

Reducing Populations and Impacts on Jurisdiction Long Term

Honorable Steven C. Teske
Chief Presiding Judge
Clayton County Family Court
Immediate Past National Chair, CJJ

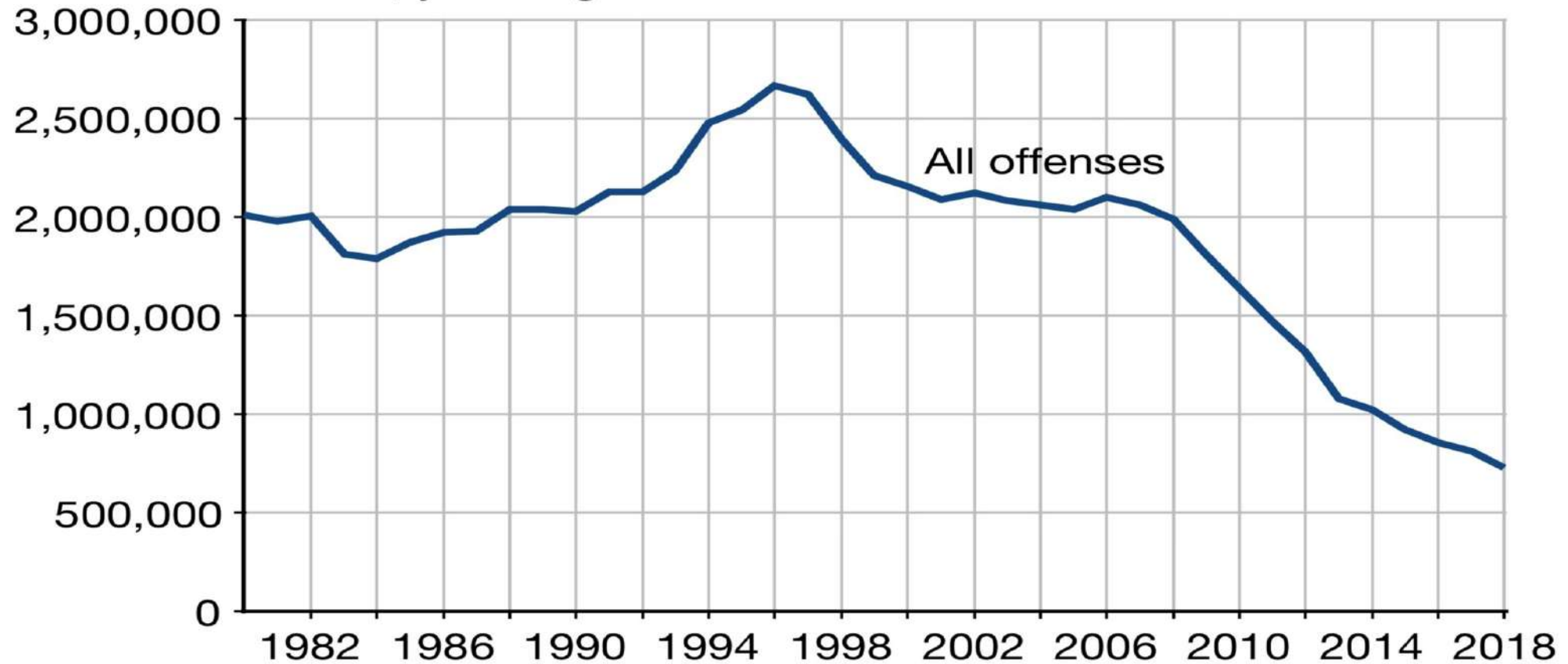
Learning Objectives

- What are the trends in juvenile arrests and incarceration rates;
- Why is it important to reduce involvement of youth in the juvenile justice system generally and in detention specifically;
- What strategies, approaches, and tools are critical to reduce system involvement;
- Examine the outcomes in support of reducing system involvement; and
- How to implement the resources using a collective decision-making approach.

Trends in Youth Arrests and Detention

Arrest Rates 1982-2018

Number of arrests, youth ages 0–17



Property Crime 1982-2018

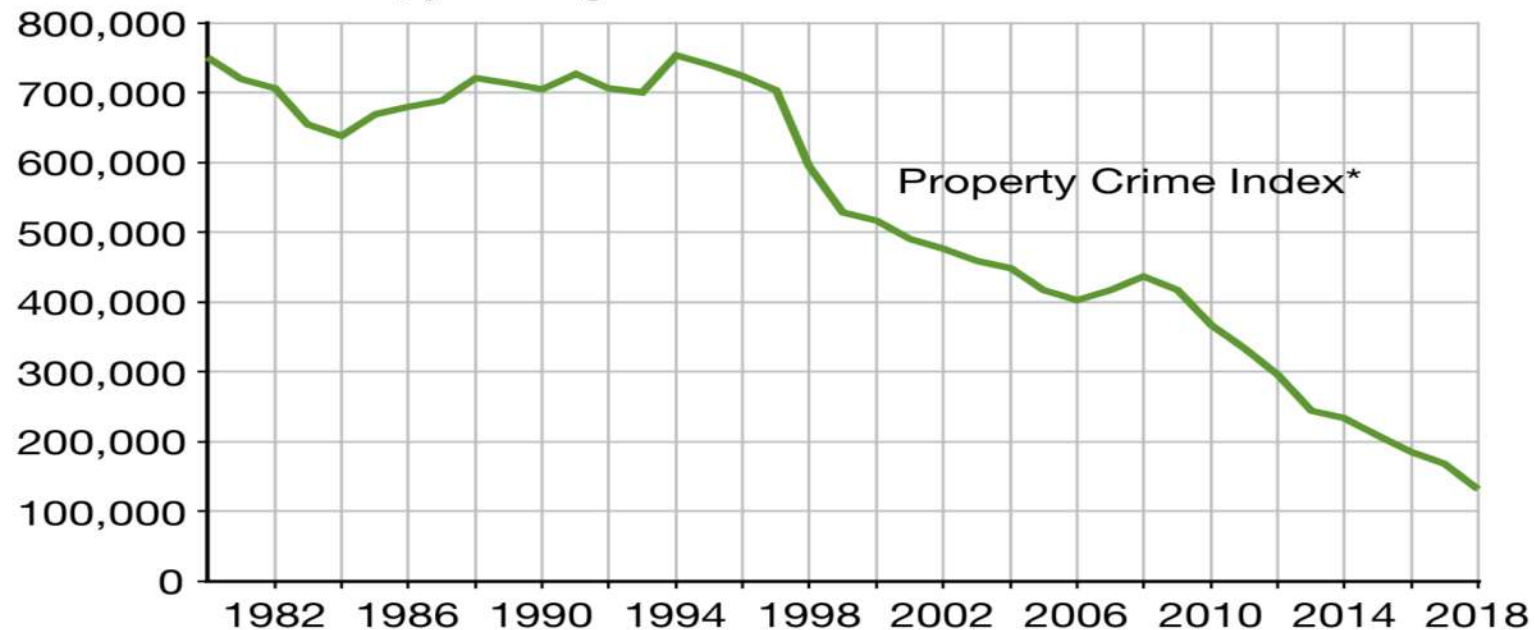
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ojdp.gov

100%

With few exceptions, juvenile arrests for Property Crime Index offenses declined annually since the mid-1990s

Number of arrests, youth ages 0–17



* Property Crime Index offenses include burglary, larceny-theft, motor vehicle theft, and arson.

Violent Crime 1982-2018

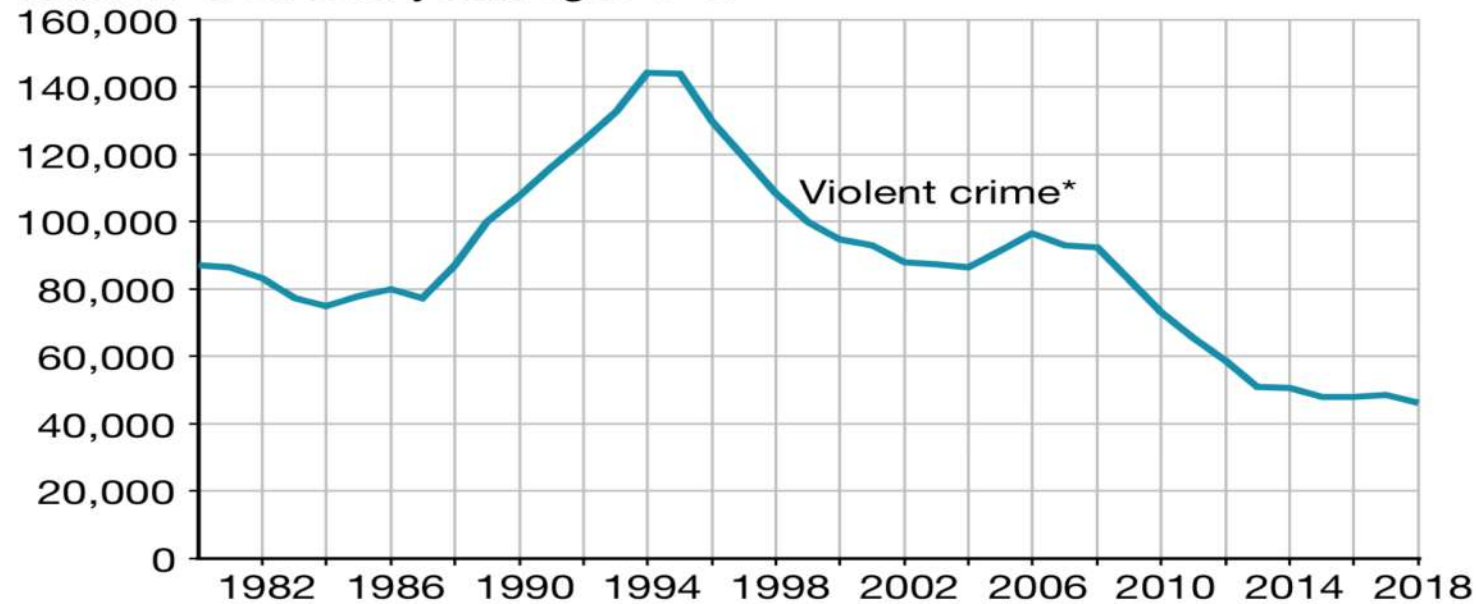
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100%

Following a 5% decline in the last year, the number of juvenile arrests for violent crime offenses reached a new low in 2018

Number of arrests, youth ages 0–17



* Violent crime offenses include murder, robbery, and aggravated assault.

Juvenile Murder Rate Reached Lowest 2018

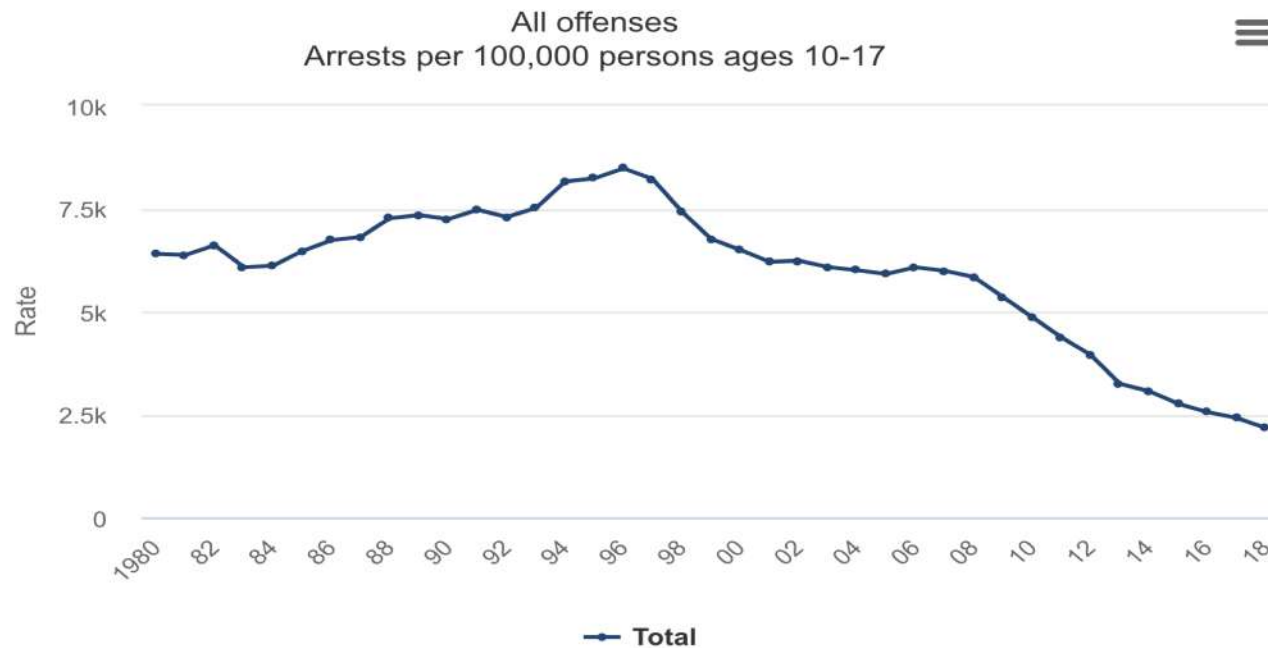
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97%

Juvenile Arrest Rate Trends

The juvenile murder arrest rate reached its lowest level in 2012, 83% below the 1993 peak; since 2012, the rate has increased 27%, from 2.2 to 2.7 per 100,000 youth.



Note: Rates are arrests of persons ages 10-17 per 100,000 persons ages 10-17 in the resident population.

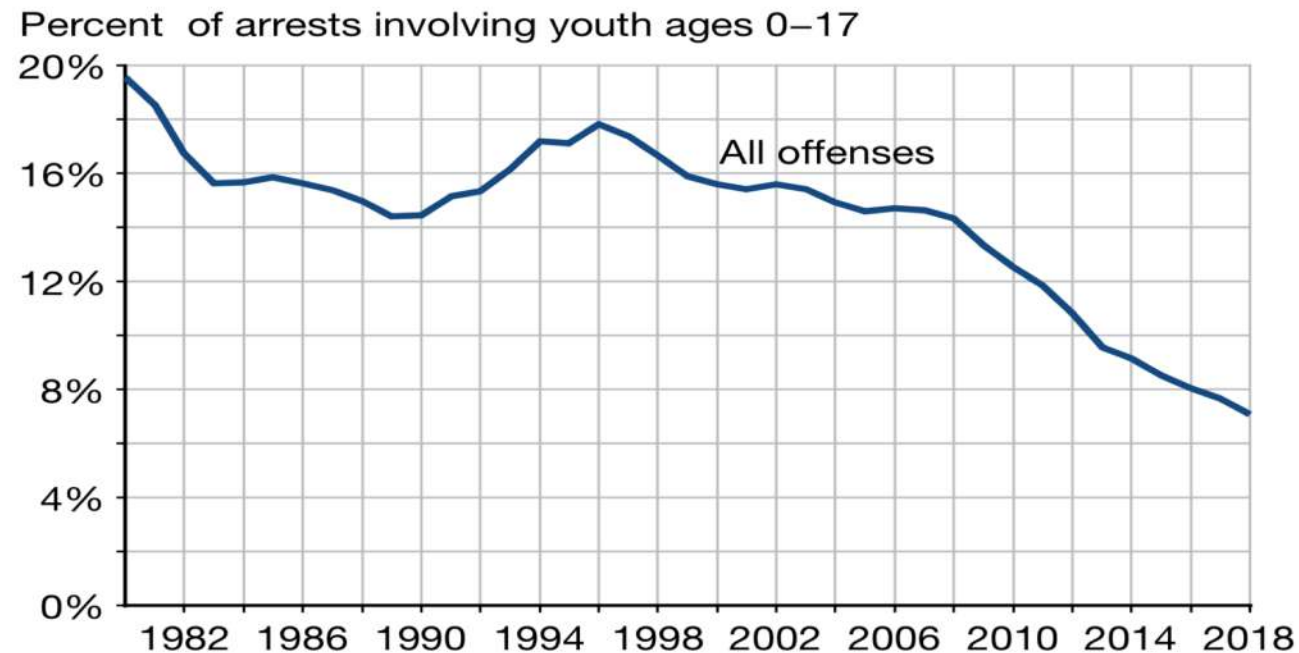
Juvenile Arrests Declined Greater than Adults

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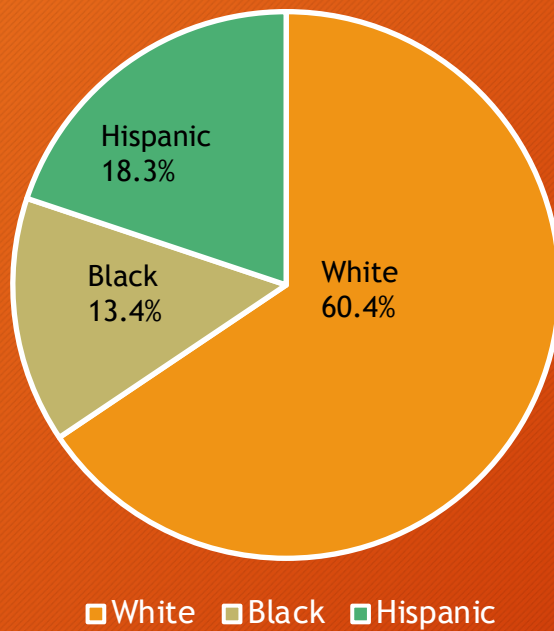
100%

The decline in arrests since 1996 was greater for juveniles than adults; as a result, juveniles accounted for 7% of arrests in 2018

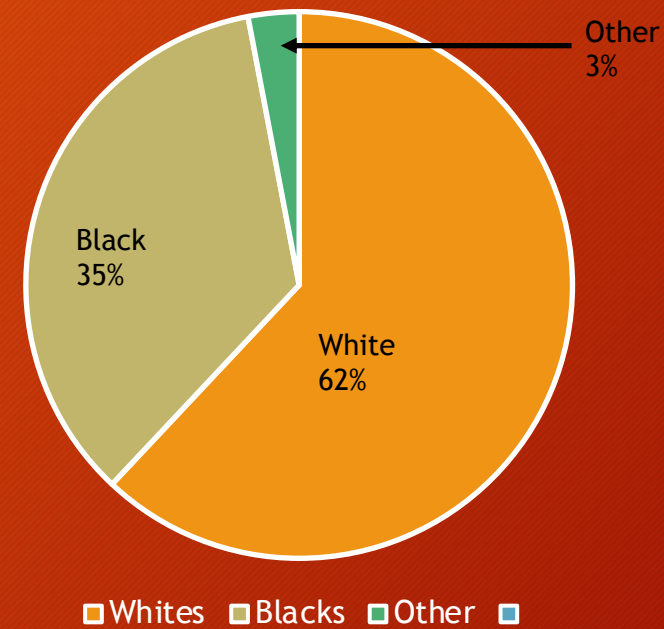


Racial Disparities by Arrests

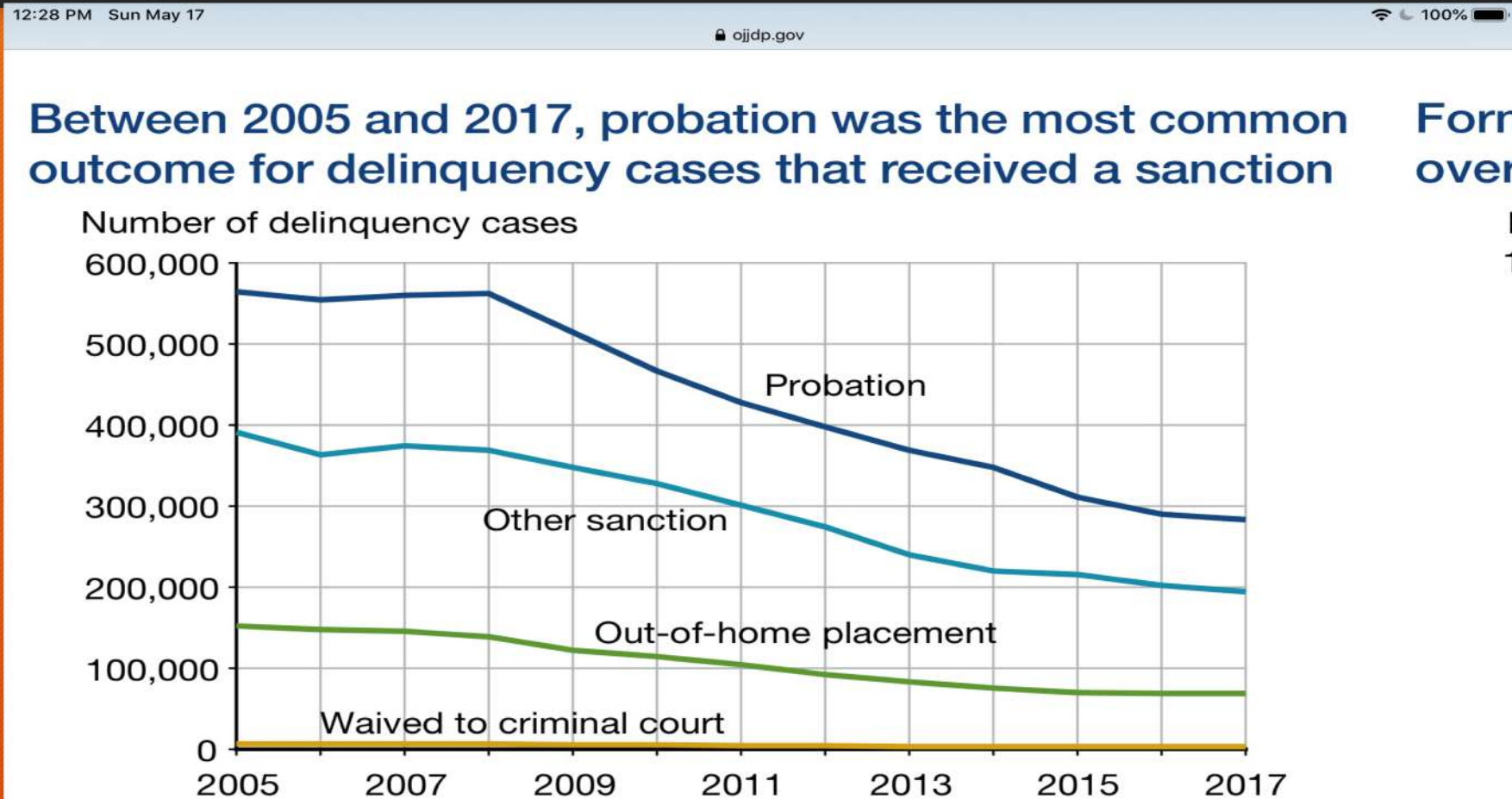
Race



Arrests by Race



Probation most common sanction



Drug Cases More Likely to be Probated

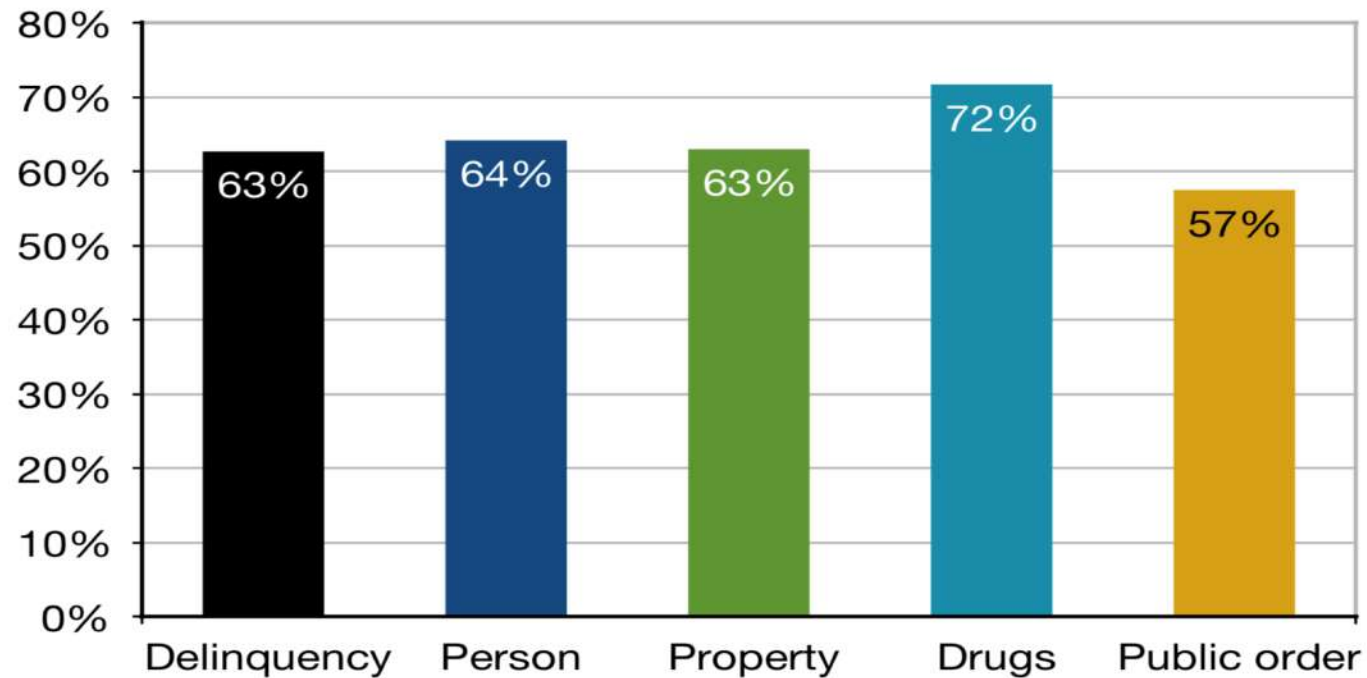
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98%

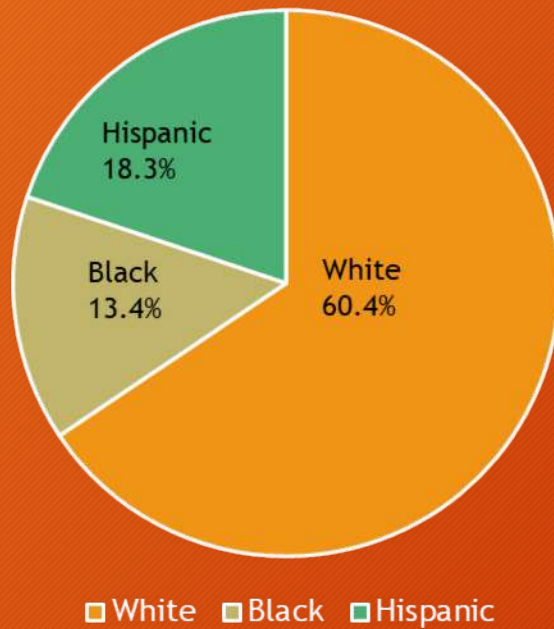
In 2017, adjudicated drug cases were more likely than other offense categories to result in formal probation

Percent of cases adjudicated delinquent, resulting in probation

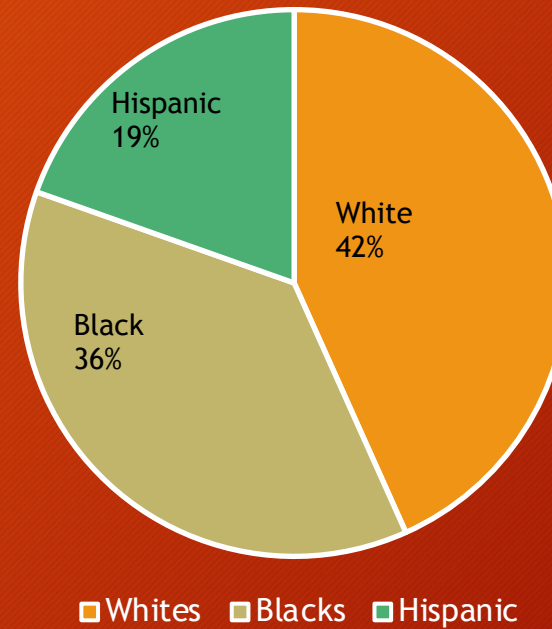


Racial Disparities in Disposition of Youths

Race



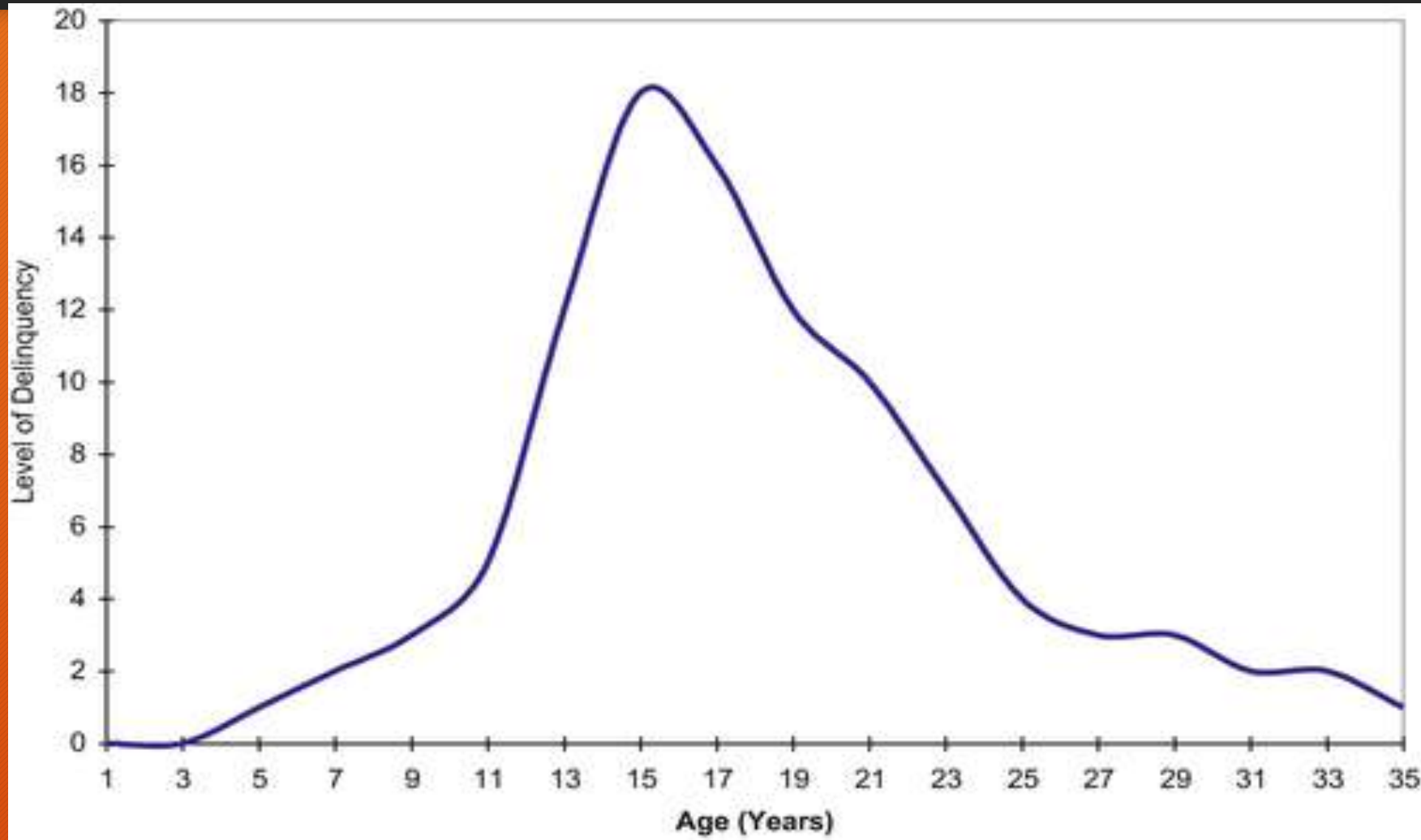
Probationer by Race



Why Is It Important to Reduce Youth Involvement in the Juvenile Justice System?

The Harmful Effects of Hyper-Recidivism

Most Youths Age Out of Delinquent Behaviors



Systems Should be Designed to Avoid Hyper-Recidivism

Hyper-Recidivism is a phenomena that occurs when adults respond to disruptive or minor delinquent behaviors using harsh punishers (usually reserved for serious or harmful conduct) that overstimulate the senses and exacerbates the youth's behaviors.

Grounded in Two Theories

- ❑ Labeling theory emphasizes the stigma and negative consequences that youths may experience if they are labeled delinquent at a young age (Becker 1963).
- ❑ Differential association theory argues that youths can learn antisocial attitudes and behaviors by associating with peers who exhibit such behavior (Cressey 1952).
- ❑ Diversion attempts to minimize the effects of labeling associated with offending and limit the opportunities youths have to associate with antisocial peers by reducing their contact and exposure to the juvenile justice system.

Research & Hyper-Recidivism

- ❑ Research shows us that the likelihood of reoffending actually increases as youths are further processed into the juvenile justice system, which supports the idea of diverting youths away from the system (Petrosino, Turpin-Petrosino, and Guckenburg 2010).
- ❑ Likewise, the risk/need/responsivity model—which, in part, emphasizes that intensive services should be reserved for high-risk juveniles—also supports the use of diversion so that limited resources can be directed to more appropriate juvenile offenders (Andrews and Bonta 2010).

School Arrests & Hyper-Recidivism Effect

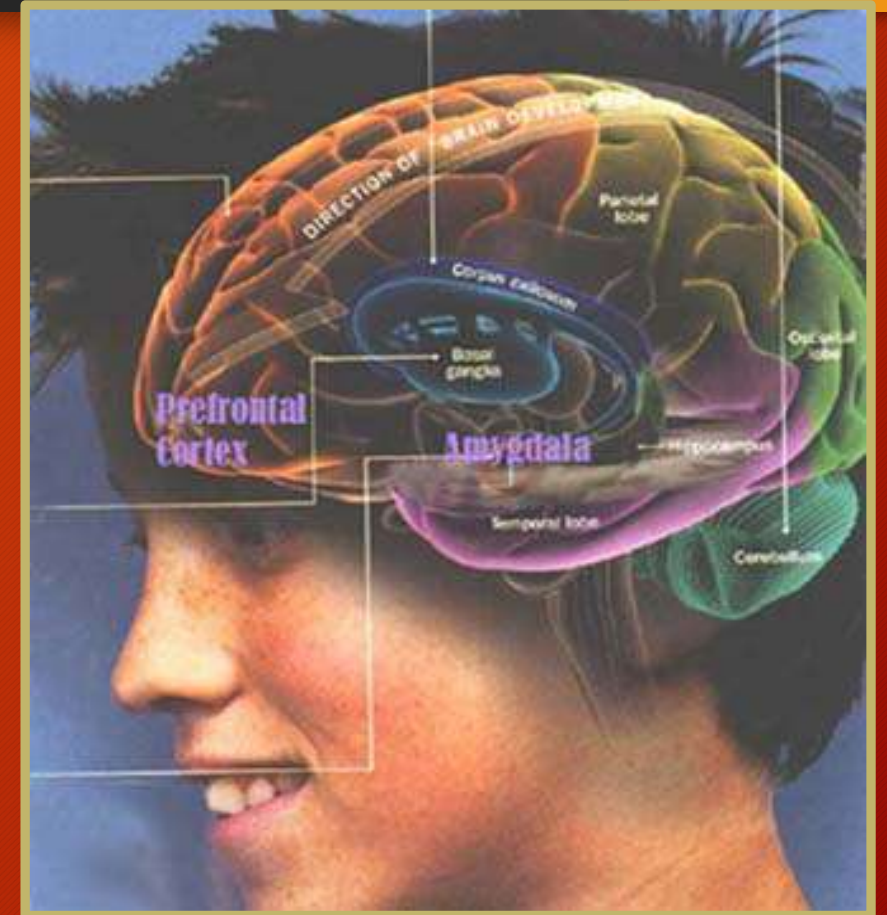
- A student arrested on campus is twice as likely to drop out, and
- A student who appears in court is four times as likely to drop out

Sweeten, Gary, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 24.4, Justice Quarterly, 462-480 (December 2006).



Kids Process Differently

- Frontal lobe of brain filters emotion into logical responses is not developed until age 25.
- Kids are neurologically wired to do stupid things!
- Kids are still under neurological construction.
- Kids are being hard-wired and need positive influences such as school, but
- Not in the best training schools for delinquency—Detention Centers!



What Four: The Epidemiology Model

Epidemiology

To provide a basis for developing surveillance measures and prevention procedures for groups and at-risk populations, and to identify causation and then strategies that impact both groups and populations, thereby also allowing individual treatments to be effective.

This represents a shift from targeted reactions to population-based prevention and intervention.

Look at the Data from Epidemiological Basics

Diseases do not occur by chance: there are always determinants for the disease to occur.

Diseases are not distributed at random: distribution is related to risks factors that need to be studied for the population in order to identify solutions.

Disruptive behaviors do not occur by chance: there are always determinants for the disruptive behavior to occur.

Disruptive behaviors are not distributed at random: distribution is related to risks factors that need to be studied and for the population in order to identify solutions.

When children are hurting, their behavior becomes their language.



ONE OF THE HARDEST THINGS
IN LIFE IS HAVING
WORDS IN YOUR HEART
YOU CAN'T UTTER.

solitsbeensaid.tumblr

The Story of Jane

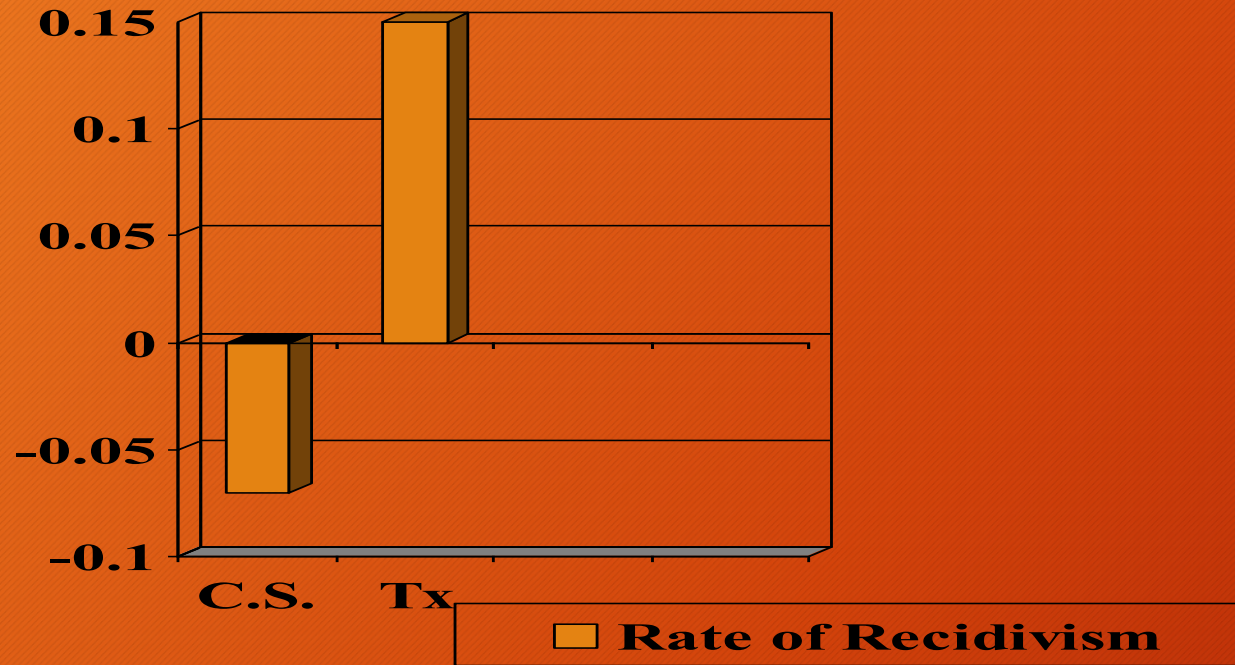
An Example of
Positive Student
Engagement in
School Policing



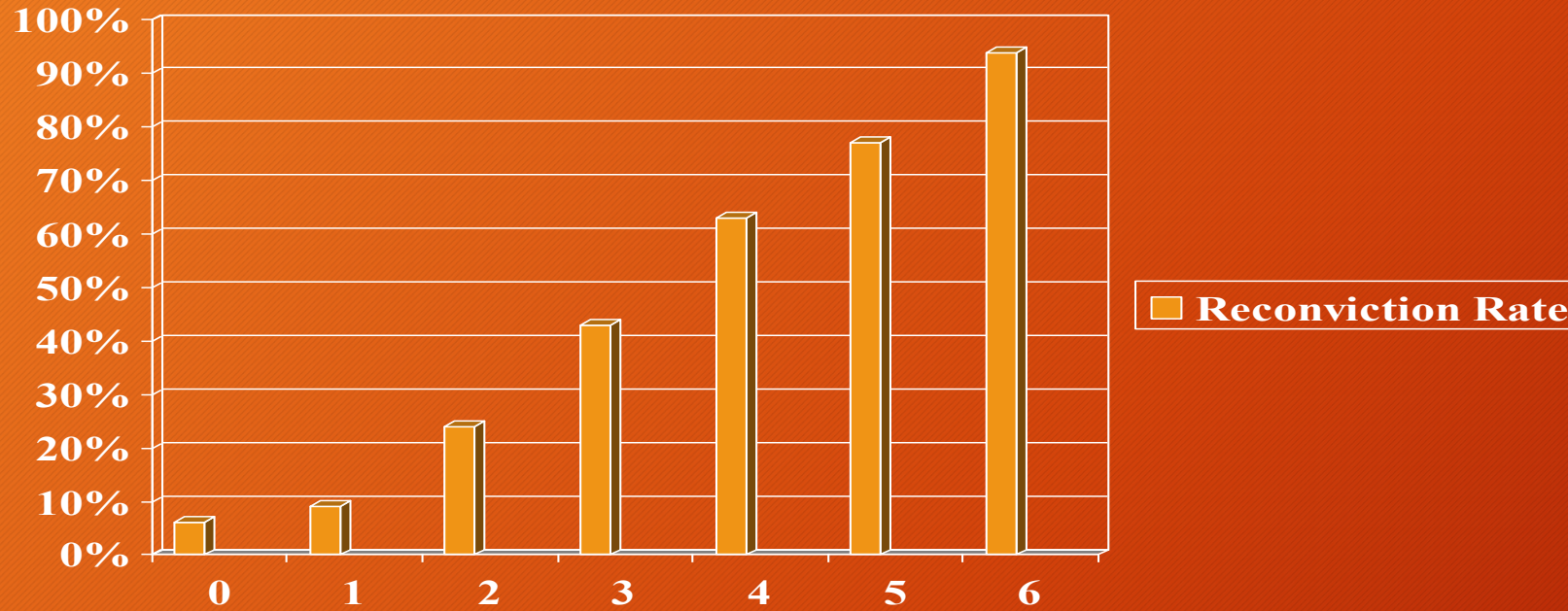
What strategies, approaches, and tools are critical to reduce system involvement?

How to Avoid the Harmful Effects of Hyper-Recidivism

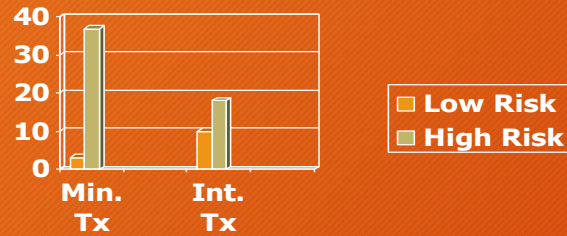
Rule One: Overuse of Punishment Increases Recidivism



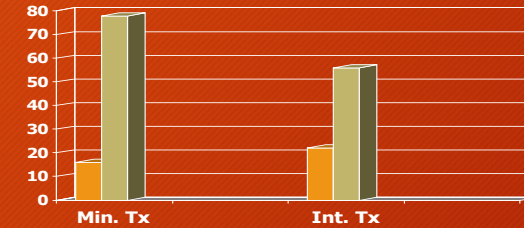
Rule Two: Utilize Risk Instruments to Measure Which Kids Scare Us & Which Make Us Mad



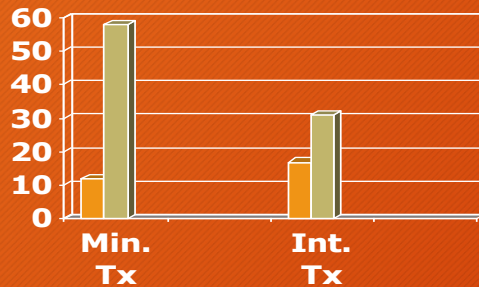
Rule Three: Divert the Kids Who Make You Mad and Target the Kids Who Scare You



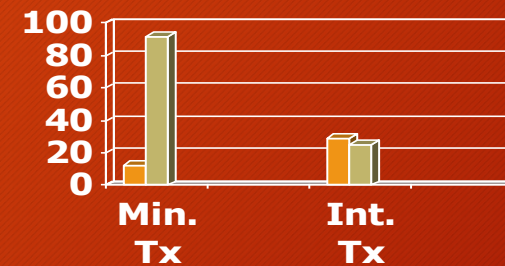
Baird et al, 1979



O'Donnell et al, 1971



Andrews & Kiessling, 1980



Andrews & Friesen, 1987

DIVERSION DEFINED

- Juvenile diversion is an intervention strategy that redirects youths away from formal processing in the juvenile justice system, while still holding them accountable for their actions. Diversion programs may vary from low-intensity warn-and-release programs to more-intensive treatment or therapeutic programming, all in lieu of formal court processing.

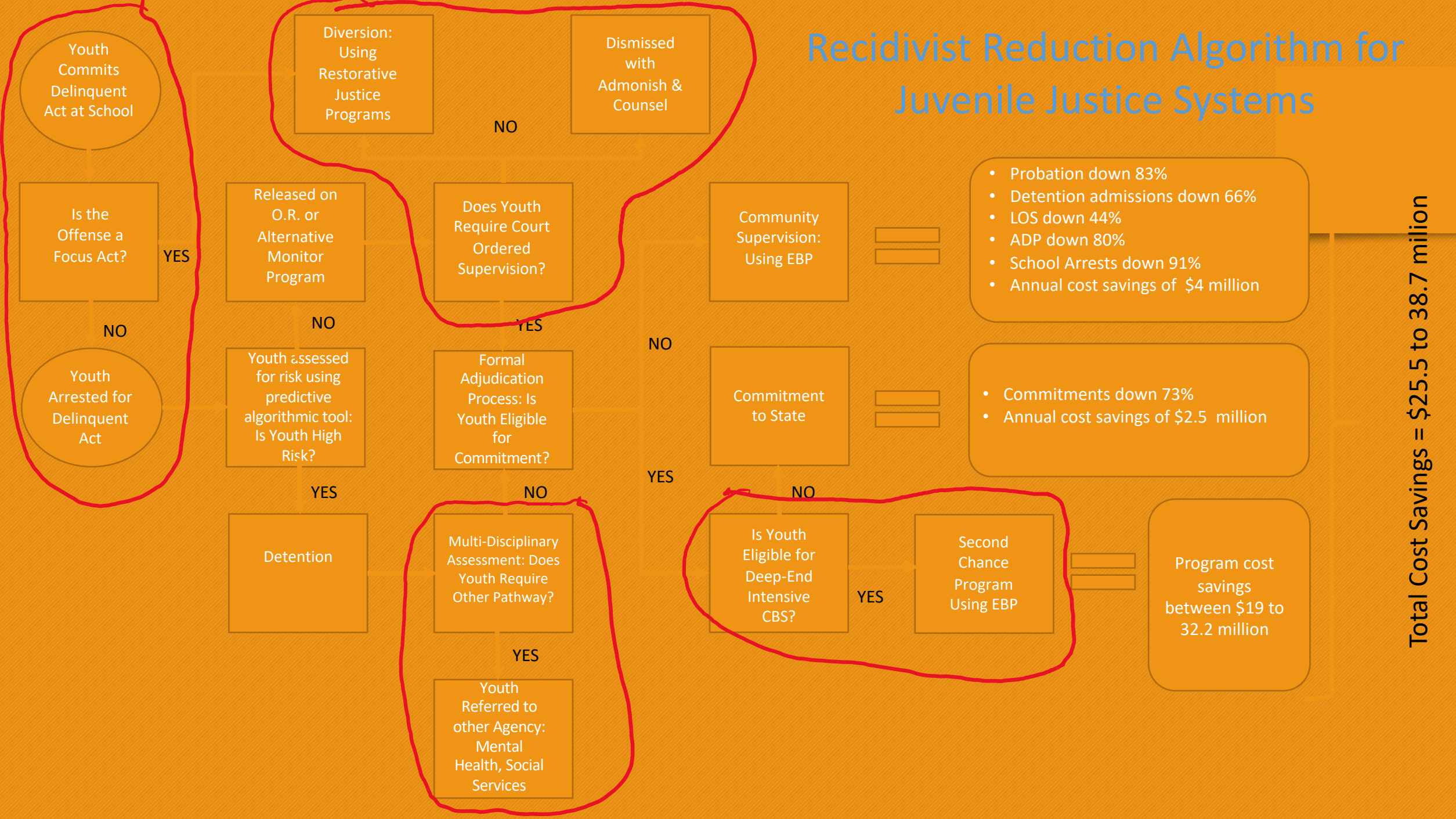
WHY DIVERSION IS A BEST PRACTICE

- ❑ Diversion programs are also designed to be less costly than formal court proceedings because they reduce the burden on the court system, reduce the caseload of juvenile probation officers, and free up limited resources and services for high-risk juvenile offenders.
- ❑ The goal of diversion programs is to reduce recidivism or the occurrence of problem behaviors without having to formally process youth in the justice system.

DIVERSION DECISION POINTS

- ☐ Community: Decision made law enforcement and schools to refer directly to diversion program. No complaint filed with court;
- ☐ Pre-Adjudication: Complaint filed but diverted to program.
- ☐ Adjudication: Complaint filed and formally adjudicated but diverted from state commitment;
- ☐ Disposition: Is the Kid Delinquent and if so, utilize least retractive means;
- ☐ Transition: Complaint filed but divert to social services, mental health, or other agency according to cause of delinquent act.

Recidivist Reduction Algorithm for Juvenile Justice Systems



Total Cost Savings = \$25.5 to 38.7 million

School & Police Diversion

Stop the filing of Juvenile Complaints if the matter
can be handled by others more appropriate

School-Justice Partnership Model Defined

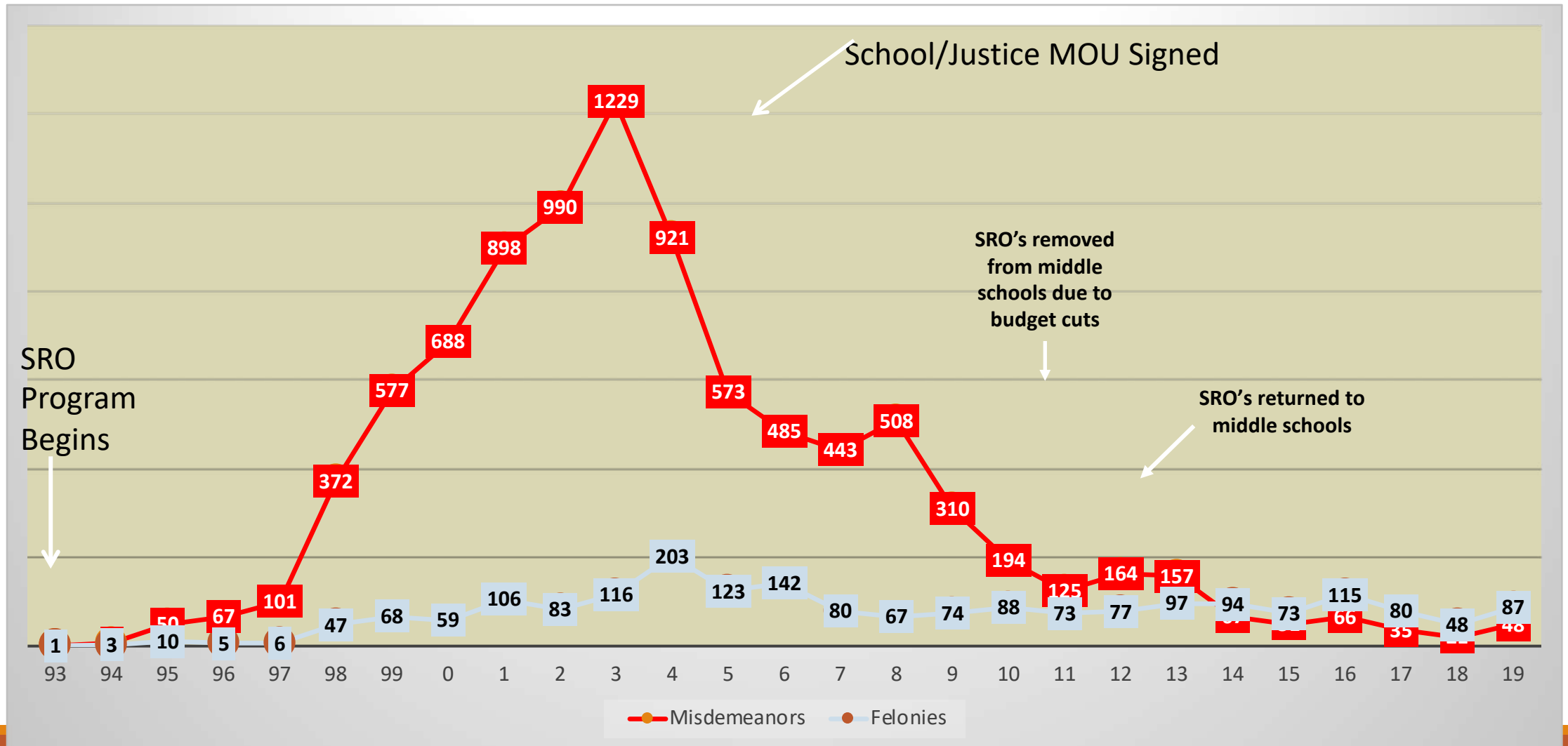
A group of stakeholders consisting primarily of representatives from the school system, law enforcement, and the juvenile court and are assisted by other stakeholders who are involved in the juvenile justice system providing legal, social, mental health, or volunteer services who meet periodically to manage and sustain a process guided by an inter-branch agreement designed to promote school climate as well as school and public safety using evidenced-based practices that include the reduction of unnecessary referrals to the juvenile court by using in lieu thereof restorative and educational practices and tools, and clinical responses if needed.

What is the School-Justice Partnership Model?: In a Nutshell

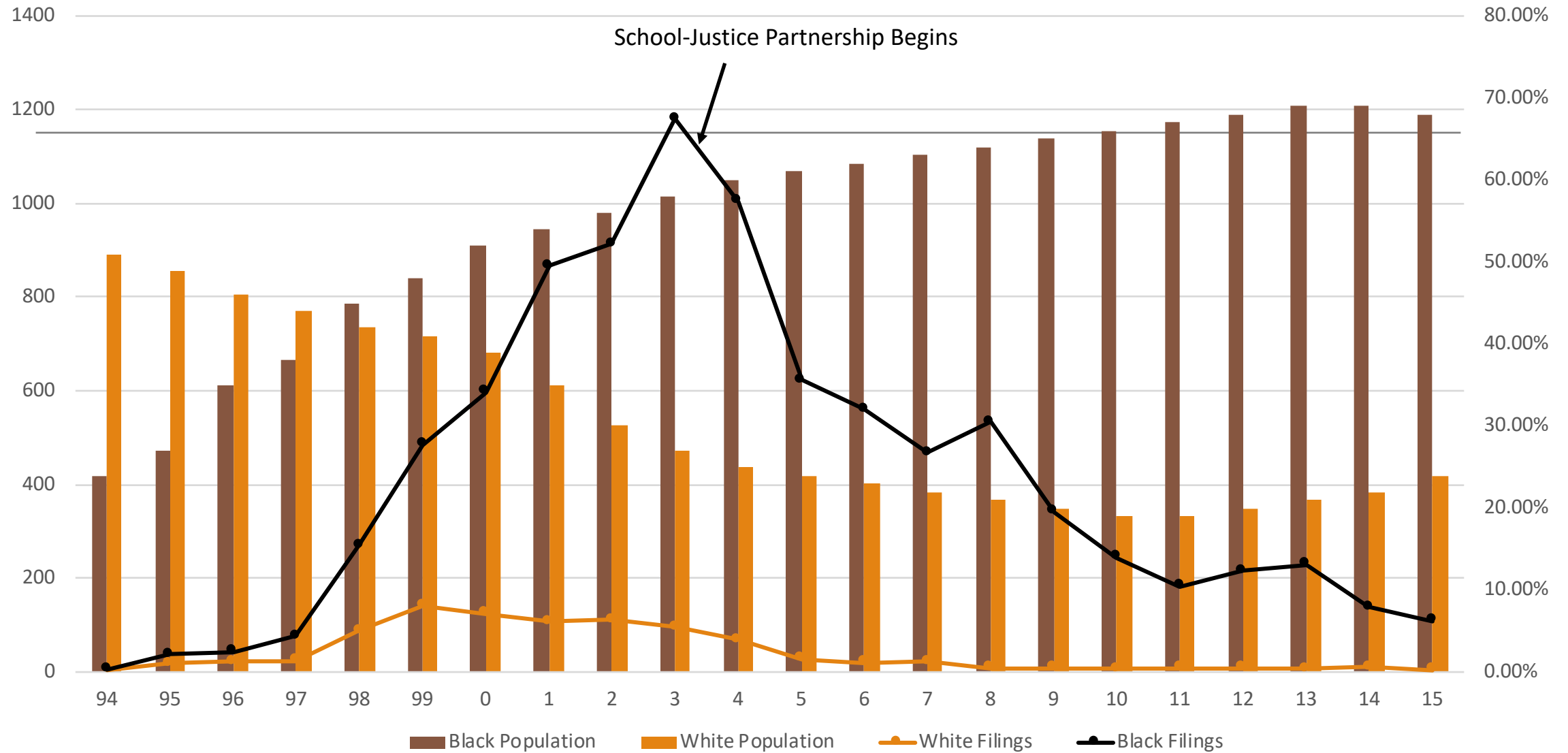
Developed in 2003 in Clayton County, GA;
MOU between schools, law enforcement, and courts;
To create a School-Justice Partnership;
Using a Focus Act Decision Tree;
By replacing arrests with a Graduated Response Program;
That is guided by a Role Conflict Avoidance Model;
Using the Positive Student Engagement Model for School Policing; and
Create an independent backbone agency to deliver services to chronically disruptive students



Total School Arrests Pre & Post School-Justice Collaborative Agreement

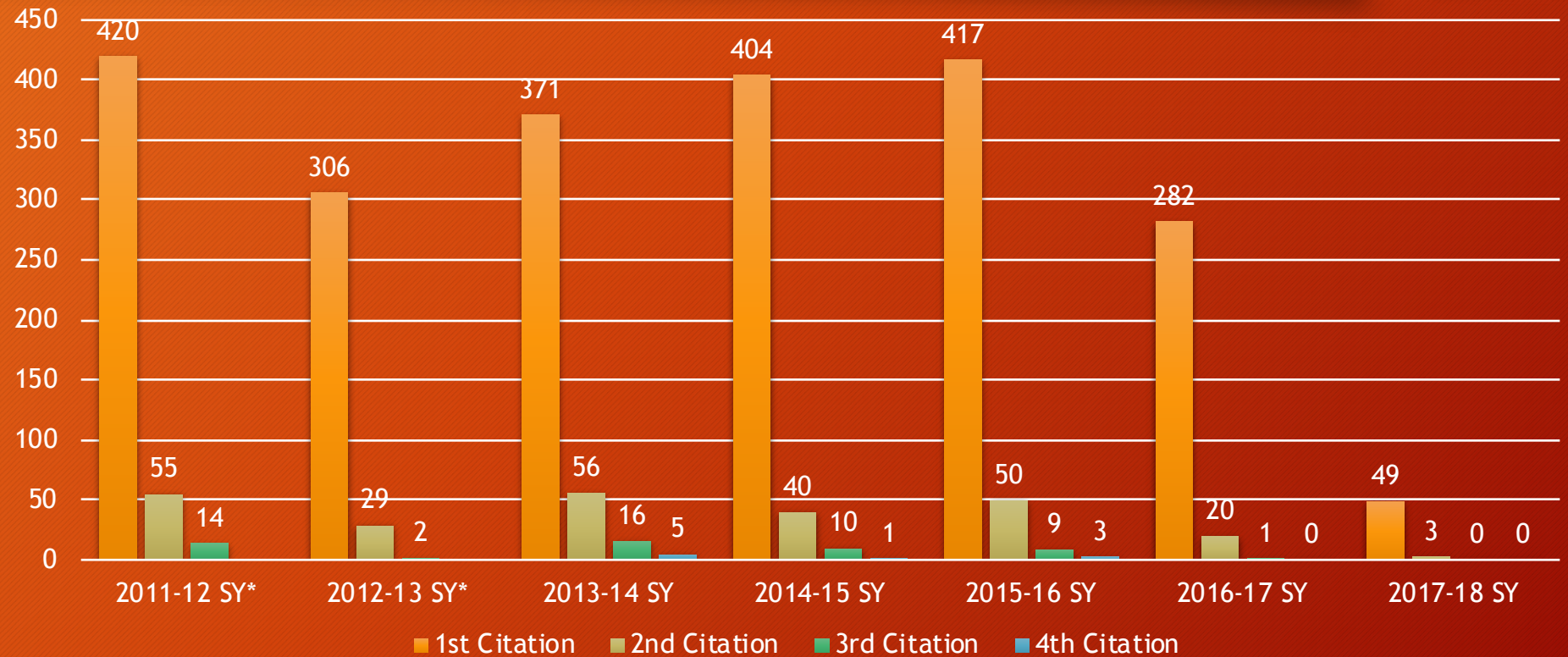


School Based Filings by Race Compared to Demographics of County



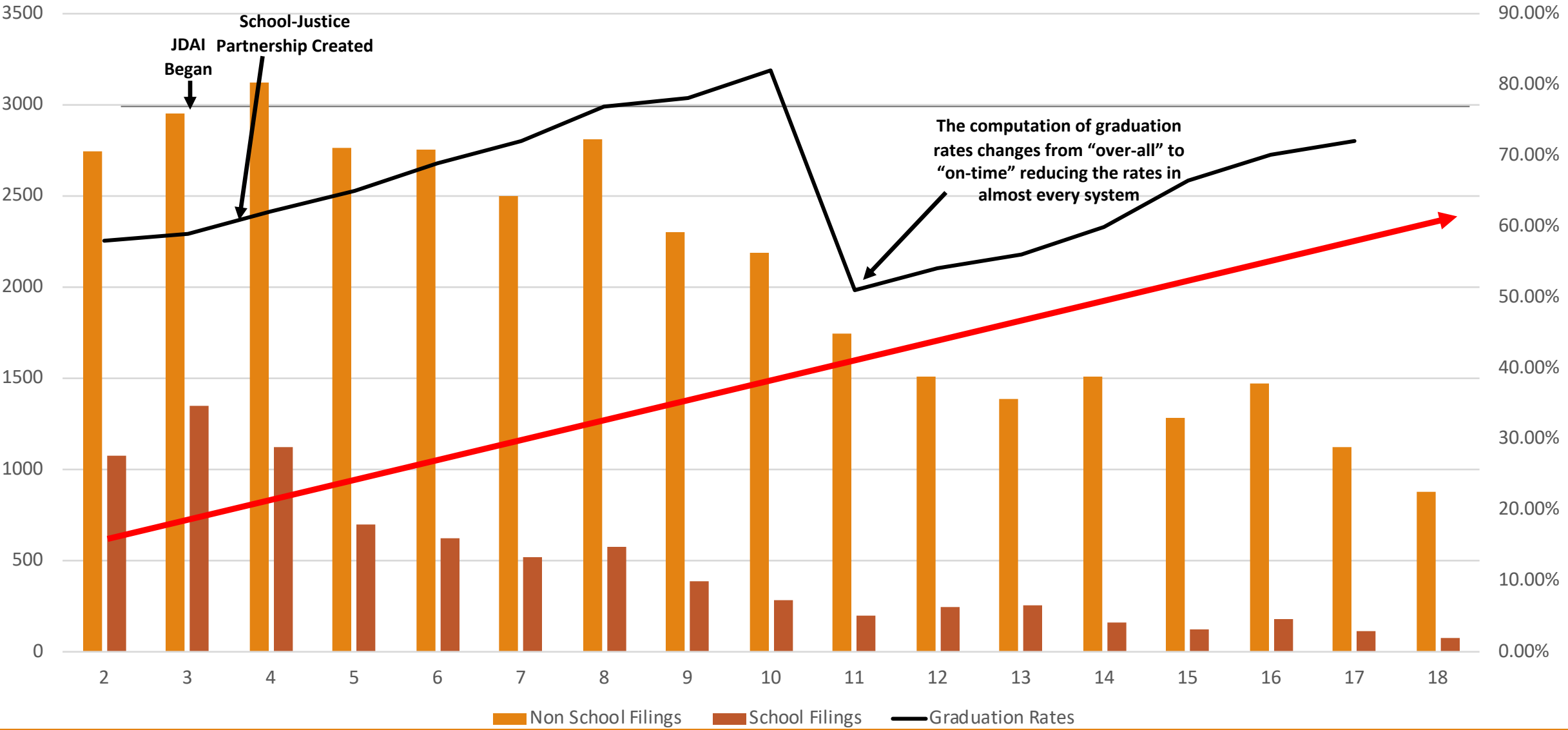
Program Referral Outcomes: 7-15% Recidivist Rate

Uniform Notices Filed, 2011-2017



* Protocol did not allow for 4th filing of Uniform Notice

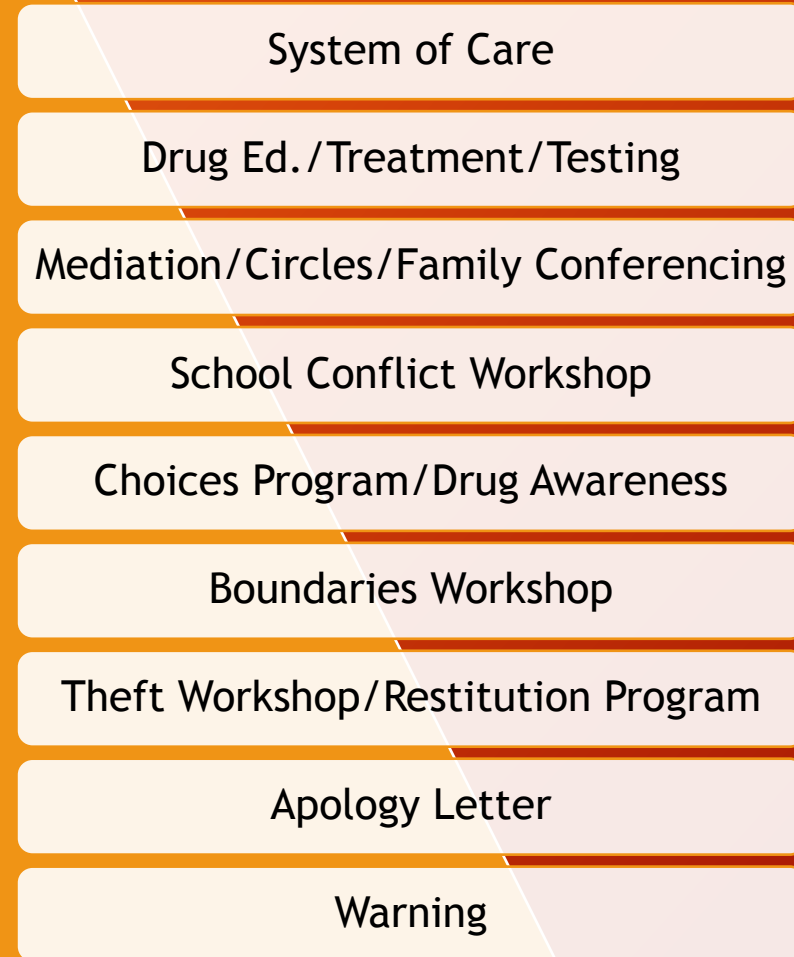
Comparative Analysis of Non-School and School Filings and Graduation Rates



Pre-Adjudication Diversion

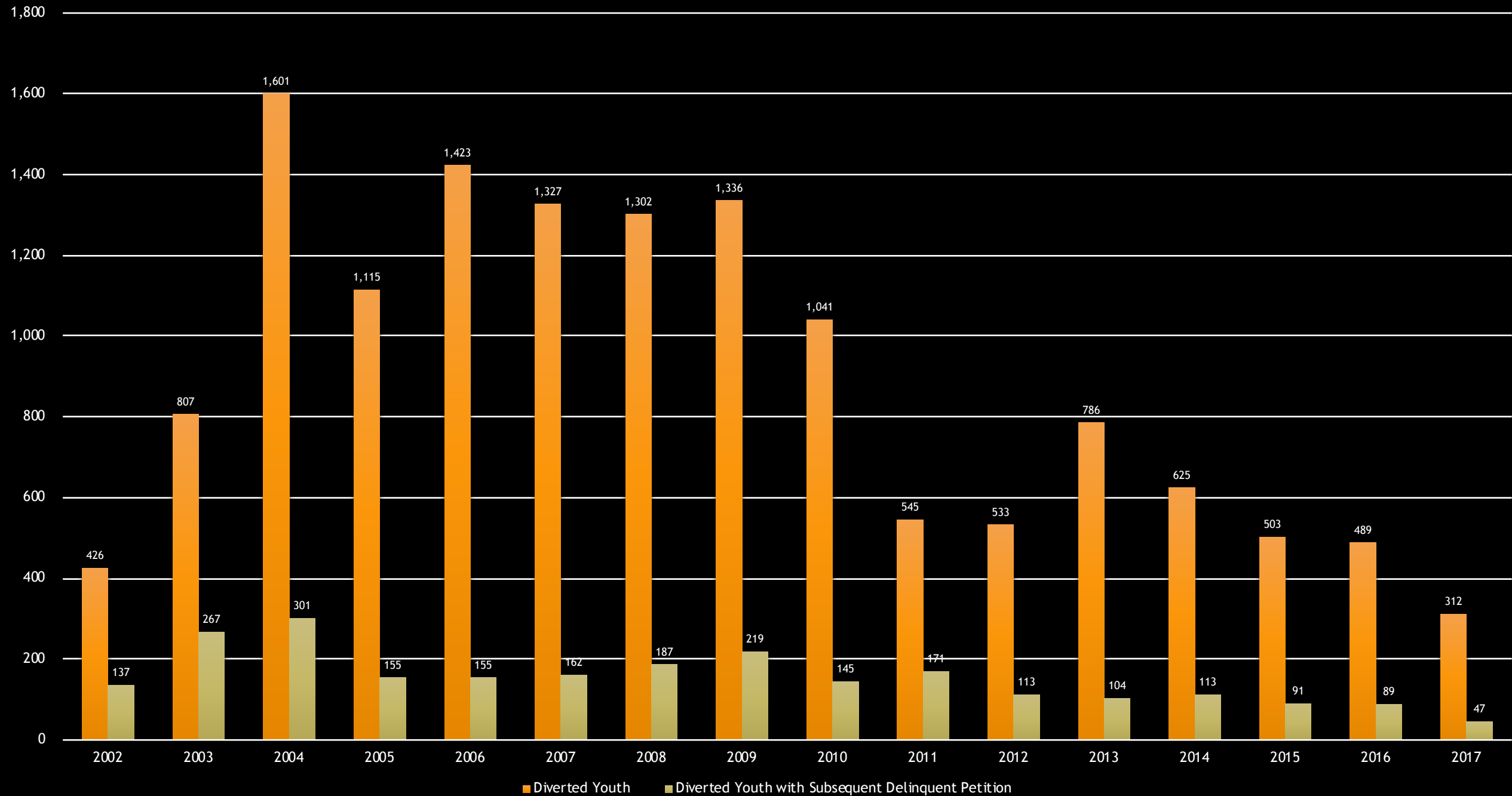
Just because a kid commits a delinquent act
necessarily make the kid delinquent

Types of Restorative Programs



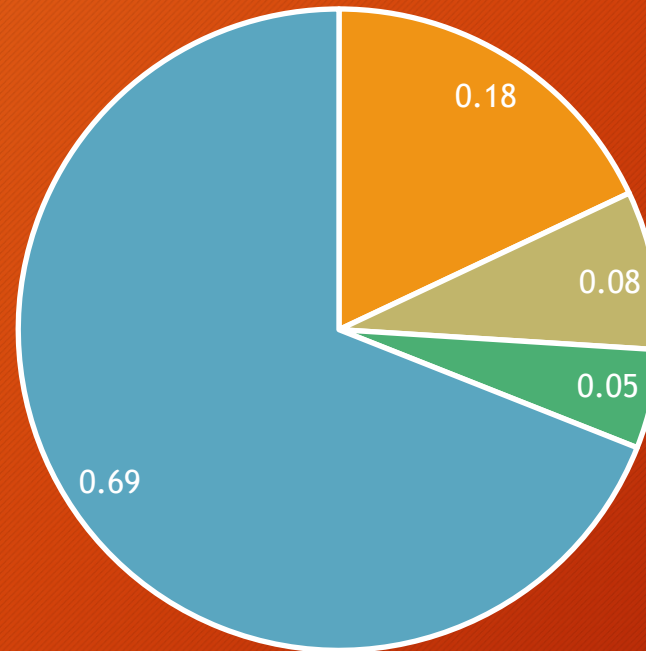
- Peer Court
- Restorative Board

Total Diverted Youth & Diverted Youth with Subsequent Petitions



The Kids that Scare Us vs Those that Make Us Mad

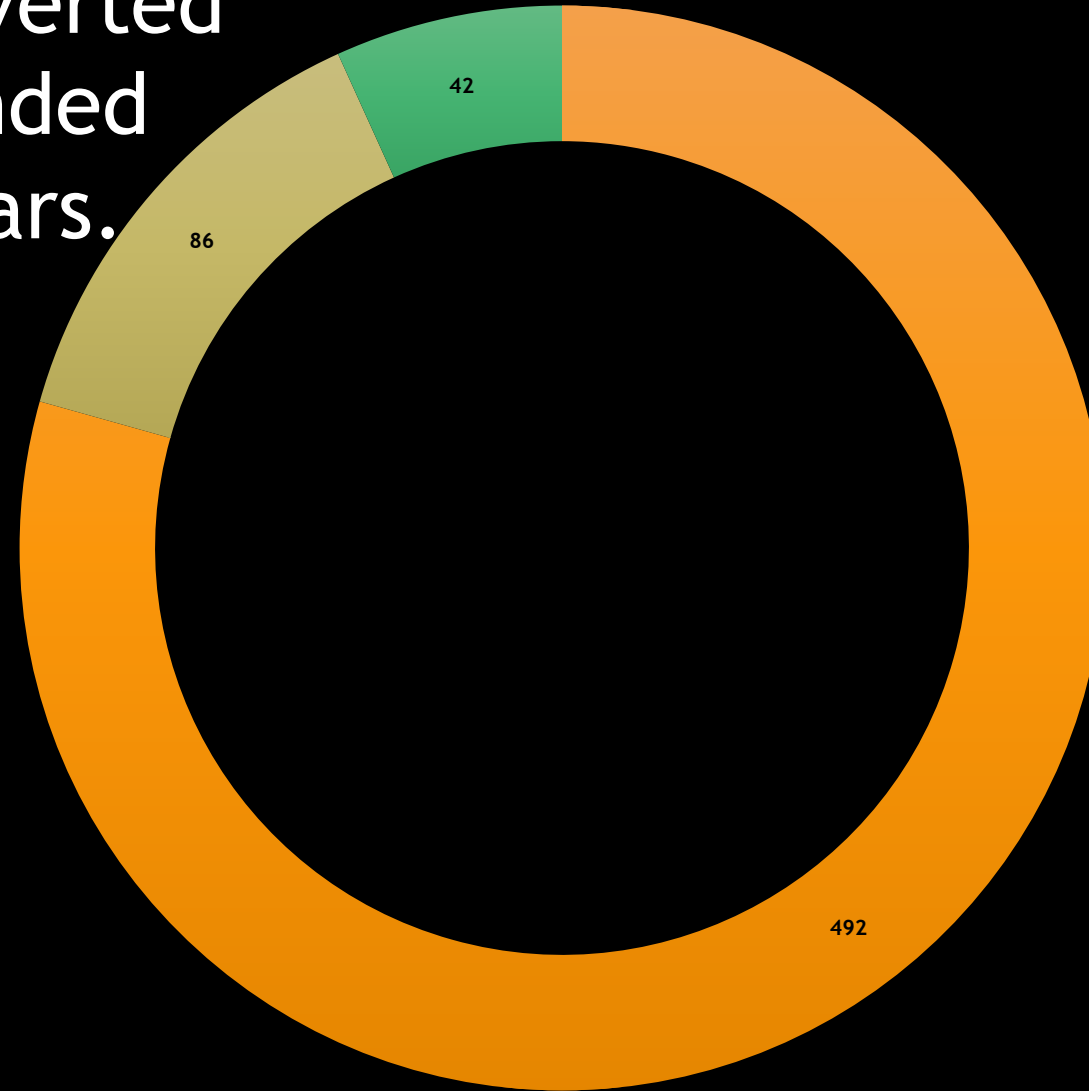
Reoffended



2011 2012 2013 No Reoffense

2015 Diverted Cases Recidivism

26% of youth diverted
in 2015 re-offended
within three years.



■ Diverted in 2015 ■ Recidivism in 2016 ■ Recidivism in 2017

Transitional Diversion

When the kid commits a delinquent act but
needs services somewhere else

Quad C-ST: A Prevention Pathway

- Multi Disciplinary Panel of Experts;
- To assess cases referred from the FAST Panel and Status Offenders and Chronically Disruptive Students;
- Develop an Action Plan;
- To connect most appropriate community resources without need to adjudicate the child delinquent



Alternatives to Detention at the Front Door

Reducing the Harmful Effects of Detention

Detain or Not to Detain: The Detention Decision Tree



The F.A.S.T. Panel: Exploring the Causes and Best Pathway at the Front Door

- Multi-disciplinary panel of experts;
- Meeting before detention hearings;
- To assess each case for risk and safe alternatives for release pending next hearing;
- And divert cases away from the court where appropriate.
- Judges accept 93% of the recommendations.



DETENTION ALTERNATIVE PROGRAMS: EMPHASIS ON PUBLIC SAFETY AND RISK OF FLIGHT



The Front-End Loading Approach: Creating a Successful Pathway

Rule 1: Never assume the best path to resources is the Delinquent path;

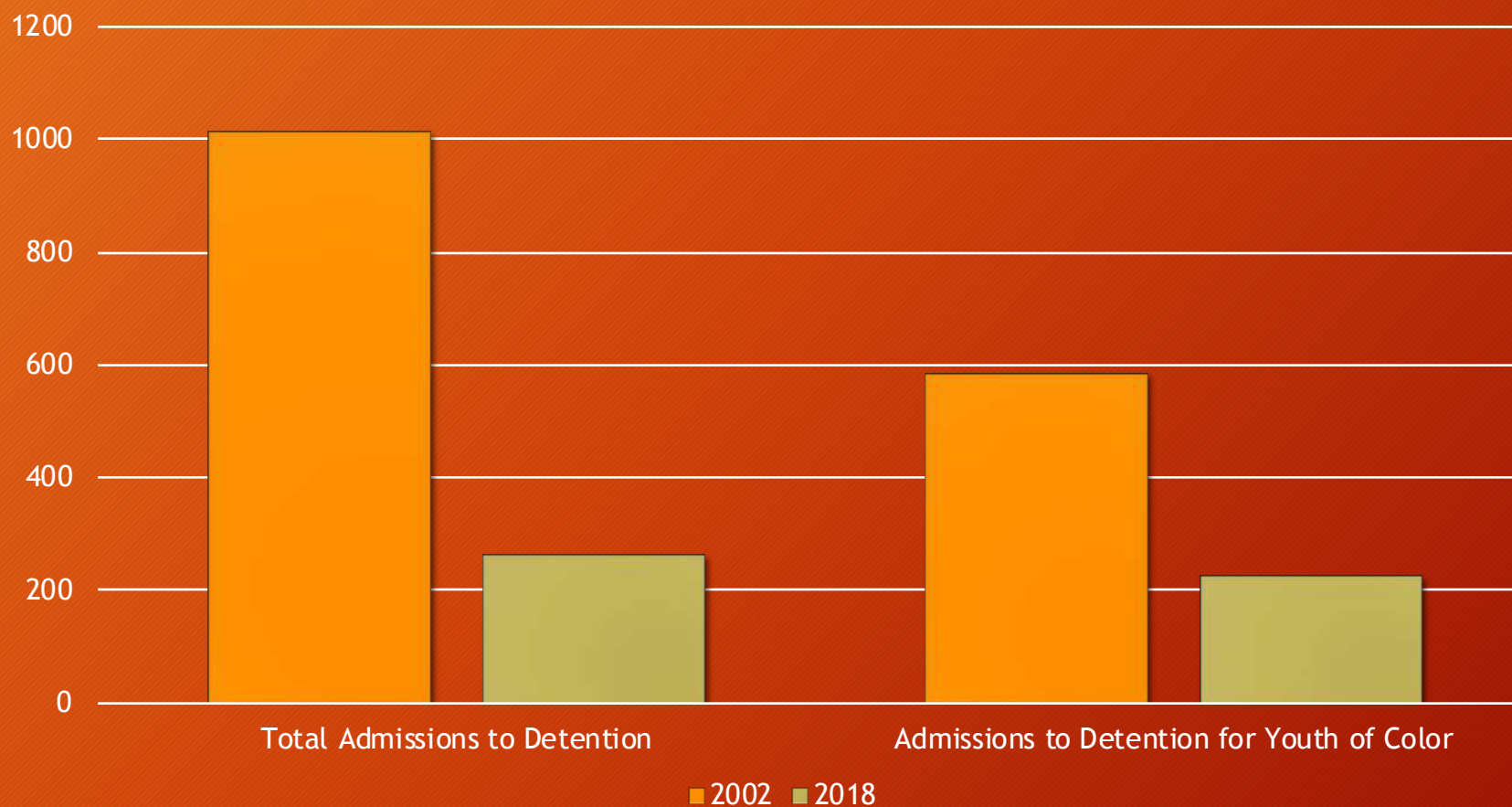
Rule 2: Always presume with a rebuttable presumption that the worse path is the delinquent path;

Rule 3: Using the Epidemiology Model, determine possible causes to assess pathway for services; and

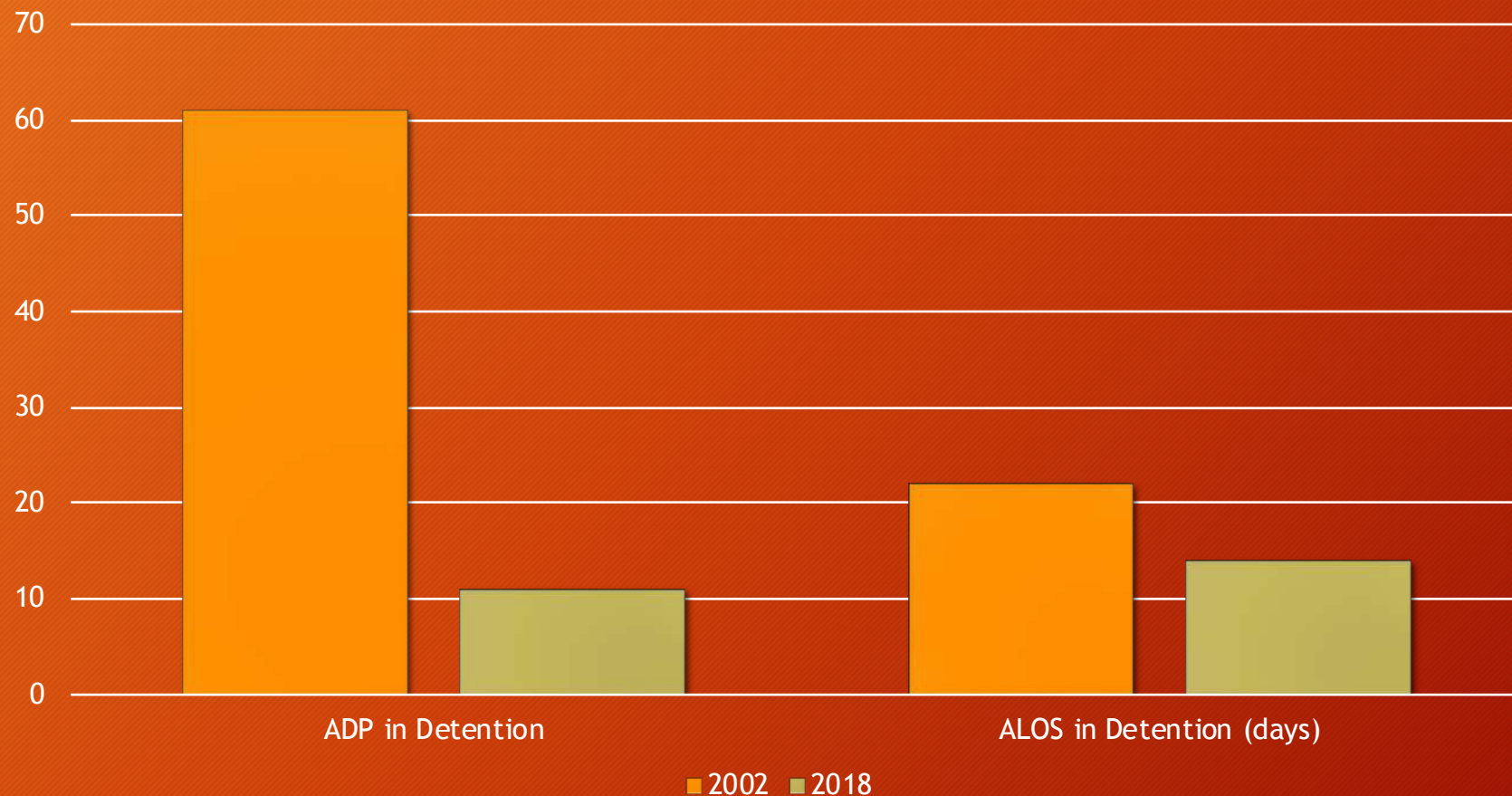
Rule 4: Pathway may be multiple



The Impact on Detention Admissions

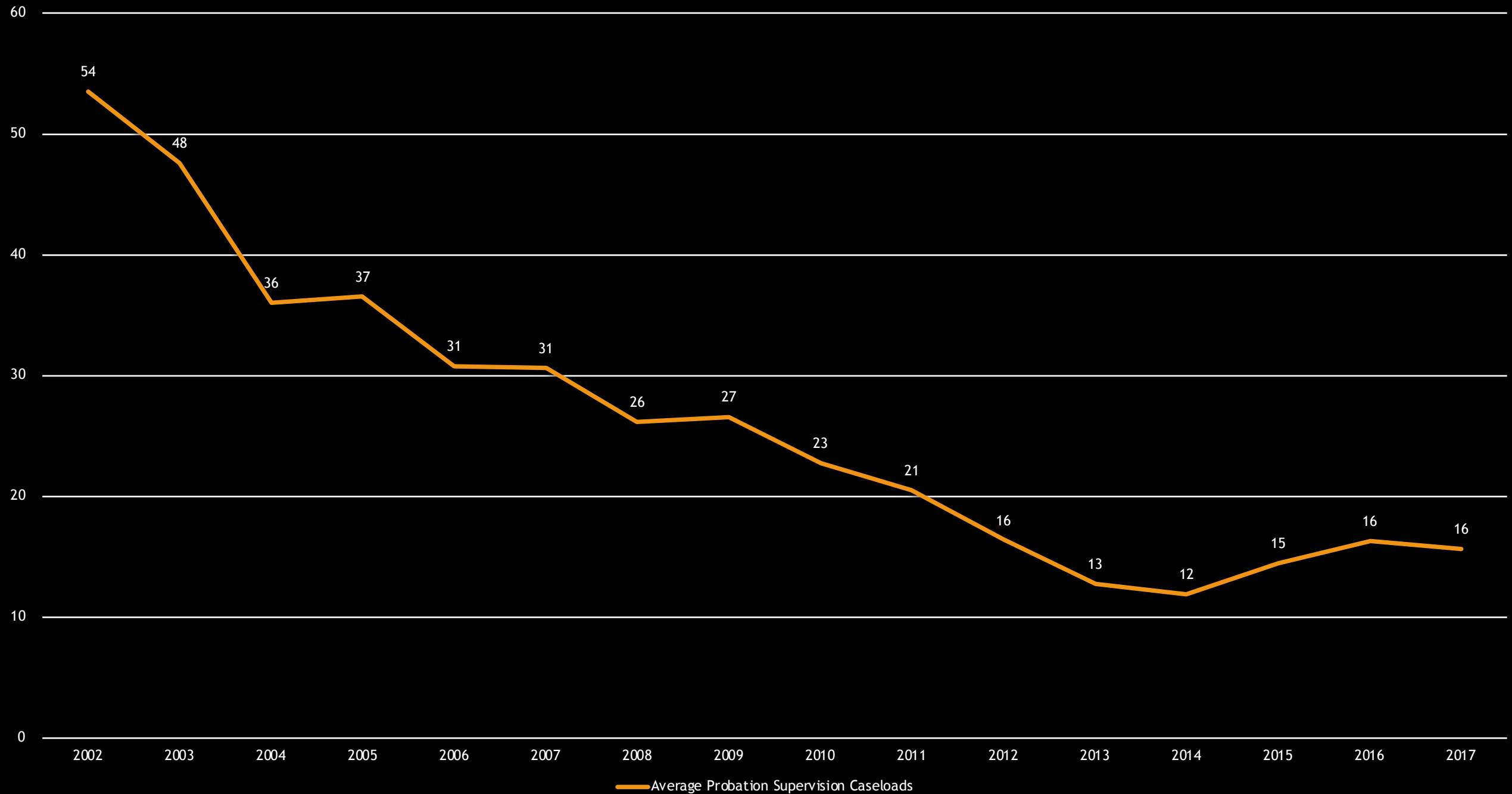


The Impact on Average Daily Population and Length of Stay in Detention



Probationers and Detention

Average Probation Caseloads



Technical Violations of Probation: Reducing Unnecessary Detention Using Alternative Strategies

- No warrant shall be issued for a probationer for technical violations unless he or she has absconded (more than 24 hours away from home) or for exigent circumstances.
- Graduated responses shall be applied involving all technical violations of probation.
- A violation may be filed only upon a showing that the order of supervision requires modification or other action is required by court order.
- Probationers shall be walked into the courtroom unless a warrant has been issued pursuant to court detention policy.
- Warrants issued for a probationer shall include a box for the judge to check permitting intake to return the probationer home pending court appearance.

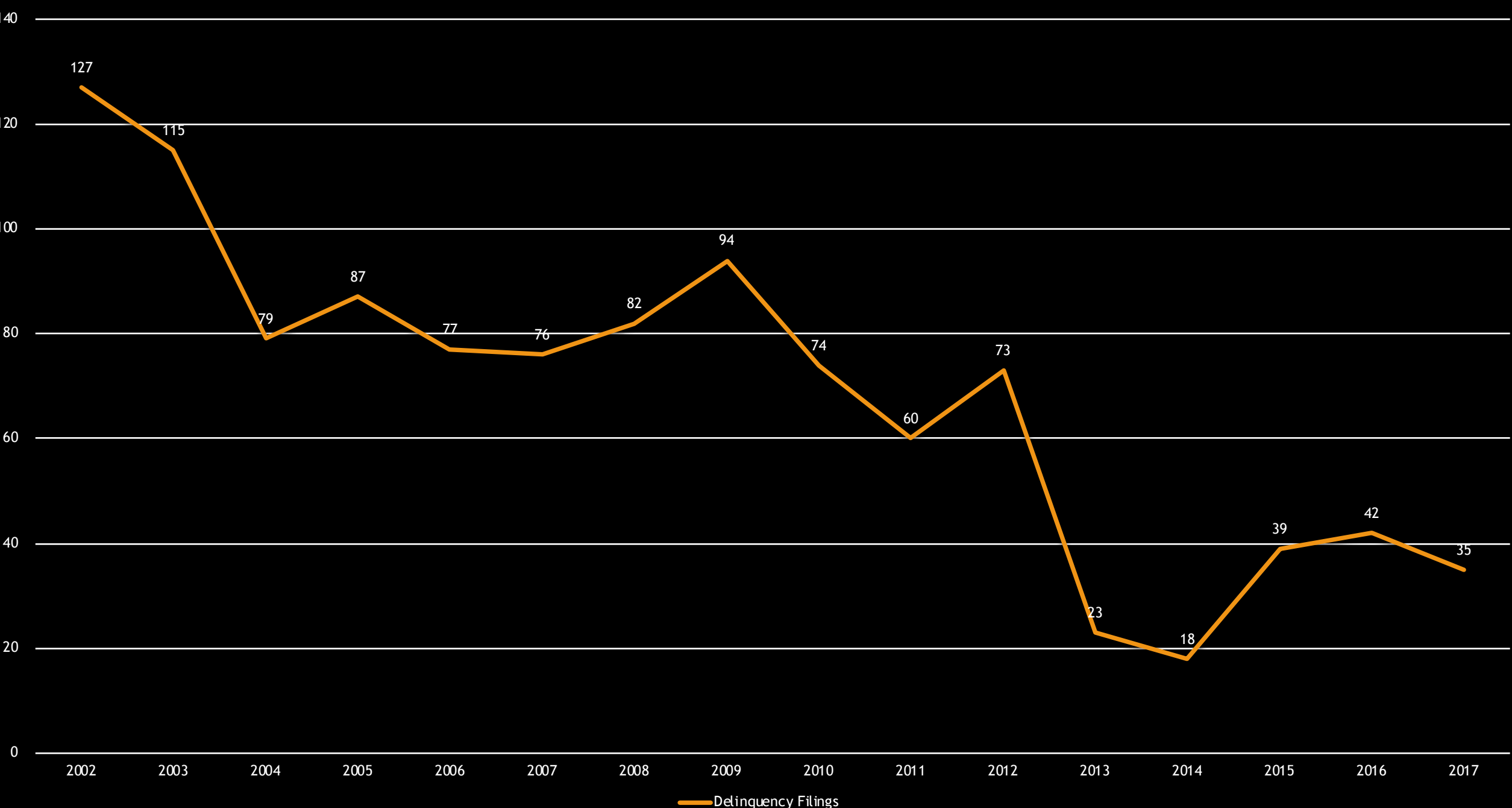
GRADUATED SANCTION GRID

LOW-LEVEL VIOLATIONS	LOW-LEVEL SANCTION
<ul style="list-style-type: none"> • Failure to Report • Curfew Violation • Associate with Probationers • Failure to pay Fee/Restitution • Other Non-Compliance (essay, failure to attend program, etc.) 	<ul style="list-style-type: none"> • Oral Reprimand • Written Reprimand • Increased Reporting • Restricted Curfew • Added Program Attendance • Administrative Hearing
HIGH-LEVEL VIOLATIONS	HIGH-LEVEL SANCTIONS
<ul style="list-style-type: none"> • Multiple Low Level Violations • Failure to Attend Counseling • Substance Abuse • Non-Violent Misdemeanor 	<ul style="list-style-type: none"> • Multiple Low-Level Sanctions • Home Confinement • Electronic Monitor • Administrative Hearing • Weekend Sanction/STP

TYPES OF POSITIVE REINFORCERS

VERBAL REINFORCERS	MATERIAL REINFORCERS	PREFERRED ACTIVITY REINFORCERS
<ul style="list-style-type: none">• Verbal Praise• Encouraging Words	<ul style="list-style-type: none">• Letters of Recognition• Letters of Commendation• Graduation Certificates• Other Awards	<ul style="list-style-type: none">• Extended Curfew Hours• Less Supervision• Less Reporting• Termination from Probation

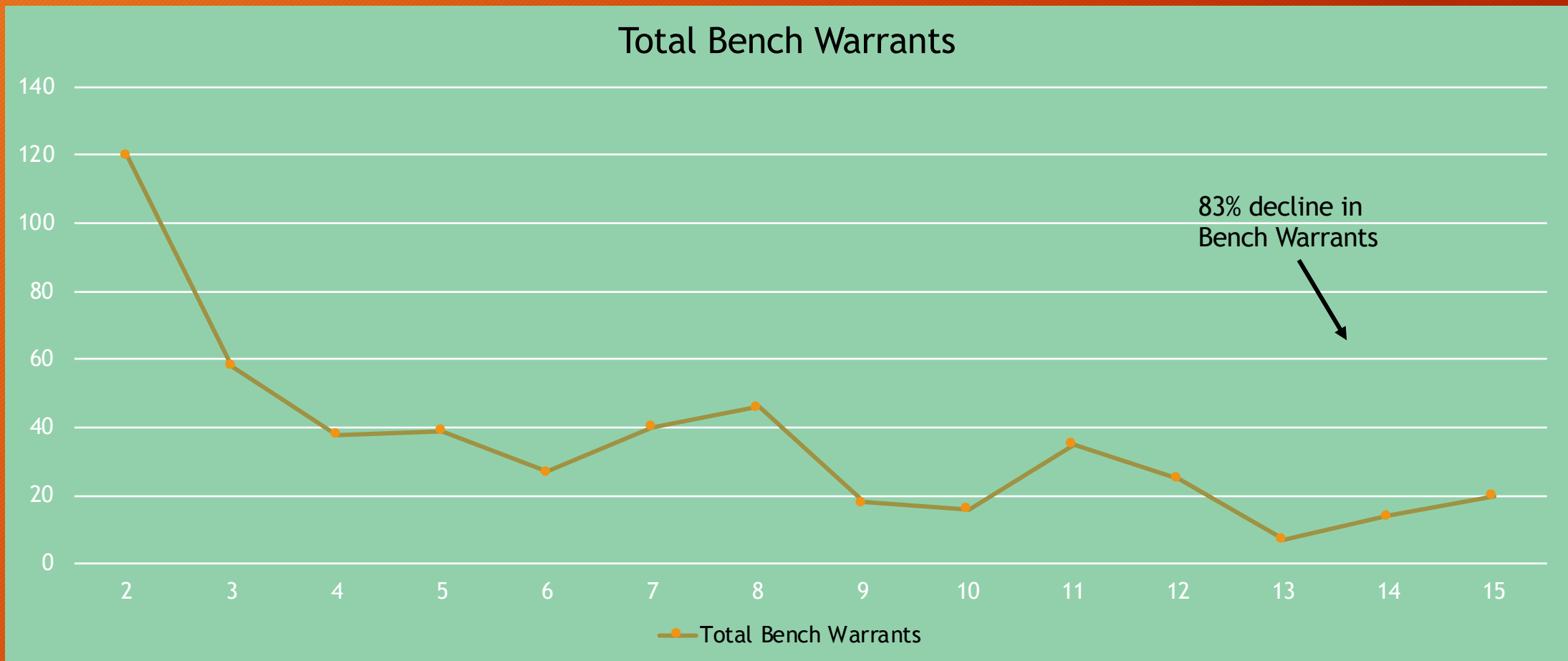
Probation Violations Resulting in Detention



Avoiding the Use of Detention for FTA

Most Kids don't appear because their parents forget to bring them to court

Failure to Appear Locators



Diverting Deep-End Youth

The Second Chance Program

Second Chance Program: Saving Kids from the Deep-End

- Intensive services for youth recommended for prison;
- First 6 months on home confinement and GPS;
- Picked up after school and transported to ERC;
- Meet with judge every Tuesday;
- Successfully complete Cognitive Restructuring, Seven Challenges, and MST;
- Supervised by two probation officers;
- Minimum 18 months of supervision;
- Has saved the State of Georgia over \$4 million since 2010.



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‘Second Chance Court’ shows
promising results



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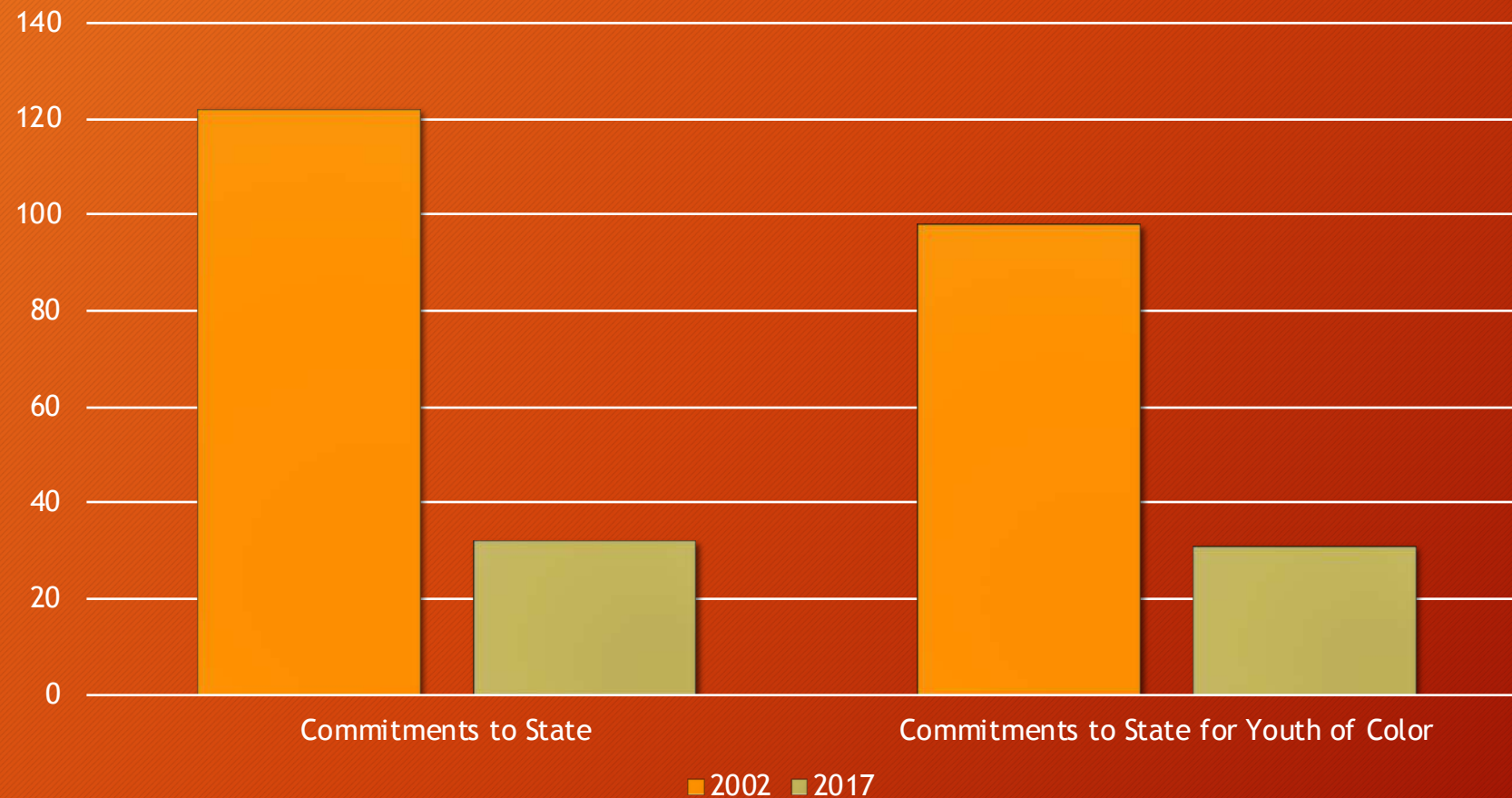


Clayton program gives young
offenders a second chance

POLITICS | Dec 23, 2016

By [Tammy Joyner](#), The Atlanta Journal-
Constitution

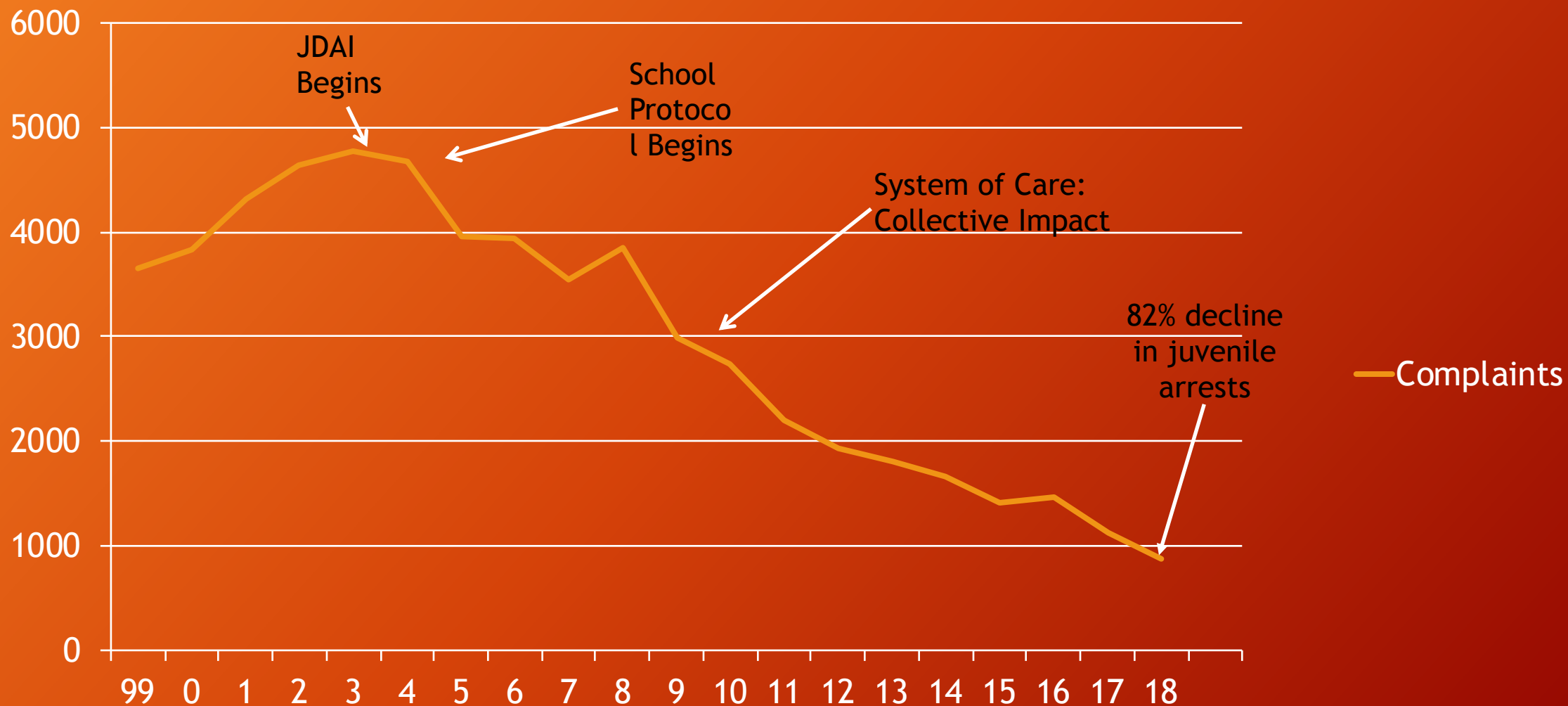
The Impact on Commitments



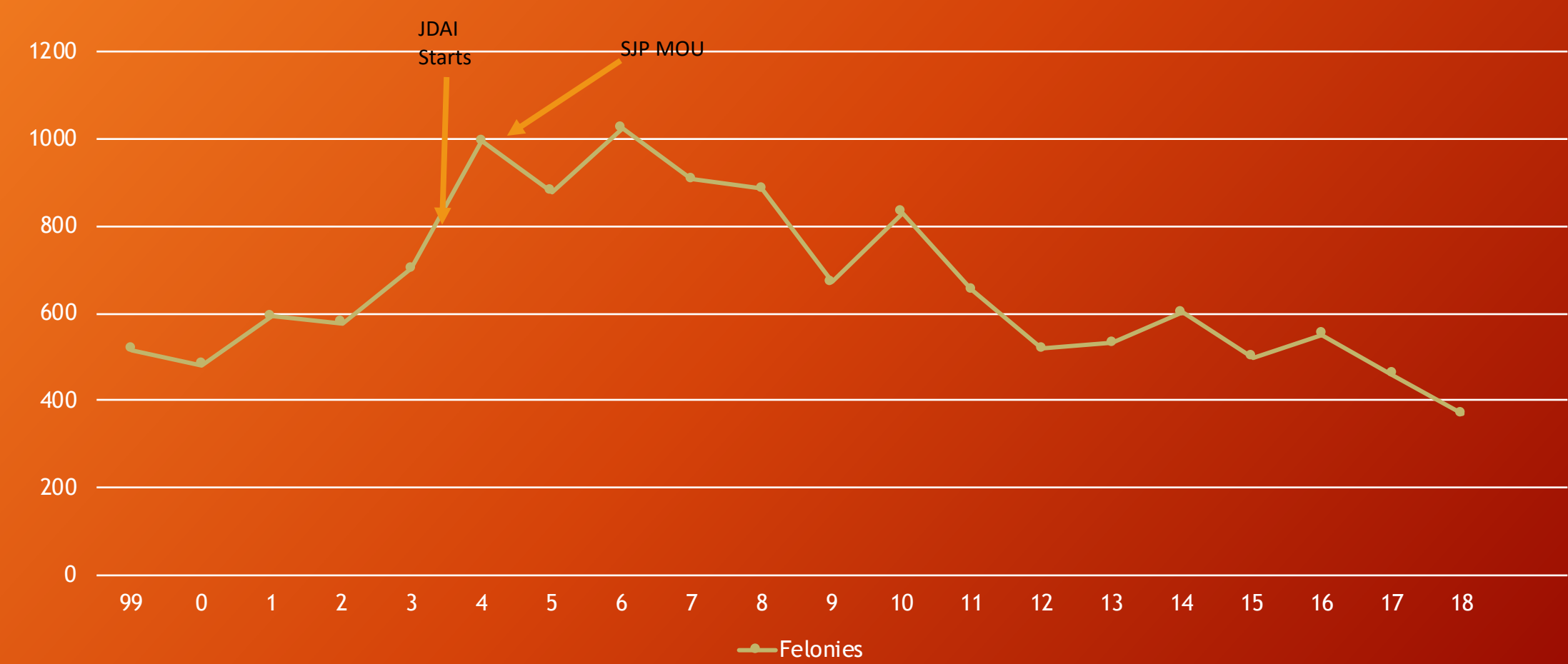
The Outcomes of Reducing Juvenile Justice Populations

What looks soft on crime is in fact tough on crime

Juvenile Delinquent Arrests Decline 82%



Felonies Decline 64% since 2006



How to implement the resources using a
collective decision-making approach

How to de-politicize crime and punishment

The Politics of Fear: The Greatest Threat to Juvenile Justice Reform

It is clear that in the current era, where the political expediency of indulging the public's intense concern about crime is sufficiently attractive—and the political risk of failing to do so and being labeled “soft on crime” is sufficiently frightening—the role of research findings in the public policy arena does seem largely to have been put aside, though only temporarily one would hope.

Alfred Blumstein, Interaction of Criminological Research and Public Policy, 12 J. QUANTITATIVE CRIMINOLOGY 349, 359 (1997).

How to overcome the “politics of fear”

The focal question is what steps can be taken to convince conservatives, who generally subscribe to “Get Tough” crime policies, which are grounded in the severity of punishments, to accept “that what may look soft on crime is indeed tougher on crime? But more importantly, [How do we help] conservatives realize that evidence-based community programs fit squarely with the three important and basic conservative ideological constructs: increase public safety, reduce big government, and cut taxpayer costs. [That] By diverting eligible people from expensive prisons to far less expensive community-based solutions (which are more effective at reducing recidivism), public safety will improve at a savings to the taxpayer. Further, government dollars are reduced by eliminating bed space, thereby allowing the government to redirect costs to private providers to deliver community-based programs.”

Honorable Steven C. Teske, JUVENILE JUSTICE REFORM IN GEORGIA: A COLLECTIVE DECISIONMAKING APPROACH TO DE-POLITICIZE CRIME AND PUNISHMENT, *Georgia Law Review*, Volume 54, Issue 4 (2020)

The Collective Decision Making Approach: A Four Factor Problem-Solving Model

- Create a collaborative body that shares issues involving youth;
- Frame the problem and issues;
- Generate Options for resolving the problem and issues;
- Deciding a course of action.

Why Collaboration: Don't We Do That Already?

- There is no area of work in need of effective collaboration that juvenile justice;
- The juvenile justice system is or should be a multi-integrated system that comprises multiple organizations that work in tandem to prevent and reduce delinquency;
- When working with a multi-organizational system, the analytical framework has to be a problem domain-focused as opposed to the more common organization-focused approach. A problem domain-focused analysis drives the evaluator to understanding that each system sometimes works within a larger system with shared boundaries;
- In an organization-focused analysis, the question is, “How can the court reduce the recidivist rates?” But a problem domain-focused analysis, the question becomes, “Who else shares our problem and has resources to help us?”

What is Collaboration?

Collaboration occurs when a group of autonomous stakeholders of a problem domain engage in an interactive process, using shared rules, norms, and structures, to act or decide on issues related to that domain.

Identifying Champions for Change

- (1) Convening Power: the ability to bring stakeholders to the table;
- (2) Legitimacy: the stakeholders perceive the convener to have authority, formal or informal, within the problem domain;
- (3) Vision: the convener understands the problem domain and related issues to process stakeholder concerns and needs; and
- (4) Stakeholder Knowledge: the convener can identify the stakeholders and possesses knowledge of each stakeholder role in the problem domain.

Framing the Problem and Issues: What is the Problem and What are the Root Causes?

- The group must begin with the symptom and keep asking why until the cause is discovered;
- In matters of delinquency, symptomology typically are the delinquent behaviors that we treat or punish as oppose to the root causes of those symptoms (i.e. behaviors);
- Looking to epidemiology, the study is driven in part by two basic facts: (1) diseases do not occur by chance—there are always determinants for the disease to occur—and (2) diseases are not distributed at random—distribution is related to risks factors that need to be studied for the population in order to identify solutions.
- Delinquent behaviors are not diseases, but they behave like diseases. They too do not occur by chance nor are they randomly distributed, which means they can be studied to identify their root causes. Once the causes are identified, solutions can be better identified

The Benefits of Framing the Problem Using the Epidemiology Model

By framing the problem from an epidemiological context, our perspective shifts away from viewing delinquent behaviors as symptoms that are not treatable. Punishment does not do well to rehabilitate delinquent behaviors because the focus in punishment is on the symptom. Imagine your doctor punishing you for having the flu instead of using diagnostic tools to determine what is causing your headaches, fever, coughing, and other symptoms. You would not return to the doctor and may even file a complaint with the medical licensing board. By questioning why taxpayers are not getting a better return on their investment, the problem is framed to first identify the symptoms (high cost and high recidivism) and go from there until the causes are identified.

Generating Options and Alternatives

- Generating alternatives is key to effective decision-making because it provides the decisionmaker with an array of choices from which to choose. The more the alternatives, the better the odds of identifying the solution best suited to resolve the problem;
- But every option must directly influence the problem resulting in a positive change of some degree.

Deciding on a Course of Action: Analytical Decision-Making

- It is expected for there to be disagreement among diverse stakeholders working collectively to solve a problem;
- To minimize disagreement, it is essential to structure and quantify the process of making choices among the alternatives generated, which is called Decision Analysis;
- It uses probability theory by dissecting issues and breaking them down into component parts that make it easier to compare and contrast each part and make a decision as to which ones are best;
- Rules must be established respecting how to process the options: (1) decisions must directly impact the problem to produce a positive result of some degree, (2) decisions must be supported by the data; and (3) decisions must be supported by empirical studies that show what works to resolve the problem. These rules will increase the probability of identifying alternatives that will achieve the best result.