



2019 CJJ Annual Conference

**Bridging the Gap:
Improving Outcomes for All Youth**

THE JJDPA

1974

Act signed into law.
Created Formula Grants program.
Established the separation requirement.
Established the deinstitutionalization of
status offenders (DSO) requirement.

1977

Increased and expanded DSO and
separation requirements.
Emphasized prevention and
treatment.

1980

Established jail removal
requirements.

1984

Enhanced and amended jail
removal requirements.

1988

Addressed disproportionate
minority confinement (DMC) as a
requirement. Text placeholder

1992

Amended DSO, jail removal, and
separation requirements.
Elevated DMC to a core
requirement.
Established the Title V Incentive
Grants for Local Delinquency
Prevention Grants Program (Title
V).
Established new programs to
address gender bias.
Emphasized prevention and
treatment, family strengthening,
graduated sanctions, and risk-
need assessments.

2002

Broadened the scope of the DMC
core requirement from
"disproportionate minority
confinement" to "disproportionate
minority contact,"
authorizing research, training and
technical assistance, and
information dissemination.
Required states to give funding
priorities of their formula and
block grant allocations to evidence-
based programs.

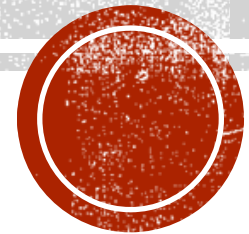
2018

Act reauthorized and updated for first time
in 16 years

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.



CHANGES TO CORE PROTECTIONS: JAIL REMOVAL

- 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.



JJDPA: 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 JJDP Act'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 JJDP Act 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 JJDP Act
- ✓ The JJDP Act 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

CRITICAL IMPORTANCE: THE PARTNERSHIP WITH OJJDP AND THE ONLY AVAILABLE FEDERAL JUVENILE JUSTICE POLICY INFRASTRUCTURE

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SOME KEY IMPLEMENTATION CHALLENGES



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LOSE OUT

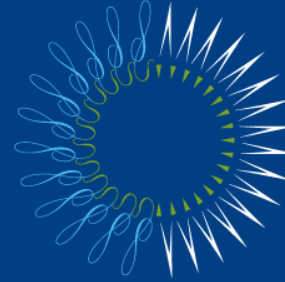
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Implementing Data-Driven System Improvement: Utah's Approach to Creating Better Outcomes for Youth

Coalition for Juvenile Justice Annual Conference
June 21, 2019

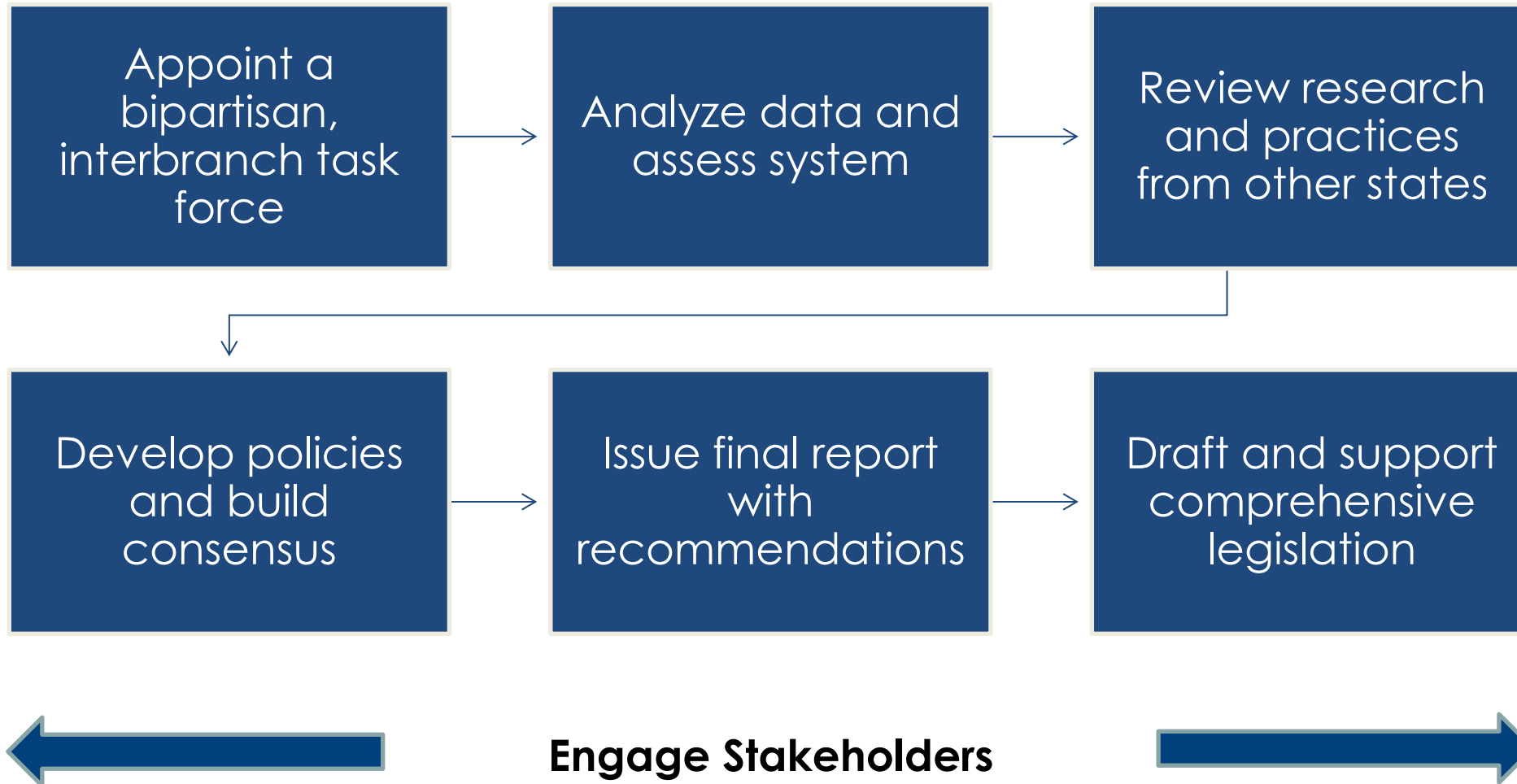
Pew and PSPP

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





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
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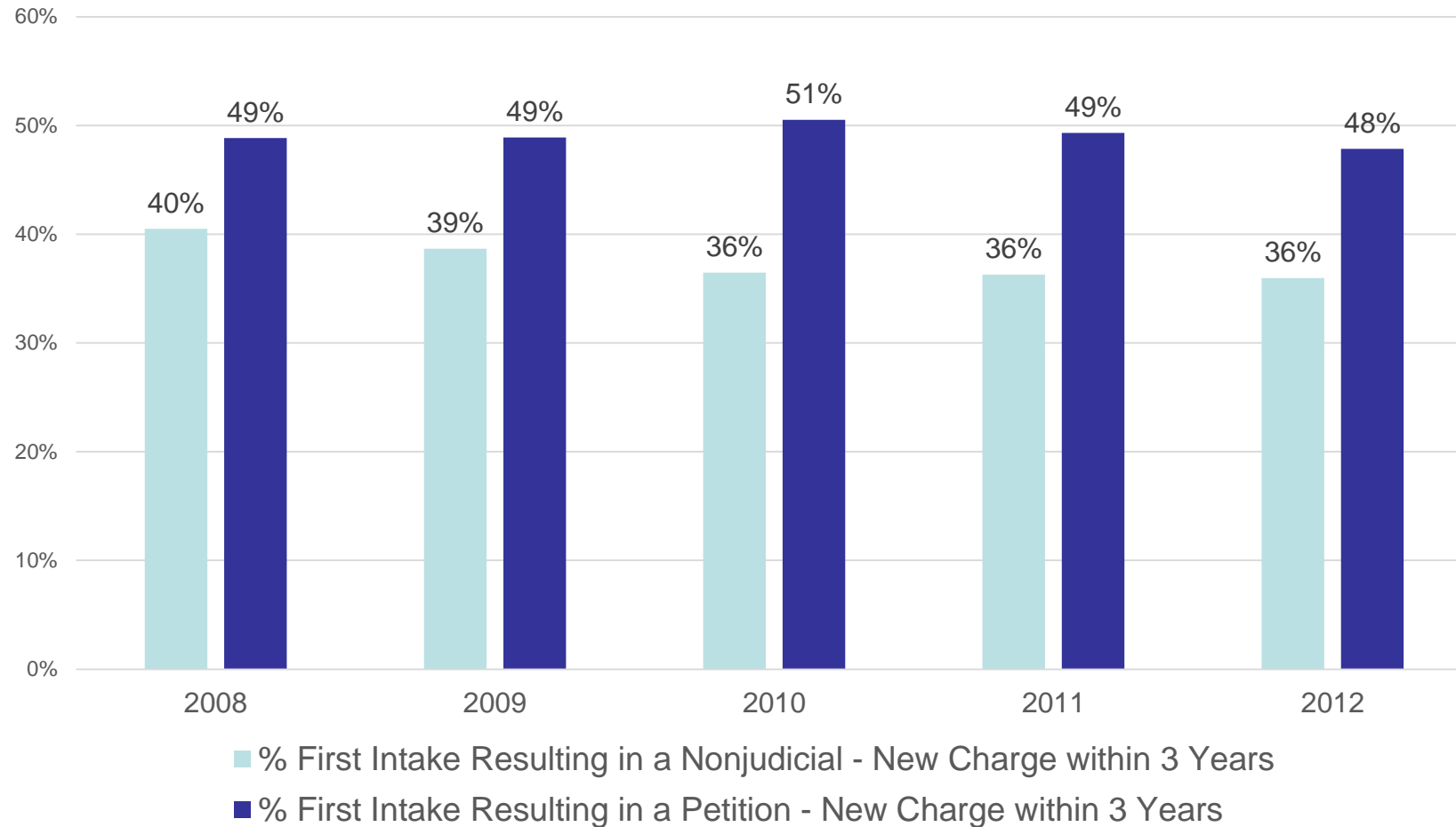
Working Group Findings

- 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**

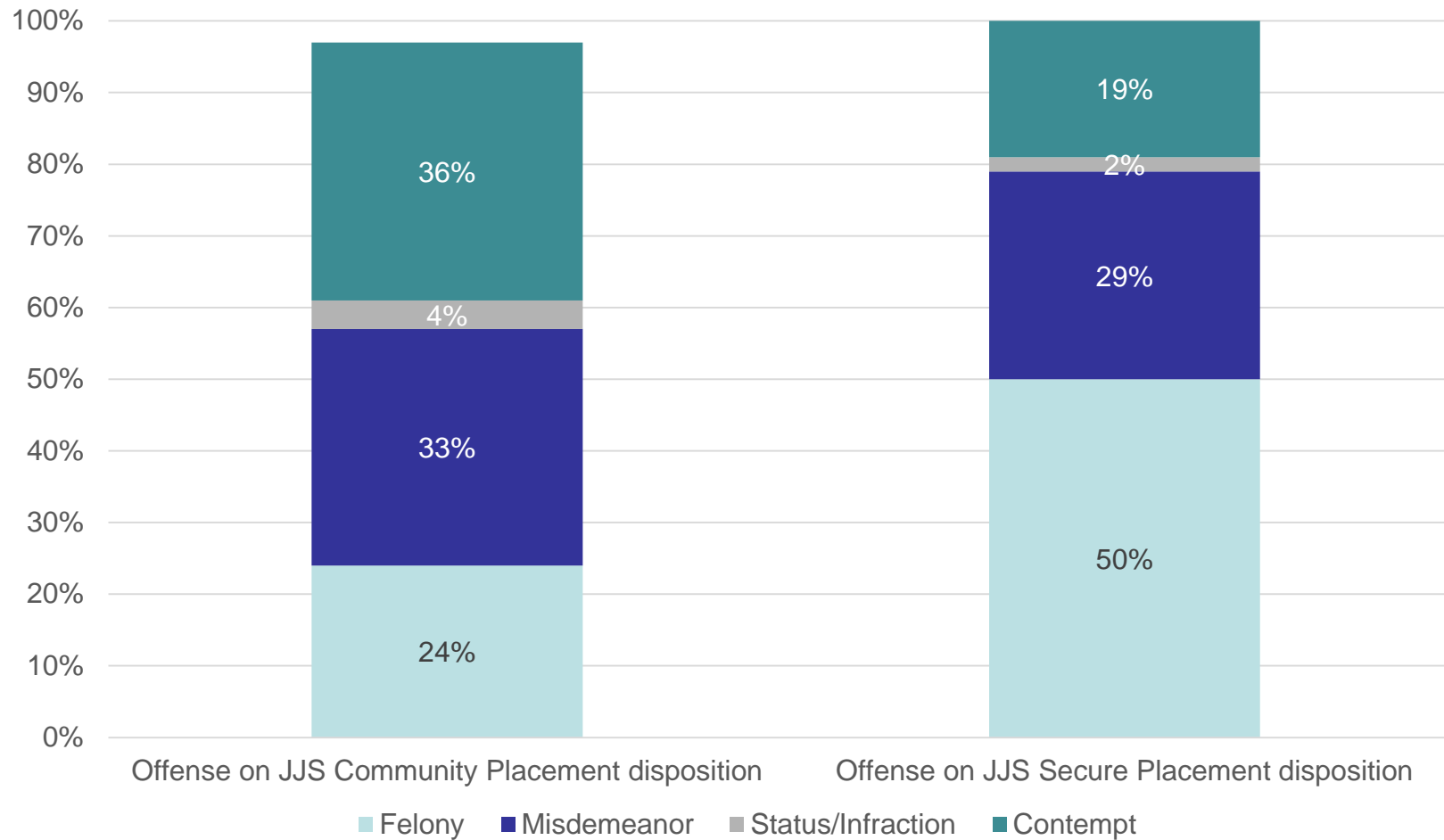
Most Youth Sent to Court for a First Offense Faced Low-Level Charges

Offense	Number of youth	Felony?
Marijuana possession or use	473	No
Habitual truant citation	258	No
Possession drug paraphernalia	174	No
Retail theft under \$500	172	No
Assault – substantial risk of bodily harm	157	No
Criminal mischief	117	No
Sexual abuse, child victim under 14	100	Yes
Alcohol possession or consumption	84	No
Possession of drug paraphernalia in a drug free zone	82	No
Possession of tobacco	72	No

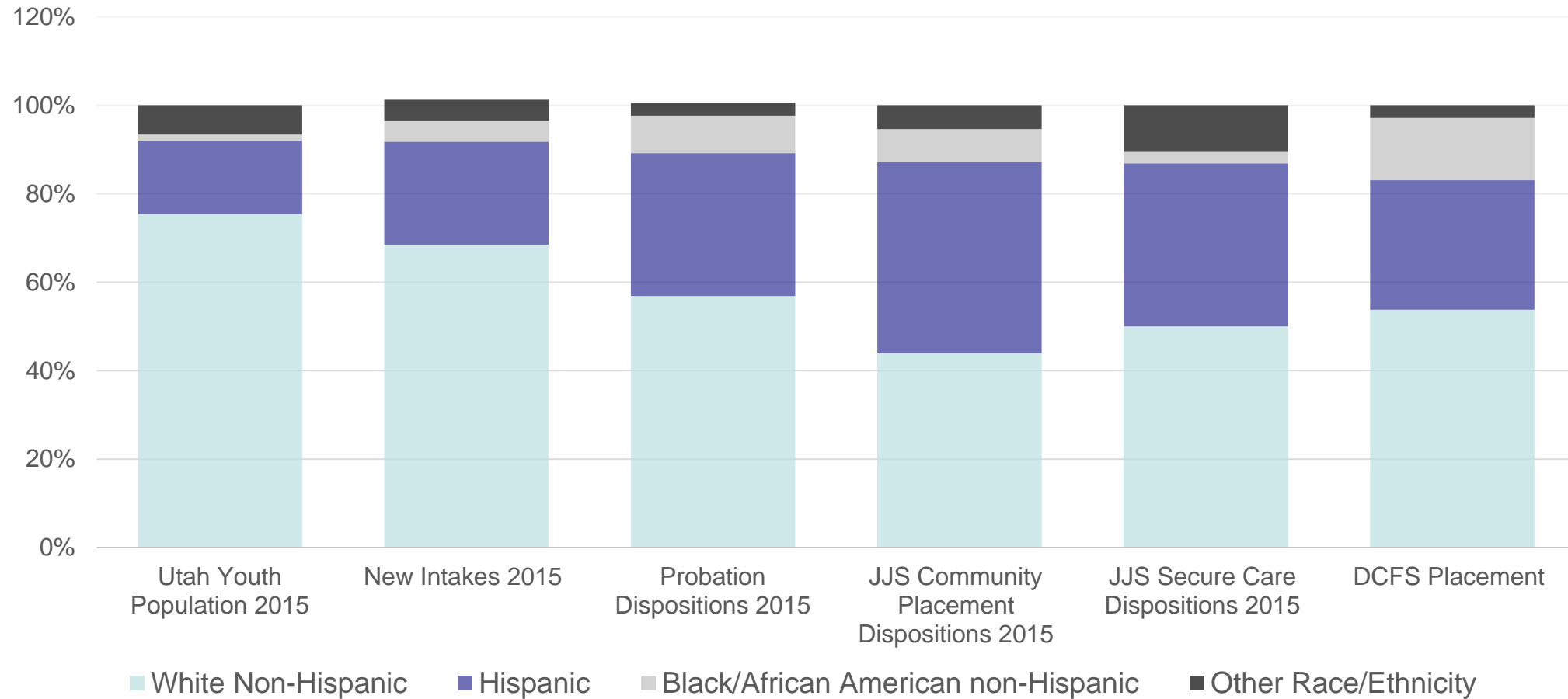
Youth Charged with Misdemeanors and Status Offenses Diverted From Court for a First Offense Had Lower Recidivism Rates (But Opportunity Varied)



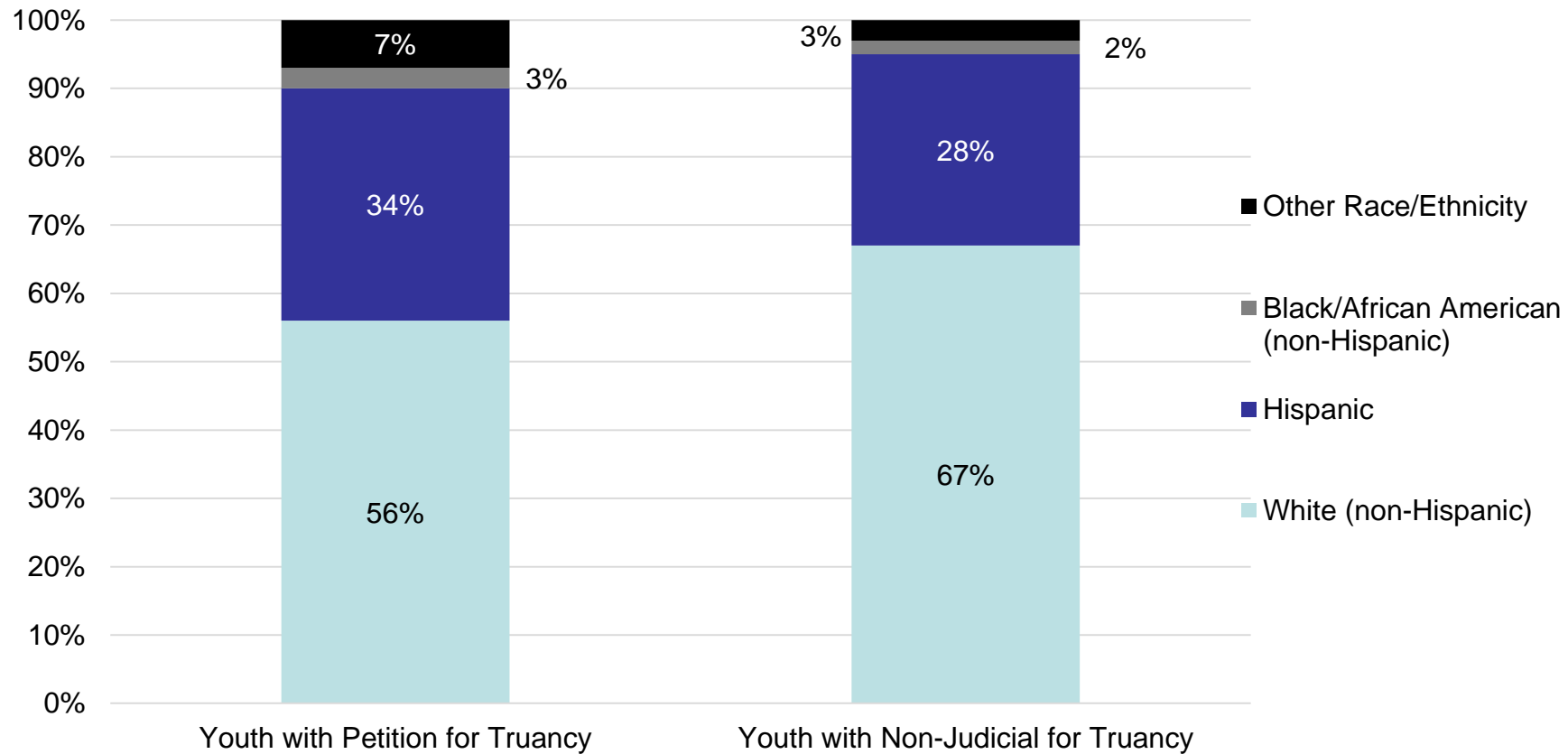
Most Youth in State Custody Were Not There for Felonies



Racial, Ethnic Disparities Grew at Deeper Levels of Juvenile Justice System



Racial, ethnic disparity in the proportion of youth receiving diversion for truancy



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

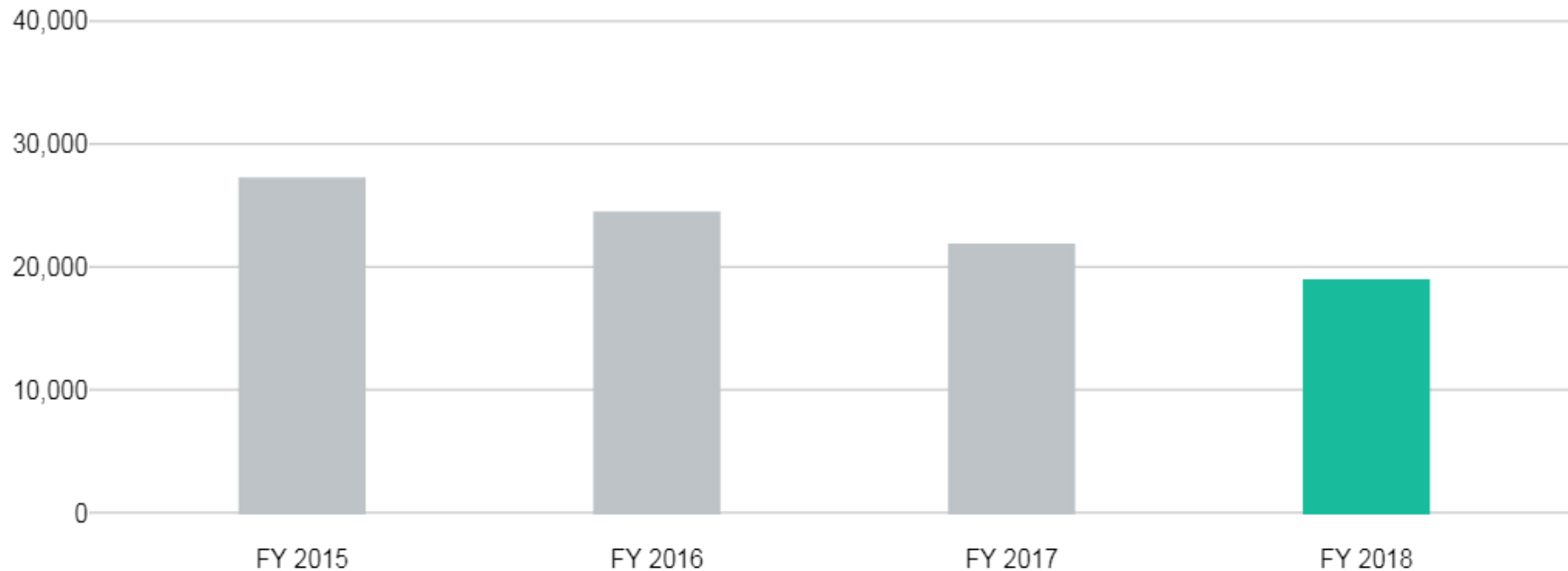
Expand
restorative
justice

Revise **transfer**
to adult system

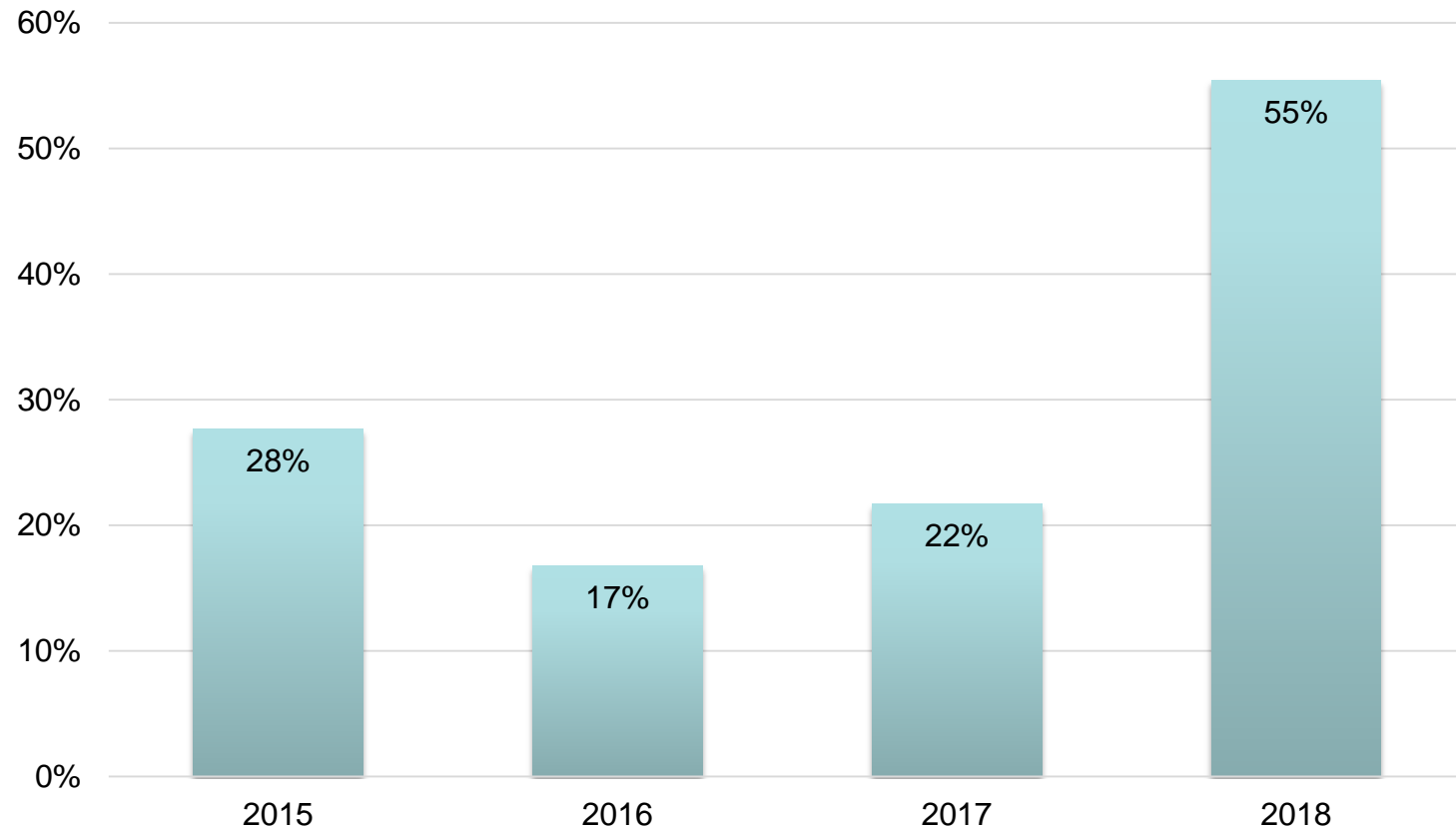
Reinvest in
community
and EBPs

Fewer youth are entering the juvenile justice system

Figure 3. Referrals to the Juvenile Court Continued to Decline.

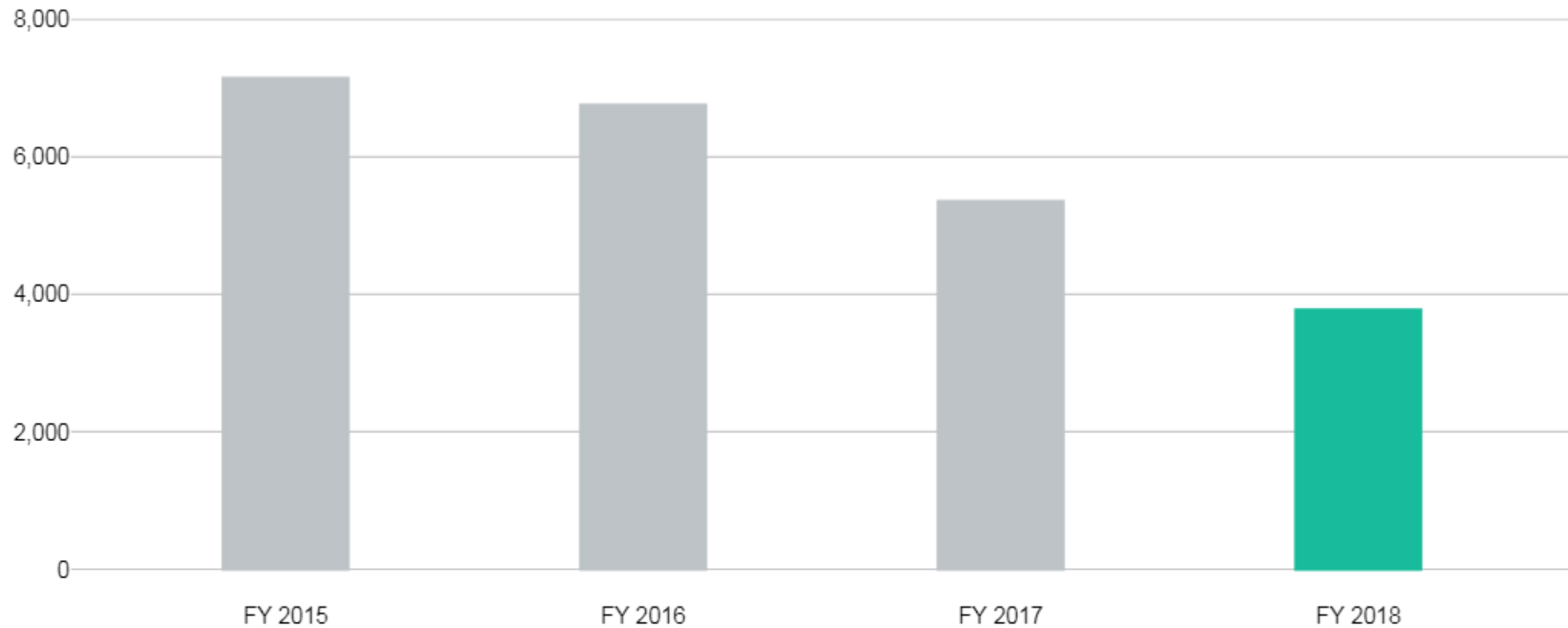


Diversion of Youth from Formal Court Proceedings Rose After H.B. 239



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

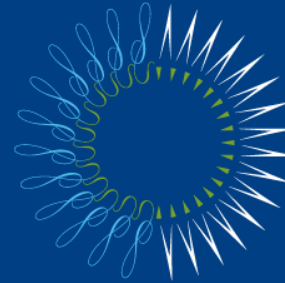


Reduction in Juvenile Justice
Services out-of-home population
first quarter FY16 - FY18



\$18.9 million

Reinvestment
in community and
evidence-based service
expansion



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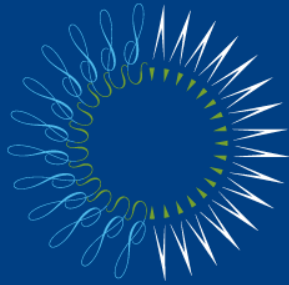
Contacts

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



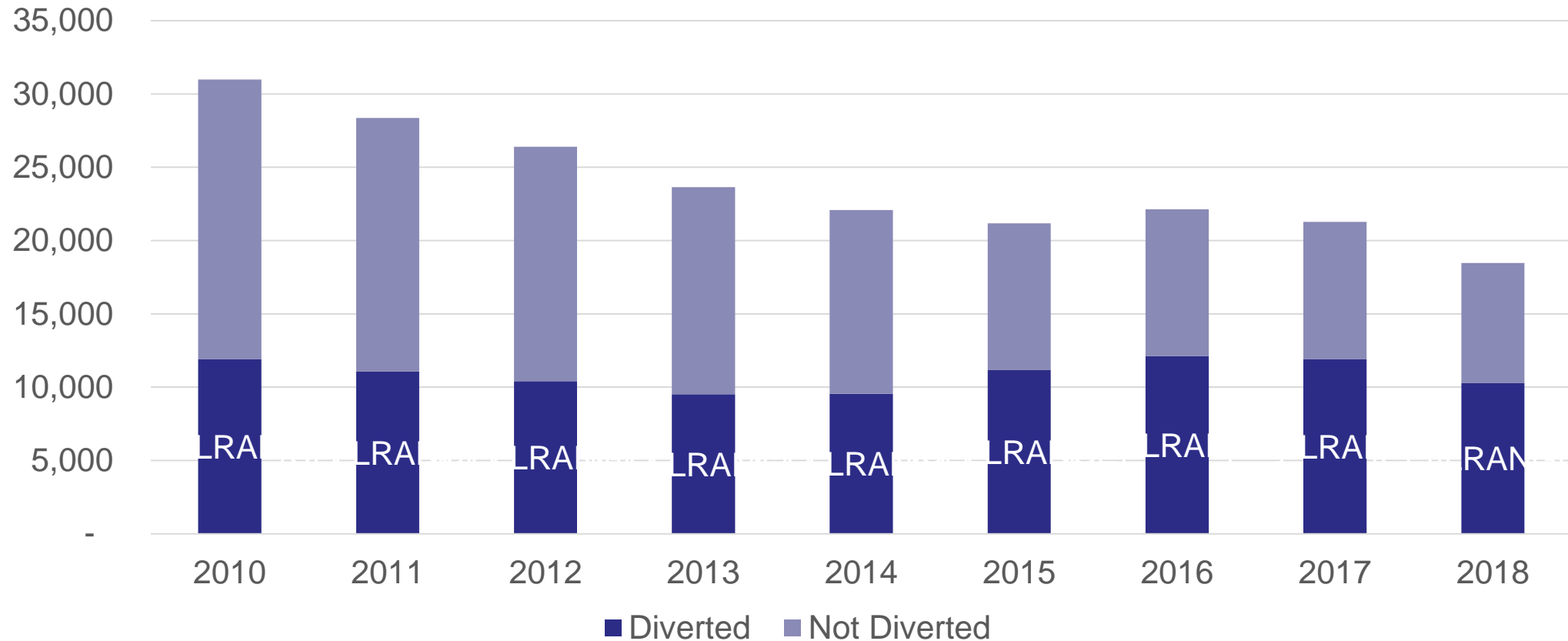
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Juvenile Justice Reform Highlights

**Or...What you can track when you
keep good data**

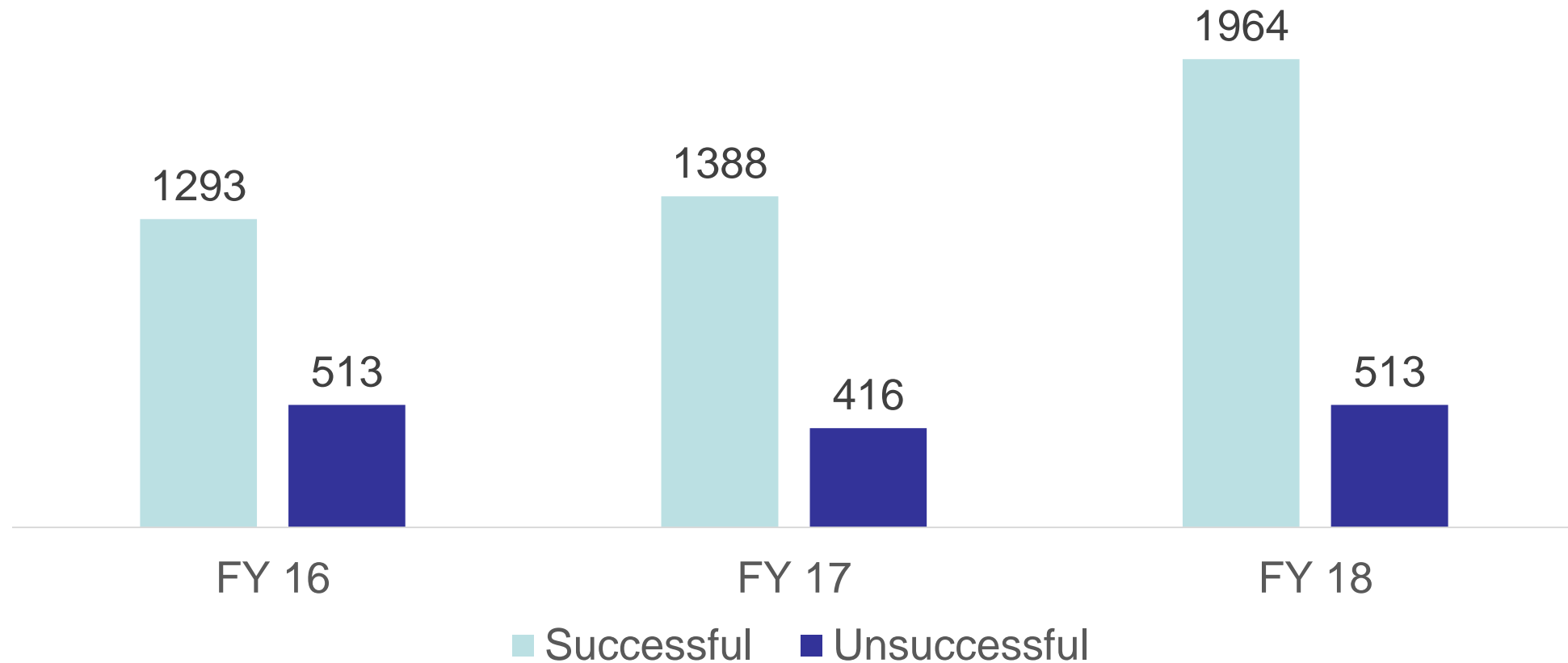
Diversion

As Referral Totals Decline, Youth Diversions in Kentucky are an Increasing Portion of Referrals



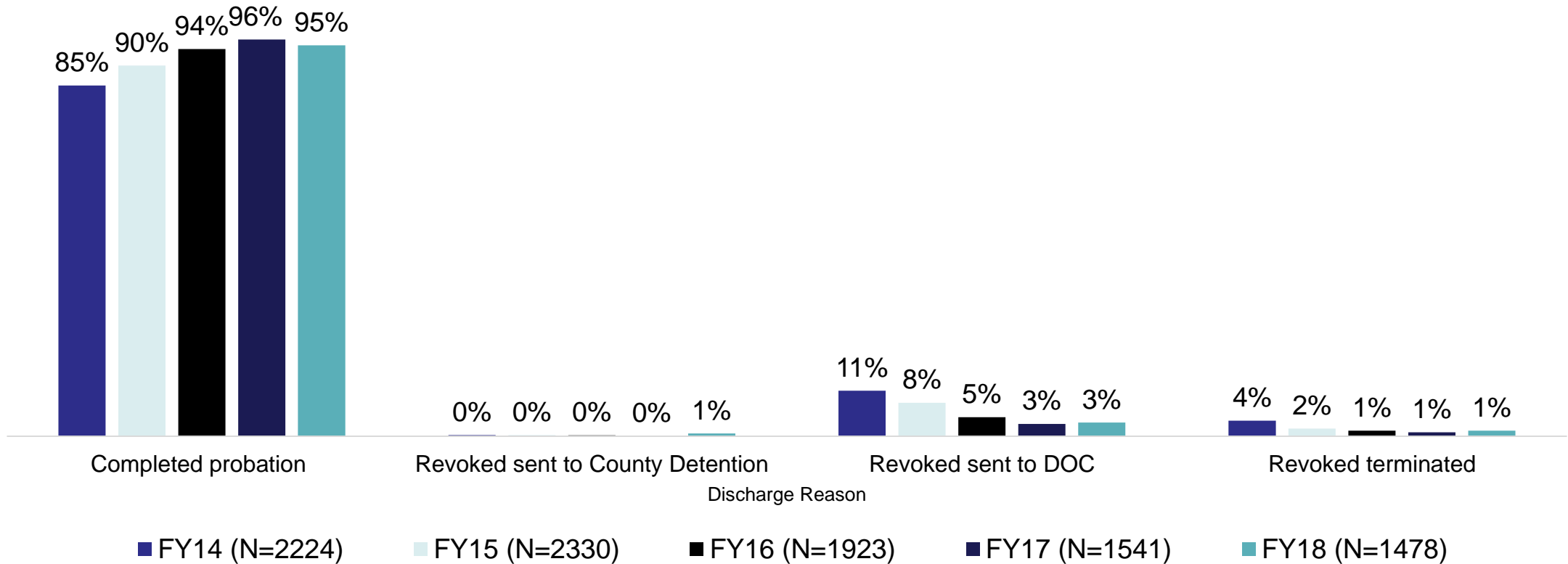
Note: Findings are preliminary and exclude 1,393 referrals for which the use of diversion was unclear (<1% of cases). Unit of analysis is a referral, not individual youth, so youth may appear more than once in the data.

South Dakota's Successful Diversions Increased 2016-2018; Unsuccessful Diversions Remain Steady



Probation

South Dakota Rates of Probation Completion Have Risen

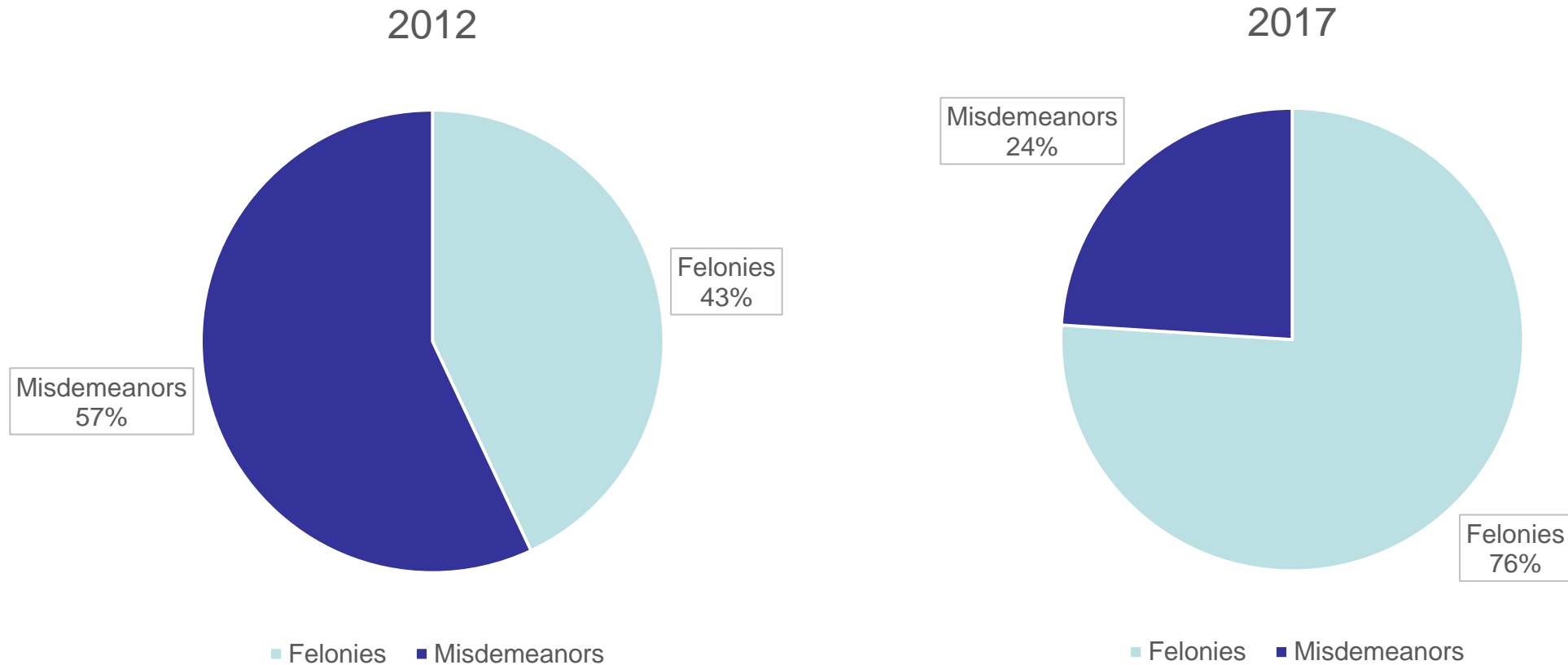


Kansas Earned Discharge Credits Incentivize Probation Compliance

- 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

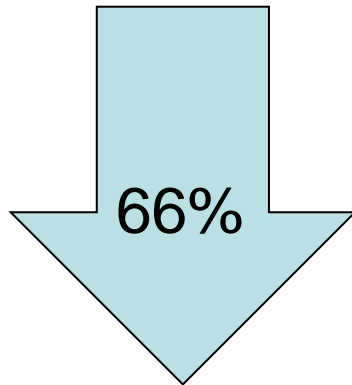
Kentucky: Larger Share of Commitments are Felonies



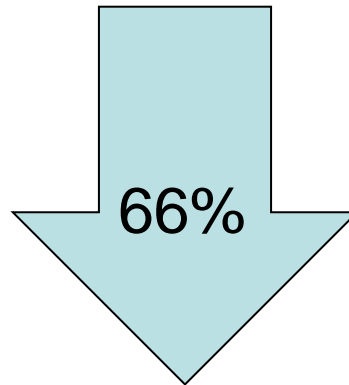
Hawaii, Kansas and South Dakota: Placement Declines Exceed 60%



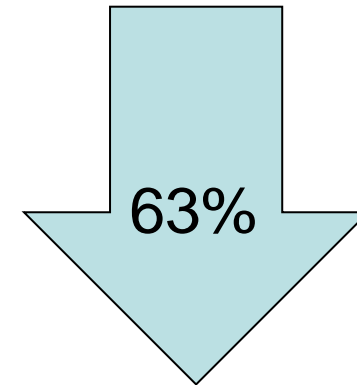
Hawaii
2013-2018



South Dakota
2014-2018



Kansas
2015-2018



Reinvestment

Georgia: Incentive Grants after 5 years

- Combined state and JJDPF 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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