Smart on Juvenile Justice: Strategies for Comprehensive Statewide Juvenile Justice Reform

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Executive Summary

States across the nation, led by bipartisan groups of governors, lawmakers, judges and juvenile justice stakeholders, have recently embraced or are in the process of pursuing comprehensive, statewide juvenile justice reforms to protect public safety and hold youth accountable through developmentally appropriate, trauma-informed, and evidence-based practices. Based on a growing body of research that demonstrates that lengthy out-of-home placements in secure facilities can lead to negative outcomes for children—including increased risk of reoffending, dropping out of school, and incarceration as adults—a handful of states are enacting laws to reduce secure confinement, strengthen community supervision, and focus resources on practices proven to reduce recidivism.

In addition to improving both public safety and outcomes for youth, states are working to ensure the sustainability of reforms by reinvesting the savings achieved through reduced use of out-of-home placement into effective alternatives such as early intervention, diversion, and other evidence-based approaches. These statewide efforts are seeking to bring about positive changes in the way that youth experience every point of contact with the juvenile justice system, including education and behavioral health services, law enforcement, family courts, drug courts, crossover courts, restorative justice programs, and reentry/aftercare.

Once a policy strategy is developed and the recommendations enacted through legislation (Phase I), states must begin to implement the juvenile justice reforms (Phase II). The U.S. Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports states' efforts to implement systemwide juvenile justice policies, reduce reoffending, ensure positive outcomes for youth, and end racial and ethnic disparities. The Office is working to ensure that juvenile justice systems are aligned with developmentally appropriate, trauma informed, evidence-based practices. In partnership with The Pew Charitable Trusts' Public Safety Performance Project, and with training and technical assistance from the Crime and Justice Institute (CJI) at Community Resources for Justice, OJJDP is supporting reform implementation in the Smart on Juvenile Justice states by providing targeted training and technical assistance to help these states in their efforts to—

- Implement comprehensive juvenile justice policies.
- Reduce reoffending.
- Ensure positive outcomes for youth.
- End racial and ethnic disparities.

This report describes the history of the Smart on Juvenile Justice Initiative, including background on the Justice Reinvestment Initiative (JRI), an initiative of DOJ's Bureau of Justice Assistance Justice on which Smart on Juvenile Justice is based, as well as Pew's Public Safety Performance Project. The report highlights the training and technical assistance targeted to Smart on Juvenile Justice states, as well as early lessons learned while translating analysis into policy, and then policy into practice. This report concludes with guidance for states considering systemwide juvenile justice reform in both Phase I and Phase II. Following are the basic action steps involved in each phase:

Phase I – Data Analysis and Development of Policy Recommendations

1. Establish an executive level, bipartisan workgroup.
2. Engage juvenile justice, child welfare, education, and community stakeholders.
3. Analyze data to enable a comprehensive assessment of the state's juvenile justice system.
4. Develop consensus policy recommendations.

Phase II – Policy Implementation and Practice

1. Implement new policies.
2. Address systemic racial and ethnic disparities.
3. Ensure model fidelity.
4. Measure performance.
5. Reinvest.

OJJDP has a broad mandate under the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 to support statewide, data-driven reform of juvenile justice systems to better meet the needs of youth, families, and communities. We applaud the efforts of states willing to

bring about comprehensive positive change in the way that youth experience all points of contact with the juvenile justice system. With this and future resources developed through the Smart on Juvenile Justice Initiative, we hope to share the experiences of states that have enacted statewide juvenile justice reform and to help prepare other states for the often-demanding process of developing systemwide, cost-effective, and evidence-based strategies designed to improve outcomes for all our nation's youth.

Introduction

Despite historic declines in arrest rates over the past two decades, too many young people—and, disproportionately, youth of color—continue to come into contact with the juvenile justice system.[1] The majority of these youth are associated with a nonviolent offense,[2] many are at relatively low risk of reoffending, and few will continue offending into adulthood.[3] Based on a growing body of research that demonstrates that lengthy out-of-home placements in secure facilities can lead to negative outcomes for children, such as increasing the likelihood of reoffending, high school-dropout rates, and incarceration as adults, a handful of states are enacting laws to reduce secure confinement, strengthen community supervision and focus resources on practices proven to reduce recidivism. These policies are projected to save millions of taxpayer dollars with saving reinvested in proven interventions to produce better outcomes for our nation's youth.

The Number of Juveniles in Residential Placement Continued To Decline

- The number of youth in residential placement fell 50 percent between 1999 and 2013.
- Youth placement rates declined in every state from 2006 to 2013.
- Nine states cut their placement rates by half or more from 2006 to 2013.

Yet Challenges Remain to Reduce Racial and Ethnic Disparities

- Minority youth accounted for 68 percent of youth in residential placement in 2013.
- The placement rate for minority youth was 2.7 times that of white youth in 2013.
- Less than 40 percent of youth in placement in 2013 were held for a person offense.[4]

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[1] Puzzanchera, C., and Hockenberry, S. 2015. National Disproportionate Minority Contact Databook. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Online. Available: http://www.ojjdp.gov/ojstatbb/dmcdb/asp/display.asp.

[2] OJJDP Statistical Briefing Book. Online. Available: http://www.ojjdp.gov/ojstatbb/court/qa06201.asp. Released on April 27, 2015; OJJDP Statistical Briefing Book. Online. Available: http://www.ojjdp.gov/ojstatbb/corrections/qa08301.asp. Released on October 2, 2015.

[3] For example: Piquero, A.R. 2008. "Taking stock of developmental trajectories of criminal activity over the life course," in *The Long View of Crime: A Synthesis of Longitudinal Research*, ed. by A.M. Liberman. New York, NY: Springer, pgs 23-78.

[4] Access more information from OJJDP's Statistical Briefing Book at www.ojjdp.gov/ojstatbb.

States, led by bipartisan groups of governors, lawmakers, judges and juvenile justice stakeholders are exploring how best to protect public safety and ensure accountability, while at the same time improving outcomes and opportunities for youth to move on a pathway toward healthy adolescent development. Strategies include limiting juvenile justice contact for lower risk youth associated with less serious offenses, focusing more intensive supervision and treatment programs on higher risk youth, matching youth and family needs with appropriate services, and delivering programs and services consistently.[5] Research has identified specific programs and key characteristics of interventions that are associated with reductions in juvenile reoffending.[6] States committed to using these empirically based, structured assessments and other decisionmaking tools are helping to improve their juvenile justice systems, programs, and individual youth outcomes.

To assist these states' juvenile justice reform efforts, then-Attorney General Eric Holder announced the launch of OJJDP's Smart on Juvenile Justice Initiative in September 2014.[7] The initiative supports grant programs to promote statewide juvenile justice system reforms, provide training and technical assistance to juvenile justice prosecutors, and address racial and ethnic disparities in the juvenile justice system (see appendix A for complete list of Smart on Juvenile Justice-funded programs). Smart on Juvenile Justice enhances OJJDP's priority areas under the leadership of Administrator Robert L. Listenbee. The Office's priorities are to—

1. To support the comprehensive, statewide, data-driven reform of juvenile justice systems to better meet needs of youth, families, and communities.
2. To reduce out-of-home placement of youth, especially in secure/locked facilities.
3. To strengthen state compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act, OJJDP's authorizing legislation.

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[5] For example: Seigle, E., Walsh, N., and Weber, J. 2014. *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*. New York: Council of State Governments Justice Center.
[6] OJJDP Model Programs Guide. Online. Available: http://www.ojjdp.gov/mpg; *See also*: Lipsey, M.W. 2009. "The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview." *Victims and Offenders* 4:124–147.
[7] http://www.justice.gov/opa/speech/remarks-attorney-general-eric-holder-congressional-black-caucus-panel-discussion-voting

The Office of Juvenile Justice and Delinquency Prevention envisions a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.

The principles of the Smart on Juvenile Justice Initiative reflect the knowledge gained by OJJDP as a result of more than four decades of research regarding child development and what works to prevent and reduce youth offending and risky behavior, as well as experience in implementing state and local strategies designed to improve youth outcomes. The science shows that adolescents are different from adults in that they are less able to regulate their own behavior in emotionally charged contexts; more sensitive to external influences on their own behavior (such as the presence of peers and the immediacy of rewards); and less able to make informed decisions that require consideration of long-term consequences.[8]

One program under this initiative, the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform, is designed to provide intensive, targeted training assistance to states that have recently enacted juvenile justice reforms. This report provides background on the Smart on Juvenile Justice Initiative and lessons learned from the first Smart on Juvenile Justice states: Georgia, Hawaii, Kentucky, South Dakota, and West Virginia. The goals of this resource are to share the experiences of these leaders; to encourage states to connect with other states doing this work; and to help prepare states for the often-demanding process of developing statewide, cost-effective, evidence-based strategies that improve outcomes for all of our nation's youth.

[8] National Research Council (2014), Implementing Juvenile Justice Reform: The Federal Role, p. 17.

Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform

OJJDP, in partnership with The Pew Charitable Trusts, is supporting statewide juvenile justice reform across the nation and with training and technical assistance (TTA) from OJJDP's grantee, the Crime and Justice Institute at Community Resources for Justice (CJI). Through a competitive process in 2014, OJJDP selected CJI to serve as the TTA provider for the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform in three states: Georgia, Kentucky, and Hawaii. Through continuation funding to CJI in 2015, OJJDP supports ongoing TTA to these states and has added South Dakota and West Virginia as participating states.

The Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform builds upon the Bureau of Justice Assistance's Justice Reinvestment Initiative model, under the direction and leadership of BJA Director Denise O'Donnell. The strategy also incorporates Phase I work of Pew's Public Safety Performance Project. Both of these are described in greater detail below.

Justice Reinvestment Initiative

In 2010, as part of the 2010 Omnibus Consolidated Appropriations Act, Congress appropriated funding for the BJA's Justice Reinvestment Initiative. Launched as a public-private partnership between BJA and Pew, JRI is a data-driven approach to improve public safety, reduce adult corrections populations and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.[9] To date, 29 states and 17 local jurisdictions have participated in the JRI process.

The *JRI State Assessment Report*[10] released by the Urban Institute in January 2014, showed that the 17 assessed JRI states are making steady progress toward achieving the goals of JRI: reducing correctional spending and reinvesting in recidivism-reduction strategies. Eight states had JRI policies in effect for at least 1 year and all eight experienced meaningful reductions in their adult prison populations and five states met or exceeded their population

[9] www.vera.org/project/justice-reinvestment-initiative
[10] http://www.urban.org/research/publication/justice-reinvestment-initiative-state-assessment-report

reduction goals. More recent data[11] show that nearly all of the states that passed JRI legislation have reduced or averted prison population increases while simultaneously experiencing declines in crime rates. To learn more, visit BJA Justice Reinvestment Initiative.[12]

Pew's Public Safety Performance Project

Pew launched its adult corrections initiative in 2006 and its juvenile justice initiative in 2012. Pew and its partners collaborate each year with selected states that demonstrate a strong commitment to adopting a data-driven justice reinvestment approach. These states receive intensive, nonpartisan research, analysis and other assistance from Pew staff and other respected experts in the field. A hallmark of Pew's technical assistance process is that states obtain commitments to the reform from all three branches of government and form a bipartisan working group with representation from key stakeholder groups. Through rigorous analysis and system assessments, the working groups makes formal recommendations regarding adjudication, disposition, and placement policies, practices, and outcomes. Because of extensive public and policymaker education on these recommendations, these states adopted comprehensive criminal and juvenile justice reforms.

As of 2015, five states—Georgia, Hawaii, Kentucky, South Dakota, and West Virginia—have worked with Pew to develop data-driven juvenile justice policy options based on research, analysis, and technical assistance to reduce youthful offending and cut statewide correctional costs.[13] For more information, visit Public Safety Performance Project Juvenile Justice Work.

Through the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform, OJJDP is working with the states to provide targeted TTA through its grantees at CJI. Examples of TTA include:

[11] http://www.pewtrusts.org/en/projects/public-safety-performance-project/about
[12] https://www.bja.gov/programs/justicereinvestment/index.html
[13] http://www.pewtrusts.org/en/projects/public-safety-performance-project/where-we-work/juvenile-justice-work

- Supporting local and state planning activities to help successfully implement the recently enacted juvenile justice reforms.
- Educating staff and system stakeholders (to include law enforcement personnel, prosecutors, judges, defense attorneys, and probation officers) about the reforms.
- Developing training strategies, curricula, and fidelity monitoring plans to train agency staff and key stakeholders on evidence-based practices and principles related to the reforms.
- Developing, adopting, validating, and/or supporting the high quality implementation of tools, such as risk and needs assessment instruments or structured decisionmaking tools for agency use and interagency collaboration.
- Developing and/or enhancing the states' capacity to measure the performance of their programs, policies, and overall juvenile justice system, and to report on key performance metrics of the recently enacted reforms and the overall performance of the juvenile justice system.
- Developing and implementing ongoing quality assurance processes to monitor implementation of the reforms, including conducting additional analysis and data support, as needed.
- Developing additional system-level recommendations to improve outcomes for youth, families, and communities; enhance accountability for youth and the system; and contain taxpayer costs by focusing resources on serious juvenile offending.

State-Specific Training and Technical Assistance

OJJDP's Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform offers a broad range of activities and services to help states assess the impact of innovative and evidence-based supervision and treatment strategies and guide them toward effective models that maximize savings, improve public safety, and serve the needs of our nation's youth. Through their legislative changes and implementation work, these states are working to achieve significant progress, including:

1) Focusing residential correctional beds on youth adjudicated delinquent for the most serious and violent offenses.
2) Reducing recidivism by building an evidence-based continuum of community supervision, services, and sanctions.
3) Ensuring accountability through government oversight and performance measurement.

Through the often-demanding process of bipartisan and interbranch comprehensive juvenile justice policy development, leaders in Georgia, Hawaii, Kentucky, South Dakota, and West Virginia released recommendations designed to reduce the number of youth in residential placement and reinvest savings into evidence-based community programming. The following provides a brief background of the legislative reforms in each state and a sampling of the TTA provided through CJI, OJJDP's Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform grantee.

Georgia

In 2012, Georgia's Special Council on Criminal Justice Reform initiated a review of the state's juvenile justice system. Georgia enacted House Bill 242 based on the Council's recommendations.[14] The state decided it would no longer detain youth for status offenses and certain types of misdemeanors and removed mandatory minimum confinement periods from Georgia's designated felon statute. The use of risk and needs assessments is now legally

[14] https://georgia.gov/blog/2014-01-24/juvenile-justice-reforms-spotlighted-2014

mandated.[15] In addition, the state requires a continuum of evidence-based programming and services and performance-based contracting for the private provider network. This legislation is projected to save Georgia nearly $85 million by 2018, with a portion of the savings reinvested to expand programs and services shown to reduce recidivism. More information on Georgia's juvenile justice reform efforts Pew's website, at http://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/georgias-2013-juvenile-justice-reform.

To support the implementation of evidence-based programs throughout Georgia, the legislature allocated $5.6 million for a voluntary fiscal incentive grant program overseen by the Criminal Justice Coordinating Committee (CJCC). Under the program, counties reducing out-of-home placements are eligible to receive state funds. In fiscal year (FY) 2014, the first year of the incentive grant program, CJCC made 29 awards to 49 counties serving 1,122 youth. The participating counties reduced their out-of-home placements by 62 percent, far exceeding the initial 15-percent goal. In the second year of the grant program (FY 2015), 30 awards in the amount of $6.82 million dollars were provided to 60 participating counties.

Since 2013, Georgia has decreased the population of youth in secure confinement by 17 percent and reduced the number of youth awaiting placement by 51 percent. Overall, juvenile commitments to the state's Department of Juvenile Justice have dropped 33 percent. Two detention centers and a youth development campus (269 beds) have been taken offline and evidence-based solutions have been provided for 1,227 juvenile court-involved families.[16]

To assist Georgia's reform efforts, OJJDP supported the development of a model fidelity[17] process for two evidence-based programs implemented through the incentive grant

[15] Risk and needs assessments are standardized tools that help practitioners collect and synthesize information about a youth to estimate that youth's risks of recidivism and identify other factors that, if treated and changed, can reduce the youth's likelihood of reoffending. There are various types of risk assessment tools used in juvenile justice systems across the United States and that many practitioners have adopted assessments as part of their practice.

[16] https://gov.georgia.gov/press-releases/2016-02-02/deal-receives-final-2016-criminal-justice-reform-council-report

[17] Policies, procedures and training designed to ensure that evidence-based programs are being delivered consistently according to the program manuals and that the methods of delivery are rigorously evaluated.

program: Aggression Replacement Training (ART) and Thinking for a Change (T4C). CJI provided the framework, training, and ongoing coaching to members of CJCC. CJI also provided onsite implementation support to develop a plan to measure and establish model fidelity of evidence-based interventions across Georgia's juvenile justice system.

In August 2015, Georgia hired a Model Fidelity Coordinator to build internal capacity to monitor model fidelity. This is a significant step toward continued success. It will allow the Model Fidelity Coordinator to conduct these reviews after CJI's period of technical assistance has ended. Additionally, three Principles of Effective Intervention (PEI)[18] trainings were held for service providers and probation staff, and a PEI train-the-trainer curriculum is being developed so that Georgia stakeholders can continue to provide this training moving forward.

Hawaii

In August 2013, the Hawaii Juvenile Justice Working Group addressed the high cost and poor outcomes of secure confinement as well as the lack of community-based options in the state's juvenile justice system with technical assistance from Pew and CJI.[19] In 2014, based on recommendations from the Hawaii Juvenile Justice Working Group, Hawaii enacted House Bill 2490 (HB 2490). The state, through HB 2490, is dedicated to improving the juvenile justice system by reducing the use of secure confinement, strengthening community supervision and probation practices, standardizing and sustaining effective practices, and cultivating stakeholder collaboration. More information on Hawaii's legislative reform is available on the Pew website, at http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2012/09/28/public-safety-in-hawaii.

Hawaii mandated the adoption and implementation of a statewide risk and needs assessment tool to guide dispositional decisions and probation case plans. The state now also

[18] A model for implementing evidence-based practice for effective interventions.
[19] http://www.crj.org/cji/entry/project_pewframework

requires the use of a graduated response system of sanctions and incentives[20] for youth on probation, and prioritizes training on best practices for probation officers. Through adoption of these reforms, Hawaii is expected to reduce the average daily population of committed youth by 60 percent by 2019, resulting in taxpayer savings of at least $11 million.

To assist Hawaii's reform efforts, OJJDP provided training and technical assistance on the selection of a validated risk and needs assessment tool. CJI developed materials including risk and needs assessment tool selection criteria, comparison documents on various tools the subcommittee was considering, and a detailed step-by-step risk and needs assessment tool implementation plan.

In addition, CJI facilitated work sessions with subcommittee members to draft policies and procedures related to 1) the risk and needs assessment tool, 2) earned discharge credits, 3) statewide interdepartmental cluster, and 4) core competencies and training curriculum for juvenile probation officers. CJI also developed a comprehensive train-the-trainer curriculum on Hawaii's graduated response system called the Behavioral Intervention and Support System (BISS). As a result, 15 staff in Hawaii have become certified trainers on the BISS.

Kentucky

In August 2013, Kentucky's bipartisan, interbranch Task Force on the Unified Juvenile Code began juvenile justice reform work with the assistance of Pew and CJI. In 2014, based on recommendations from the task force, Kentucky enacted Senate Bill 200 (SB 200). The state seeks to improve outcomes in the juvenile justice system by expanding access to timely, quality treatment and supervision in the community, focusing the most intensive resources on cases of serious and chronic offending and enhancing data collection and oversight mechanisms to ensure that the policies are working. Kentucky's SB 200 is projected to save taxpayers up to $24 million over the next 5 years and to reduce the state's Department of Juvenile Justice's out-of-home population by more than one-third. More information on Kentucky's legislation is available on

[20] Multitiered continuum of interventions that allows the juvenile justice system to match its sanctions and services to the specific characteristics of youth and to monitor and evaluate their impact.

the Pew website at http://www.pewtrusts.org/Research-and-Analysis/Issue-Briefs/2014/07/Kentuckys-2014-Juvenile-Justice-Reform.

To assist Kentucky's reform efforts, OJJDP is helping agencies develop a mechanism for tracking juvenile recidivism data based on the definitions set forth in SB 200. CJI is assisting the DJJ and the Administrative Office of the Courts in the development of graduated response protocols. CJI is also conducting training for judges on informal adjustments, as well as limitations on commitment for probation violations, misdemeanors, and class D felonies. CJI analyzed DJJ's draft 15-item risk assessment tool piloted in 2014. This analysis led to recommended changes to the risk assessment tool with the amended version released in July 2015. CJI also developed an inter-rater reliability[21] plan for DJJ's risk assessment tool, and conducted webinars on inter-rater reliability and validation in risk assessment for all DJJ staff. They also helped the state's Department of Juvenile Justice analyze the data they are collecting in the inter-rater reliability process and provided training on inter-rater reliability for more than 125 staff across the state.

Kentucky uses two successful types of inter-rater reliability activities: one-on-one coaching and training scenarios. One-on-one coaching involves trained state employees sitting in on a risk assessment and talking through the answers postassessment. Training scenarios are completed online by every state employee who administers the risk assessment; the answers given are then compiled, analyzed and disseminated with clarification and recommendations for future use. Each method has been invaluable in identifying areas for clarification, a process necessary for inter-rater reliability. Over the course of 4 months in 2015, scoring proficiency increased from 56 to 94 percent based on attaining the correct total score.

South Dakota

South Dakota passed comprehensive juvenile justice reform legislation based on policy recommendations from a bipartisan, interbranch Juvenile Justice Reinvestment Initiative Work

[21] Plan to ensure that different Department of Juvenile Justice employees, faced with the same case information, will reach the same scoring and recommendations for key risk assessment decisions.

Group.[22] Senate Bill 73 (SB 73) passed both chambers of the Legislature by strong majorities, and Governor Dennis Daugaard signed the bill into law on in March 2015. The reforms focus residential facilities on youth who pose a public safety risk and reinvest the savings into evidence-based community intervention programs. The new law is expected to reduce the number of youth in residential placement by more than 50 percent and cut costs by more than $32 million within 5 years. More information on South Dakota's legislation is available on the Pew website at http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/02/06/public-safety-in-south-dakota.

In November 2015, OJJDP announced the expansion of the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform to South Dakota. At the time of this publication, CJI is working with the Juvenile Justice Public Safety Improvement Act Implementation Team to prioritize their training and technical assistance needs.

West Virginia

In April 2015, West Virginia Governor Earl Ray Tomblin signed into law Senate Bill 393, designed to protect public safety; improve outcomes for youth, families, and communities; enhance accountability for youth and state agencies; and contain taxpayer costs.[23] The reforms are expected to reduce the number of youth in residential placements by at least 16 percent, saving the state at least $20 million over the next 5 years. More information on West Virginia's legislation is available on the Pew website at http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2012/09/28/public-safety-in-west-virginia.

In November 2015, OJJDP announced the expansion of the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform to West Virginia. At the time of this publication, CJI is working with the Juvenile Justice Reform Oversight Committee to prioritize their training and technical assistance needs.

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[22] http://psia.sd.gov

[23] http://www.governor.wv.gov/media/pressreleases/2015/Pages/GOVERNOR-TOMBLIN-SIGNS-SENATE-BILL-393,-JUVENILE-JUSTICE-REFORM.aspx

Guidelines for Statewide Juvenile Justice Reform

> "These are promising new steps that will help us to advance our important—and in many cases life-changing—work in the juvenile justice arena. These efforts go to the heart of who we are, and who we aspire to be, both as a nation and as a people." [24]
>
> —Then-Attorney General Eric Holder

Comprehensive statewide juvenile justice reform is a complex, multifaceted process that involves translating analysis into policy, and then policy into practice, while meeting the expectations of policymakers, partners, stakeholders, as well as system-involved youth and their families. The five states worked tirelessly to educate juvenile justice system stakeholders about what to expect from the comprehensive system review process (Phase I) and are in various stages of the implementation (Phase II) process. The following guidance provides direction to other states to assist in their reform efforts. The information covers a range of areas, such as adoption of structured decisionmaking tools, enhanced community-based alternatives to out-of-home placement, monitoring, data collection, performance measurement, cost-savings reinvestment, and increased capacity to sustain reform efforts.

Phase I - Data analysis and development of policy recommendations

1. Establish an executive level, bipartisan working group

It is crucial to build a shared understanding among state and local policymakers about the goals for and process of reform, and to secure bipartisan support from key state leaders across all three branches of government. Each of the states cited above, with the support of Pew and its partners, developed consensus on a set of policy options through an inter-branch, bipartisan working group process. It is essential to articulate a clear mission statement and a set of shared goals, establish by-laws (if needed), securing adequate staffing and resources, and set meeting schedules that enable all members to participate. Working group members should possess the authority to obligate their agencies and commit agency resources. Finally,

[24] http://www.justice.gov/opa/speech/remarks-attorney-general-eric-holder-congressional-black-caucus-panel-discussion-voting

a strategy and work plan for reviewing data and research and developing policy recommendations to modify current laws, policies, and practices should be included.

2. Engage juvenile justice, child welfare, education and community stakeholders

Key stakeholders are integral to the success of reform efforts to ensure that policy decisions are transparent and thoroughly vetted. Collaborating to achieve a common goal does not always come naturally and often requires focused investments of time, energy, and resources. To address these challenges, the states cited above have worked to understand the diverse missions, goals, and objectives of the individual youth-serving agencies, courts, and family, health, and welfare agencies. They continue to seek to increase transparency at the local level regarding law enforcement and prosecutorial and judicial decisionmaking. They also work to ensure system-involved youth and their families have a voice in the decisionmaking processes.

Key stakeholders include system-involved youth and their families, victim advocates, tribal representatives, states' attorneys, judges, law enforcement officials, educators, county commissioners, child welfare, mental/behavioral health and substance abuse providers, other child and family-serving organizations, defense attorneys, court services officers, juvenile corrections agents, and teen court representatives. States should establish cross-system relationships and outreach at the leadership and local levels early in the reform planning process. It is important to execute formal memoranda of understanding between key stakeholders to formalize roles and responsibilities in the juvenile justice system reform efforts. It is also critical to develop necessary agreements and protocols to appropriately and effectively share case-specific and aggregate data and information between partner agencies.

3. Analyze Data

A state's own data and an objective analysis of those data form a key foundation for policy change. The states cited above have worked to develop systematic processes to use data to meaningfully track impacts on public safety, juvenile recidivism, and other youth outcomes. They have developed, or are in the process of developing, tools to track critical

data on youth characteristics, including race and ethnicity, at various stages of the system. It is vital that they measure performance throughout the entire implementation phase.

States prepared to take on comprehensive reform must be aware of the significant time commitment and resources necessary to support data collection for system monitoring and assessment. Following the JRI model in juvenile justice reform, states should to collect and analyze data on drivers of juvenile justice populations and costs, identify and implement changes to increase efficiencies, and measure both the fiscal and public safety impacts of those changes. States that have successfully passed juvenile justice reform legislation worked with national recognized criminal justice police experts and researchers to analyze crime, arrest, detention, and probation or parole supervision data over the preceding 5 to 10 years. They also analyzed the cost-effectiveness of policies, practices and programs designed to reduced out-of-home placement and increase public safety. Without this level of jurisdiction-specific information, the working groups would not have been able to develop the practical, data-driven, and consensus-based policies that were later adopted into law.

To ensure that policy deliberations are grounded in objective facts, states must undertake a formal and transparent review of their juvenile justice system by examining data and decisions related to juvenile arrest, detention, referral to court, diversion, adjudication, disposition to probation, out-of-home placement, and aftercare. It is important to assess the out-of-home population and costs by identifying what specific factors (e.g., new admissions, revocations, and length of stay) have contributed to the population and costs, and projecting what the numbers will be in 5 to 10 years in the absence of policy reform. A data assessment process should be developed to identify which agencies are collecting relevant data, and to determine the scope, accuracy, and reliability of available data. Finally, it is critical to integrate data analysis into the system review in order to allow agency stakeholders to discuss system data, identify where there are data gaps, and provide recommendations for improving the quality of data collection and measurement practices.

4. Develop consensus policy recommendations

After analyzing the data, reviewing the research, and engaging the appropriate juvenile justice stakeholders, the working group then must forge consensus on a set of policy reforms. Key to this process is establishing a common vision and set of values, which often prioritize public safety, accountability, better outcomes for youth and their families, and more efficient use of taxpayer resources (in particular, through the use of community-based services.) Although stakeholders by definition approach the justice system from a particular viewpoint, the state working groups have, without exception, been able to reach a consensus on a package of reforms that is viewed as superior to the status quo.

To ensure the formation of consensus policy recommendations, several working group meetings may be necessary to discuss policy options and subgroups established to further explore specific aspects of the system, from disposition, to placement to aftercare. A final report with policy recommendations should be produced for presentation to leadership of the three branches of government.

Examples of state working group policy recommendations for juvenile justice reform include:

- Report of the Special Council on Criminal Justice Reform for Georgians
- Hawaii Juvenile Justice Working Group Final Report
- Report of the 2013 Task Force on the Unified Juvenile Code (Kentucky)
- Report of the Juvenile Justice Reinvestment Initiative Work Group (South Dakota)
- Report of the West Virginia Intergovernmental Task Force on Juvenile Justice

Phase II – Policy Implementation and Practice

1. Education and awareness

To ensure that new policies are adopted and implemented effectively, states should develop education and public awareness campaigns. These campaigns should describe how the policies and reform opportunities were identified using data and information collected during the system review, provide an overview of the planning and implementation stages, and explain the importance of ongoing program fidelity and performance measurement.

2. Address systemic racial and ethnic disparities

National data, collected and analyzed by OJJDP, demonstrate that youth of color are overrepresented at every point of contact in the juvenile justice system. African American youth are 4.6 times more likely to be in out-of-home placement than white youth; Native American youth are 3.2 times more likely to be in out-of-home-placement than white youth; and Latino youth are 1.8 times more likely to be in out-of-home placement than white youth.[25] For states to meaningfully achieve juvenile justice reform, it will be necessary to address systemic racial and ethnic disparities and disproportionate minority contact.[26] States might consider initiating a comprehensive data-collection and research strategy on the causes and consequences of racial and ethnic disparities within local jurisdictions and partnering with local researchers trained in quantitative and qualitative research methodologies with substantive expertise in the area of racial and ethnic disparities.

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[25] OJJDP Statistical Briefing Book. Online. Available: http://www.ojjdp.gov/ojstatbb/corrections/qa08203.asp?qaDate=2013. Released on October 02, 2015.

[26] Disproportionate minority confinement (DMC) was introduced as a core requirement to the Juvenile Justice and Delinquency Prevention Act (JJDPA) in 1988. In 2002, the JJDPA broadened the scope of the DMC initiative from "disproportionate minority confinement" to "disproportionate minority contact." The term “disproportionate minority contact” is used to describe the disproportionate number of minority youth at various stages of processing in the juvenile justice system. “DMC” is used more often when associated with OJJDP’s core requirement and “racial and ethnic disparities” is used to refer to racial/ethnic disparities more generally.

OJJDP's Smart on Juvenile Justice: Technical Assistance To End Racial and Ethnic Disparities in the Juvenile Justice System offers education, training and technical assistance, and other resources to state, local, and tribal governments on promising systemic and programmatic techniques to address disproportionate minority contact and eliminate racial and ethnic disparities in the juvenile justice system. For more information on this and other OJJDP-sponsored training and technical assistance, go to ojjdptta360.org.

3. Ensure model fidelity

Model fidelity refers to the extent the delivery of an evidenced-based intervention adheres to the program model as it was originally developed. In other words, even the most successful programs will fail if the principles of the program are not followed. There must be an adherence, or fidelity to the program's principles. Critical to program fidelity is for states to provide all system stakeholders and practitioners with the proper tools, training, and ongoing coaching to support positive youth outcomes. States might consider developing detailed, formal training plans, including initial training and refresher courses to integrate and systematize fidelity principles into all programs.

It is vital to develop, adopt, and/or validate risk and needs assessment instruments to fairly and equitably match youth with effective and appropriate services. The goals of theses assessments should be successful treatment, reintegration into the community, and reduced recidivism. It is also important to examine discretionary school discipline practices that result in referrals to the juvenile justice system[27] and to train key stakeholders across systems on effective, evidence-based practices.

[27] See National Clearinghouse on Supportive School Discipline http://supportiveschooldiscipline.org/learn/reference-guides/supportive-school-discipline-initiative-ssdi

It is crucial to evaluate programs and interventions for effectiveness and utilize data-driven decision-making to guide policy and practice decisions and to monitor program implementation closely, documenting adherence to practices that typify successful evidence-based programs. Conducting ongoing organizational and quality assessments will improve the design, delivery, and ultimate effectiveness of services for youth. It is important to note that implementation research has consistently shown that the process for achieving maximum fidelity for new programs, interventions, risk assessments or strategies can take between 2 to 4 years before the impact can be assessed.[28]

4. Measure performance

Lessons can be learned from the BJA/JRI approach to designing, enacting, and adopting new policies, practices, and programs that reduce recidivism, improve public safety, reduce prison and jail populations, and otherwise help generate savings. Preliminary findings indicate that JRI's enacted adult criminal justice reforms have the potential to produce a substantial return on the state's investment. In both the adult and juvenile reform, states should develop robust measures to track implementation and document the impact of resulting changes in the population as well as develop, pilot and monitor performance and outcome measures to ensure that reform programs and system investments achieve projected outcomes. It is crucial to keep policymakers apprised through frequent progress reports and testimony to juvenile justice reform oversight organizations and relevant legislative committees.

5. Reinvest

Estimating future cost savings and committing to up-front investments into evidence-based supervision and programming is often easier said than done. The reinvestment of actual savings requires calculation and documentation of actual savings and averted spending. To address these challenges, the states cited above states worked on developing cost-savings estimation methodologies during Phase I policy development.

[28] Blasé, K. and Fixsen, D. (2013). National Implementation Research Network.

To develop a strategy to measure the impact of juvenile justice reinvestment policies and capture those savings, states might consider detailing the costs associated with policy or program changes, including startup costs and operational (ongoing) costs, and specific metrics used to track the outcome of these changes, in a preliminary budget proposal. It may be necessary to make an upfront investment even before cost savings are realized, in order to jump-start supervision and services in the communities.

JRI states use the justice reinvestment approach to determine how to invest a portion of the savings generated from policy changes, such as reducing or averting growth in the jail and prison populations in strategies to increase public safety such as community-based treatment, probation, prevention-oriented policing strategies, and community-based recidivism reduction efforts. The JRI method can also be used in the juvenile justice reform process, with the goal of reinvesting in adequate supports and services in the community so that there are meaningful alternatives to detention. Such an approach involves providing prosecutors and judges with meaningful alternatives to detention. Statewide reform that is delivered on a local level is key to developing reinvestment strategies that will decrease crime and strengthen neighborhoods.

> "As a nation that draws on the talents and ambitions of all our people, we must remain focused on providing the institutional support necessary to stop our youth from being locked into a cycle from which they cannot recover or fully take their place as citizens."
>
> —President Barack Obama, proclaiming October 2015 National Youth Justice Awareness Month[29]

[29] https://www.whitehouse.gov/the-press-office/2015/09/30/presidential-proclamation-national-youth-justice-awareness-month-2015

Georgia, Kentucky, Hawaii, South Dakota and West Virginia, are leading the nation through the data-driven process of statewide legislative juvenile justice system reform. There are many lessons to be learned as states throughout the country seek to adopt data-driven, evidence-based, developmentally appropriate, and trauma-informed approaches to juvenile justice reform. OJJDP, through the Smart on Juvenile Justice Initiative, is committed to supporting these efforts to drive nationwide system reform, guiding states in an approach that maximizes cost savings and strategically reinvests those savings into efforts that improve outcomes for youth.

APPENDIX A - OJJDP's Smart on Juvenile Justice-Funded Programs

The following programs comprise the foundation of OJJDP's Smart on Juvenile Justice Initiative:

- A Comprehensive Strategy to Juvenile Justice Reform provides intensive, targeted training and technical assistance to assist states implement their juvenile justice reform efforts as part of a public-private partnership with The Pew Charitable Trusts.

- Technical Assistance To End Racial and Ethnic Disparities in the Juvenile Justice System brings education, training and technical assistance, and other resources to state, local, and tribal governments on promising systemic and programmatic techniques to address disproportionate minority contact and eliminate racial and ethnic disparities in the juvenile justice system.

- Community Supervision Training and Technical Assistance Program aims to reduce recidivism and improve outcomes for youth under community supervision by improving supervision strategies through training and technical assistance and policy support.

- Juvenile Prosecution Curriculum Development, Training, and Technical Assistance Program aims to provide technical support and training, publications and resources, and policy development and leadership opportunities to the juvenile prosecution bar. This program includes comprehensive training for juvenile justice prosecutors to acquaint them with the latest information in forensic sciences, adolescent development, the neurosciences, and the prosecution of sexual assault cases.

- Enhancing Youth Access to Justice Initiative aims to fill critical gaps in training, technical assistance, and resources for the juvenile defense bar. This initiative includes legal services provider training and direct legal services to help youth address collateral consequences of justice-system involvement and successfully transition back into their communities.

Appendix B: Studies and Reports

The following are some of the studies and reports that inform OJJDP's policy and program development:

Research and Reports Sponsored by OJJDP

National Survey of Children's Exposure to Violence

This study explores the incidence and prevalence of children's exposure to violence as either victims or witnesses and marks the first comprehensive attempt to measure children's exposure to violence in the home, school, and community across all age groups from birth to age 17.

Report of the Attorney General's National Task Force on Children Exposed to Violence

This report provides a "blueprint" for action by the federal government, states, tribes, communities, and the private sector to increase and coordinate research and resources to defend children against exposure to violence.

Ending Violence So Children Can Thrive

The report—commissioned as part of Attorney General Eric Holder's Defending Childhood Initiative—presents the advisory committee's findings and offers policy recommendations to address the impact of violence on American Indian and Alaska Native children.

Reforming Juvenile Justice: A Developmental Approach

The central premise of this report is that the growing body of knowledge about adolescent development, particularly increasing knowledge about the adolescent brain, should inform the goals, design, and operation of the juvenile justice system.

Implementing Juvenile Justice Reform: The Federal Role

This report provides a strategic plan for the federal government, particularly OJJDP, to support and facilitate developmentally oriented juvenile justice reform, as detailed in *Reforming Juvenile Justice: A Developmental Approach.*

Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States

This report examines the extent and nature of commercial sexual exploitation and sex trafficking of U.S. citizens and lawful permanent residents of the United States younger than 18, and strategies to address the problem.

Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders

The Pathways to Desistance study looks at the factors that lead youth who have committed serious offenses to continue or desist from offending, including individual maturation, life changes, and involvement with the criminal justice system.

Program of Research on the Causes and Correlates of Delinquency

The Causes and Correlates longitudinal projects—the Denver Youth Survey, the Pittsburgh Youth Study, and the Rochester Youth Development Study—examine how youth develop within the context of family, school, peers, and community to improve the understanding of serious delinquency, violence, and drug use.

Girls Study Group

OJJDP convened the Girls Study Group to establish a research-based foundation to guide the development, testing, and dissemination of strategies to reduce or prevent girls' involvement in delinquency and violence. The group was also charged with evaluating the patterns of offending among adolescents and how they differ for girls and boys; risk and protective factors associated with delinquency, including gender differences; and the causes and correlates of girls' delinquency.

Northwestern Juvenile Project

The Northwestern Juvenile Project is the first large-scale, prospective longitudinal study of the mental health needs and outcomes of juvenile detainees. The project includes a diverse sample of 1,829 youth who were arrested and detained in Cook County, IL, examining patterns and sequences of disorders, the impact of these disorders on functioning, and key risk and protective factors.

Research by Other Agencies

Adverse Childhood Experiences Study

The Adverse Childhood Experiences Study is one of the largest investigations ever conducted to assess associations between childhood maltreatment and later-life health and well-being.

Preventing Mental, Emotional, and Behavioral Disorders Among Young People

This report documents that an increasing number of mental, emotional, and behavioral problems in young people are in fact preventable.

Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms

This report, which is based on analyses of more than 1.3 million individual case records drawn from three state agencies, examines the impact of extensive steps that Texas policymakers took between 2007 and 2011 to reform the state's juvenile justice system.

Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System

This white paper focuses on how to better leverage existing research and resources to facilitate system improvements that reduce recidivism and improve other outcomes for youth involved in the juvenile justice system.

Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement

This report describes the results of an analysis of millions of school and juvenile justice records in Texas to improve policymakers' understanding of who is suspended and expelled from public secondary schools and the impact of those removals on students' academic performance and juvenile justice system involvement.

The School Discipline Consensus Report: Strategies From the Field To Keep Students Engaged in School and Out of the Juvenile Justice System

This report offers a comprehensive set of policy statements and recommendations for approaches to school discipline that reduce reliance on suspensions and expulsions of students for nonviolent behavior, improve students' academic outcomes, and promote safe and productive learning environments.

Measuring and Using Juvenile Recidivism Data To Inform Policy, Practice, and Resource Allocation

This issue brief highlights the key findings of a survey of juvenile correctional agencies in all 50 states and provides five recommendations for improving their approach to the measurement, analysis, collection, reporting, and use of recidivism data for youth involved with the juvenile justice system.