



Getting Juvenile Justice Right by Thinking Outside the Cell

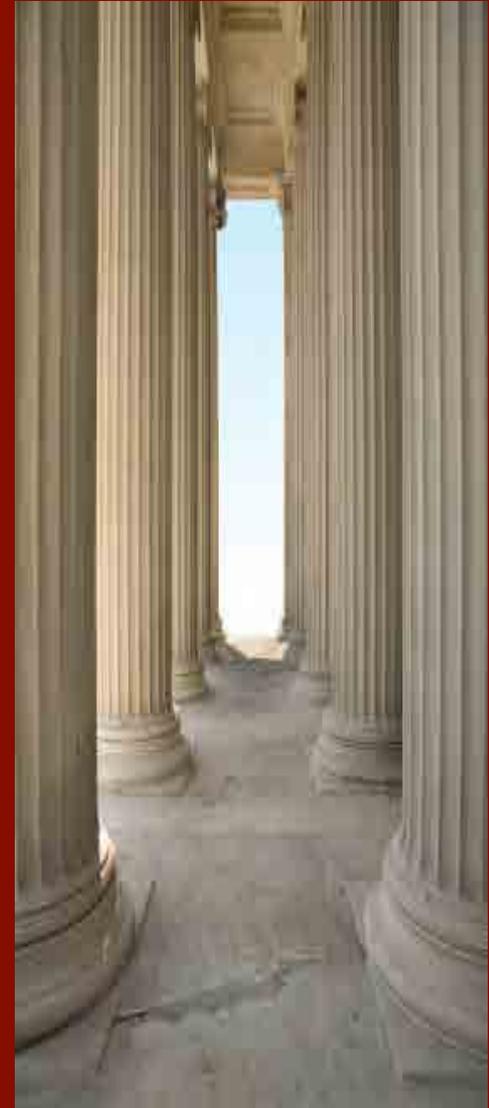


*Arkansas Youth Justice
Reform Board
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Introduction

- **TPPF Mission: Individual Responsibility, Free Enterprise, Limited Government, Private Property Rights**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with allies across the political spectrum.**



The Texas Model for Reform



New Approach to Juvenile Justice Gaining Traction Across the Spectrum:

The 1990's Boom in Building Large, Remote Lockups Has Bust



What explains the trend towards less incarceration in the TPPF/NJJN “Comeback States” Report and how do we sustain it?

- **Nationally, youth incarceration down 41% since 1995 peak. Budgetary pressures contributed in some states though Texas had surplus in 2007.**
- **Continue building support across the spectrum by showing results through outcome-oriented performance measures used to inform selection of programs and providers.**
- **Ensure alternatives are implemented with fidelity to model so they withstand scrutiny.**

Texas Juvenile Justice Reform: Prioritizing Local Solutions

- In 2007, lawmakers gave counties \$57.8 million to handle youth misdemeanants on probation who previously would have been sent to state lockups at twice the cost.
- A 2009 budget provision allows counties that agree to reduce commitments to state lockups to receive a share of the state's savings for local, research-based programs with performance measures.



Texas Juvenile Justice Reform: Less Incarceration & Less Crime

- **The number of youths incarcerated at state lockups is about a third of the total in 2006, 7 have been closed, and the number of youths in county lockups hasn't risen.**
- **Juvenile crime and arrests in Texas have continually declined, with the state's overall crime rate reaching its lowest level since 1968.**





Los Angeles Times

**Conservatives
Latch on to Prison
Reform**

January 28, 2011



**Right on Crime Noted
in “Budget Crunch
Forces New Approach
to Prisons”**

February 15, 2011



***National Review*
Praises Right on
Crime**

February 21, 2011

Conservative Leaders Weigh In

- **Jeb Bush, Speaker Newt Gingrich, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles**
- **Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results**



Finding the Right Intersection: How Juvenile Justice Reform Appeals to Common Values



1) Prioritizing Public Safety

- Research supports alternatives such as in-home programs utilizing evidence-based practices such as functional family therapy and multi-systemic therapy and smaller, Missouri-style community residential programs.
- Focus state beds on small sliver of high risk youth who commit most serious offenses.



2) Controlling Spending

- Locking up juveniles costs from \$130,000 per year in Texas state facilities to \$226,000 per year in N.Y.C. juvenile detention.
- If a first-time youth offender goes on to a life of crime, societal cost is \$2 to \$3 million.
- Address fiscal disincentive to use alternatives if counties bear much of that cost but state pays for lockups.



Juvenile Incentive Funding

- Ohio RECLAIM initiative pooled funding with counties for most youths, cut recidivism in half
- Participating counties in Redeploy reduced state commitments 51% and re-incarceration rate was 14.2% vs. 57.4% for non-participating counties.



3) The Restitution Principle and Giving Victims a Voice

- Restitution is the core principle of criminal justice in the Bible and nearly every major religious tradition.
- Conservatives tend to support the primacy of the individual, emphasizing the harm to a specific victim and rejecting notion of “repaying debt to society” by going to jail.



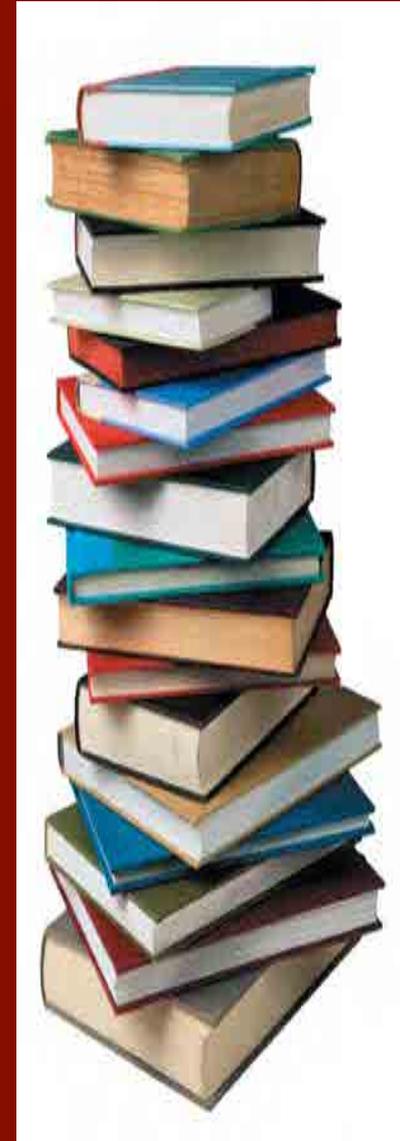
The Victims' Perspective

Survey of Iowa Burglary Victims

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence Year or More	7.1%

4) Liberty & Limited Government

- Too many criminal laws and enhancements – more than 1,700 in Texas and 3,000 in Arizona.
- Passed law to stop 10 year-olds from getting a ticket for chewing gum, but hundreds of thousands ticketed for disrupting class.
- Trivial and status offenses are too often the critical first contact with the system that is correlated with future criminality.



5) Accountability

- **Must demand outcome-oriented performance measures for the criminal justice system just as we do for other government programs.**
- **In education, a focus on “teacher quality” but not a single google result for “probation officer quality.”**
- **In addition to recidivism, use positive benchmarks such as educational advancement, employment, and victim satisfaction.**
- **K-12 accountability for disciplinary practices that keep kids in school.**



6) Efficiency

- For example, some elements of JDAI are simply common sense changes to the processing of youths to minimize unnecessary detention time.
- Better information sharing across juvenile justice, education, child welfare, and mental health systems can promote coordination in service delivery and enhance use of resources by reducing duplication like performing the same assessment or home visit twice.
- Institute police diversion.



Efficiency's Next Frontier: State Specific Cost-Benefit Analysis

- **Results First initiative customizes Washington's cost-benefit meta-analyses model for other states, matching it to their programs and offender profile.**
- **Top scoring programs include FFT, MST, anger replacement training, and victim mediation.**
- **Enables states to run simulations on what fiscal and crime rate impact of various budgetary decisions to spend on confinement vs. alternatives**



7) Centrality of the Family

- **Emphasize juvenile justice and child welfare strategies that keep the family intact. For example, some mothers can be given treatment for an addiction that thereby improves the home environment.**
- **Truancy program in Fort Bend County, Texas sends school employee to help rather than issuing a citation to the parent. They provided clothing in a case where student skipped because they had nothing to wear.**



8) Act on Evidence, Not Emotion

- Look to scientific facts about youth brain development instead of branding youths as adults because we say so.
- California allows prosecutors to unilaterally file on children as young as 14 in adult court whereas Texas requires judicial certification hearing.
- Recidivism and abuse of youths is higher when put in adult lockups.

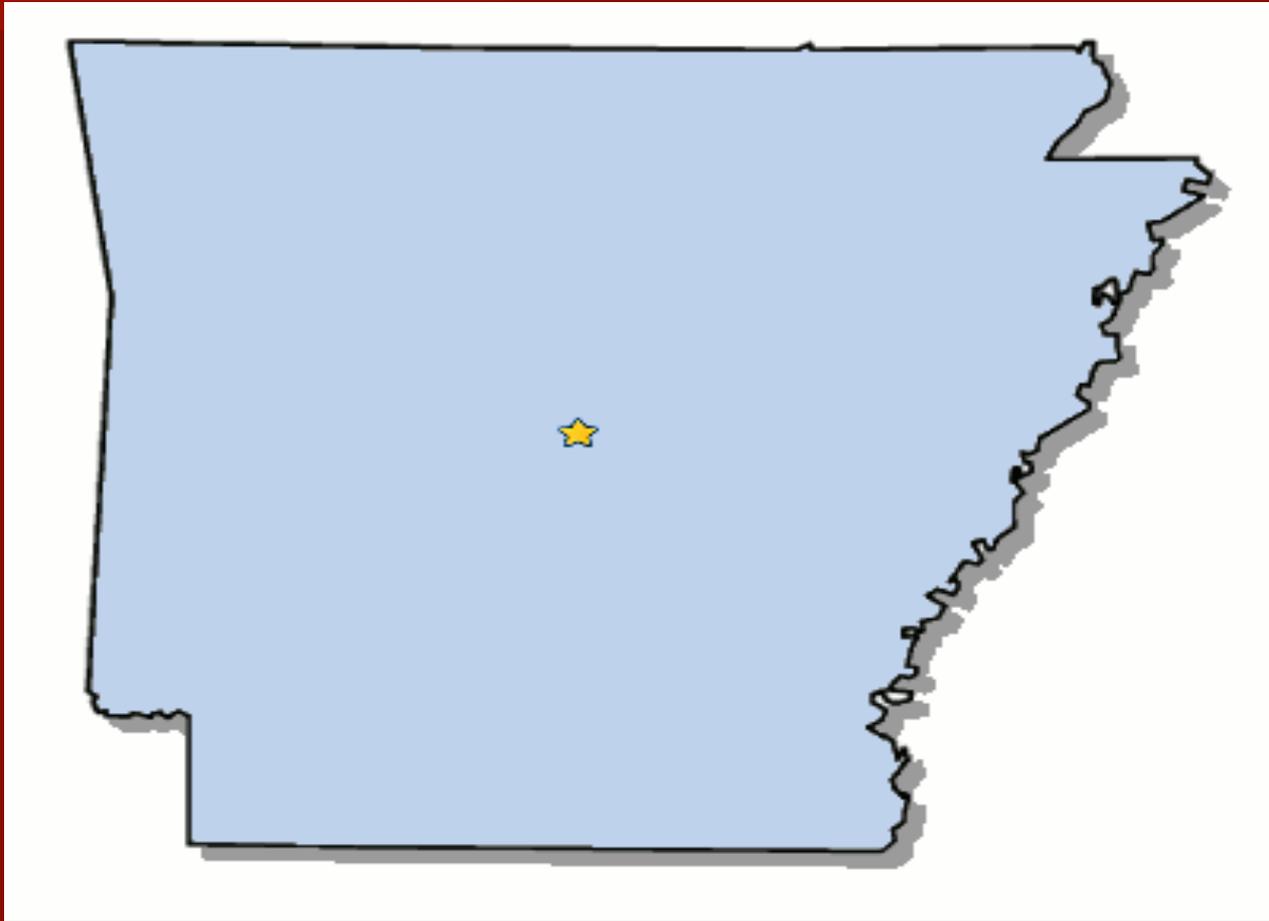


9) Flexibility for States to Innovate vs. One-Size-Fits-All Mandates

- Florida, Los Angeles, Alameda County, and others succeed with federal child welfare waivers that de-link funding from the number of out-of-home placements and invest in strategies such as early intervention.
- Federal sex offender registry, including lifetime registration for juveniles, interferes with more rational state registries and several are rejecting it.



The Arkansas Story



Recent Successes in Arkansas

- **Circuit court risk assessment adopted in 2009.**
- **Length of stay at DYS has fallen from 550 days in 2013 to 166 days in 2015.**
- **Millions in savings have been redirected to local alternatives to confinement and incentives.**
- **Arkansas joined Arizona, California, Texas and Nebraska in neither complying with SORNA nor applying to use JAG funds to come into compliance, forfeiting 10% of JAG funding.**



Opportunities for Further Progress

- Misdemeanors & supervision violations were 58% of commitments in FY 2014.
- Limiting commitments of misdemeanants to those with at least 3 or prior felony would cut 140 commitments, \$9 million.
- DYS commitments increased from 468 in 2013 to 536 in 2015, vs. 825 in Texas.
- In 3rd quarter 2015, 91% of commitments were for nonviolent offenses.



More Opportunities for Further Progress

- 74% of those in juvenile detention are for a misdemeanor charge.
- In 2014, status offenders entered juvenile detention more than 500 times.
- 23% of those detained are 14 and under.
- Limited statewide data available on use of juvenile detention and metrics such as length of stay.



Recommendations

- **Ensure statewide validated risk assessment is fully implemented for detention decision-making.**
- **Other counties should join Washington and Benton County in using JDAI**
- **Create alternatives such as day/evening reporting centers and electronic monitoring.**
- **Utilize graduated sanctions matrix for responding to probation/court order violations.**



Reform Adult Transfer Laws

- Research shows that youth are more likely to recidivate and suffer abuse when placed in adult lockups.
- Arkansas should revise statute allowing prosecutor to direct file in adult court on a 16 year-old charged with any felony.
- Judicial certification should be required and transfer should be limited to most serious violent and sex offenses.



Alternatives for Status Offenders

- **Promote alternatives to locking up status offenders, such as expanded services, curfews, electronic monitoring, and if necessary using law enforcement to bring child to school, court, or court-ordered program.**
- **Current practice is uneven across the state as 27 counties in Arkansas do not lock up status offenders while one judge used incarceration 193 times for status offenders in 2014.**



Diverting Misdemeanants

- Make most or all misdemeanants ineligible for commitment to state. In 2007, Texas made misdemeanants ineligible and Georgia in 2013 precluded unless four previous adjudications with one being a felony.
- Adopt police diversion law similar to Texas youth first offender program. In Fort Worth, kids with first misdemeanor referred by police with parents to Lena Pope Home. Only 22 out of 1,474 failed and were adjudicated.



Keeping Kids in School

- Reevaluate school discipline policies that tend to contribute to subsequent justice system involvement, as Arkansas doles out 45,000 out-of-school suspensions and 30,000 expulsions per year.
- Texas has required school districts document steps they have taken before referring kids to court for truancy and Connecticut has required schools to take other disciplinary measures before using out-of-school suspension as a last resort.



Final Recommendations

- **Implement incentive funding model similar to RECLAIM Ohio and REDEPLOY Illinois.**
- **Limit length of stay for commitment for probation violations. Kentucky limited the time a youth can spend out of home for a probation violation to 30 days. Arkansas could provide an exception if youth is high-risk and necessary treatment program requires a longer period of up to 90 days.**



Taking the Next Steps



How TPPF & Right on Crime Can Help

- Equip policymakers with research
- Develop and promote reforms
- Take the case to the public and the media
- Work with key allies across spectrum



How TPPF & Right on Crime Can Help

- Collaborate with allied groups, including Arkansas Policy Foundation and Advance Arkansas Institute, which has featured a chapter on justice reform in their legislators guide.
- Leverage our prominent signers of the Right on Crime Statement of Principles to encourage key leaders.



Conclusion: Recent Successes Can Light the Way Towards Powerful Solutions for Troubled Youths

