

# JJDPA: Jail Removal

Coalition for Juvenile Justice, Annual Conference, 2020

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- \* First update to the federal law since 2002
- \* Strong bipartisan support; passed through unanimous consent in both chambers of Congress
- \* Makes updates to core protections; restructures the prevention components of the Act; expands OJJDP research and evaluation purposes; and increases funding and accountability.
- \* Defines the purpose of the Act to “Support a continuum of evidence based or promising programs that are trauma informed, reflect the science of adolescent development and are designed to meet the needs of at-risk youth and youth who come in contact with the justice system.
- \* Implementation began in FY 2020.

HR. 6964: Signed into Law on 12/21/19

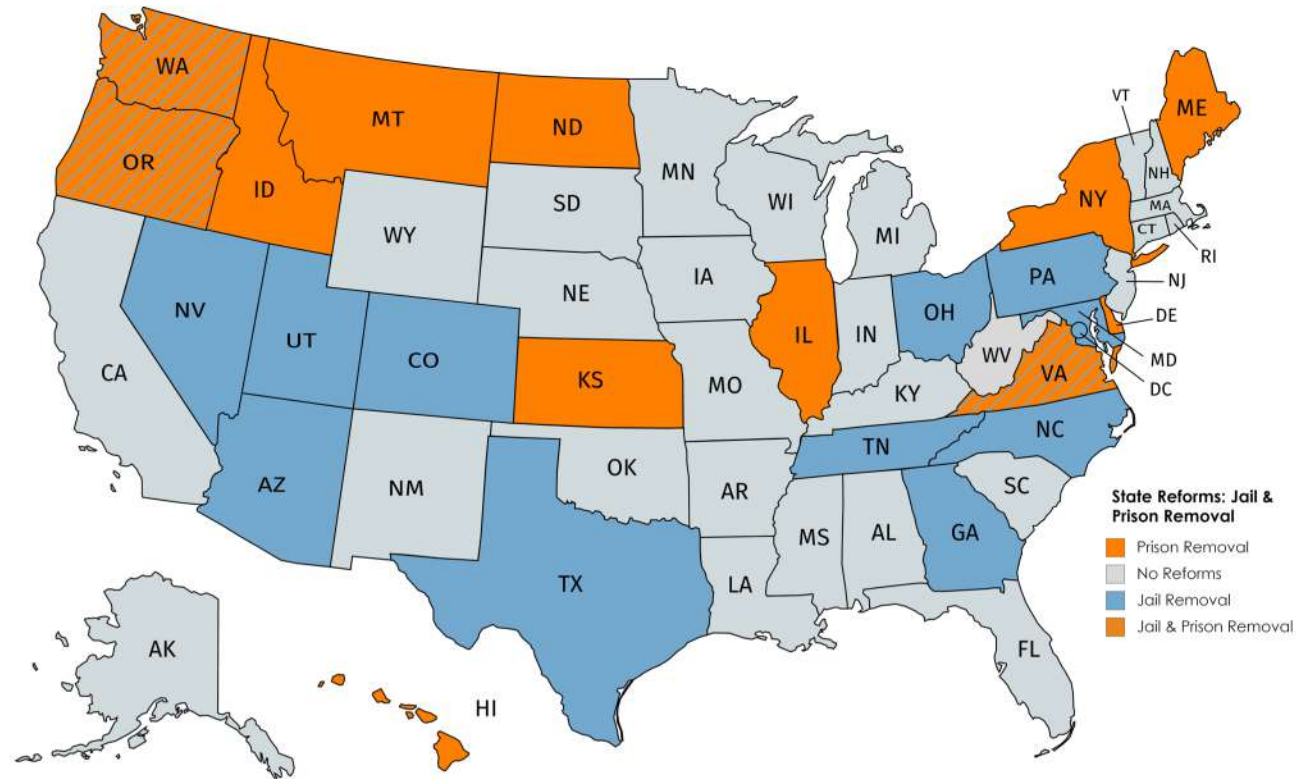




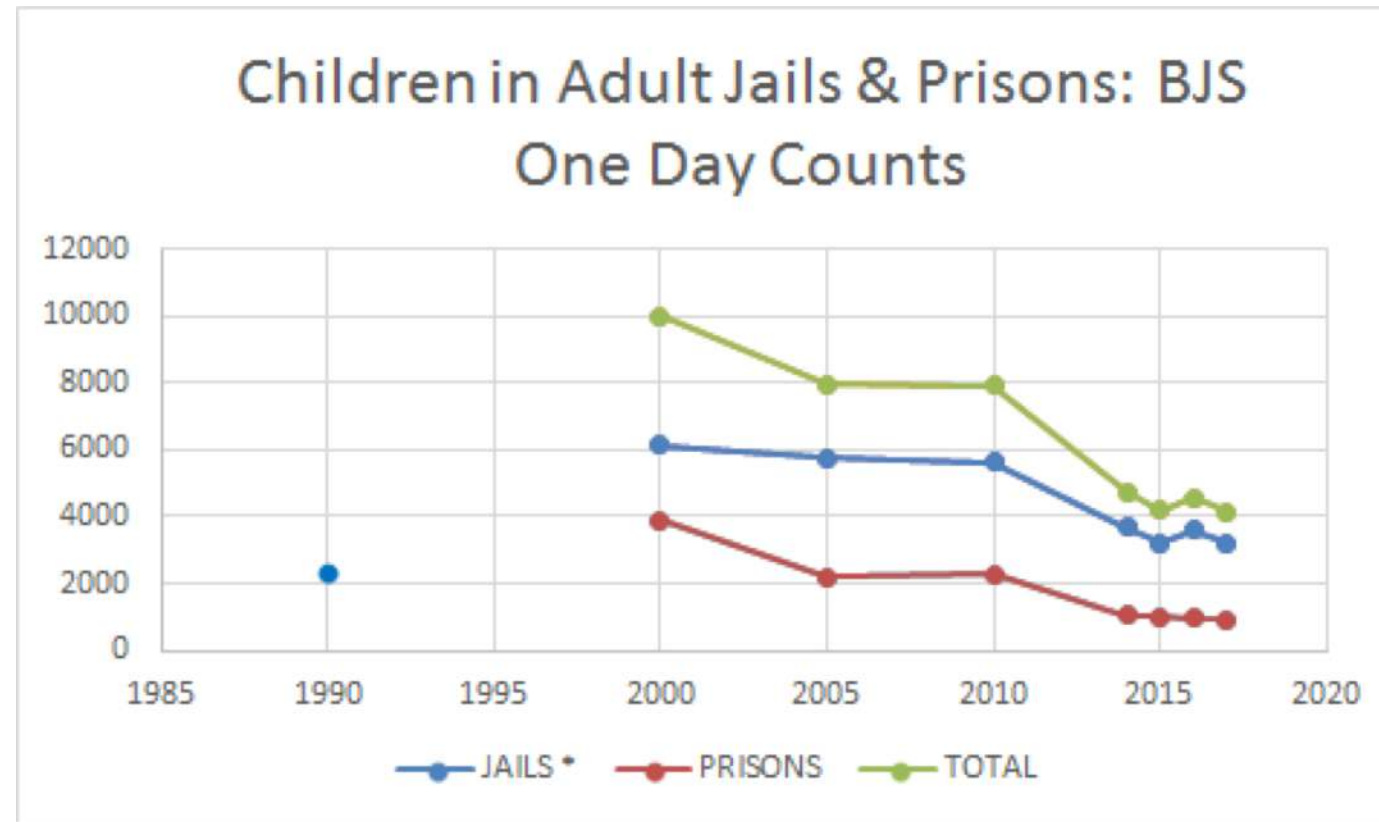
- 1.) Definition of Adult Inmate: an individual who has reached the age of **full criminal responsibility**; has been arrested and is in custody for or **awaiting trial on a criminal charge** or is convicted of a criminal offense;
- 2.) States will have 3 years from the time of implementation to **remove youth, including those certified as adults, from adult jails**, unless the court finds in is in the interest of justice;
- 3.) Certified youth shall **not have sight or sound contact with adult inmates**;
- 4.) 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.

## JJDPA Reauthorized Jail Removal

# Jail & Prison Removal Campaigns



# Reductions in # of Youth Housed in Adult Facilities







70% of youth charged as adults are held in youth detention centers.



- \* Prohibits Adult Jails (11 states/DC)
- \* Allows Juvenile Detention Under Circumstances (32 states)
- \* Presumes Adult Jails (8 States)

STATE JAIL REMOVAL PROVISIONS





- \* Raising the Age (13 states)
- \* Narrowing Transfer Statutes to give discretion to judges (CA, IL, KY, NY, NC, OR, TN, TX, WA)
- \* Reducing Youth Detention Pop.
- \* Litigation (IDEA, ESSA, Suicide/Solitary)
- \* MOUs County/State

SUCCESSFUL STATE STRATEGIES



# UTAH DIVISION OF JUVENILE JUSTICE SERVICES



utah department of  
**human services**  
JUVENILE JUSTICE SERVICES

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# CONTINUUM OF SERVICES



# HOW UTAH LIMITS YOUTH IN ADULT SETTINGS

- **Policy Change**
- **Operational Change**



# HB 239 - LANDMARK REFORM-2017



HB 239, which **established statutory standards for which youth may be removed from their homes** and redirects averted costs toward expanding effective community-based services to all judicial districts throughout the state. Additionally, the bill established standards and criteria for pre-court diversions, **capped fines and fees**, limited school-based court referrals, and **set limits on the amount of time youth can spend in detention centers** and under probation.

## CORE ASPECTS OF HB 239

1

The bill focused on intervening earlier, reducing out-of-home placements for first time offenders.

2

Strived to only use residential services on youth who posed **serious public safety risk**.

Pre-reform, in 2015, **there was an average daily count of 809 youth in state custody. Post-reform, in 2019 the average daily count was 444.** In addition to the increased public safety trajectory allowed by HB 239, the reforms have created a significant positive fiscal impact. In 2019, the Utah legislature established the Juvenile Justice Reinvestment Fund which captures savings from the reduction in out-of-home placements afforded by reform, which can then be used for non-residential services across the human services continuum.

# HB 384 - EMERGING ADULTS TO REMAIN WITH JJS



The goal of this bill is to align Utah's policies with science and research because, (a) cognitive reasoning isn't fully developed until around age 25; and, (b) community safety and rehabilitation improve when youth receive developmentally appropriate care.

## TWO MAIN ASPECTS OF HB 384

1

The bill limits the ability to transfer youth to the adult system only for the most serious offenses and ensures that a judge makes this determination.

2

The bill allows the possibility to extend juvenile justice custody to age 25, increases accountability and public safety, and gives access to developmentally appropriate treatment.

This creates the option to **extend custody in the juvenile justice system up to 25 years of age** (currently it is age 21), allowing youth charged with serious offenses access to developmentally appropriate treatment. Research shows that delinquent behaviors naturally decline as young people age and mature. Those who remain in the juvenile justice system receive better access to age-appropriate services, support and rehabilitation than the services they would receive in the adult system.

# CHANGES IN OPERATIONS FOR YOUTH IN CUSTODY

- **Standardized Approach to Youth Response, Intervention**
- **SUCCESS Work**
- **Trauma Unit**



# PERFORMANCE MEASURES

**SECURE CARE CUSTODY MEASURE:** Reduce the risk of recidivism by 25% within 3 years.

**OUTCOME:** Achieved **31%** average risk reduction for youth in secure care.

# USING FITT AND DBT TO REDUCE RISK

CONCEPT	EXAMPLE
FRONTLOADING (resource the frontend, upstream, intervene earlier)	Develop a Plan for Success
INTENSITY (degree, depth, or concentration)	Dosage 12.5 hours
TIME (duration, length, or timing)	200 hours for six months
TYPE (nature, content, or substance)	Dialectical Behavioral Therapy



# PROMISING RESULTS

## ADDITIONAL PERFORMANCE MEASURES

\*INCIDENTS - Nearly **50% fewer** assaults over 15 months

DOSAGE/TREATMENT - All secure care youth are offered up to **12.5 hours of treatment a week** for positive, sustainable change

SUCCESSFUL TREATMENT - **82%** of youth reduced dynamic risk





## Discussion with Campaign for Youth Justice:

### Raise the Age in New York

Division of Youth and Family Justice, Administration for Children Services

Intra/Inter Agency Deliberative Material



# Agenda

## ••○ Raise the Age Overview

Juvenile Justice in New York: Then and Now  
Youth and Facility Designations

## ••○ Meeting the Challenge of Raise the Age

Transforming New York City's Juvenile Justice System

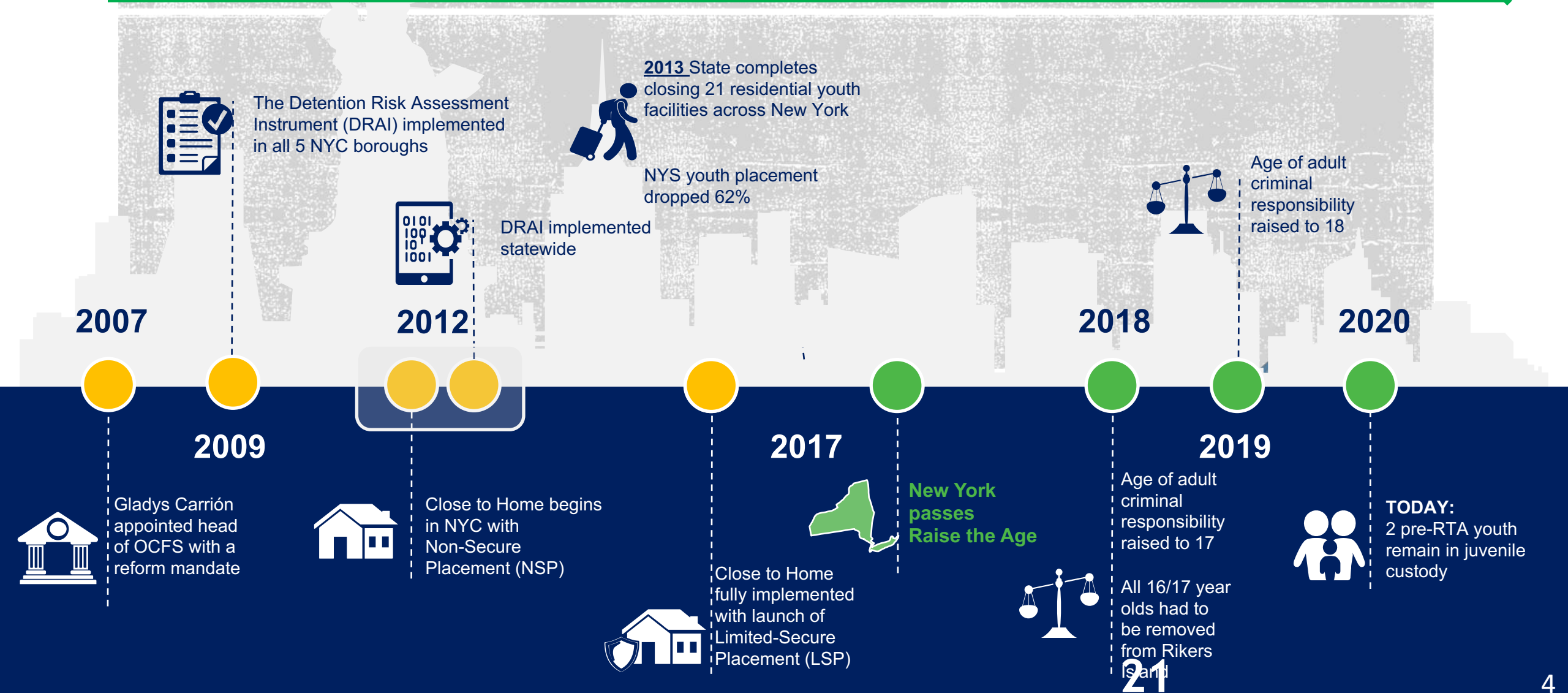


# Raise the Age Overview



# Juvenile Justice in New York: Then and Now

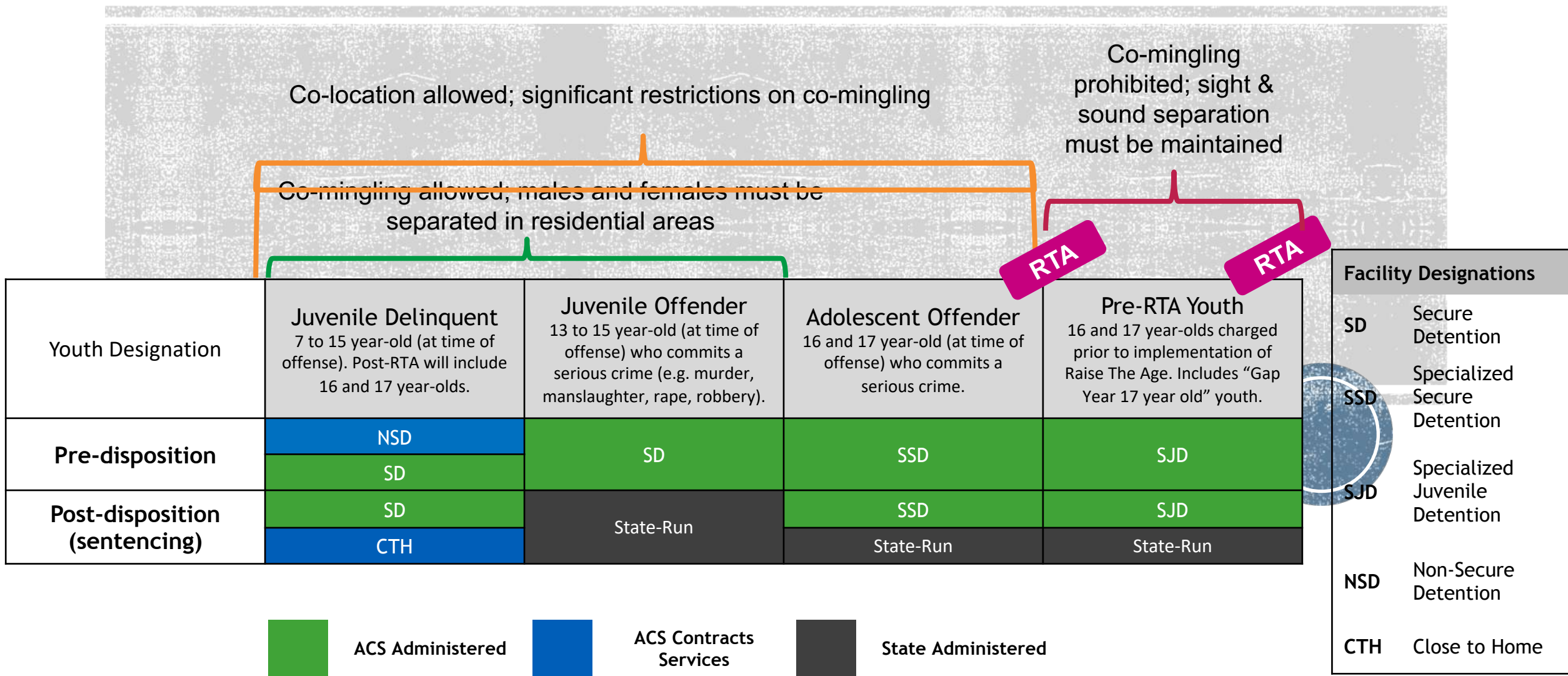
While NYS prided itself on being a leader in the area of juvenile justice reform, the State was one of the last to pass and implement Raise the Age in 2017.





# Raise the Age Youth and Facility Designations

Reforms created significant complexity in caring for different youth populations and managing varying facility standards.



# Meeting the Challenge of Raise the Age



# Transforming New York City's Juvenile Justice System

Raise the Age required monumental investments in staffing, programming, model of care, and infrastructure.

## Addressing Correctional Culture



- Pre-RTA youth and Correctional Officers (COs) brought Rikers Island culture and mindset to a juvenile setting
- Investments in infrastructure, such as wall hardening and increased security, needed to be quickly put into place
- Additional training and joint policy development to supplant correctional tools like pepper spray

## Organizational Transition



- Significant additional staff needed to address an exponential projected increase in youth in custody
- Professionalization of juvenile justice staff through new Youth Development Specialist (YDS) title
- Hiring and training of over 750 ACS staff to date
- Gradual transition of COs and correctional leadership out of operations over multiple months
- Certification of facilities under new licensing standards and requirements

## Programming Enhancements



- Development of an individualized behavior management system
- Dozens of new contracts to provide specialized supports, interventions, and services for youth of drastically varying needs
- Vocational and job readiness training for older youth

## Increased Oversight



- Compliance with new oversights and sometimes conflicting requirements at the City, State, and Federal level
- Increased scrutiny from media, advocate community, and public leaders
- Development of a dedicated Compliance Unit to address oversight audits, requests, and other requirements

## Evolving Model of Care



- Work with National Partnership for Juvenile Services (NPJS) to implement leading research and practices
- Introduction of Cognitive Behavioral Therapy (CBT) 2.0
- Reinforcement of Safe Crisis Management and other conflict prevention and resolution models

## Investing in Our Staff



- Ongoing staff retention and wellness efforts through a dedicated Retention Task Force
- Additional intensive staff and supervisory trainings
- Managerial reorganization to increase accountability and provide support for intact team model

## Detour near the Finish Line

In the final phase of Raise the Age, an unexpected and unprecedented challenge has required further adjustment.



**COVID-19**