This pattern persists, even though it is abundantly clear that involvement in the juvenile justice system has life-long effects, diminishing young people's school achievement, mental and physical health, and, consequently, their ability to re-enter and thrive in their communities (Grisso & Schwartz, 2000; Annie E. Casey Foundation (b), 2011). Thus, despite nearly half a century of a "get-tough" approach to youth crime, approximately half of young offenders return to the juvenile justice system within 12 months (Wilson, 2007), signaling that current programs of incarceration do far less than they should to help young people turn their lives around (Snyder & Sickmund, 2006). Equally stark is the realization that we treat young people as the sole agents of their actions, never having built

the strategies that would help families or neighborhoods recognize and reclaim the children who need their positive expectations and support the most.

In the face of this evidence, there is a national movement to reform the juvenile justice system (MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, n.d.; Annie E. Casey Foundation (a), n.d.). While still being mindful of public safety, states and municipalities are working to re-invent the system in light of what is known about rehabilitation, adolescent development, and programs that help young people to re-start their lives with the competencies they need (Griffin, 2011; Butts, Bazemore & Meroe, 2010). The goal is to create a system that is restorative, rather than retributive, allowing young people to accept responsibility for their actions, make restitution, and move on to productive adult lives (Butts, Bazemore, & Meroe, 2010). As a part of these reforms, communities are closing prison-like facilities, designing programs of education, community participation, and treatment, and working with families and communities to create sustained paths to re-entry. This is a complex project, and its realization will require a commitment to using detention, not only for public safety, but also as a time for young people to mature emotionally, socially, cognitively, morally—and expressively (Eligon, 2012). The drive is to change the conversation—from what young people shouldn't be doing, to what they should and could be doing.

There are huge implications for staffing, scheduling, school curricula, electives, counseling, and mental health services. In the words of an experienced staff member, “It means going to work on re-entry the moment a young person is arraigned” (Galarza, 2011). Realizing this transformation will also mean that the juvenile justice system will have to become more distributed—expanding to include a network of alternatives to detention, effective prevention programs, and partnerships that can help young people grow while in detention and link them to engaging and constructive activities in the communities to which they return (Eligon, 2012). The stakes are high for this reform. Can it ensure due process, racial and gender equity in sentencing, and access to education and mental health services while in detention? Can it help to prepare communities to support new lives for young people? Can it drive attention to the issues of chronic poverty, boring and failing schools, persistent unemployment for young men and women of color, and family stress that underlie crime?

Given these enormous stakes, why expect that music could make a difference? The process of rehabilitation is one of re-learning—how to relate to others, to make informed choices, and to use your talents to work towards a safe and productive future. These are absolutely acts of will but they are also acts of imagination—the high-wire act of trading in what you've always done for what you could be doing. For this reason, creative activities—particularly the arts—offer youth chances

to create new selves and new stories, allowing them to “gain competence and character and to form pro-social attachments with others” (Butts, Bazemore & Meroe, 2010, p. 29). Because the performing arts require courage and trust (Cox & Gelsthorpe, 2008) at every moment (whether volunteering to participate, daring to offer suggestions, or performing in front of others), they are theaters for change (Wilson, Caulfield & Atherton, 2009; Matarasso, 1997). Participatory music projects—concentrated in time and building to a public performance—demand an intense combination of brain, body, and soul; effort, rehearsal and improvisation; cognition and emotion (Naylor, et al, 2011). These projects often present occasions for positive risk-taking and incremental acts of courage: trying a new instrument, singing out loud or solo, sharing an autobiographical lyric, or asking for, accepting, and incorporating feedback. Young people are in the company of others—including adult musicians—who are similarly and jointly vulnerable in ways that can eventually yield extraordinary human community and benefit (Lee, in Renshaw, 2010). In her account of the final concert at a secure juvenile facility, one juvenile justice professional was struck by how participants brought both “skills” and “hopes” to their performance, and observed that by combining accumulated skill with nascent self-belief, the act of live performance “totalized the kids” (Aledort, 2011). Giving voice to these insights, a young man in secure detention describes himself when he is “in” and “out” of making music:

When I am not making music I am...

drowning
boxed
empty-minded
disappearing
since
no
thing
holds
me

When I'm making music, I am...

creative
active
visionary
metaphoric
confident
smart
disappearing into
surroundings
since
I am so
concentrated

This is a contrast between despair and action, detainee and agent. It speaks volumes about the potential of music in correctional settings, particularly given the history of juvenile justice.

*Easy to be young, yea, that's what they say
But they never know the feeling and the part we gotta play
Feeling lost not knowing where to go
Who I'ma talk to, who can help me out
Can't stop crying, damn, I'm really stresst out
I regret the things that I did on my life
Wishing I can go back in time & do it all right.*

– Original lyrics from a songwriting residency at Horizons Juvenile Center, May, 2012



THE JUVENILE JUSTICE SYSTEM: PUNISHMENT OR REHABILITATION?

The History of Juvenile Justice: How Did We Get Here?

For centuries, any child above the “age of reason”—typically seven years of age—who broke the law was treated as an adult criminal by the courts (Snyder & Sickmund, 2006). In the late nineteenth century, as more children survived from infancy to adulthood, childhood was re-conceptualized as a distinct period of growth and development during which young people matured, gradually acquiring adult intellectual capacity and moral responsibility. As the effects of the Industrial Revolution concentrated populations into dense urban settings, creating a new landscape of human need, poverty, and overcrowding (Axinn & Stern, 2007), reformers focused public attention on the conditions of children, advocating for reforms to those systems and institutions that governed their care. As early as 1825, young inmates were separated from adult criminals in jail, which led eventually to the establishment of exclusively juvenile jails in most major cities (Sobie, 2010). By mid-century, however, these privately operated youth facilities came under scrutiny due to abuse of the residents they housed (Center on Juvenile and Criminal Justice, n.d.). Along with youth-serving institutions like public schools, child labor commissions, and pediatric clinics, advocates sought a justice system created specifically for youth rooted in a broad reconsideration of their still-developing cognitive and moral capacities (Scott & Grisso, 1997). By the time the first juvenile court opened in Chicago in 1899, its practitioners and advocates understood children and youth as the vulnerable offspring of familial and environmental forces, whose actions reflected how they had been raised or treated, rather than in terms of inherently flawed moral character, deficiency, or intent (American Bar Association, n.d.). These early juvenile courts were designed to cure, more than to punish, with judges acting in the role of surrogate parents (Scott & Grisso, 1997). They were charged with restoring wayward minors through a careful assessment of the circumstances underlying criminal behavior and a subsequent prescription for their rehabilitation (Butts & Mitchell, 2000). This juvenile court model spread quickly throughout the United States (Sobie, 2010), and despite recent pressures to adopt more severe practices modeled on adult criminal systems, the system continues to be defined by its own philosophy and legislation (Snyder & Sickmund, 2006).

These early juvenile courts did much on behalf of youth who would have otherwise been caught up in a harsh adult correctional system. They decriminalized many forms of youth delinquency by emphasizing the essential vulnerability and malleability of children and youth (Schwartz, Weiner & Enosh, 1999). Thus, condi-

tions and activities including homelessness, poverty, and solicitation provoked services rather than arrest (Sheperd, 1999). But at the same time, the courts' rehabilitative mission permitted a substantial and lasting right to intrude into lives of minors (Colomy & Kretzman, 1995). Judges and other officials were given almost unlimited discretion in determining what behavior constituted delinquency, and what type and length of remediation were appropriate (Cullen & Wright, 2002). Any violation of the social order could serve as the occasion for legal supervision, meaning that even life circumstances such as abuse and neglect could subject a minor to court oversight and potential sentencing. Some of these conditions were behaviors illegal due simply to the offender's status as a minor, such as truancy or running away (Sheperd, 1999). Adolescents were not given a fixed sentence, but could be kept in a reformatory until they were judged to be rehabilitated, a term that could extend indefinitely until they aged beyond the reach of the system (Cullen & Wright, 2002). This system—though it emphasized rehabilitation rather than punishment—reflected an individualized model focused on human deficit. The Court attempted to cure perceived failures in development and to mediate risk factors in the lives of individual youth through incarceration and supervision, rather than by building the capacities of young people, their families, or communities (Butts, Bazemore & Meroe, 2010).

Given this far-reaching and unregulated mandate, by the middle of the twentieth century, the juvenile justice system faced an array of systemic problems and a new level of public scrutiny. Youth had none of the civil rights protections afforded to adult criminals. Judges and other officials often extended their extraordinary discretionary power over the lives of children beyond legal or constitutional boundaries. Further, because the system had been constructed to address both juvenile crime and social dysfunction, the population of incarcerated youth routinely mixed the most serious youthful offenders with minors drawn into the system solely because of family neglect (Cullen & Wright, 2002). The result was a system nominally focused on the rehabilitation of youth but barren of due process or services to foster youth development (Grisso, 2004), such that many young people proceeded through the system largely without either legal protections or the expectations and supports required for reintegration into their homes, schools, or neighborhoods. At the same time, youth committing similar offenses were punished with inconsistent sanctions by the court, and the reformatories to which offenders were sentenced often provided conditions and punishment that were inappropriately harsh (Rothman, 1980). In addition, the system was insufficiently resourced to realize anything like its encompassing child-saving mission: as a system, juvenile justice was crippled by a chronic lack of funding and a shortage of staff with professional credentials (Cullen & Wright, 2002). The ironic result was a system designed specifically for children, who, precisely

because they were minors, had neither rights nor supports once in its custody.

Starting in the 1960s, Supreme Court decisions and changes to both federal and state legislation substantially altered the juvenile justice system (Snyder & Sickmund, 2006), constraining the broad discretionary powers that had characterized its first half-century. In a 1966 case, *Kent v. United States*, the U.S. Supreme Court determined that the waiver of a 16-year-old defendant to adult court without a hearing and against the petition of his lawyer constituted a failure to provide the protection of due process (Sheperd, 1999). In response to the argument that juvenile cases operated under a different code from those brought in criminal court, the Supreme Court outlined the systemic failure of the juvenile system to provide a justice that met either the standards of the adult system or its own distinctive legal principles. “There is evidence,” the Court declared, “that there may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children” (American Bar Association, n.d., p. 6). The following year, in a second landmark decision *In re Gault et al*—the case of a 15-year-old who was arrested, detained, and assigned a hearing without notification, access to counsel, or the opportunity to confront any witness—the Supreme Court articulated a constitutional requirement that all juveniles be accorded basic legal protections. According to this ruling, minors were entitled to, at the very least, the right to a lawyer, the right to avoid self-incrimination, written notice of charges, the right to witnesses, and the right to cross-examine those witnesses who testify against the defendant (U.S. Supreme Court, 1967).

These cases extended an array of basic legal protections to juveniles, acknowledging the state as an adversary, rather than a parent, of youthful offenders (Cullen & Wright, 2002). New guidelines dictated that juveniles could not be waived to adult court without a formal hearing, that youth facing confinement were legally entitled to the right to receive notice of charges held against them and to have an attorney represent them, and that detention facilities for juveniles were overly punitive. “Proof beyond a reasonable doubt” had to be established, replacing the former standard of “a preponderance of evidence” in order for a young person to be summoned in front of a judge (Center on Juvenile and Criminal Justice, n.d.). Many abused and neglected minors were removed from the juvenile system and placed instead in the Family Court system, and the responsibility for their supervision was transferred to state divisions of child welfare (Schwartz, Weiner & Enosh, 1999). The federal government also passed legislation prompting states to deinstitutionalize young people who had been detained solely as status offenders (Holden & Kapler, 1995).

While these substantive changes accorded greater rights and protections to youth, they simultaneously eroded the distinction between juvenile and adult criminal justice (Center on Juvenile and Criminal Justice, n.d.). The formalization of juvenile court procedure and the extension of legal procedural rights to juveniles

re-categorized them as no different from adult defendants, and effectively eviscerated the rehabilitative intent of the original juvenile courts. Juvenile procedures, for all intents and purposes, became identical with the protocols of criminal justice (Snyder & Sickmund, 2006). Additionally, the separation of youthful offenders from neglected children emphasized the criminality of delinquency (Cullen & Wright, 2002). Going forward, the treatment of juveniles focused on the severity of the crime they committed rather than on their circumstances, history, or needs, altering both the outlook and the function of the juvenile system (Butts & Mitchell, 2000), and shifting the focus to sentencing, detention, and probation, rather than striking a balance between public safety and youth rehabilitation.

From the mid-1970s through the late 1980s, juvenile crime rates remained unusually stable (Cook & Laub, 1998). Yet thereafter, the rate of violent crimes by juveniles—especially homicides—trended sharply upward, reaching record levels between 1988 and 1994. In this six-year period, arrests for violence increased 60 percent for those between the ages of 10 and 17; and arrests for homicide more than doubled (Cook & Laub 1998; Snyder, 1998). Some law enforcement authorities point to the introduction of crack cocaine and the accompanying crimes associated with drug sales and addiction. At the same time, the U.S. gun market was flooded with cheaper, and more lethal, handguns that frequently found their way into communities, and eventually into the hands of juveniles (Butts & Travis, 2002). The trend generated outrage and inflamed a public desire to punish youthful offenders. Violent adolescents were recast as a new breed of juvenile “super-predators,” youths raised in “moral poverty” who were “perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons...” (Dilulio, 1995, p. 94). Critics derided the juvenile justice system as insufficient to deter or remediate crime. Despite a subsequent and lasting decline in the juvenile arrest rate for violent crime (Cook & Laub, 1998; Snyder 1998; Blumstein & Wallman, 2000), the unnerving spike in youth violence and its attribution to a new breed of youth fueled public scrutiny of the system’s ability to control violent juvenile offenders. Public discourse scorned the possibility of rehabilitation, describing the juvenile justice system as a failed experiment. According to Fagan and Zimring (2000), this collective anxiety shaped a nation-wide change in policy:

In the closing decades of the 20th century, America began to fear its youth. Legislators and commentators spoke ominously of a nation under siege...Americans were convinced that youth violence was out of control—and that it was bound to get worse (p. 1).

In response, 46 out of 50 states substantially toughened their laws governing crime and delinquency (Cullen & Wright, 2002) setting the stage for the record number of U.S. youth who are sentenced and serve time. In addition, these laws effectively transferred decisions historically made individu-

ally by judges who weighed the competing interests of public safety and the possibility of rehabilitating young offenders to legislators and prosecutors who addressed them as matters of policy (Fagan & Zimring, 2000).

The twenty-year trend to get tough on crime has resulted in a much harsher approach to meting out justice for children and adolescents who break the law. Virtually every state has expanded the charges for which juvenile offenders can be tried as adults, lowered the age at which this can be done, and increased the severity of punishment for juveniles who are convicted of a crime (Grisso & Schwartz, 2000). Within the juvenile system, adolescents increasingly received criminal punishments as severe as life imprisonment without the possibility of parole (Fagan & Zimring, 2000), while the percentage of those “waived,” or transferred from juvenile court to adult court for prosecution, increased 68 percent between 1988 and 1992 (Cullen & Wright, 2002). By the 100th anniversary of the founding of the juvenile justice system, a punishment-based, get-tough agenda was the rule. Many of the court’s first principles were discarded or inverted; and the United States was distinguished from peer nations by the vigor with which it approached the prosecution of juvenile delinquency (Center on Juvenile and Criminal Justice, n.d.). This relentless focus on crime de-emphasized the humanity of offenders and all but outlawed the consideration of their context, simplifying the complex phenomenon of juvenile crime and relieving the larger society of responsibility for addressing any of the deeper or systemic roots of delinquency (Raynor & Robinson, 2009; Cullen & Wright, 2002).

Jeffrey Fagan (2010) of Columbia University describes the juvenile justice system in the United States as the product of an ongoing and dynamic tension between what he sees as three particularly American attitudes. He describes the system as emerging out of a tradition of activism for individual and procedural legal rights, defined by the evolving legacy of the “transcendent nineteenth century child-saving movement” (p. 1) and a societal fear of child criminals. In his view, this tension powers recurring questions about how the state should respond to juvenile crime and delinquency. “What constitutes the age of responsibility?” “Is the role of the Court to punish or to rehabilitate?” “Can offenders ever really change?” “Do young offenders deserve opportunities or only supervision?” The answers to these and other questions are regularly renegotiated in accordance with changing public sentiment, social policies, and new findings about adolescence, the brain, and cognition. As a result, the purpose of a justice system for juveniles is constantly weighed and reconsidered—do we design laws and systems to be punitive or rehabilitative?

The Current System: the Process, the Population, and the Consequences

Crimes committed by youth are down nationally: juvenile arrests have fallen from a peak rate of more than 500 per 100,000 in 1994 to a ten-year low of fewer than 300 per 100,000 in 2008 (OJJDP (f), n.d.). However, even though overall youth crime levels have dropped, the system's laser-like focus on punishing delinquency has fundamentally failed at both public safety and rehabilitation. The number of juvenile court cases involving offenses included in the FBI's Violent Crime Index increased 14 percent between 2004 and 2008 (Puzzanchera, Adams & Sickmund, 2011). And just as seriously, nearly half of young people re-offend within a year of exiting the system. At present, the system identifies, arraigns, and processes without either making a substantive difference to their behavior or to their families' and communities' capacity to provide constructive alternatives. This dangerous, repetitive, and wasteful pattern has led to calls for a new approach—one that goes beyond the historical swings between predator and punishment models or individually focused victim and rehabilitation approaches. The search is for an integrated approach that acknowledges both the wider social context of crime and the imperative of meaningful rehabilitation (Siegel, 2011). To understand where and how to intervene requires a clear picture of the system as it now operates.

The Process

Though systems differ by state, in every locality youth are processed through the juvenile justice system in a four-phase progression that yields a range of pathways through the system: 1) In every state, youth first encounter the system at arrest; 2) After their arrest, the circumstances of an individual's case are assessed in order to determine whether the facts merit presentation in court to a judge; 3) A positive determination results in a "juvenile delinquency case" in which the individual, represented by a lawyer, is brought before a judge (there are no juries in the juvenile system); and 4) The delinquency case can be dismissed, or it can be adjudicated (i.e., ruled on by a judge). The judge has multiple options in "disposing" of the case:

- A waiver to adult court (if the crime is deemed so serious that the juvenile will be legally treated as an adult, in criminal instead of family court)
- Dismissal (the individual is unconditionally released)
- Probation (the individual is released into the community, but is supervised and must meet requirements set by the court or face further sanctions)
- Placement (the individual is detained in a designated facility to serve a set term).

Figure 1 provides an overview of the juvenile justice system with the number of youth assigned to each of the four options for judicial disposition. [All statistics come from *Juvenile Court Statistics 2008*, authored by Puzzanchera, Adams & Sickmund, 2011, and reflect the most recent year (2008) for which data have been collated.]

Figure 1: Summary of Case Processing

From: Juvenile Court Statistics (<http://www.ncjj.org/pdf/jcsreports/jcs2008.pdf>, p. 58)

Case Processing Overview, 2008

In 2008, 56% (924,400) of the estimated 1,653,300 juvenile court cases were handled formally (with the filing of a petition).

In 2008, 1% (8,900) of all formally processed delinquency cases were judicially transferred to criminal court.

In 2008, 61% (563,900) of the cases that were handled formally (with the filing of a petition) resulted in a delinquency adjudication.

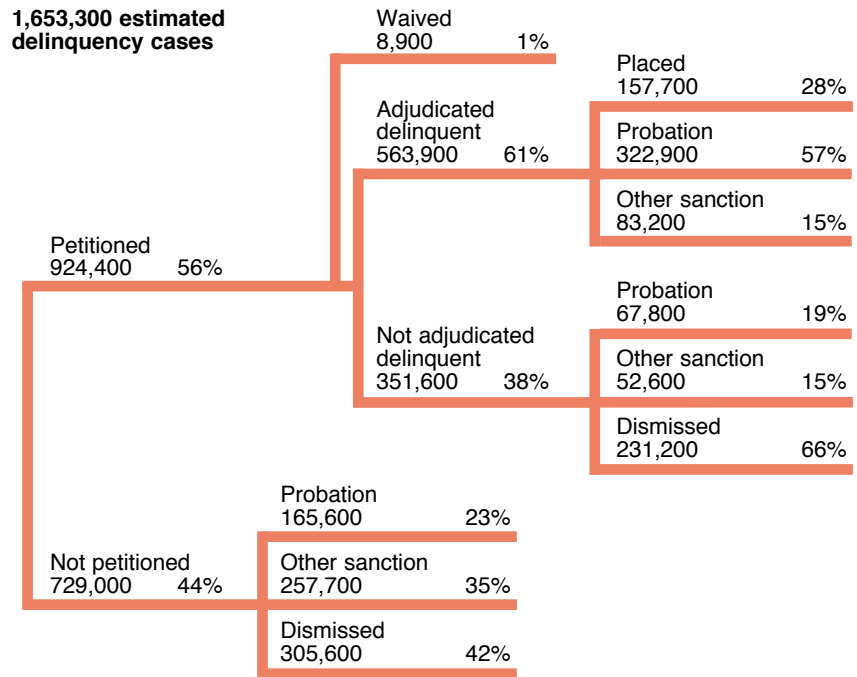
In 57% (322,900) of cases adjudicated delinquent in 2008, formal probation was the most severe sanction ordered by the court.

In 2008, 28% (157,700) of cases adjudicated delinquent resulted in placement outside the home in a residential facility.

In 15% (83,200) of cases adjudicated delinquent in 2008, the juvenile was ordered to pay restitution or a fine, to participate in some form of community service, or to enter a treatment or counseling program—dispositions with minimal continuing supervision by probation staff.

In 38% (351,600) of all petitioned delinquency cases in 2008, the youth was not subsequently adjudicated delinquent. The court dismissed 66% of these cases, while 19% resulted in some form of informal probation and 15% in other voluntary dispositions.

In 2008, the court dismissed 42% of the informally handled (i.e., nonpetitioned) delinquency cases, while 23% of the cases resulted in voluntary probation and 35% in other dispositions.



Notes: Cases are categorized by their most severe or restrictive sanction. Detail may not add to totals because of rounding. Annual case processing flow diagrams for 1985 through 2008 are available online at www.ojdp.gov/ojstatbb/court/faqs.asp.

The youth who are most seriously affected by entering the juvenile system are those sentenced to detention in facilities comparable to prisons in the adult criminal justice system (Holman & Ziedenberg, 2006). These are either “secure” or “non-secure,” depending on the restrictiveness of confinement, and program models vary from wilderness camps, to locked facilities, to unsecured group homes housing small numbers of residents who are free to attend school in the local community (Office of Juvenile Justice and Delinquency Prevention, (g), n.d.). Most incarcerated youth are still sentenced to traditional training schools and other large correctional units housing 100 to 500 individuals. In 2004, the largest facilities (those holding more than 200 residents) accounted for only 3 percent of all facilities, but they held 25 percent of the juvenile population in custody (Livsey, Sickmund & Sladky, 2009). The number of youth in detention is declining: in a 2006 national survey, 295 juveniles per 100,000 of the population (N= 92,854) were in residential placements, a rate substantially lower than the 356 per 100,000 a decade earlier (Office of Juvenile Justice and Delinquency Prevention (e), 2008). The most consistent predictor of an institutional placement (versus probation) is a prior history in the system, indicated by the number of prior convictions (MacArthur Foundation, n.d.). Though institutional placement represents the most severe sanction available to sentencing judges, only about one-quarter of youth in detention have committed a violent crime (Annie E. Casey Foundation (a), n.d.). In 2006, only 23 percent of juveniles in residential placement had violent crimes as their most serious offense, while 20 percent had been remanded on property crimes. Only one percent had committed criminal homicide. 9 percent had committed drug-related offenses, and 11 percent had as their most serious offense disturbances to the public order (Office of Juvenile Justice and Delinquency Prevention (c), n.d.).

The Population

There are 42.5 million persons between the ages of 10 and 19 in the U. S.—about 13.5 percent of the population (U.S. Census Bureau, 2010). The FBI’s annual index of serious violent and property crime reports that approximately four percent of youth are arrested each year (Cook & Laub, 1998). But less than one-half of one percent of youth between the ages of 10 and 17 are arrested for offenses described as violent by the Crime Index (Snyder, Sickmund & Poe-Yamagata, 1996). Though the number of juvenile arrests in any given year is large—2,086,500 in 2008—not all arrests result in prosecution (Puzzanchera, Adams & Sickmund, 2011). For example, in 2008, only three-quarters of arrests—or 1,653,300 youth—ended up in court, demonstrating the percentage of the youth population in the justice system in any given year is small (Ibid.; Cullen & Wright, 2002). As a result, the average rate of juvenile offenders living in publicly and privately operated detention facilities between 1997 and 2008 declined 26 percent (Armstrong & McKenzie, 2000). In 2008, 73 percent of the delinquency cases handled by juvenile courts involved male offenders. Yet girls

are catching up: the average annual growth in the female caseload outpaced that for males across all categories of offense between 1985 and 2008.

Moreover, the youth population within the system reflects and amplifies existing social stressors and inequalities, including economic status, social class, race, mental illness, and substance abuse (Lawrence & Hemmens, 2008). Poverty, whether defined as affecting a single family (Hesse & Lawrence, 2009) or as extreme economic deprivation characterizing a community, in absolute or relative terms, is identified as a major risk factor in juvenile offending (Martin, 2005). This correlation is especially urgent in light of the most recent data on child poverty in the U. S. which demonstrates that more than 1 in 5 children live below the poverty line—and that the nation’s policies tolerate that level of inequality through the lack of social safety-net programs aimed at protecting families and children (UNICEF, 2012). In urban areas such as metropolitan New York, as many as 23 percent of families with children live in poverty (Roberts, 2012).

The Children’s Defense Fund describes the combination of race and poverty as the most salient predictor of eventual incarceration (Children’s Defense Fund, n.d.). Though there are multiple documented risk factors for juvenile offending, being male and a minority, especially from an inner-city community, dramatically increases a young person’s prospects of significant contact with the criminal justice system, a correlation that persists throughout the lifespan (Snyder & Sickmund 1999; Mann, 1993). The over representation of minority youth exists at every stage in the juvenile justice system (Hesse & Lawrence, 2009), and is amplified in the progression from arrest to secure confinement (National Mental Health Association, 2004). Minority children are more likely than white children to be treated in a manner that moves them deeper into the juvenile justice system (Coalition for Juvenile Justice, n.d.). Statistics on juvenile cases reveal a sharp racial disparity: for 2008, though black youth represent 16 percent of all minors under the jurisdiction of the juvenile court, 34 percent of the delinquency cases processed nationally involved black offenders (Puzzanchera, Adams & Sickmund, 2011). The relationship between race and system involvement persists into sentencing: while minority youth comprise 32 percent of the U.S. population between the ages of 10 to 17, they make up 68 percent of the detention population and 68 percent of those committed to secure institutions (Community Research Associates, 1997). In private and public residential juvenile facilities, 4 in 10 youths are Black and 1 in 5 is Hispanic (Gallagher, 1999; Cullen & Wright, 2002). Minority juveniles are also over-represented in

adult jails at 2.5 times their percentage in the at-risk juvenile population (National Mental Health Association, 2004). Thus, as Cullen and Wright (2002) conclude:

The impact of the criminal justice system is not spread evenly across society but rather is socially concentrated (p. 4).

Any discussion of 'criminal justice in the lives of adolescents'... is primarily a discussion of criminal justice in the lives of minority adolescents (p. 6).

The young people who enter the juvenile justice system are vulnerable in other ways as well. According to a 2001 estimate, while approximately 22 percent of youth in the general population suffer mental disorders, as many as 60 percent of those in the system, or more than 670,000 youth processed annually, meet the diagnostic criteria for mental health disorders requiring treatment (National Mental Health Association, 2004; Grisso, 2004; Teplin, 2001). Female adolescents demonstrate far greater treatment needs than do males, but the needs of both genders are complicated by overlapping issues of substance use and abuse. According to the National Mental Health Association (2004), approximately 50 percent of the adolescents receiving mental health services within the justice system also suffer from a substance use disorder, and "as many as 75 to 80 percent of adolescents receiving inpatient substance abuse treatment have coexisting mental disorders" (National Mental Health Association, 2004, p. 9).

The Consequences

Though individual paths through the juvenile justice system vary, research clearly documents that under the current system, no matter the specific outcome of their case, the consequences of entering the current system are damaging and persist throughout young people's lives:

...any involvement with the police or juvenile courts carries a heavy stigma for the youth concerned, along with a proven negative impact on educational attainment, crime, and employment (Zimring, 2007, p. 4).

Faced with these overlapping vulnerabilities, the juvenile justice system has substantially failed to achieve either of its mandates: to keep the public safe *and* to care for and rehabilitate young people. Nothing makes this clearer than the statistics on recidivism for young offenders. Recidivism is defined broadly as re-offending by an individual who has already been adjudicated delinquent by the juvenile justice system, and is thus a measure of the power of the system to protect the public and to rehabilitate and deter offenders. Recidivism is an outcome measure of enormous power. It is used to evaluate the success of courts, programs, and

facilities, and surfaces consistently in the public dialogue to assess the efficacy of juvenile justice policy. While tracked variously in different states and municipalities (Pew Center on the States, 2011), it is clear that the recidivism rate among juveniles is high. Estimates of the national rate indicate that, of the approximately two and a half million juveniles charged annually, 55 percent are re-arrested within 12 months, and that, in urban areas, rates hover close to 75 percent (Wilson, 2007).

Statistics like these illustrate that a simple punishment model does not enhance public safety, deter youth from crime, or reform juvenile offenders (Macallair, Males & McCracken, 2009; Scott & Steinberg, 2010, Annie E. Casey Foundation (a), n.d.). In fact, current correctional practices further damage youth already at risk (Paterson Task Force, 2009). Youth housed in detention facilities often have higher rates of physical injury, mental health problems, and suicide attempts, as well as inferior educational outcomes, compared with counterparts who are treated in the community (Sedlak & McPherson, 2010; Holman & Ziedenberg 2006). In addition, outcome studies reveal that harsher punishment (e.g., longer sentences in more restrictive environments) as it is currently delivered, does not decrease recidivism (Paterson Task Force, 2009).

Given the lifelong negative impact of system involvement and the disproportionate representation of disadvantaged young people within it, the juvenile justice system has, historically, both reflected and manufactured inequalities. Such inequity—combined with a failure to administer the mandates of prevention and rehabilitation—has energized the search, both locally and nationally, for new models and practices with better results for youth and the communities in which they live (Dreifus, 2009; Cullen & Wright, 2002; Griffin, 2011). It is with reason that the banner on the Campaign for Youth Justice website reads *“Because the consequences are not minor.”*

Punishment and Rehabilitation Revisited: Where Is the Path to Reform?

Growing evidence of the consequences of youth incarceration, coupled with a decrease in violent crime among youth and federal investigations of state facilities—along with harsh budgetary pressures—are leading states and cities to rethink the model of long-term detention as the solution for juvenile offenders (Confessore, 2009). Jurisdictions are seeking to move youth through the system more quickly and fairly and to return them to their communities to receive both sanctions and the resources that they require (Eligon, 2012). New York, Wisconsin, California, and Oregon are but a few examples of states that are closing existing juvenile facilities—both as a means of cost-savings and in accordance

with evolving policy reform—while other states and counties are canceling the planned construction of juvenile detention sites (Associated Press, 2011; Rothfeld, 2009; Zaitz, 2011). Whatever the impetus for such downsizing, it provides an opportunity to re-examine the fundamental goals of juvenile justice, and to create a system that can offer justice-involved youth the combination of sanctions, supports, and opportunities that will most effectively encourage them to become productive and engaged members of the communities to which they return.

But any such shift will constitute a massive transfer of programmatic and fiscal responsibility from the state to the local level (Aledort, 2011; Bundy, 2011), and demands programs and staff that draw on youth development, rather than incarceration models of interaction and services. Thus, opportunity to redesign a damaged and damaging system is coupled tightly with the responsibility to marshal new forms of human capital and community-based resources (Griffin, 2011). At the very broadest level, such a shift requires a major recalibration of what constitutes “justice” to include a commitment to individual development, a wholly new level of responsibility for and trust in caregivers and communities as partners. To be successful, reform must acknowledge that the process that begins with arrest stretches deep into probation, aftercare, and the collateral damage of having been labeled and treated as an offender.

In addition to all the implied changes in infrastructure, such a shift will require stepping back from the historical poles of rehabilitation and punishment. Both have proven limited: each in its own way treats young people as subjects, not agents. The first turns them into victims or clients to be treated; the second sentences them as inveterate criminals. Both of these frameworks feature an isolated offender apart from family and community. Finally, both proceed from a deficit model, whether cure or correction, with little sense of the strengths young people themselves bring to the process of changing their lives.

One conception of a practical and relevant justice system for youth is based in a restorative justice model that brings crime victims, community members, and juvenile offenders together to find constructive resolutions to delinquency at both an individual and a systemic level (Office of Juvenile Justice and Delinquency Prevention (d), n.d.). In such a model,

Through understanding the human impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capaci-

ties, juvenile offenders become fully integrated, respected members of the community (Ibid.).

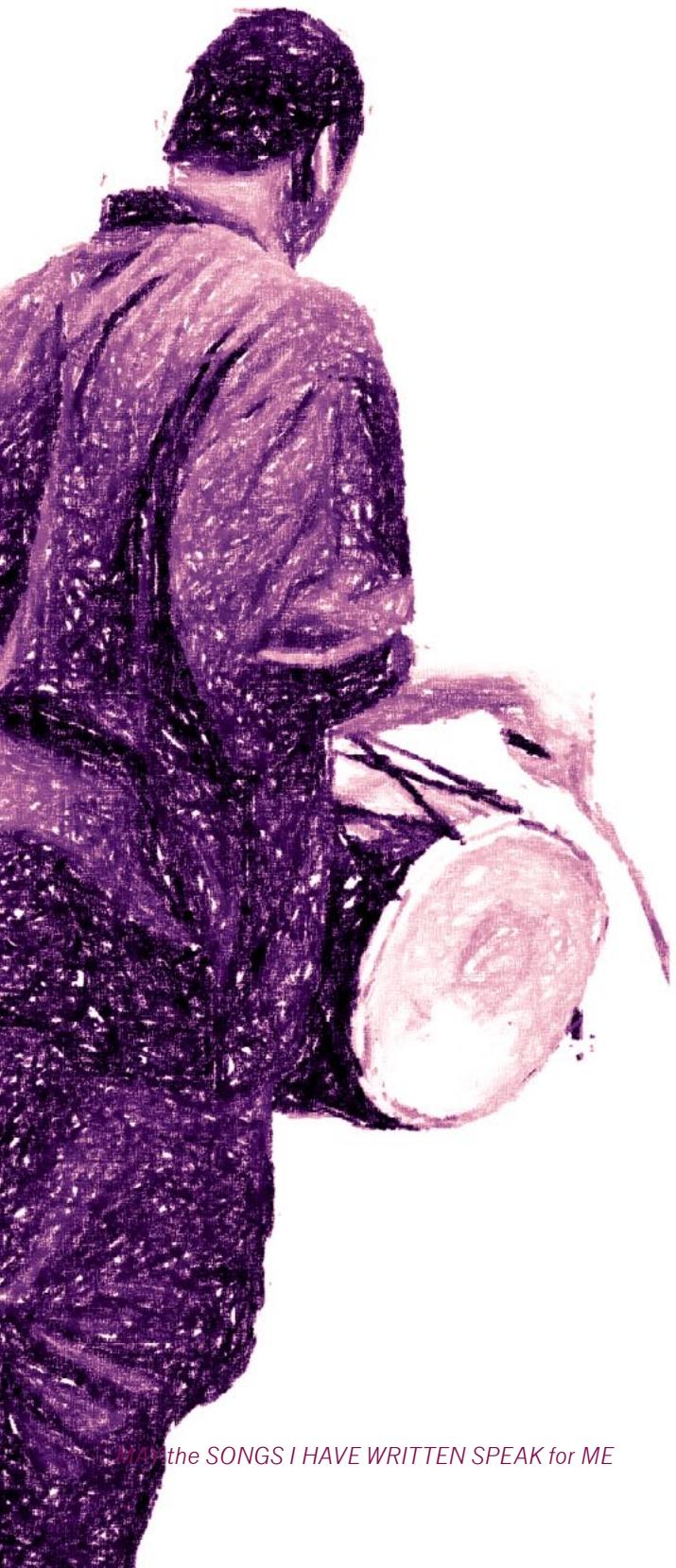
This dynamic process is one component of a national model, known as Balanced and Restorative Justice (BARJ), which challenges the fundamentally passive role assigned to offenders in earlier approaches to juvenile justice, whether those models featured punishment or rehabilitation. BARJ programs require that every social actor affected by delinquency assume a role in its resolution, and seeks to engage those who break the law in a project that goes beyond simple compliance with mandated sanctions (Illinois Criminal Justice Information Authority, n.d.). Currently in the juvenile justice system, most BARJ-inspired initiatives provide alternatives to formal prosecution for low-level youth offenders. One example of such a program, underway in New York City since 1998, is the Youth Court, operated in six locations by the Center for Court Innovation. These courts “train(s) teenagers to serve as jurors, judges and attorneys, handling real-life cases involving their peers” with the goal of using “positive peer pressure to ensure that young people who have committed minor offenses learn accountability and repair the harm caused by their actions” (Center for Court Innovation (a), n.d.). Various justice agencies refer cases to youth courts “with the goal of preventing further involvement in the juvenile or criminal justice systems” (Ibid.), and offenders complying with the judgment of this court of peers have the record of their offense cleared. Youth who participate in staffing the court (sometimes one-time offenders themselves) can earn school credit or, after a period of successful service, a stipend for participation. The BARJ model has been incorporated into policy in multiple states, where BARJ-derived language has been written into the Purpose Clause of states’ Juvenile Codes, and thereby incorporated into the legislative definition of first principles governing juvenile justice (Griffin, 2011).

Like BARJ, the model of Positive Youth Justice also goes beyond the poles of punishment and rehabilitation. A “strengths-based resilience-oriented perspective on adolescence” (Butts, Bazemore & Meroe, 2010, p. 9), Positive Youth Justice, based on the principles of Positive Youth Development (PYD) (Pittman, Irby & Ferber, 2002), describes a response to youth in which real, meaningful activity encourages individual young people to realize their talents and competencies and to cultivate their ability to attach to and empathize with others. Positive Youth Justice seeks to “promote positive connections with pro-social adults, continuous learning, and actual engagement in tasks related to community leadership and adult responsibilities” (Ibid., p. 17). Though PYD has not yet been systematically incorporated or tested in juvenile justice settings, PYD-inspired programs have demonstrated success with justice-involved youth. In one example, the Mural Arts Project works with adjudicated youth at several sites in Philadelphia, engaging graffiti writers in learning productive and positive forms

of self-expression. Through mural painting, both adult and youth offenders can make restitution to their communities by contributing their time and talents to transforming the urban neighborhoods they once disrupted or harmed.

A growing numbers of juvenile court systems are adopting a broad version of a youth development framework as a basis for redesigning their policies and procedures. Currently, many states recognize their “habit” of confining youth to detention, both as a pre-adjudication waiting room and as a sentencing option for judges, as unnecessary, inappropriate, and expensive (Griffin, 2011). Long advocated by reform-minded individuals and youth advocacy groups like the Annie E. Casey Foundation (whose *Juvenile Detention Alternatives* initiative has provided research and models for change), this shift breaks with the habit of warehousing offenders, and prompts courts to consider alternative sanctions that engage youth in their own development (Butts, Bazemore & Meroe, 2010). In fact, there is a growing recognition that time in the juvenile justice system cannot impede or interrupt young people’s ongoing development towards an adult future (Griffin, 2011). Such an imperative dictates that fulfilling a court-mandated sentence cannot force young people into a holding pattern, but that they must be provided with the resources to grow—academically, socially, and in terms of job training—towards obtaining the skills that foster a law-abiding life. This emphasis on “competency development” challenges the justice system to provide the resources to make it possible (Ibid.). Similarly, juvenile systems have to provide the level of education and elective activities that will allow young people to rejoin their peers without having “lost” time or been stripped of opportunities to grow.

Finally, a number of states are seeking to close juvenile facilities where youth are isolated from exactly those resources that could sustain them: families, positive role models, faith-based supports, and other sources of mentorship (Bosman, 2010). They are turning, instead, to smaller, less institutional settings that permit youth to choose and attend a school matched to their talents and interests, take part in athletics, and re-integrate themselves into community life (Eligon, 2012). One example is New York State Governor Andrew Cuomo’s “Close to Home” initiative, a centerpiece of the 2012 – 13 State budget, which mandates that increasing numbers of youth currently in state non-secure and limited secure facilities be transferred—closer to home—to community-administered programs and facilities, beginning in September of 2012 (Kammerer, 2012).



A lot of the time, the kids basically see us staff as robots. As not being from their community, or from their neighborhoods, as never having been through what they are going through. They see us as aliens. But when they see us in there, either helping to make the music or watching them make the music, and liking what we see, suddenly, we have more in common, we become more human to them.

The staff also come to see students in a different way. They see a lot of talent coming out. They also see the kids behaving, working hard, and getting somewhere – with no fighting or talking back. It’s a different way of seeing the kids. Not necessarily one we get all the time.

But the music changes that.

-- Andre Mullings, Training Instructor, Administration for Children’s Services, New York City, reflecting on his experience in music residencies at Crossroads Juvenile Center, New York City

A CURRENT EXPERIMENT: NEW YORK CITY

New York State and City are in the process of overhauling their juvenile justice systems on a major scale. The goal is a unified continuum of services and a system that—while conscious of public safety issues—focuses intently on rehabilitation and youth development (Paterson Task Force, 2009). The reform could make fundamental changes in state law such as raising the age at which a person can be tried as an adult and bringing youth back to their communities from isolated, prison-like facilities. But the success of these reforms depends on how individual jurisdictions (like New York City) implement and sustain the reforms at the local level (Kammerer, 2012). Will the City’s neighborhoods support young people returning from upstate placement centers to local facilities on their blocks? Will high schools help young people re-enter and make up for lost time? Will the City’s cultural organizations make the arts one of the pathways young people can take to reach new possibilities and ways of being?

What Changes Are Occurring at the State Level?

As recently as 2010, New York State spent \$170 million (\$60 million from City tax revenues) to maintain 21 secure juvenile placement facilities (*New York Times*, 2010). In that same year, the State’s Office of Children and Family Services (OCFS), the agency charged with oversight of juvenile justice, was under investigation or was working to settle lawsuits with the U.S. Justice Department and the Legal Aid Society of New York for the systematic violation of juveniles’ constitutional rights, the failure to protect those in custody from harm, and for the persistent inadequacy of access to mental health care (Confessore, 2009(b)).

These cases addressed the use of disproportionate force coupled with a failure to provide adequate opportunities for young people to learn to manage their own behavior, evidence that young people’s substance abuse or dependence problems were ignored, and allegations that staff was using unmonitored medications to control conflicts and mental health crises they were not trained to handle (Kammerer, 2012). In addition, the system was profoundly difficult for youth and families to negotiate. They encountered chronic delays, uncertainty, and abrupt moves between facilities. Once sentenced, many young people found themselves in upstate detention centers, run like adult prisons, at great distance from their families, communities, and legal support. The result was a “correctional” experi-

There are 51 non-tribal juvenile justice systems in this country, each with its own history, its own set of laws and policies, its own unique organizational, administrative, and fiscal structures. (National Center for Juvenile Justice, n.d.)

ence that failed to provide systematic opportunities for young adults to mature and thrive. Instead, young people were vulnerable to physical abuse, alone with their disposition to anger and violence, unsupported in mental health crises, and isolated from whatever human ties they had (Paterson Task Force, 2009).

Despite an annual cost of \$250,000 per child and a staff-to-youth ratio of 3 to 1, the result was neither increased public safety nor lives turned around (Tabachnick, 2012). Of all youth released from state custody between 1991 and 1995, 75 percent were re-arrested, 62 percent were reconvicted, and 45 percent were re-incarcerated within three years of their release (Paterson Task Force, 2009). New York, like many other states, had compelling evidence that a stark punishment model did little or nothing to deter youth from crime, to reform juvenile offenders, or to decrease the rate at which juveniles, once released, offended again (Ibid; Macallair, Males & McCracken, 2009; Scott & Steinberg, 2010). Thus, despite substantial investment and huge costs to families and youth, the system was failing to achieve its most basic goal of returning young people to their communities with the skills to lead better lives. One “graduate” of this juvenile system, now an inmate at Sing Sing, describes the state’s child welfare and correctional systems as a cascade of failures:

I was in the system by 12, in and out of bad foster care. I ran away and started stealing to keep myself alive on the streets. I got picked up and did time in juvenile homes and detention. I got in with the wrong people and started in on armed robberies. And here I am, in Sing Sing, before I am 30. I did bad things, no question. But at no point did someone get me thinking about how to live a righteous life.

– Inmate at Sing Sing, Interview, 2012

Recognizing these issues, Governor David Patterson convened a task force to address a desperately needed transformation of juvenile justice in New York. The 2009 report that emerged from the task force, *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*, concluded:

Institutionalizing young people should be the choice of absolute last resort, reserved only for those who pose such a serious threat that no other solution would protect public safety. For the small fraction of youth who do need to be placed in an institutional facility, the state should treat and rehabilitate them, not hurt and harden them. In all other cases, young people can be well served, and the public kept safe, by community-based supports and services that align with best practices in the field (p. 13).

While some reforms—like the upward revision of the age at which young offenders are tried as adults—remain proposals for change, real and tangible alterations to policy are underway. The civil rights cases of the last decade are reshaping the approach to justice-involved youth: mandating access to treatment, and affirming the rights of young people in detention. Gladys Carrion, Commissioner of the New York State Office of Children and Family Services (OCFS), has already closed 18 of the isolated upstate detention facilities in the last five years (Tabachnick, 2012). In another major step, early in 2012, the New York State legislature passed “Close to Home,” a state-wide initiative in which local communities will take increasing responsibility for the rehabilitation and treatment of youth offenders who do not pose a serious risk to public safety. This will happen in two waves: beginning with non-secure placement in 2012 and moving on to limited-secure placement in 2013 (youth who are judged to be a risk to public safety will continue to be detained in more secure OCFS facilities removed from communities). The returning young people will be placed in smaller, less institutional settings, where they will live in facilities housing small numbers of youth, where they will have access to schools and, in some cases, community-based services as they begin to re-integrate themselves. These facilities will be run by non-profit organizations with expertise in youth services and development. Young people will receive services like individual and family counseling, but will also have the chance to participate in constructive activities such as sports, performance, and service. In short, New York is trading in its former correctional system for one more informed by positive youth justice, with a growing emphasis on responsibility and rehabilitation.

What Changes Are Occurring at the City Level?

New York City’s Administration for Children’s Services has responsibility for protecting the City’s children from harm. Along with overseeing welfare and preventive services, this office also oversees the pre-adjudication detention of all young people who enter the juvenile justice system. Thus, the City processes, places, and cares for youth as their cases make their way through the system to final disposition—a process that may be as short as several days or as protracted as several years. In parallel with the state, the City is undertaking a major overhaul of its juvenile justice policies and practices. Across departments and jurisdictions, juvenile justice is being reconceived as a range of linked interventions that spans prevention to aftercare, encompassing both diversion and detention, and emphasizing ongoing supportive services for both youth and their families.

Beginning as far back as 2006, the Office of the Criminal Justice Coordinator began collaborating with juvenile justice stakeholders to develop a major Alternatives to Detention (ATD) initiative, designed to serve young people who, in the judgment

of the court, could be released safely to their communities provided there was effective supervision. Operating in each of the City's boroughs, five independent community-based programs (QUEST in Queens, READY in Staten Island, the Center for Community Alternatives in Brooklyn, CASES in Manhattan, and Bronx Connect/Urban Youth Alliance in the Bronx) offer an alternate sanction for youth who have open delinquency matters pending in Family Court (Siegel, 2012). These programs work closely with the court to assess and monitor youth, while providing young people and their families with a continuum of services, including academic support, after-school recreation and learning programs, and ongoing case management and referrals. So far, the model has been a success. For example, the QUEST program reports that, to date, 84% of participating youth have "complied with court requirements and remain arrest free" (Center for Court Innovation, (b), n.d.).

In 2007, New York City implemented its Juvenile Justice Initiative (JJI), which offers both alternatives to institutional placement and a variety of intensive after-care programs for those youth who are transitioning out of placement. JJI aims to "reduce the number of delinquent youth in residential facilities; shorten lengths of stay for those youth that are placed in residential care; reduce recidivism; and improve individual and family functioning" (Administration for Children's Services (b), n.d.). Through the placement alternative component of the JJI, youth who might otherwise be mandated by Family Court judges to expensive upstate OCFS facilities are diverted into home- and community-based alternatives. The success of these efforts has been striking. The numbers of New York City youth placed in OCFS facilities has fallen by almost two-thirds (62 percent) from 1,467 in 2005 to less than 550 in 2011. In 2010, 5,297 young people were adjudicated as juvenile delinquents in the City's family courts. Judges determined that 662, or 12.5 percent of them, required out-of-home placements. Of these, 341 went into OCFS facilities while 277 were placed through OCFS with voluntary agencies. Another 44 were placed outside of OCFS custody. Thus, the vast majority (87.5 percent) of adjudicated juvenile delinquents were not placed in residential programs (Kammerer, 2012).

Building on this foundation, in January of 2010, Mayor Bloomberg's administration merged the City's Department of Juvenile Justice into the Administration for Children's Services, the agency charged with the broad mission of protecting New York City's children from abuse and neglect, signaling a move to "a more therapeutic approach toward delinquency that will send fewer of the City's troubled teenagers to jail" (Bosman, 2010). Concurrently, the City's Department of Probation has undertaken a program of "reinvestment and realignment" (Ferrante, 2012), seeking to reconfigure itself as a city-wide network of Neighborhood Opportunity Networks (NeON's) where clients can also access employment, counseling, health services, and other community resources. The intention is to align multiple services for ease of use by justice-involved adolescents and adults, and thus to

expand meaningful opportunities and supports for re-entry. At its heart, the effort is designed to help restore the human capital to those communities historically most depleted by earlier practices of both the adult and juvenile justice systems.

According to Alfred Siegel, Deputy Director of the Center for Court Innovation (an independent non-profit organization that functions as the research and development arm of the court system in New York), through these changes “there is a real effort to create alternatives to jail” and to close those sites or programs throughout the system that fail to engage youth and/or hold them indefinitely (2011). The City now uses the Risk Assessment Instrument (RAI) (a tool designed to determine the most appropriate placement for adolescents who have been adjudicated as delinquent in court) (Siegel, 2011). This brief tool helps to identify high-risk youth for whom detention may be appropriate, separating them from mid-risk juveniles who are deemed suitable for release with supervision through a continuum of ATD programs and low-risk youth who are eligible for release to the community with no formal court supervision. The RAI has helped to lessen the use of detention. As of August 2009, 54 percent of youth were identified as low risk, 34 percent as mid risk, and 13 percent as high risk. Detention has decreased from 24 percent to 9 percent for low-risk youth and from 39 percent to 32 percent for mid-risk youth. Correspondingly, the detention rate for high-risk youth has increased from 49 percent to 70 percent. The long-range hope is that by detaining more high-risk offenders, offering better services to and stronger community supervision of mid-risk youth, and making sure that as few low-risk youth as possible are detained, the rates at which juveniles are re-arrested, while waiting for their cases to be adjudicated, will drop. A first round of data indicates just such a drop, from 26 percent to 13 percent. In addition, there has been a 10 percent decrease in youth who are arrested within one year of entry into the program. Rates of detention are down and the delivery of therapeutic services has improved, as mandated by the Paterson Task Force. Between 2010 and 2011, total admissions to detention decreased by 9.6 percent, and the average daily population in detention decreased 13.1 percent, while the percent of system-supervised youth that received mental health services during the same period increased from 44 percent to 48 percent in 2011. These outcomes are interconnected: increased access to mental health services for detained youth was a result of the decline in population, which reduced the waiting period for referrals. In the summer of 2011, the average daily population in detention was at its lowest level in four years: there were 190 youth in secure detention, and 125 in non-secure (Administration for Children’s Services (a) n.d.).

The Department of Education, through its District 79 for alternative schools and programs, operates academic classes and GED programs for youth in the juvenile system. As part of the overall reforms, these academies and their elective programs have been re-designed to keep pace with the rising expecta-

tions for public education with the aim of ensuring that young people are ready to re-enter classes without the shame of being behind and over age. The District also sponsors a city-wide network of GED-Plus centers working to insure that upon re-entry, students, no matter how much time they have lost, can earn the diploma they need to secure a job or move onto college. In addition, the District is partnering with an array of partners to provide programs that acknowledge and develop the expressive and creative capacities of incarcerated youth in areas like creative writing, spoken word, theater, dance, and music.

At the same time, there is a city-wide recognition that the adolescents currently in the juvenile justice system exit into an urban environment where disparities in education, employment, and other opportunities are rife—particularly for young men of color. To confront this reality, the Bloomberg administration has sponsored the formation of the Young Men’s Initiative, a large-scale effort to address these educational and economic inequities across multiple sectors. Funded by a public-private partnership, the plans include programs within the Department of Probation to connect probationers to the economic and educational opportunities that can prevent recidivism and will launch five satellite offices in neighborhoods with the highest number of disconnected youth. In addition, new teen clinics will be sited in neighborhoods to ensure that young people have immediate access to medical and mental health services they need. To strengthen educational supports, the City will invest in mentoring and literacy development services, coupled with an Expanded Success Initiative that will use schools with a history of progress in closing the gap in high-school graduation as laboratories to develop strategies to eradicate the achievement gap in college and career readiness. The work in schools will be backed up by an expansion of Jobs-Plus, a program that saturates public housing communities with high-quality services, community support for work, and removes barriers to obtaining employment. The urgency of taking down barriers to employment is underscored by an Executive Order ensuring that City agencies do not place undue barriers in their own hiring processes for people with criminal convictions unrelated to the jobs for which they are applying.

Taken together, these policy changes reflect an effort to turn around a juvenile justice system that had been overtaken by a “tough on crime” mentality. The new conjunction between child protection, corrections, education, and health reflects a determination to incorporate the emphasis on individual capacity and responsibility at the heart of the positive youth development framework. But, as always, the devil is in the details. In only two years, through the *Close to Home* initiative, the City will be taking responsibility for many of its low- and medium-risk youth offenders and creating a network of low- and mid-range security facilities of up to 25 youth across the five boroughs (Kammerer, 2012). One important question faced by this agenda of reform concerns how the City will ensure the

dependable and fair delivery of individualized socio-emotional, mental health, and health services in this much more distributed network. Similarly, how will the City attract, train, or retrain staff whose job it will be to work with these maximally vulnerable youth less as corrections officers and more as skilled mentors in anger management, violence reduction, and conflict resolution? What will insure that young people being taught in detention settings acquire the backlog of skills they never learned but need to enter college and careers in a highly competitive city?

It was always the goal to be where we are now working more holistically with youth, and taking more of a social work approach to the young people and their circumstances. Though security remains a priority, we are moving to provide youth with more resources while we help young people with the mechanics of re-entry through stronger programs designed to facilitate return to the community

–Galarza, 2011.

If these are some of the challenges at the level of city agencies, there are also external challenges. What will prepare the surrounding neighborhoods to welcome and support the young people who arrive in their midst? Will those young people greet and be greeted on the street, will they be a part of community gardens or block parties? How will staff, who come from throughout the City, learn neighborhoods well enough to point young people to resources (soccer clubs, small high schools, libraries, and congregations) that could support them in their re-entry? How will staff at community-based organizations become effective resources for re-entering youth? Can they collaborate to build pathways that might begin in detention and last through probation and after-care, becoming lasting alternatives to “the street?”

For any of these reforms to be successful, new programs and policies must take account of the young people for whom they are intended: adolescents, who are still developing. What are their needs and capacities? What experiences and opportunities will help them become the adults they want to be?

WHAT DO WE KNOW ABOUT ADOLESCENTS?

How is Our Understanding of Adolescence Changing?

It is easy to say the young people in the juvenile justice system are adolescents. In the most literal sense that means they range in age from 10 to 18. But what, beyond a chronological classification, does this identity mean?

Adolescence is second only to infancy in the rate and scope of developmental changes that take place (Department of Health and Human Services). Between the ages of 10 and 19, young people experience acceleration in growth, development of primary and secondary sex characteristics, changes in body composition, and changes to the circulatory and respiratory systems (Steinberg & Silk, 2002). At the same time, “Adolescence is a social construction as much as a stage of life, a classification invented by members of a particular culture or society and affected by age, culture, race, gender, and class structures” (National Guild for Community Arts Education, 2011, p. 14). As such, the concept of adolescence was a creation of the early twentieth century: a posited ideal of a distinct period of exploration and turmoil during which a dependent child transforms into an independent adult self (Levy-Warren, 1977). It was an image fostered by prosperity: as both birth rates and childhood mortality declined, one of the luxuries of a middle-class life was a protracted apprenticeship to adulthood--made possible by health, well-being, education, and freedom from having to earn. Thus the nineteenth and early twentieth centuries saw the emergence of youth-serving institutions and practices, such as high schools and child labor laws, and the advent of a distinct youth culture (Hine, 2000). But increasingly, there are significant questions about the reality of such a uniform and assured narrative of adolescence in which all young people face and resolve predictable challenges and emerge into a mature adulthood.

The Brain Science of Adolescence

Although the brain attains approximately 90 percent of its ultimate size by age six, adolescence is a period of massive reorganization and substantive structural development within the brain, as the speed of neural transmission increases up to one hundred times, and as synaptic function is refined and enriched (Casey, Jones & Hare, 2008; Choudhury, Blakemore & Charman, 2006). This change progresses from the rear: starting near the brain stem and initially affecting basic processes like vision and motion, and eventually moving forward into arenas of more advanced cognitive operations (Dobbs, 2011). As complex brain functions grow stronger, adolescents can begin to grapple with the demands

of abstract thinking and are better able to integrate memory, goal setting, and conflicting information into their thinking and decision-making (Ibid.).

Despite the expanding power of these vital mechanisms of cognition, it is increasingly clear that the tumultuous, “all accelerator, no brakes or steering,” conception of adolescent behavior is also rooted in the changing anatomy of the adolescent brain. Scans of the brain during this developmental period show that the pre-frontal cortex (the seat of judgment and self-awareness) evolves more slowly and out of synch with the areas that control emotion, desire, and action (Dahl, in Gopnik, 2012). Imaging studies reveal that these two systems are structurally and developmentally independent. The first, including those neural areas that govern emotional processing and sensitivity to reward, is heightened during adolescence. The second is comprised of the areas related to self-control and impulse regulation, and it matures slowly over time into young adulthood. As a result, at the same time that adolescents exhibit adult levels of intellectual capability, their levels of impulse control may be immature (Reyna & Farley, 2006). Thus, there is a “biologically-driven imbalance” that may foster adolescents’ risky behavior and emotional reactivity (Casey, Jones & Hare, 2008). An adolescent boy may plan to graduate high school and go to college, but be drawn to the thrill of riding in a car with a group planning to rob liquor from a convenience store; or a young woman who can explain the biology—and even the imperatives—for birth control may have unprotected sex with her boyfriend because he “wanted it for his birthday.” Laboratory experiments confirm these patterns: brain scans of adolescents completing a range of tasks show that they are more impulsive, thrill seeking, and drawn to the possible rewards of a risky decision than are adults. These behaviors are heightened in a social context: when adolescents think another adolescent is observing them, their propensity to make risky, but attractive, choices escalates (Dreifus, 2009). In this stage of neural development, when impulsivity is high and social reinforcement is uniquely powerful, youth ignore possible costs and consequences, doing things they cognitively know are wrong or dangerous (Ibid.). Middle adolescence (ages 14-17) is a time of special vulnerability to this imbalance between thrill and judgment “because sensation-seeking is high and self-regulation is still immature” (Steinberg, 2009, p. 160). These rip tides of impulse and insight can have major consequences: unprotected sex, dropping out of high school, or flaring into violence when “disrespected” (Casey, Jones & Hare, 2008; Steinberg, et al, 2008). Researchers summarize the emerging brain science of adolescence as follows:

The body of scientific study...continues to confirm that compared with adults, the unique developmental characteristics of adolescents’ brains lead to more impulsive behavior, the failure to comprehend consequences, and an underdeveloped

sense of self, all of which may cause poor decisions and reckless actions.

– Brief of Mental Health Experts, In Support of Petitioners, Jackson and Miller, (n. d.), p. 1

This asynchrony of impulse and judgment, or thrill and reasoned choice, may affect different groups of young people disproportionately. It may play a large role in delinquency in neighborhoods where “the streets” offer many immediate temptations and too few reasons for waiting, refusing, or defusing. The lyrics from an original song composed by young men in a New York City detention facility portray this struggle:

Caught Up in the Streets

*I'm caught up in the street
I never really got to tell nobody for the first time
I'm talkin' to the beat
I'm trying to get up but I'm keep falling in that seat
It could keep you off track
It could leave you where you're at
You ain't never catch a charge and ya baila couple racks
Now ya parents out there workin hard they tryna get that*

*Mommy left me I was nine hit the streets when I was twelve
I got introduced to Spofford and welcome to a cell
So if you ain't understand went from Juvie to da rock
Them detectives will do anything to keep me off the block
I was in it for the money I was tryna make some change
But it comes a point in life when it's time to make a change
And just when they thought I was lost and they had me on defeat
That's when I realized I was caught up in the street*

*-- Original lyrics from a songwriting residency at Horizons
Juvenile Center, May 2012*

Some argue that this propensity for stimulus and risk is adaptive, biologically inclining young adults to seek experiences that will lead to independence and to a successful departure from their family of origin (Dobbs, 2011). But for many young people, adolescence is a time of vulnerability, when the sensation of potency is singularly divorced from opportunities for meaningful action. They are stranded just outside of the kind of real world of consequential action that enables the authentic participation that can yield the mature socio-emotional skills required by adult-

hood (Butts, Bazemore & Meroe, 2010). But at the same time they have access to high-risk goods and behaviors like drugs, sex, and guns. Many have little to no opportunity to apprentice in productive risk-taking or decision-making that makes any difference in their lives. Instead, they are in text- and talk-driven high schools, quick fix fast food and mall retail jobs, unable to vote (Pittman, Irby & Ferber, 2002).

This constitutes a challenge: How do communities create settings and programs where adolescents' pleasure in risk-taking can have positive, adaptive results? Such learning is especially critical in contemporary circumstances, where young people find themselves valued chiefly as consumers—rarely as contributors or creators. What will we do that gives them experience in “managing and coordinating multiple life roles, finding meaning and purpose in such roles, and carrying out the tasks of emerging adulthood in a climate of uncertainty” (Eccles, et al, 2003, p. 383)? Athletics, debate, service learning, civic engagement, and creative activities may be uniquely productive contexts for adolescents to learn which forms of risk-taking lead to danger and which lead to growth (Gopnik, 2012).

Who Gets to Be an Adolescent?

“Adolescence” in the classic sense of a turbulent, but ultimately protected, transition out of childhood into inevitable adult maturity “simply may not exist at all for (young people) whose families do not have the wherewithal or resources to protect them from adult responsibilities or the consequences of taking them on so early in life” (Cauce et al, 2011, p. 15). Research clearly indicates that youth who grow up in high poverty neighborhoods and those from racial minorities experience accelerated stress during adolescence, and that the individual response to both interior and exterior pressures has the power to enlarge or constrict the options for adult life (Brooks-Gunn, Duncan, & Aber, 1997). Youth living in poverty are less likely to complete high school, more likely to become teenage parents, and twice as likely as other teenagers to be disengaged from conventional society by the time they enter adulthood (Cauce et al, 2011; Brooks-Gunn, Duncan, & Aber, 1997). Yet the prevailing facts of their lives—poverty, exposure to violence, frequent moves, and checkered school careers—are frequently treated only as negative deviations from the traditional norms of health, well being, and achievement (Miller & Brunson, 2000). In other words, poor and minority youth are often outside of the settings that could offer them exactly the productive apprenticeships in risk-taking that all adolescents need. For them, environmental factors (victimization, lack of social networks, inability to seek help, and weak family bonds) make this period

Adolescents also are particularly susceptible to negative environmental influences, which in turn may influence brain biology in a way that compounds the characteristics associated with their unique developmental stage. (Brief of Mental Health Experts, In Support of Petitioners, Jackson and Miller (n.d.))

particularly dangerous (Stanton-Salazar & Spina, 2000; Rajendran & Videka, 2006; D’Augelli, Pilkington & Hershberger, 2002). As a result, adolescence may be very different for young people whose prolonged exposure to violence, uncertainty, or poverty have given them every reason to be quick to anger, resort to violence, or be suspicious of authority (Cauce, et al., 2011). These challenges to adult development are further amplified for those who face “the growing constellation of negative forces in the urban United States, including the prospect of either long-term unemployment or degrading jobs in postindustrial cities” (Stanton-Salazar & Spina, 2000, p. 233); “the resource depletion, social decay, and violence encountered in their turf-divided communities” (Ibid., p. 227); and the irrelevancy and routinized nature of much public schooling (e.g., Kozol, 1991; Freire & Macedo, 1987). The racism and suspicion that minority youth, especially young men, experience when they venture into places “not their own” is brutal and demoralizing.

Young black men know that in far too many settings they will be seen not as individuals, but as the “other,” and given no benefit of the doubt. By the time they have grown into adult bodies—even though they are still children—they are well versed in the experience of being treated as criminals until proved otherwise by cops who stop and search them and eyed warily by nighttime pedestrians who cower on the sidewalks.

Society’s message to black boys—“we fear you and view you as dangerous”—is constantly reinforced. Boys who are seduced by this version of themselves end up on a fast track to prison and to the graveyard. But even those who keep their distance from this deadly idea are at risk of losing their lives to it. The death of Trayvon Martin vividly underscores that danger.

– Brent Staples, New York Times, 2012

Yet research demonstrates that “most children and youth manage to thrive and develop” (Butts, Bazemore & Meroe, 2010, p. 9), making it clear that there are protective factors that can prevent involvement in violence and crime or drive resilience. Some factors—like adequate family income, high-quality healthcare, and safe neighborhoods—are systemic and beyond the easy reach of youth, their families, or individual programs. Other factors, including affection, delight, and attention, are in the hands of families, caregivers, teachers, and mentors. But a final set of established protective factors are individual skills and characteristics that fall within the reach of many, if not all, young people—if they can locate or be

provided with role models, mentors, programs, and settings that nurture these skills:

- Positive personality characteristics, such as being affectionate, autonomous, adaptable, having a positive outlook, and exercising self-discipline
- Adequate problem-solving skills
- Appropriate social skills
- Mastery of at least one skill that is valued by themselves, their friends, or their community
- Willingness to ask for help
- Bonds with a socially valued, positive entity, such as school, community group, church, or another family
- The capacity to distance themselves if their family of origin is dysfunctional, so those patterns of behavior are not their sole frame of reference
- Sustaining interactions with a caring adult who provides consistent, caring responses.

– (List adapted from OJJDP, 1997; Sources: Hawkins, Catalano & Miller, 1992; Catalano & Hawkins, 1996)

We have clear knowledge about the risks and potentials of brain development in adolescence; we know how vulnerable the transition to adulthood is to risk-filled environments. But we also know that these harsh outcomes can be mediated by relationships and personal resilience factors. So the question is: Who will put those understandings to work? Or even more pointedly, who will apply those understandings on behalf of the most vulnerable young people, many of whom have been labeled “lost causes” or “undeserving,” such as youth who enter the juvenile justice system?

Often times the juvenile justice system and related programming for youth emphasize the people and places that youth should avoid. By comparison, we spend almost no time identifying who they can go to for support, who can help them reach their goals, who in their family they want to be like, and what their strengths and talents are.

-- Margaret diZerega, Family Justice Program Director, Vera Institute of Justice, July 24, 2012

So, who will develop and refine programs with the balanced combination of positive risk-taking, social exchange, and judgment that could acknowledge and nurture the talents of court-involved youth? How can the arts step up to plate? Will concert halls, dance and theater companies, museums, writers, and painters be partners?

The Carnegie Hall program helps fulfill our goal to provide opportunities for youth that promote leadership, creativity and positive peer interactions. It is encouraging to see that Carnegie Hall's talented staff are able to engage youth to express themselves in a positive and entertaining way. I always look forward to the concerts put on by youth in detention and enjoy their talent and enthusiasm. We hope to continue, and where possible, to expand our joint efforts with Carnegie Hall to provide this opportunity through music to educate and promote youth development.

Larry Bushing, Former Deputy Commissioner, Administration for Children's Services, New York City



WHAT CAN THE ARTS OFFER TO THE JUSTICE SYSTEM?

Why Do the Arts Matter in Correctional Settings?

Arts programs, and music in particular, have a long history in justice systems as tools of and partners in rehabilitation (Djurichkovic, 2011; Johnson, Keen & Pritchard, 2011). In fact, the United Nations declaration on the Standard Minimum Rules for the Treatment of Prisoners asserts that “recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners” (United Nations, 1977). In *Doing the Arts Justice*, Hughes explains why: “the arts can play an important part in changing individual, institutional and social circumstances which sponsor criminal behavior” (2005, p. 9). Specifically, Hughes elaborates:

The arts have the capacity and potential to offer a range of innovative, theory-informed and practical approaches that can enhance and extend provision of educational, developmental and therapeutic programs across the criminal justice sector (Ibid., p. 9).

Inmates know it to be true. At the Prisoners Education Trust Lifelong Learning conference in May 2011, incarcerated adults made these points about the role of the arts in their lives:

The arts create spaces for us to see each other differently.

The arts provide the opportunity to affect others for good.

For prisoners, the arts open doors into all aspects of life and unlock potential and ability to enter these; in relationships, self-confidence, education, training, creativity, employment, etc.

The arts build relationships and communities; on the

wing and in prison as a whole; with families...and with the outside community.

The arts enable recognition of hidden skills and talents and enable healing.

– Robertson, 2012

As one inmate reflects:

As useful as the tangible objects made available to myself through this workshop have been, they are just a small fraction of the equation that has made such a profound impact on not only my musical journey, but on my life as a whole. (Music) has played no small part in helping me turn a dark period in my life into an opportunity to recognize my identity and my dreams.

– An inmate at Sing Sing

As Parkes and Bilby (2010) advocate: “prisoners need to undertake activities that not only address their offending behavior, but engage them holistically and enhance their well-being” (p. 100).

Through invitations to participate and engage, the arts offer offenders a range of interactions that punctuate the routine of prison life and offer the hope of change. Creative engagement provides the opportunity to acquire new skills in an art form, and a structure inside of which it is possible to enter into sustained respectful dialogue with others (Silha, 1995). Making creative efforts can also re-contextualize risk-taking for those in a corrections environment, a critical capacity for individuals who may be paying back the cost of impulsivity. Matarasso (1997) notes that “risk is fundamental to the human condition, and learning to live with it is a prerequisite for growth and development” (p. 59); the arts can re-acquaint participants with risk-taking that is positive and life affirming—exciting, but not harmful. The power of the arts in correctional settings may be paradoxical, given that successful creative endeavor requires both limits of craft and structure and an entirely unbounded imagination (Hughes, 2005).

Observers and evaluators of prison-based arts programs describe the potential of arts experiences to free individuals from the negative role of offender, allowing them to invent or try on an alternate ‘creative self’ (Baker & Homan, 2007). Thus, in a world where the idioms of crime and punishment, sentence and constraint, dominate, the arts are often a rare experience of respite. After

listening to a concert by the gospel group “Take Six,” inmates described the emotions they experienced during the performance (WolfBrown, 2012):

A feeling of freedom, joy, happiness and a will to better myself and that the world cares for the people in this place.

Hopeful that there are people in society that will still embrace me upon my release.

Finally, in correctional contexts, participatory art activities may also matter because of what they are *not*. The arts “offer a non-traditional, non-institutional, social and emotional environment; a non-judgmental and un-authoritarian model of engagement” (Baker & Homan, 2007, p.11). The fact that artists and arts and cultural organizations are neutral agents within the potentially oppositional world of the justice system makes them welcome and trusted visitors and teachers (Department for Culture, Media & Sport, 2003; Ezell & Levy, 2003).

Building a Conceptual Framework

But do these testimonials translate into evidence of the kind that could inform public spending and build a case that the arts make a difference in correctional settings? In what ways do the arts matter to adult inmates? Is there evidence of similar or different outcomes in juvenile justice settings? To answer these questions it helps to have a conceptual framework to guide the exploration of possible effects. Allen, Shaw, and Hall (2004) organize the existing evidence into several distinct areas. The first, “educational achievement,” speaks to gains in personal artistry within an art form—in musical terms, learning to play an instrument, read music, compose, and listen with understanding. The second, and most frequently explored, domain includes internal and relational transformation—changes in emotional maturity or self-awareness and improvements in the ability to relate positively to others. Finally, there are the outcomes such as decreases in incidents of violence, fewer rule violations, and lower rates of eventual reoffending—that are measurable and meaningful from a facility or justice system perspective. One recent study completed in the U.K. even uses an economic evaluation of three case studies to demonstrate how the arts in prison settings “provide savings to the public purse as well as improve the life chances of the people helped” (Johnson, Keen & Pritchard, 2011, p.37).

The Consequences for Adult Inmates

Findings of art-sponsored improvements in adults' internal emotional state and skills abound. One large comparative study of different arts programs in five adult prisons found that "evidence from interviews, observation, and psychometric testing indicates that the projects brought about positive shifts in engagement, self-esteem, confidence, [and] self-control..." (Miles & Clarke, 2006, p. 8). Pre- and post-test findings from *Insult to Injury*, a drama program designed to explore the phenomena of anger, aggression, and violence among adult male offenders, showed significant post-test reductions in anger and aggression levels, suggesting that such participatory arts programming can provide a useful supplement to traditional therapies with offenders (Hughes, 2005). In another evaluation, Safe Ground's drama-based parenting programs, *Family Man* and *Fathers Inside*, were found to help prisoners develop a sense of pride, cultivate team-work skills and confidence, and form a better understanding of family relationships and parenting (Halsey et al, 2002). The *Good Vibrations* project in the United Kingdom uses gamelan percussion music from Indonesia and provides intensive, usually week-long, courses for up to 20 prisoners at a time. Across three evaluations, there are consistent findings that participation has the ability to facilitate change in thinking and behavior (Wilson, Caulfield & Atherton, 2008, 2009) leading to observable skills and visible changes in behavior, and reduction in measurable risk factors such as impulsivity, poor ability to manage conflict, and social alienation (Clawson & Coolbaugh, 2001; Hillman, 2000; Klink & Crawford, June, 1998; Ross, Fabiano, & Ross, 1988).

Many studies also report positive evidence of decreased prison violence and less future crime among program participants (Szekely, 1982). Several large studies, some undertaken by prison management, reiterate these findings. *Culture*, an arts program in 60 state prisons developed by the American Corrections Association, reduced episodes of aggression among participants (Count-Van Manen, 1991). The Illinois Department of Corrections discovered that arts programs ease tension among inmates (Piazza, 1997), while arts programs in adult correctional facilities in Oklahoma and Massachusetts yielded a decrease in incident rates by 60 to 90 percent (Durland, 1996). In a 1983 investigation of outcomes and characteristics of arts-based inmate education in California, Brewster reported a 74 percent favorable parole outcome rate for inmates who participated in contrast to a 50 percent favorable rate for those who did not participate. Moreover, three-quarters of those engaged in the program showed reduced inmate incident rates. The most extensive study reporting on recidivism outcomes is an evaluation of *Arts in Corrections* (AIC), a program in California in which 8,000 prisoners and 700 artists participated across 23 correctional facilities. A study of parole outcomes for 177 randomly selected inmates who had participated in at least one AIC class for a minimum of six months examined outcomes at six months, one year, and two years post-

release, compared with parole outcomes of all California Department of Corrections parolees for the same time period (Williford, 1994). Eighty-eight percent of AIC participants avoided reconviction after six months compared to 72.3 percent for all parolees. After two years, 69 percent of AIC participants still had not reoffended, compared to 42 percent of the general non-participating prison population (Ibid.).

The Consequences for Youth

If juvenile justice systems are going to reconceive their programs in terms of youth development and rehabilitation, one of their major responsibilities will be helping young people to learn and change—emotionally, socially, academically, and interpersonally (Mecnick, 1984). Hence, it is vital to know whether arts programs have similar effects for young people in correctional settings.

Arts experiences may be a particularly good match to the needs of adolescents. Arts experiences could offer incarcerated youth valuable opportunities to exercise decision-making and to assume ownership in an environment that is otherwise predicated on the removal of choice and responsibility. Such programs could comprise critical learning opportunities (Ezell & Levy, 2003) where risks that are positive, life-affirming, and safe, provide the “rush” of success linked with purposeful activity (Hughes, 2005). Since, in the context of arts programs, young people’s limited educational histories, as well as their mental health needs, do not preclude participation, these programs are an opportunity to escape from prior or recurrent experiences with failure and exclusion (Ecotec Research and Consulting, 2005). The arts potentially function as a recreational activity within the correctional system that bridges to the larger world, as the commitment and responsibility required for successful art-making yield important occasions to practice the skills required for a successful life outside the justice system (Galarza, 2011). Finally, community-based professionals who teach in these programs “provide a connection to the real world” for youth, potentially offering them positive attention and recognition (Ezell & Levy, 2003, p. 109) that combines high expectations and rules for participation with the potential rewards of performance and recognition.

But what is the evidence that the arts live up to this potential, making a measurable difference to juvenile offenders? According to a major meta-review of art therapy programs for adolescent offenders, art therapy can be successfully used to target and change “core problems” related to delinquency, including “problems with self-image, with expressing and discharging emotions, and the inability to resolve interpersonal problems and negative cognitions” (Smeijsters et al, 2011, p. 75). Other studies have found that art therapy addresses issues of identity, the need for affiliation and affection, sexuality, and symptoms of

mental health issues (Persons, 2009), and that it increases feelings of mastery, connection, and self-approval, yielding an increase in global self-worth (Hartz, 2005). The arts have potential to reach even those difficult populations, such as young people in substance abuse treatment for whom multimodal programs incorporating “creative approaches including art, dance, and theater” (Watson et al, 2003, p. 390) are particularly effective (Winkelman, 2003).

Additional evidence comes from prevention programs, where the arts are used to attract, engage, and inspire youth to change risky patterns of behavior (Mulcahy, 1996). For example, YouthARTS, a three-site prevention initiative, collected data showing that participants demonstrated increased interpersonal skills, decreased delinquent behavior, improved academic performance, and higher rates of graduation, leading to the conclusion that:

(A)rts and performances can prevent violence and delinquency by (a) educating others on the benefits of crime prevention; (b) allowing youth to use their creative talent to develop a sense of identity, independence, discipline, and self-worth; and (c) preventing or reducing violence among the young artists and performers who become involved in the arts.

– Watson et al, 2003, p. 391

Studies also point to positive changes in internal state including: improved self-esteem (Lovett, 2000) and self-efficacy (Clawson & Coolbaugh, 2001); heightened self-control (Lovelace, 2003); improved concentration/task completion (Silha, 1995; Clawson & Coolbaugh, 2001); greater confidence (Silha, 1995); and reduced feelings of/ability to manage anger (Reiss et al, 1998). In addition, these studies point to increased:

- Interpersonal competency evident in improved coping skills and ability to handle stress (Lovett, 2000; Arts Council England, 2006; Hughes, 2005)
- Skill and enjoyment of collaboration and cooperation (Arts Council England, 2006, HMP Maidstone Education Team, 2001; Baker & Homan, 2010; Clawson & Coolbaugh, 2001; Center for the Study of Art and Community, 2001)
- Self-reflection (Vasudevan et al, 2010)
- Ability to communicate with peers or staff (Clawson & Coolbaugh, 2001; Arts Council England, 2006).

From an institutional outcomes perspective, the studies also document positive changes in participants’ behavior, such as:

- Increased compliance with institutional rules (Ezell & Levy, 2003)
- Less disruptive behavior and fewer violent incidents among participants (Ibid.; Anderson & Overy, 2010; Hillman, 2000; Watson et al, 2003)
- Positive changes towards staff, key workers, and other adults; increased engagement with education (Anderson & Overy, 2010) and improved/enhanced facility environment (Ezell & Levy, 2003)
- Lowered recidivism among participants in arts programs (Johnson, Keen & Pritchard, 2011)
- Motivation to seek employment and further education (Anderson & Overy, 2010; Robertson, 2000).



May the lyrics I have spoken speak for me.

May the songs I have sung speak for me.

Lyrics from a song written and performed by youth
in non-secure detention, April, 2012

WHAT DOES MUSIC OFFER THE JUSTICE SYSTEM?

Visual art, theater, and creative writing programs all have a history of successful operation in correctional settings. Though all art forms share attributes that make them relevant in these contexts, are there particular powers of *music* in those contexts? Where is the overlap between music and human rehabilitation?

Why Does Music Matter?

Music is essential to how we recognize and understand others: we can be wordlessly connected to those who hear the same music that we do, with melody and rhythms allowing us to form an unspoken, but deeply felt, understanding of others (Loewy, 2011). In settings where “beefs,” stereotypes, long-suppressed grief, and interpersonal threats are routine, music can be an uncharged medium for connection. It can offer a channel for the expression of complex and intense emotions that it may not be easy—or wise—to put into words in prison settings. One inmate-composer explains how a song can capture the private, persistent sadness a person can feel, but not show, in prison:

“Tristeza” means sadness in Spanish. It is the kind of sadness you feel but really not portrayed through your facial expression or your body language. (It is) when you are saying, “This thing is really bad and I am feeling really desperate.” Lots of people have felt that way. Guys right around you are probably feeling that right now.

—Inmate at Sing Sing, April, 2012

Music persists across cultures and epochs in part because receptivity to music is hardwired into all of our brains. Levitin (2006) surmises that this neural proclivity is based in the function of music-making as a social activity that connects group

members to one another, creating the cohesion necessary for collective survival. For those in prison, these properties of music may be especially powerful. Both individual and collective music-making can provide positive interaction through the acts of practice, rehearsal, and performance. Studies describe how adult prisoners can refine the subtle mechanics of interaction through music-making, improving their listening skills, turn taking, and eye contact (Digard et al 2004; Silber 2005; Wilson & Logan, 2006). Thus, one profound promise of music is that of social bridging and bonding (Putnam, 2000). In the enclosed world of prison, when one man practices guitar alone in his cell at night, he is also broadcasting messages of purpose, intention, and determination to change.

Finally, live music may be a singular moment of “access to freedom” for those in detention. Whether rap or gospel, many forms of folk and popular music carry messages about hardship, endurance, and the strength of the human spirit in adversity. In addition, as Winette Saunders-Halyard, Assistant Commissioner for Community Partnership and Program Development in the New York City Department of Corrections, describes it, the experience of responding to sound is an opportunity to “partake of liberation while confined” (2011). The theme of freedom often resounds through lyrics of songs composed by youth and adults in detention:

*When I get out of here, I'm going to go to school, When I get
out of here, I ain't no fool*

*When I get out of here, ain't coming back no more, Hold my
head high and walk straight out that door Into this world of
freedom, freedom, freedom, freedom...*

*Since I was young, at an early age, no one seemed to care
what I had to say. If they only knew what we've been through,
they would say 'Oh my God, what can I do?' this world of
freedom, freedom, freedom, freedom...*

*– Youth Voices Music Project, Southern Poverty Law Center,
(n.d.)*

Why Does Music Matter to Adolescents?

At no time is the power of music more pronounced than during adolescence. Only sleep trumps music in those years. Teenagers listen to, create, or watch music between four and five hours a day—more than they spend watching television or hanging out with friends outside of school (American Academy of Pediatrics, 2009). Young people think and dream in lyrics, find transport in melody, and improvise on riffs, solos, and beats accumulated through hours of listening. So intense is their listening that some social scientists argue that a passion for popular music is among the most reliable diagnostic for the onset of adolescence (Roberts & Christenson, 1997). Because of its plasticity, particularly in regions sensitive to music and emotion, the adolescent brain virtually engraves lyrics and melodies, along with the emotional and social significance of music (Giedd et al., 1999). As a result, the play list of our teenage years runs in our brains for as long as we live (Levitin, 2006). At 80 we remember the music from our youth more accurately, and with a greater rush of feeling, than the sounds from any other decade of our lives.

Adolescents know that music can articulate and regulate their internal emotional lives, and they make deliberate use of popular music to take control of their emotional state or mood (Patterson, 2001). They are drawn especially to high-intensity music because it “can match (or exceed) the intensity of their current internal state and... help structure their intense feelings into a beat and a pulse” (Brewer, n.d.). Youth develop a repertoire of music-related activities—singing along, composing, MC’ing, and dancing—which they use to satisfy “personal, mood-related goals” (Saarikallio & Erkkila, 2007, p. 88). Popular music also provides adolescents with the means “to resolve unconscious conflicts related to their particular developmental stage” (American Academy of Pediatrics, 2007, p. 1488) and to facilitate group membership (Cohen, McFadden & Bailey, 2005) by sharing, trading, and singing along. Engaging or making music can serve as an entry point into youth culture (American Academy of Pediatrics, 2007), a means to explore cultural identity and sociopolitical context (Spirit, 2011), and an idiom for the expression of longing and romantic feeling (Levitin, 2006).

Many of the musical professionals who advocate for, design, and deliver programs for youth in corrections hold strong beliefs about the power of musical genre. Some who work with urban youth see hip-hop as a musical language that is already almost universally familiar to the young people they encounter, and appreciate that, within a population of adolescents who may not have had regular access to traditional forms of musical training, digital music-making technologies have enabled many self-taught young musicians to develop rhythm, lyrics, and song structure. Moreover, for many advocates of hip-hop, the genre’s roots in a tradition of resistance make it not only a relevant but an essential vessel for

exploring the personal experiences of urban youth. For instance, Rose (1994) defines rap as “a black cultural expression that prioritizes black voices from the margins of urban America...a form of rhymed storytelling” (p. 2). Potter, 1995, asserts that the intensely current and local nature of this musical form is its strength: “Even as it remains a global music, it is firmly rooted in the local and temporal; it is music about ‘where I’m from,’ and as such proposes a new kind of universality” (Potter 1995, p. 146). Baker and Homan (2007) reflect that these forms introduce young people to a long, and sustaining, musical tradition:

Rap and hip-hop have thus proved useful for youth to negotiate local spaces and histories while constructing individual styles and identities. It is a particularly powerful cultural form for marginalized ethnic minorities. In this sense, hip-hop takes its place in the tradition of music subcultures that provide a forum to challenge wider social conditions of alienation and oppression (p. 460).

In so far as contemporary adolescence is a holding tank—a time of rapid physical and cognitive maturing uncoupled from authentic opportunities to exercise those capacities in constructive ways (Gopnik, 2012; Pittman, Irby and Ferber, 2002), making and performing music is a potent medium through which young people can explore and critique the issues that shape their experience. Consider how the evolving and outspoken genre of hip-hop raises questions about race, justice, politics, the economy, and identity (Rose, 1994):

At its best, hip-hop lays bare the empty moral cupboard that is our generation’s legacy. This music that once made visible the inner culture of America’s greatest social problem, its legacy of slavery, has taken the dream deferred to a global scale. ...Today, 2 percent of the Earth’s adult population owns more than 50 percent of its household wealth, and indigenous cultures are swallowed with the rapidity of a teenager gobbling a bag of potato chips. The music is calling. Over the years, the instruments change, but the message is the same. The drums are pounding out a warning. They are telling us something. Our children can hear it.

—McBride, 2007

Can Music Make a Difference?

What are the consequences of the demands of learning an instrument, working as an ensemble, creating an original composition, or risking to perform before an audience of peers? Can we name, capture, describe or measure these outcomes?

The Consequences for Adults

The role of music in adult prisons is well documented. Elliot (1981) reported positive change in adult male inmates' emotional, developmental, and social problems following participation in an instrumental music education program. An evaluation of the Good Vibrations project (a program that engages offenders in music-making within a gamelan orchestra) found that participation promoted pro-social skills and "empower(ed) prisoners to take their first steps towards stopping committing crime" (Wilson & Logan, 2006, p. 6). Six months after completing a Good Vibrations project, participants experienced greater levels of engagement and an increased openness to wider learning, improved listening and communication skills, improved social skills and increased social interaction, improved relationships with prison staff, and decreased levels of self-reported behavioral incidents (Wilson, Caulfield & Atherton, 2009). A similar evaluation of the Music In Prisons project in eight men's prisons across England found "measurable and substantial impacts on the well-being of participants in prison," which, the authors conclude, "may have implications not only for these individuals' potential ability to desist from crime, but for their well-being while incarcerated, and in particular their motivation to participate in the educational and skills-building opportunities available to them while they are incarcerated" (Cox & Gelsthorpe, 2008, p. 2). Gains were also recorded in the domains of hope for the future, confidence, positive family relationships, and view of self and others (Ibid.). Similar studies of prison choirs find that choral singing experiences (especially those involving both prisoners and staff) benefit individuals in correctional settings (Cohen et al, 2005; Richmlller, 1992; Silber, 2005).

So what do we know about the power of music in the lives of young people headed for, in, or exiting tough passages in their lives, among them the uncertainty, isolation, and stress of being identified and treated as a juvenile offender?

The Consequences for Youth

"Someone I had a beef with, after the concert, the next day he was asking me about my music"

–Youth participant in music residency, Interview (2011).

The potential of music-based programs in the juvenile justice system may be at least as great, given the power of music in teenagers' lives. The fundamentally

social nature of music learning and performance offers a productive framework for adolescents to practice and refine the skills of interaction (Anderson & Overy, 2010). The collaborative process of creating music collectively offers a model of how individual decision-making shapes an outcome (Reuss, 1999) and facilitates the process of group learning (Swanick, 1998). Hearing and playing music of different cultures can also help individuals to transcend group and cultural barriers, a process that “may be increasingly important in encouraging tolerance in multicultural democracy” (Cox & Gelsthorpe, 2008, p. 6). Music programs can also affect justice settings themselves by fostering new relationships between youth and the adults who work with them. Staff may see new potential and creative talent in the youth, youth experience and can be supported by staff in a new way, and, in the words of one staff member participating in a Musical Connections residency, “Suddenly we have more in common, we become more human to them” (Mullings, 2011). In short, musical participation can ignite a series of positive processes, which can create a cumulative momentum that has the potential to affect participants, staff, relationships, and, consequently, the tone and temperature within a facility.

Several programs offer models of how such outcomes can be produced. For example, the *Diversion into Music Education (DIME)* program in South Africa offers court-involved youth a variety of simultaneous music experiences, supplemented by regular supportive contact with a mentor. The program enrolls participants in an African marimba and djembe band, with regular group music training and performance opportunities, while the mentor commits to attending all practices, visiting children in their homes, and engaging them in constructive leisure, all towards the goal of healthy development (Woodward, Sloth-Nielsen, & Mathiti, 2007, p. 6). An evaluation of this immersion program showed that the intensity of contact with music and program staff yielded positive results: ninety percent of participants (n = 14) did not re-offend six months after enrollment; after one year, the rate of recidivism was zero. Additional qualitative outcomes included musical development, improvements in family relations and participant attitudes towards school, and a sustained sense of achievement among participating youth.

A 24-month-long evaluation of *Fair*, a collaboration between the National Youth Theatre of Great Britain and HMP Bullwood Hall—a facility housing both juvenile and young offenders—also showed positive outcomes. According to Goddard (2005), over a period of three weeks, a group of 18 women that combined juveniles (aged 14-17) with young offenders (ranging in age from 18-21) completed an intensive creative workshop process that used music, dance, and drama to assemble an original piece of “musical theater.” One hundred percent of project participants said that they had learned a new skill, made new friends, and that they would participate in future arts-based activities. Other outcomes amongst participants included a reduction in self-harming behaviors, improvements in self-esteem, and advances in the skills of compromise and collaboration. The project yielded gains beyond participants’ development. The staff was engaged in the creative process and in the work of evaluation and reflection. The final performance both celebrated the outcome of the collaboration and raised awareness of the potential of the arts in this setting: prisoners performed for an audience that included other inmates, family members, and representatives of the prison system’s administration.

In *Rap, Recidivism and the Creative Self* (2007), authors Sarah Baker and Shane Homan describe the work of *Genuine Voices*, a non-profit organization teaching music to young offenders with the goal of writing and producing a CD. According to their evaluation, the program provided some of the opportunities that Ezell and Levy (2003) define as both novel and critical for this population of youth: offering the possibility “to exercise decision-making and take ownership and responsibility for something” (p. 109). Participants “demonstrated an awareness of working towards the greater good,” (p. 470), and became cognizant that their individual creative effort was contributing to a collective end product. The music provided “a socially acceptable outlet for releasing tension” that introduced “techniques of self-control” (Ezell & Levy, 2003; Lovelace 2003, in Baker & Homan, p. 472). The authors note that “even simple steps in music education sparked ongoing interest that facilitated an attitude shift, revising ‘I can’t do this’ to ‘how can I do this?’” (Ibid., p. 469). There are similar findings for choral singing: young male participants in a choral program experienced shifts in three areas of self-perception: (a) status, (b) co-musical benefits, and (c) inner rewards (Nelson, 1997, in Cohen, 2009).

The evidence for internal, behavioral, and even institutional change through music is strong. Two questions remain: Does this evidence “speak loudly enough to the system?” If not, how do programs develop additional evidence of both short and longer-term consequences?

Quality is always an issue in all areas—for the performances and projects, for the preparation, in how you communicate your ideals, in how you try to motivate people to join you on this journey.

Wells, in Renshaw, 2010, p. 178



WHAT DO WE KNOW? EFFECTIVE ARTS PROGRAMS FOR CORRECTIONAL SETTINGS

Music programs are only potentially transformative. They don't come with guarantees that they will contribute to adults' or young people's sense of who they are, what choices they can make, or what their lives could be. These kinds of result—like a good concert—are the outcome of careful choices, learning from experience, and fierce commitment to performance in the moment. Though no prescription exists, there are a set of recurring design principles, or best practices, that have emerged from enduring and successful arts in corrections programs internationally. For ease of review, these points are summarized in the following three charts describing program design, professional training, and evaluation. Within each chart, each design principle is illustrated with the words of a practitioner or researcher who works in the field, and where possible, by quotations from participants in music projects.

What Are the Design Principles for Effective Programs?

Across both adult and juvenile programs, in the U. S. and internationally, researchers and experienced practitioners underscore a set of basic principles that underlie effective arts programs in correctional settings. The table on the following pages offers a summary.

The Design Principal: Effective Programs...	What Researchers, Practitioners, and Participants Say
<p>Must be based in the practice of art at the highest level.</p>	<p>“The most successful programs have been developed by artists making art, not artists doing something else” (Cleveland, in Renshaw, 2010, p. 4).</p> <p>“...serious artistic instruction should be considered a necessary but not sufficient program feature for achieving positive outcomes” (Ezell & Levy, 2003, p.113).</p> <p>“(S)erious artistic instruction is a necessary program feature for fine arts interventions to promote pro-social development” (Stone, Bikson, Moini, & McArthur, 1998, p. ii).</p> <p>“We bring in great instruments for them to play and great musicians for them to work with. This conveys an immediate investment in them, something too few of them have experienced” (Sara Lee, Music in Prisons, in Renshaw, 2010, p. 211).</p>
<p>Are continuously responsive to context.</p>	<p>“Our partners need to be flexible” (Saunders-Halyard, Interview, 2011).</p> <p>“Arts practice tends to be generated by local and specific contexts; flexibility and responsiveness is a key indicator of success for arts interventions” (Hughes, 2005, p. 9).</p>
<p>Are rooted in deliberate and dynamic relationships across the entire universe of stakeholders: arts organizations, artist-leaders, host organizations, staff, participants, and the public.</p>	<p>“If good relationships are built, you will be welcome and you will succeed; if anything is taken for granted then the project will be in jeopardy” (Sara Lee, Music in Prisons, in Renshaw, 2010, p. 211).</p> <p>“Our staff members also get a chance to learn and participate with the Musical Connections artists, which allows them to work with the residents in different ways” (Tahia Johnson, Director of Operations, Horizons Juvenile Center, Playbill, 2011).</p>

<p>The Design Principal: Effective Programs...</p>	<p>What Researchers, Practitioners, and Participants Say</p>
<p>(...continued) Are rooted in deliberate and dynamic relationships across the entire universe of stakeholders: arts organizations, artist-leaders, host organizations, staff, participants, and the public.</p>	<p>“You need to build in preparation time with staff at the host site, so you can talk about the goals and objectives of the project; and you need to tailor the program you have to the needs of your collaborators. The best programs are integrated into what is already going on at the site” (Siegel, Interview, 2011).</p> <p>“The different parties involved in the arts in the criminal justice system—artists, prison staff (including teachers and counselors), funders, policy makers, evaluators—need to work more closely together to increase the range, quantity and quality of activity” (Allen, Shaw & Hall, 2004, p. 1).</p> <p>“The kids basically see us as robots. As not being from their community, or from their neighborhoods, as never having been through what they are going through. They see us as aliens. But when they see us in there, either helping to make the music or watching them make the music, and liking what we see, suddenly, we have more in common. We become more human to them” (Mullings, Interview, 2011).</p>
<p>Seek congruence and connection between their program and other resources available to their participants in order to create experiences that are intense and long enough to make a difference.</p>	<p>“A number of different organizations are serving the host at the same time—can they talk to one another and work towards the same goal?” (Siegel, Interview, 2011).</p> <p>“We added the possibility of young people getting school credit for the workshop to signal the importance but also to help them keep progressing in school” (Gregg, Interview, 2012).</p> <p>“What we really need is for it to be longer, more consistent. For example, you all coming back across a whole year to work with different groups of kids. That way they know there is something to look for, to behave for. Word spreads you know” (Mullings, Interview, 2011).</p>

The Design Principal: Effective Programs...	What Researchers, Practitioners, and Participants Say
<p>(...continued) Seek congruence and connection between their program and other resources available to their participants in order to create experiences that are intense and long enough to make a difference.</p>	<p>“I want to connect the young people who sang in my chorus when they were in detention to the choirs in their communities so that the singing we started continues to be a resource for them” (Rosenmeyer, Interview, 2011).</p>
<p>Support public performances/exhibitions that acknowledge the effort and accomplishment of participants, making it visible/audible to staff, families, and other public audiences whose perceptions of participants can be changed.</p>	<p>“An emphasis on performance and presentation has to be in place for the artistic instruction to have a positive impact” (Stone, Bikson, Mloini & McArthur, 1998, p. 16).</p> <p>“Many people have never started and finished something in their lives so this is a massive step into often uncharted and frightening territory” (Sara Lee, Music in Prisons, in Renshaw, p. 212).</p> <p>“It will be a really great thing to have real CDs in nice cases, the Crossroads Nine plus one. Puts a finish on things. Each event ought to have its own CD. There could also be a compilation, so kids could hear all their peers. It would be great to let them listen to what the other people can do” (Thal and Marianetti, <i>Found Sound Nation</i>, Interview, 2011).</p> <p>“In my anti-violence training, they ask you to name something you are proud to have accomplished. I couldn’t name anything, until this morning when I looked at my score all written out, with parts for all the musicians coming to play it” (Prison inmate and musician, Interview, 2012).</p>

The Design Principal: Effective Programs...	What Researchers, Practitioners, and Participants Say
<p>Design artistic opportunities that address the social, emotional, and educational needs of the people who are taking part.</p>	<p>“Work with young offenders also incorporates:</p> <ol style="list-style-type: none"> 1. a delivery style that matches young people’s learning styles (including a participatory approach and combination of active and reflective components) 2. structured, directive approaches (incorporating a ‘teaching’ element) 3. a flexible approach that can respond to young people’s changing needs” (Hughes, 2005, p 16). <p>“Someone I had a beef with, after the concert, the next day he was asking me about my music” (Youth participant in music residency, Interview, 2011).</p>
<p>Reflect the complex identities of participants, allowing the use of familiar genres, even when offering new ones.</p>	<p>“Particular emphasis is now placed on the importance of including culturally sensitive forms of treatment with troubled youth” (Kim, Omizo, D’Andrea, 1998, in Tyson, p. 132).</p> <p>“Throughout the projects, men created and performed music that drew from various cultural traditions, such as reggae, country, blues, and hip-hop. For the men, creating music was an important process of expressing cultural and social identity, style, and creativity” (Cox & Gelsthorpe, 2008, p. 15).</p> <p>“The music project was an important form of creative expression for the men, particularly with respect to their history, culture, selfhood, and relationships....The content of the songs, as well as men’s ability to draw from and engage with various musical genres and styles, became an important form of creative engagement” (Cox & Gelsthorpe, 2008, p. 14).</p> <p>“For the young people within the programme, hip hop seemed not merely a practical outlet for expression but its histories could be tied to their own individual understandings of the genre as one that spoke to an urban reality to which they could contribute” (Baker & Homan, 2007, p. 468).</p>

In *Doing the Arts Justice*, a comprehensive 2005 examination of art-based programming in justice contexts, Hughes sums up these complex imperatives:

Effective features of practice which are generalizable across the sector as a whole include: the provision of opportunities for artist training, reflection and self-evaluation; coherent aims and objectives; recognition of cultural differences between ages and ethnicities; partnership with a range of agencies to provide an overarching structure to support and develop the gains made by participants; a recognition of and commitment to developing the personal and social qualities the individual practitioner brings to the process (p. 10).

What Are the Design Principals for Working with Artist-Leaders?

In addition, many music and corrections programs underscore a set of common themes about selecting, supporting, and training artist-leaders to do this kind of intensive work. Interestingly, the core message is about a rare combination of artistry and humanity—*not* about making artists into counselors or therapists. The music, the lyrics, the ensemble playing, and the intimacy of the shared improvisation embedded within the vital relationship between participants and artist leaders are the wellsprings of change (Silha, 1995). Artist-leader Daniel Levy summarizes his commitment to focusing on the diamond-hard work of musical composition and performance—as compared to casual jam sessions—in correctional settings:

They need to do real work. They need to have problems to solve, life to sink their teeth into and to work with. I don't know how you could have a rehabilitative—a growth—process without that kind of real engagement.

Effective Artist-Leaders...	What Researchers, Practitioners, and Participants Say
<p>Must be gifted artists who have many capacities.</p>	<p>Especially in the case of an instrumental or songwriting project, Sara Lee, Director of Music in Prisons in the U.K., states that it is helpful for leaders to be “exceptionally versatile on a range of musical instruments and in a range of musical styles” (in Renshaw, 2010, p. 210).</p> <p>“Artists who had both experience in the arts and the ability to work with at-risk youth tended to excel at engaging youth in art activities, adapting activities to meet participants’ specific needs, handling problem behaviors, bonding with participants, and establishing mutual respect with the youth” (Clawson & Coolbaugh, 2001, p. 14).</p> <p>“Having excellent musicians gives the participants something to aspire to and is a clear indication that they are being asked to engage and participate in something of exceptional quality” (Sara Lee, Music in Prisons, in Renshaw, 2010, p. 210).</p>
<p>Have to understand that relationships lie at the heart of the working process, and have the skill of building relationships with a range of others.</p>	<p>“Relationships are necessary in order to solicit ideas” (Heloisa Feichas, in Renshaw, 2010, p. 190).</p> <p>“Serious juvenile offenders participating in a drawing project cite how they were treated by arts staff as a positive aspect of their experience” (Persons, 2009, p. 46).</p> <p>“Actual experience in pro-social roles and relationships transforms both thinking and behavior” (Butts, Bazemore & Meroe, 2010, p. 17).</p> <p>“(A)rtists (have) to understand that art form is secondary to the relationship between artist and student” (Silha, 1995 in Ezell & Levy, 2003, p. 113).</p> <p>“They started out just doing songs they heard—cars, guns, money kinds of rap. I said to them, ‘Whoa, no, your songs. Write from your life. You’ve got things to say.’” (Ricky, Musician, Musical Connections, Observation, 2012).</p>

Effective Artist-Leaders...	What Researchers, Practitioners, and Participants Say
<p>Must be able to collaborate, share the role of leader, and join in the process of creative exploration.</p>	<p>The Music in Prisons staff has been “working together for years,” and has developed an “enviable relationship based on trust, support, and a strong musical understanding.” Within the group, the “leadership within the project is fluid and roles with the team have to be interchangeable” (Sara Lee, Music in Prisons, in Renshaw, 2010, p. 210).</p> <p>When making a band in a month with young offenders, they create “a curriculum based upon shared exploration and risk” (Robert Wells, Guildhall School of Music and Drama, in Renshaw, 2010, p. 175).</p> <p>A beneficial aspect of the Good Vibrations approach is “the style of facilitation including the ability for participants to shape the learning experience to a large extent” (Wilson, Caulfield & Atherton, 2008, p. 4).</p> <p>“We inspired some changes, from them and from ourselves. As jazz musicians we stretched. We had to think am I making it complex, or making things way too hip or am I pushing them to think about their music in some different ways?” (James Shipp, Musician, Musical Connections, Interview, 2010).</p>
<p>Artist-leaders must be willing and able to use the materials generated by participants.</p>	<p>“(Leaders) must be high caliber artists who possess the ability to shape the material that comes from the participants into exciting and meaningful material” (Eugene van Erven, Community Art Lab of Utrecht, in Renshaw, 2010 p. 180).</p> <p>“I listened to the CD from the performance and what struck me was that each and every one of the songs was its own remarkable combination of the kids’ rap inspired styles and beats and the musician’s (Slavic Soul Party) own Eastern European brass band arranging. It was a sound they invented together.” (Thomas Cabaniss, Musical Connections composer, interview, 2012).</p>

What Are Design Principles for Evaluation?

The consequences of music-making in correctional settings are compelling—especially to participants and believers. But arts programs are vulnerable in both adult and juvenile justice settings. Opponents deride creative activity as an expensive extra, an unproven intervention, or an affront to the families of victims who deserve to see the perpetrators of crime punished, not rewarded (Djurichkovic, 2011; Parkes & Bilby, 2010). In the current environment of severe budget cuts to public services, putting dollars towards arts in prisons seems a luxury when compared to programs in anger management or mental health counseling. In the United States only slightly over half (57 percent) of juvenile corrections programs maintain an ongoing arts curriculum (Williams, 2008). Even a successful and well-documented program, such as the Arts in Corrections program in California prisons, was discontinued, despite the evidence of its effects on participants and cost-effectiveness for the public systems involved (Williford, 1994).

In these circumstances, the designers and proponents of arts programs in correctional settings have struggled to create and to conduct evaluations that address those outcomes valued by the system, such as reduction in violent incidents in facilities or lowered rates of recidivism. Similarly, they have tried to meet rigorous standards for evidence (large sample sizes, validated measures, and experimental designs with control groups) (Ezell & Levy, 2003). But even as arts programs seek to deliver this level of evidence, experienced researchers and practitioners argue that it is equally important not to lose sight of the other functions of evaluation. These include fundamental theory building, the formative work of building excellent practice, and the creation of an informed community of practitioners who can discuss, debate, and sustain the work.

Evaluations that advance the argument for the arts in correctional settings have to...	What Researchers, Practitioners, and Participants Say
<p>Develop a clear theory of change.</p>	<p>“(This) shows a charity’s path from needs to outputs to outcomes to impact. It describes what a charity wants to achieve and how it plans to get there” (Johnson, Keen & Pritchard, 2011, p.37).</p> <p>“The challenge for the arts in the criminal justice sector is to demonstrate its effectiveness to the satisfaction of external audiences. While it is important to be able to reveal an association between arts interventions and positive prevention and reconviction outcomes, the primary challenge for the arts in criminal justice sector is to explain this link” (Hughes, 2005, p. 10).</p>

Evaluations that advance the argument for the arts in correctional settings have to...	What Researchers, Practitioners, and Participants Say
Acknowledge the persistent historical doubt about the effectiveness of rehabilitative interventions, especially those that are art-based, in addressing the outcomes that the public values most.	<p>“(W)ith few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism” (Martinson, in <i>What Works?</i>, a meta-review of 231 studies of prison rehabilitation programs, 1974, p. 25).</p> <p>“(I)nteresting programs abound, few provide good evaluations of their outcomes” (McArthur & Law, 1996, in Clawson & Coolbaugh, 2001, p. 1).</p> <p>No research has yet definitively demonstrated “whether improvements in well-being, coping abilities and personal development lead to reduction in violent incidents and in recidivism” (Meekums & Daniel, 2011, p. 236).</p>
Articulate specific and realistic goals of the intervention (calibrated to program and setting) and identify outcome measures to determine if those goals are met	<p>“Evaluate—state program objectives and follow up with published outcomes” (Polk’s rules for programs of positive youth development, paraphrased in Butts, Bazemore & Meroe, 2010, p. 33).</p> <p>“(I)n order to establish appropriate indicators of change...artists and arts organizations must communicate clear aims and objectives for their programs” (Miles & Clarke, 2006, p. 10).</p> <p>The measures that are used to evaluate an intervention must align with/be proportionate to reasonable expectations of the intervention. To do otherwise is simply to set a program up for failure. In general, interventions in juvenile justice that are rigorously evaluated under randomized control conditions are not sufficiently robust to impact ultimate outcomes such as recidivism. They may, however, enrich the lives of the youngsters in the programs or even expand their goals, aspirations, options, and sense of agency, and these are the grounds on which they should be evaluated (Jones, Interview, 2011).</p>

<p>Evaluations that advance the argument for the arts in correctional settings have to...</p>	<p>What Researchers, Practitioners, and Participants Say</p>
<p>Employ multiple methods to capture the full range of effects.</p>	<p>“As researchers we believe evaluations based on prison statistics and scientific yardsticks are of limited value and should be used with caution and within a more holistic context... (p. 9). Amidst the questionnaires, project diaries, video diaries and interviews, a more private and poignant avenue was disclosed, at once testimony to the benefits of an arts organisation immersing itself in the research process” (Goddard, 2005, p. 12).</p> <p>Authors used “empirical observation and analysis of documentary data, interviews, focus groups, and survey questionnaires” to draw their conclusions (Cox & Gelsthorpe, 2008, p.1).</p>
<p>Work within the challenges of a fluctuating context, where participants, staff, duration, and settings are unpredictable.</p>	<p>“...work needs to be done on methods for evaluating the impacts of these programs which ‘do not lend themselves to investigation via traditional evaluation methodologies” (Parkes and Bilby, 2010, p. 104).</p> <p>“From one night to the next it is hard to know who will be back. Kids have court dates, family visits, fights, and emotional and medical conditions...” (Jeremy Thal, Musical Connections Artist-leader, Interview, 2011).</p>
<p>Prompt dialogue among practitioners and communication among stakeholders “as a way of reflecting and learning from experience” (Moriarty 2002).</p>	<p>So that the field can accumulate a “knowledge bank” to be “shared with all the key stakeholders” “as a two-way information resource” (Department for Culture, Media & Sport, 2003, p. 9).</p> <p>“Charities need to share findings so that evaluations are not just left to gather dust but are used both by the charity that carried out the evaluation and by other organizations” (Johnson, Keen & Pritchard, 2011, p. 38).</p>

Evaluations that advance the argument for the arts in correctional settings have to...

What Researchers, Practitioners, and Participants Say

Balance the above with the reality of current standards for evidence-based practice in public agencies.

“(C)urrently the limitations imposed by structure, culture and context mean that it is simply not possible to do the kind of research into the impacts of arts interventions in criminal justice settings that would meet the types and standards of proof favored by the Home Office (governmental authority)”(Miles & Clarke, 2006, p. 9).

“...the intensely local and fragmented nature of juvenile justice systems has historically hindered the spread of best practices” (Vera Institute, Center on Youth Justice, n.d.).

These design principles are the craft knowledge of skilled practitioners and researchers working with both adult and juvenile participants and their public partners in judicial, prison, and probation settings. But these principles have to translate—with integrity—to specific programs and communities and to the rapidly evolving world of juvenile justice. That translation—from the lofty to the lived—is never a matter of replication. Like playing a piece, it is always a matter of re-invention for this time, this place, these musicians, and the audience they face.

MAKING A CONTRIBUTION IN AN EVOLVING JUVENILE JUSTICE SYSTEM

In many urban communities— Boston, Chicago, New York City, and wherever juvenile justice systems are undergoing reform—growing networks of cultural organizations are committing to working with youth and adults in correctional settings. In New York City, a coalition of arts groups—Artistic Noise, Carnegie Hall, Doing Art Together, Groundswell, Manhattan Theater Club, Voices Unbroken, and others—take their work into those settings. These partners are committed to the role that the arts might play in helping young people to find their voices, see themselves as capable, and commit to purposeful activity. But, as laid out above, there is a new context for their work: a rapidly evolving juvenile justice system. In that setting, new questions are arising, many of which can be summarized under the heading, “What’s the difference between providing services and contributing to reform?”

Carnegie Hall’s Musical Connections Projects in Juvenile Justice

Since 2009, Carnegie Hall has collaborated with New York’s Administration for Children’s Services, particularly its Division of Youth and Family Justice, to design programs that support the development of young people in the pre-adjudicated detention phase of the juvenile justice system.¹ In the ensuing three years, staff and musicians have implemented 12 multi-session creative residencies in secure and non-secure facilities with the twin goals of acknowledging and building young people’s musical talents and learning how to use its musical resources effectively in support of a system in the process of making a transition from a correctional to a youth development framework. These residencies have been a crucible for exploring the many differences between providing musical experiences and discovering how the unique properties of musical engagement can fuel and be fueled by current reforms.

The early residencies drew extensively on the practices of Musical Connections artists like those in *Found Sound Nation*, an ensemble with a long history of

1. The juvenile justice work is part of a much wider involvement with New York City, centered in Carnegie Hall’s Weill Music Institute. WMI Teaching Fellows and Academy Fellows teach in public schools. Community Sings create one-night choirs through free events in urban neighborhoods. Through its creative projects, WMI develops and premieres the work of youth using major artists. In its Musical Connections program, WMI brings the highest quality music into the lives of New Yorkers in acute need: in public hospitals, homeless shelters, senior service organizations, and correctional facilities.

working with youth on music, collaboration, and social issues using the practices and content of hip-hop and digital music. The work has steadily expanded to include artists from other traditions and genres, each of whom has brought new insights into how to conduct the work. Haitian artist Emeline Michel brought songs from a people with a long history of meeting adversity through music. Chris Washburne's Latin jazz ensemble, SYOTOS, modeled how the instruments and rhythms of Africa survived and prevailed to influence jazz. The Hindi singer Falu, and members of the Balkan brass band, Slavic Soul Party, urged youth accustomed to digital idioms to take the leap into live, acoustic music. Throughout, Carnegie Hall has supported collaborative professional development for musicians who wanted to work in juvenile justice settings, providing them with time and colleagues to take on questions of how to balance order and invention, engagement and challenge; familiar and new musical traditions.

Over time, the residencies have grown in scope. Currently, in six to eight sessions, young people work with lead teaching artists to compose and write the lyrics to original songs. Most recently, young people have taken on the roles of instrumentalists, sound engineers, and MC's. There is a rehearsal with a full ensemble of musicians and sound engineers, followed by a recorded concert to which everyone in the facility is invited, along with family members. Since CDs are contraband, Carnegie Hall mails one to the facility (that can be played in supervised recreational time); as well as individual copies to families for immediate listening and to insure that youth have a record of their achievements when they return home. As of the 2012-13 season, this format is likely to evolve further. As *Close to Home* facilities and the Department of Probation's Neighborhood Opportunity Networks (NeON's) come online, the programs will adapt to make the most of the new settings. For instance, in *Close to Home* facilities, while pre-adjudication youth are likely to have stays of approximately 30 days, post-adjudication youth may have stays as long as seven months, opening up the opportunity for in-depth programs (Administration for Children's Services, n.d.). Working within the Department of Probations, NeON's will open up the possibility of cross-generational collaborations and events that integrate families and community members.

In this evolution, the staff, artists, and evaluators at Musical Connections have encountered a set of issues that go to the heart of what it will take if music and musicians are to contribute to (not just perform in) a rapidly evolving justice system for youth. The issues are manifold, but four in particular characterize how complex this new phase of work is: 1) designing for 360 degree impact; 2) creating mutuality; 3) facing the dilemma of sparking vs. bridging; and 4) delivering evidence of impact.

Designing for 360-Degree Impact

He was down right before the concert because he called his aunt to come to the performance. She said she would try, but it never happened. But later I saw that one of the other kids whose family could come sort of like adopted him. They were all eating together at the reception. It brought him back. I was proud of all of them.

—Staff member, Horizons Juvenile Center, 2012

New frameworks for juvenile justice like BARJ and positive youth development urge that delinquency is not only the result of poor and dangerous choices on the part of individual young people, but that it also results from basic ruptures in the shared responsibility families and communities have for nurturing children and young adults. Working in this framework, artists and organizations have to think in terms of 360-degree impact: How does what they do affect young people, facility staff, and families? How does that collaboration build new conceptions of the work for artists, arts organizations, city agencies—and even for the field as a whole?

As Musical Connections' juvenile justice residencies have evolved, many of the changes have been driven by hopes of building this kind of distributed impact. From the outset, young people performed for the entire facility, showcasing their talents to peers and staff. This resulted in subtle shifts in human relations in the facility. Participants report music-inspired conversations with young people on different halls, even with peers they usually trade insults with. Staff members who are typically in charge of supervising and correcting out-of-line behavior, have evening "tours" where young people present themselves as talented performers and attentive audience members supporting "their own." Based on the trust built up by those successful performances, young people now perform in street clothes and staff now sit among the audience, rather than standing between the performers and the bleachers. Youth can invite family members, a process that begins with them thinking about who they want to reach out to, phone calls to invite them, and then the concert, where many songs are dedicated to family members who have stood by their young people. The evening is capped with a reception for youth and their families. Increasingly, caseworkers and ACS staff attend as well. Thus, the evening is a showcase for new possibilities where parents, grandparents, siblings, and staff come together in support of youths' musical accomplishment (at one choral performance, a mother drove into the city from Albany, bringing a boy's siblings, including his wheelchair-bound little sister, so they could see him as a successful performer). Following each residency, musicians draft individualized letters for participants that go into their files as evidence of effort,

contribution, and focus. These letters have reached judges as part of the evidence that a young person is making progress—and possibly that the arts have a role in supporting that progress.

Creating Mutuality

A number of the performances at Crossroads, a juvenile facility in Brooklyn, began with the Director of Programs, Andre Mullings, performing one of his own poems which comments on what he sees happening to the young people he works with:

Prisons vs. Schools

My observation of this nation

Discovered that incarceration is replacin' education

Check the situation

Broadcasted on your T.V. station

*Public schools are so overcrowded that classes are now being conducted in
bathrooms and hallways*

While detention centers are state of the art

I guess 'cause crime pays?

The uneducated often become incarcerated

And or gang related

Addicted, inflicted wit' a no love for self sickness

Parents make every jail visit

But never attended one parent-teachers conference

Some backward nonsense that's all too common amongst my Bredren (my peers)

Need Excedrin

For the headaches of this diseased state

Prisons are the remake of fields durin' the slave trade

Cheap labor and blacks behind bars make some people feel safer

Plus it makes 'em paper

I suspect this is why they glamorize the lives of so many gangsters

Freedom comes wit' education that's why it's neglected

Especially in communities where the dark complected are often suspected

*– Andre Mullings, Former Director of Programs, Crossroads Juvenile Center,
New York City*

Mr. Mullings' poems, his dramatic performances of them, and the wild applause from the bleachers, make two points. First, in juvenile facilities moving to a youth development model that acknowledges the expressive needs and creative talents of young people, it makes a difference when staff members speak out for and exemplify the power of creative work. Two

artist-leaders reflect on how much their work depended on staff insight:

One of the things we learned is what a powerful role choosing the kids plays. You really need people who know them well to gauge who can do it and who will get a lot from it.... At the facility someone figured out that even the quiet ones were writing poetry and would be making contributions. Someone like that makes all the difference—choosing students, what day to perform, the space, and the right counselors on the ground.

– J. Thal and C. Marianetti, *Interview, 2010*

It matters that the staff members who are selected to monitor and assist with Musical Connections workshops are those who support the program and will “work to motivate kids” and “model participation” (Galarza, Interview, 2011). At the same time, it has proven central to the success of residencies to connect staff to the host program and identify their needs and concerns about the work, building relationships with them around the programs. In their assessment of the multi-site YouthARts Development Project, Clawson and Coolbaugh (2001) report that, across sites, youth were more involved and more inclined to take risks when they saw system staff participating in arts activities. Moreover, it has been vital to recognize that “site staff” is not a unilateral entity; the support of institutional management does not mean that line officers support or feel a part of the work (Currie, 1989). Staff at all levels has to be invited in and involved in artistic projects (Allen, Shaw & Hall, 2004, p.5). In *Doing the Arts Justice*, Hughes states that “the opportunity to take part in a positive and enjoyable intervention can improve staff morale,” (2005, p. 39). Staff can also learn by observing those who teach recreational and expressive activities in a secure setting, absorbing new ways “to bring kids together, or to hear them” (Galarza, 2011). Other often-reported outcomes—those of improved compliance with institutional rules and decreased incidents of violent behavior among program participants—have a positive effect on staff, and, crucially, are most likely to occur in programs where facility staff has been incorporated into the design or implementation phases of programming (Hughes, 2005). In *What’s the Point?*, an evaluation of a drama enrichment program for socially excluded young people, researchers found an improvement in attitudes toward key staff members and other adults (Arts Council England, 2006); (Wilson, Caulfield & Atherton, 2008). Nina Aledort (2011) suggests that arts activities offer opportunities for mutual reappraisal, that while young people may change their views of staff, watching youth work to try new things or reveal a previously obscure talent can “humanize the

kids” for staff, revealing that their offending self may not “be their whole identity.”

As the work has continued, Musical Connections artists and staff have learned more about how staff supports the work in daily ways: rehearsing with youth, letting them use recording equipment outside of sessions, or talking young people into sticking with the process. As the program evolves, a major question is how to build deeper forms of mutuality. Are training workshops with Musical Connections musicians, evening or week-end “jam” sessions where interested staff works with young people to write, rehearse, or choreograph for the performances, or performing roles for staff possible?. As the poem that opens this section suggests, staff, like youth, has unacknowledged talents. Putting those talents to work could double the number of teachers and role models and multiply the hours young people spend making music.

Facing the Dilemma of Sparking vs. Bridging

“The projects that make the greatest and most sustainable impact are those that last months rather than days...There is also evidence of the cumulative effect on individuals who have repeated opportunities to participate” (Baker & Homan, 2007 p. 5).

Like many other arts projects in juvenile justice settings, Musical Connections creative workshops take place over a short (two weeks) period (Baker & Homan, 2007). As one tour commander at a secure facility commented, her “least favorite part of the program” was

Hey, miss, this is my time for music. It ain't school.

—Reaction of a participant in a choral workshop, when asked to fill out a survey about his experience

“the shortage of time.” In their review of programs in adult facilities, Miles and Clarke (2006) report that, in general, positive impacts on participants tend to last only while the intervention is in progress, and that in fact, the completion of the program has the potential to generate negative effects when participants experience loss, disappointment, or boredom. In their report on the multi-arts program *A Changed World*, Ezell and Levy contend that, after a two-week workshop “it is unreasonable to expect change in self-esteem, for example, in this period of time” (2003, p. 111). So Carnegie Hall faces nearly an ethical dilemma: How do musicians spark musical engagement and then “go away?” How does a program model the exuberance of music-making and then leave young people with no way of bridging

I am not sure about “grading” the kids’ work like this when we are just there for two weeks. I am a professional musician. I go for months working hard, practicing, playing, without getting better.

–Kenny Warren, Musical Connections Artist-Leader, Interview, 2012

that enthusiasm into the next phase of their lives in the facility or back home?

Musical Connections is starting to investigate this by looking at how building these transitional bridges should impact program design, the creation of resources, and new partnerships. One initial thought was to create and share a directory of music programs in New York neighborhoods as a guide for making music a part of their re-entry. But without role models and guides, or with long timelines with their release still in the future, young people found the community resource handbook abstract or hard to use. After participating in a project, one Musical Connections roster artist felt personally motivated to continue working in a secure detention setting on behalf of his own ensemble, Found Sound Nation. Paid and supported by his ensemble, he continued to visit the detention facility between Musical Connections projects to write lyrics and music with young people. The result was a harvest of lyrics and song ideas for the following residency that allowed the music-making to “take off” right away. This same musician also coordinates a local neighborhood artists’ collective that one youth participant has already joined upon leaving custody. The result is an emerging model of how coordinated efforts might yield nearly a year’s worth of musical engagement in the facility and at least one pathway into continued involvement in community-based music making.

Even as its commitment to juvenile justice has grown, Musical Connections has had to juggle the limits on its resources, the pitfalls inherent in brief participatory interventions, and the goal of making a measurable difference. The program now faces the dilemma of how to help young people bridge to continuing musical work either at the facility or in the community. Alfred Siegel, Deputy Director of the Center for Court Innovation, advises that the best recreational programs are integrated into a web of existing opportunities, and that a program like Musical Connections must connect outward, alerting participants in exit interviews to additional opportunities they could pursue. As attendees at a British seminar on the place of the arts in offender rehabilitation agreed, “(T)here should be somewhere for a program participant to go next, and there needs to be continuity and follow up after a project has finished” (IPPR 2003, quoted in Baker & Homan, 2007, p. 472). If the

burst of musical activity in a residency is to become a lifeline for young people:

We need to actively learn where there are opportunities to make larger investments in the same young people over time. We need to plan these opportunities in collaboration with our partners in the design—including staff, artists, and even young people—to maximize both participation and impact.

– Sarah Johnson, Director, Weill Music Institute, Interview, 2012

Delivering Evidence of Impact

Careful assessment ensures program quality and improvement (Lee in Renshaw, 2010; Ezell & Levy, 2003). Many experienced practitioners argue that evaluation is equally and importantly a strategy to advance the practice of participatory arts-based interventions, to increase awareness of the benefits of creative endeavor for offenders, and to ensconcing it institutionally as an effective tool for rehabilitation (Parkes & Bilby, 2010; Miles, 2003). According to Ezell and Levy (2003), the lack of persuasive and coherent evaluation prevents widespread recognition of the potential of arts-based programming to create change. Moreover, there is a substantial body of research that correlates positive justice outcomes—including lowered rates of recidivism—with the implementation of evidence-based programming in correctional settings (Pew Center on the States, 2011). But in its efforts to evaluate its work in juvenile justice, Musical Connections has wrestled with two questions about evidence: rigor and orientation.

Developing rigorous evidence of impact entails meeting the standards of evidence-based practice, such as random assignment to experimental and control groups, large sample sizes, and standardized treatments. This is challenging given the developmental nature of the work, the artistic variations in workshops, and the small numbers of youth (10 – 12) who participate in each residency (Clawson & Coolbaugh, 2001; Jones, 2011; Miles, 2003; Parkes & Bilby, 2010). The context of juvenile justice magnifies these challenges. Young people typically receive shorter sentences and are moved from venue to venue as their status changes, to obtain services, or to solve conflicts with peers or staff. Many young people moving through the correctional system are exhausted with being assessed, surveyed, and categorized. They balk at filling out forms at the start and finish of what they anticipated to be an experience free of that kind of poking and prodding. Hand out a survey and be prepared to read resistance in the replies: boxes checked in patterns, every box checked, song lyrics for answers. As one

participant commented when asked to do a survey “Hey, miss, this is my time for music. It ain’t school.” Similarly, artists sometimes question the role of forms, surveys, and other forms of evaluation, arguing that they interrupt the reason they came: to make music. Finally, at this moment, long-term follow-up that might document how a participatory art experience informs later choice-making would be extremely expensive and almost impossible to perform.

In addition, there is a second, less often discussed issue: in the current world of juvenile justice, measures of success are chiefly defined by the absence of harm or incident. Facilities are held accountable for keeping suicides, fights, and other incidents low. Young people are successful if they stay out of trouble, avoiding dangerous or disruptive behaviors. In short, there are few measures that reflect anything like the strengths-based perspective of the positive youth justice framework (Butts, Bazemore, and Meroe, 2010). But as the design of Musical Connections sessions has opened up, young people have taken on more varied and responsible roles and have increasingly influenced the design of the work. In addition, young men and women re-appear in the workshops, due in part to the length or complexity of their cases or to their re-offending. These residents, who are in the second and third set of sessions, frequently bring notebooks of song ideas to sessions and are primed not just to take part but to take on leading (Heath, 1998; Heath and Roach, 1999; Heath and McLaughlin, 1994):

The term engagement often refers simply to recruiting people to attend a program. In a broader sense, it includes the concept of power sharing: working with them, as opposed to creating programs for them, so they become co-creators of programs that reflect their needs.

—National Guild for Community Arts Education, 2011, p. 14

To meet the challenge of producing rigorous and strength-based evidence, Musical Connections evaluators, staff, and artists are working to develop a set of measures that: 1) are appropriate to musical activity and 2) capture the positive behaviors that become visible during the residencies. At the moment, these include measures of how music makes a concurrent impact—in other words, how do young people change over the course of a residency. These include:

- Scales for the growth of artistic skills
- Protocols for observing evidence of collaboration, contribution, and successful conflict negotiation
- Protocols for observing concentration and focus in individual participants
- Time-diaries that index the hours young people spend outside of formal sessions working on their lyrics and songs
- Reflection tools for participating youth

Each of these is a strategy for collecting evidence that balances what musicians see as “telling the story” without “treading on the work” (Moran and Warren, 2012). There is also the balance of the roles of musicians and evaluators. Musicians, rightly, want to focus everything they have on the quality of the musical experience, leaving evaluation up to outsiders. At the same time, the intensity of their music-making with young people gives musicians much more knowledge and insight than any observer could ever have. Tapping that insight without what one musician called “a blizzard of paper” or “grading” is a necessary and evolving exchange.

In addition, the Administration for Children’s Services has entered into a data sharing partnership with Carnegie Hall. In the first phase of that agreement, ACS will work with evaluators to ask whether participating in workshops is correlated to better behavioral outcomes for young people during the weeks of the residencies, as compared to other similar periods during their detention. As the number of participants grows, there will be an increasing sample size. As the Administration for Children’s Services develops its own set of positive indicators (scheduled to come on-line in 2012-13), there may be the possibility of looking at whether those change as well when youth participate.

But, powerful as these measures are, they speak only to concurrent, or at best, short-term effects. The crucial longitudinal question of whether developing a “musical (or more broadly, an artistic or expressive) life” helps a young person re-enter a community and not re-offend remains open. To develop this kind of evidence, Musical Connections and its partners at the Administration for Children’s Services would have to take on a different kind of longitudinal inquiry that compares the outcomes for young people who have and have not had sustained opportunities to create. In that context, it would be possible to ask, “Who stays out of trouble?” “Who goes to school and graduates?” “Who gives back to their community?” “Who continues to create?”



Mass incarceration on a scale almost unexampled in human history is a fundamental fact of our country today... Overall, there are now more people under 'correctional supervision' in America - more than 6 million - than were in the Gulag Archipelago under Stalin at its height.

Adam Gopnik, *The New Yorker*, 2012

CONCLUSION

The United States has 760 prisoners per 100,000 citizens, seven to ten times as many as other developed nations (Zakaria, 2012), and we steadily introduce young people to this “incarceration nation” without any visible evidence that their experience in corrections makes a positive difference. Rather, we continue to detain and imprison young people in settings that offer a curriculum in re-offending and post-release struggles ranging from educational failure to suicide attempts.

There is a national effort to change this. This is evident in a push by New York State and New York City for alternatives to detention, to shorter and community-based sentences for young people, and for programs that offer compelling alternatives to “the street.” Correcting judicial processes is imperative, but absent compelling, even thrilling, ways to engage with “real work in real ways,” there is little to draw young people into alternative activities and different life trajectories. As much as judicial overhaul, what is needed is a citywide effort to harness families, schools, communities and their partners to enroll young people in rewarding and sustaining settings that acknowledge, educate, and celebrate their talents and potential.

Music could play a role in this transformation. Musical organizations, like Carnegie Hall, and musician-leaders have put themselves forward and demonstrated the potential of music to make at least concurrent difference in the lives of young people. If these initial acts of artistry and generosity are to yield a lasting change in the lives of young people, it will mean engaging with the challenges and dilemmas just outlined—360-degree impact, mutuality, bridging, and evidence of impact. None of these are simple. All of them are important responses to this young person’s hope not to go “down the same old track:”

Moms use to ask me what u did this time?
They would tell ma moms that I did another crime:
Letting my moms down not knowing ~~what~~ what to say
but I really got to thank her for being so brave
bring ~~these~~ all these things, yea it a wrap
I'm letting everyoner know that I aint going
back

I aint going back x3 NOT down the
Same old track

—Song lyrics written and performed in a Musical Connections creative residency in a secure detention facility, New York City, 2012

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