2019 CJJ Annual Conference

Bridging the Gap: Improving Outcomes for All Youth
Jail Removal/Sight & Sound Separation

CJJ Annual Conference 2019
JJRA Updates to JJPDA
QUICK FACTS ON YOUTH IN ADULT JAILS & LOCK UPS

- According to OJJDP (2017), every night 3,600 youth under age 18 sleep in adult jails.
- This is a 50% drop over the past decade.
- Approximately 90% of youth in adult jails are held as “adults” (remaining youth are charged with delinquency offenses).
- 70% of youth charged as adults already are housed in youth facilities.
- 15 states hold 90% of youth under the age of 18 in their jails—though raise the age laws in Louisiana, Michigan, Missouri, New York, North Carolina and South Carolina will lead to a significant drop in this number between 2019-2021 when the laws are implemented.
- The leading law enforcement and corrections professionals have recognized the need to treat youth in developmentally appropriate environments.
Definition of Adult Inmate: an individual who has reached the age of full criminal responsibility; has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense.

States will have 3 years from the time of implementation to remove youth, including those certified as adults, from adult jails, unless the court finds in is in the interest of justice.

Certified youth shall not have sight or sound contact with adult inmates;

In determining “interest of justice”, courts shall consider 7 factors that include the age, physical/mental maturity of the youth, whether there is imminent harm, youths delinquency history; and juvenile detentions ability to meet the needs of youth and safety of other youth in its care.
**CHANGES TO CORE PROTECTIONS: SIGHT & SOUND**

- If court determines it is in the “interest of justice” to permit a youth to be placed in jail or lockup, then a hearing must take place every 30-45 days to review placement;

- Youth may not have sight/sound contact with adult inmates; and

- Youth must not be held longer than 180 days unless the court, in writing, finds good cause.
STATES WITH JAIL REMOVAL

States with Jail Removal
- Colorado
- Georgia (to age 17)
- Kentucky
- Massachusetts
- New Jersey
- New Mexico
- New York
- Ohio
- Washington, DC

Legislation this Session
- Nevada (study)
- North Dakota
- South Dakota (county changes)
- Washington
Policy Options to Get to Zero

- Raise the Age (GA, TX, WI)
- Advance transfer reform, return discretion to judges through judicial waiver over automatic/mandatory mechanisms or prosecutorial discretion. (RI, FL, OR, CO, VT)
- Expand non-secure, non-residential community-based programs for youth to ensure pre-trial detention is limited to only those few youth who pose a clear risk to public safety. (KY, NY, NC)
- County Sheriffs and jailers should work with a juvenile facility to house youth on a county by county basis; (LA)
- Juvenile Detention & Corrections Officials should explore needs arising from holding youth with longer lengths of stay in their facilities. (VA, DC, WA, OR)
- For the very few youth that remain in adult jails, education, and other services youth are legally entitled to need to be provided.
JJDPJA: Reauthorization and Its Impact on the States

June 19, 2019

Robin Jenkins, PhD
Critical Importance: the Partnership with OJJDP and the Only Available Federal Juvenile Justice Policy Infrastructure

Context Thoughts:

JJDPA has never been perfect
There has never been enough money/resources (never will be)
If states were typically doing juvenile justice well (protecting youth), the JJDPA would have never been introduced in 1974. Federal policy frameworks have substantially contributed to child/youth well-being
While the feds (by law) focus on compliance, states must also focus on local, tailored, developmentally appropriate, contextually developed (evidence-informed) practices that align with federal compliance expectations. In other words, compliance is the minimum expectation, not the maximum. They are your children & youth, not Washington’s!
Some Key Implementation Challenges

Building/installing developmental science, brain development, trauma informed elements into 3-year plans – where will that expertise come from? How infused? Funding to do so?

With limited funding, attend to the elements of the Youth Promise Act (prevention/intervention programming) – local boards, programs for at-risk youth, family engagement, etc.

Figure out & comply with all the data requirements; integrate or build new data capacities; manage the monitoring universe (feasibly); align detention/jail practices for new Sight & Sound, Jail Removal requirements, VCO changes

RED: we’ve always wanted a more accountable disparities/equity framework, BUT! RED layers many requirements on states with limited resources and tools
Suggestions for Navigating Challenges – Better to Hang In Than Lose Out

As members rotate, rethink who needs to be recommended for SAG appointment or add relevant subcommittees – **invest in additional university/community and private partnerships** that can bring the **science, cross-system funding, evaluation and implementation expertise** to your work

Invest in **workforce development for Specialists/staff** to ensure competencies in knowledge and practice elements required by the Act

Ask for a **briefing with your Governor / staff and key legislators** now; seek to thoroughly educate them about the Act, it’s compliance requirements, goals – and have an honest discussion about your state’s (or territory) aspirations for the work. Surfacing what is possible through JJDPA funding as well as Executive leadership juvenile justice goals can align expectations and expose funding & infrastructure challenges for ongoing consideration

**Seek peers in other states who are doing good work**; learn from, and ‘borrow’ their ideas for strong implementation

Understand the good implementation takes YEARS, not months. **Get some help on building a JJDPA implementation plan** that fits your context, aligns capacities with resources, and brings in the right stakeholders for ongoing championship of the work (locate or set aside capacity building money for effective implementation)

Build **strong partnerships with OJJDP, CJJ and other key organizations** – it takes all of them to do this work well
On Balance – States Should Participate!

- Despite the JJDPA’s policy and funding limitations, work with OJJDP has proven to deliver much more robust and enduring positive outcomes (national, state) for youth as compared to before the Act existed.

- The JJDPA was never meant to be the full answer to states’ juvenile justice problems. It provides a policy framework which has been dramatically improved over the years – thanks to both public AND private investments built around the JJDPA.

- The JJDPA sets up Executive leadership in the state to “own” youth outcomes relative to vulnerable children/youth. It catalyzed states to put skin in the game (albeit sometimes in very limited ways).

- The 2018 reauthorization is clearly couched in prevention and developmental science – advocates have sought this for many years.

- The basic premise of SAGs is that they afford the (potential) critical expertise to fully inform what’s best for each state/territory. There is no other JJ vehicle that does that.

- Many implementation problems are state level, or state related issues that result from various interpretations of the Act’s provisions, not the Act itself. These can usually be resolved with strong leadership, expertise and political will.
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Implementing Data-Driven System Improvement: Utah's Approach to Creating Better Outcomes for Youth

Coalition for Juvenile Justice Annual Conference
June 21, 2019
Pew and PSPP

The Pew Charitable Trusts: nonprofit organization applies a rigorous, analytical approach to improve public policy, inform the public, and stimulate civic life.

Pew’s public safety performance project works with states to advance data-driven, research-informed, fiscally sound policies and practices in the criminal and juvenile justice systems.

PSPP and our partner, the Crime and Justice Institute, provide technical assistance to states engaging in comprehensive juvenile justice reform.
Path to legislative change

- Appoint a bipartisan, interbranch task force
- Analyze data and assess system
- Review research and practices from other states
- Develop policies and build consensus
- Issue final report with recommendations
- Draft and support comprehensive legislation

Engage Stakeholders
The Path to Reform in Utah
Utah Juvenile Justice Working Group Charge

- Promote public safety
- Limit system costs
- Reduce recidivism
- Improve outcomes for youth, families, and communities.

Governor Gary Herbert

Chief Justice Matthew Durrant

Senate President Wayne Niederhauser

House Speaker Gregory Hughes
Working Group Findings

- Most youth faced low-level charges, but responses inconsistent; diversion showed better outcomes.
- Youth often securely detained pre-adjudication on low-level nonviolent charges; reoffense rates higher for those detained.
- Costly out-of-home placements were common for low-level offenses and contempts, despite poor public safety benefits.
- Racial and ethnic disparities across the system.
- Lack of rural services.
- Once involved with the juvenile justice system, youth remained involved for years.
Most Youth Sent to Court for a First Offense Faced Low-Level Charges

<table>
<thead>
<tr>
<th>Offense</th>
<th>Number of youth</th>
<th>Felony?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana possession or use</td>
<td>473</td>
<td>No</td>
</tr>
<tr>
<td>Habitual truant citation</td>
<td>258</td>
<td>No</td>
</tr>
<tr>
<td>Possession drug paraphernalia</td>
<td>174</td>
<td>No</td>
</tr>
<tr>
<td>Retail theft under $500</td>
<td>172</td>
<td>No</td>
</tr>
<tr>
<td>Assault – substantial risk of bodily harm</td>
<td>157</td>
<td>No</td>
</tr>
<tr>
<td>Criminal mischief</td>
<td>117</td>
<td>No</td>
</tr>
<tr>
<td>Sexual abuse, child victim under 14</td>
<td>100</td>
<td>Yes</td>
</tr>
<tr>
<td>Alcohol possession or consumption</td>
<td>84</td>
<td>No</td>
</tr>
<tr>
<td>Possession of drug paraphernalia in a drug free zone</td>
<td>82</td>
<td>No</td>
</tr>
<tr>
<td>Possession of tobacco</td>
<td>72</td>
<td>No</td>
</tr>
</tbody>
</table>
Youth Charged with Misdemeanors and Status Offenses Diverted From Court for a First Offense Had Lower Recidivism Rates (But Opportunity Varied)
Most Youth in State Custody Were Not There for Felonies

- Offense on JJS Community Placement disposition:
  - Felony: 36%
  - Misdemeanor: 4%
  - Status/Infraction: 24%
- Offense on JJS Secure Placement disposition:
  - Felony: 19%
  - Misdemeanor: 29%
  - Status/Infraction: 50%
Racial, Ethnic Disparities Grew at Deeper Levels of Juvenile Justice System
Racial, ethnic disparity in the proportion of youth receiving diversion for truancy

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Youth with Petition for Truancy</th>
<th>Youth with Non-Judicial for Truancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Race/Ethnicity</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Black/African American (non-Hispanic)</td>
<td>34%</td>
<td>28%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>56%</td>
<td>67%</td>
</tr>
<tr>
<td>White (non-Hispanic)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Data-driven Reforms: HB 239

- Limit secure detention use
- Standardize and expand diversion
- Keep low-level school offenses out of court
- Restrict probation length
- Narrow placement eligibility
- Strengthen supervision and treatment
- Augment responses to noncompliance
- Heighten oversight
- Reduce time in placement
- Expand restorative justice
- Revise transfer to adult system
- Reinvest in community and EBPs
Fewer youth are entering the juvenile justice system

Figure 3. Referrals to the Juvenile Court Continued to Decline.
Diversion of Youth from Formal Court Proceedings Rose After H.B. 239

- 2015: 28%
- 2016: 17%
- 2017: 22%
- 2018: 55%
Detention Admissions Down 44% Between FY 2016 and FY 2018

Figure 17. Admissions to Detention Continue to Decline.
Nonsecure out-of-home placement continues to decline; reinvestment grows

Reduction in Juvenile Justice Services out-of-home population first quarter FY16 - FY18

$18.9 million Reinvestment in community and evidence-based service expansion
Implementing Data-Driven System Improvement: Utah's Approach to Creating Better Outcomes for Youth
Contacts

Representative Lowry Snow
Utah House of Representatives

Kim Cordova, Executive Director
Utah Commission on Criminal and Juvenile Justice

Pamela Vickrey, Executive Director
Utah Juvenile Defender Attorneys

Nindy Le, Emerging Leader
Utah Board of Juvenile Justice
Juvenile Justice Reform Highlights
Or...What you can track when you keep good data
Diversion
Note: Findings are preliminary and exclude 1,393 referrals for which the use of diversion was unclear (<1% of cases). Unit of analysis is a referral, not individual youth, so youth may appear more than once in the data.
South Dakota’s Successful Diversions Increased 2016-2018; Unsuccessful Diversions Remain Steady

![Bar Chart]

- FY 16: Successful 1293, Unsuccessful 513
- FY 17: Successful 1388, Unsuccessful 416
- FY 18: Successful 1964, Unsuccessful 513
Probation
South Dakota Rates of Probation Completion Have Risen

<table>
<thead>
<tr>
<th></th>
<th>FY14 (N=2224)</th>
<th>FY15 (N=2330)</th>
<th>FY16 (N=1923)</th>
<th>FY17 (N=1541)</th>
<th>FY18 (N=1478)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed probation</td>
<td>85%</td>
<td>90%</td>
<td>94%</td>
<td>96%</td>
<td>95%</td>
</tr>
<tr>
<td>Revoked sent to County Detention</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>Revoked sent to DOC</td>
<td>11%</td>
<td>8%</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Revoked terminated</td>
<td>4%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
</tbody>
</table>
Kansas Earned Discharge Credits Incentivize Probation Compliance

• Policy allows for 7 days off each month of supervision for compliance with conditions of supervision
• First 3 months of implementation July-September 2018
• 777 youth on community supervision earned a total of 7,308 days off their probation terms
Commitments
Kentucky: Larger Share of Commitments are Felonies

2012

- Felonies: 43%
- Misdemeanors: 57%

2017

- Felonies: 76%
- Misdemeanors: 24%
Hawaii, Kansas and South Dakota: Placement Declines Exceed 60%

- **Hawaii**
  - 2013-2018
  - 66%

- **South Dakota**
  - 2014-2018
  - 66%

- **Kansas**
  - 2015-2018
  - 63%
Reinvestment
Georgia: Incentive Grants after 5 years

- Combined state and JJDPA funds ($8.9 million in FY 2018)
- Participating counties must use objective decision tools
- Support non-incarceration Evidence-Based Programs – most common are Multisystemic Therapy (MST), Thinking for a Change and Functional Family Therapy (FFT)
- Counties participating: 58
- Confinement reduction in participating counties: 56%
- Youth served to date: 5640
- 99% of kids are medium and high risk
Kansas Evidence-Based Practices Fund

$30 million
FY2016-2018
Contact

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