

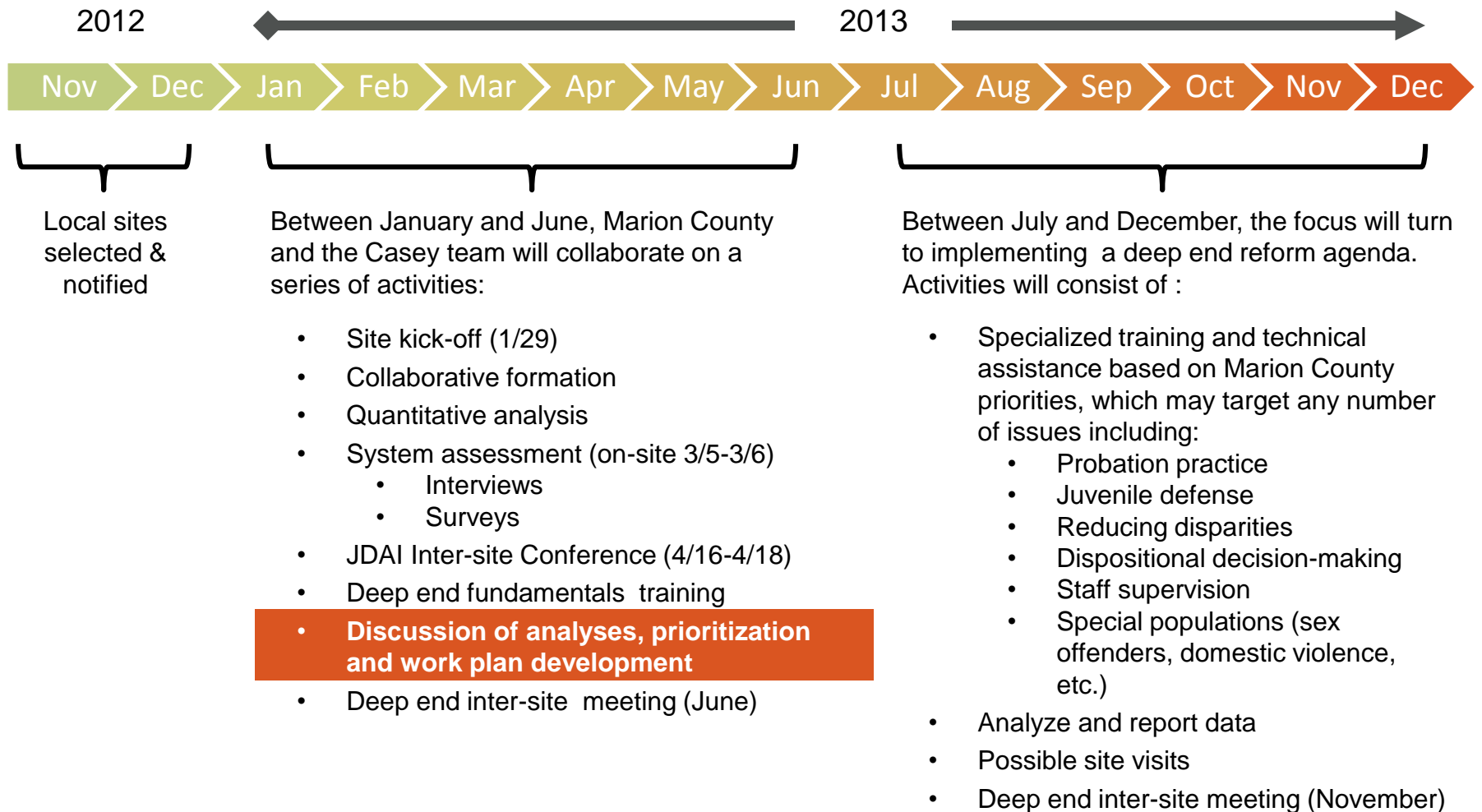
MARION COUNTY Assessment Findings

Discussion Document

June 18, 2013

The Annie E. Casey Foundation
Juvenile Justice Strategy Group

After launching in January, Marion County is well into the process of identifying opportunities to reduce “deep end” populations



This presentation will discuss the findings from a qualitative and quantitative assessment of the Marion County juvenile justice system

MAJOR THEMES

This presentation will explore:

Diversion

- Use of diversion from formal processing
- Racial inequities at diversion
- Opportunity to expand diversion practices

Community-Based Services

- Utilization of wraparound program
- Gaps in current array of services
- Ability of providers to work with the most challenging youth

Disposition

- High number of youth who do not pose great risk to public safety receiving restrictive dispositions
- Use of suspended commitments
- Use of placement vs. DOC

Residential Facilities

- Program outcomes and effectiveness
- Services provided
- Ejection and refusal of certain youth from residential placements

Probation

- Probation practices & policies
- Issues of morale & buy-in for reform
- Impact of VOPs on placements and commitments

We identified these findings through interviews, discussion, observations and analyses conducted over the course of several months

INTERVIEWS & OBSERVATION

- Interviewed almost 50 juvenile justice stakeholders including:
 - Probation Management
 - Probation Supervisors
 - Law Enforcement
 - District Attorney's Office
 - Public Defender's Office
 - Judiciary
 - Dept of Children's Services
 - Dept of Corrections
 - Residential Providers
- Conducted focus groups with 24 probation officers and youth
- Court Observation
- School visits

DATA ANALYSES

- All dispositions from 2012, with information on:
 - Demographics
 - Offense severity
 - VOPs
 - IYAS scores
 - Dispositional requirements
 - Prior legal history, including prior dispositions
 - Prior services received
- 5 years of aggregate data on intake decisions, adjudications, and placements & commitments

The goal was to find potential drivers of unnecessary out-of-home placement through the lens of these core elements

DEEP END CORE ELEMENTS



COLLABORATION 

DATA DRIVEN DECISION MAKING 

RACIAL & ETHNIC EQUITY 

YOUTH WELL-BEING 

FAMILY ENGAGEMENT 

DEFENSE ADVOCACY 

Proper use of diversion ensures that limited system resources are devoted to the youth that pose the greatest risk to public safety

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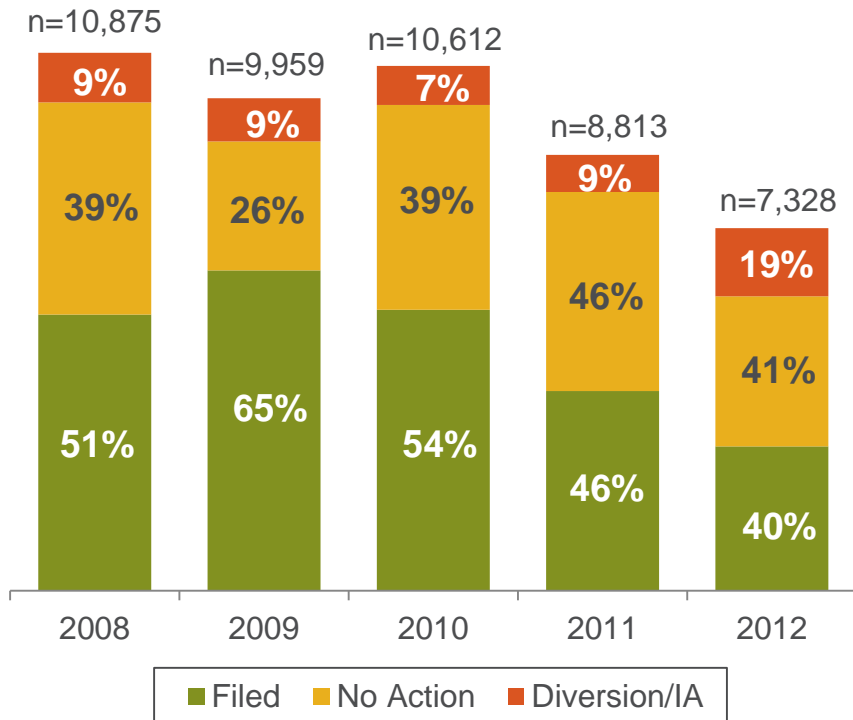


CROSS-CUTTING ELEMENTS:
Racial Disparity, Data-Driven Decision-Making

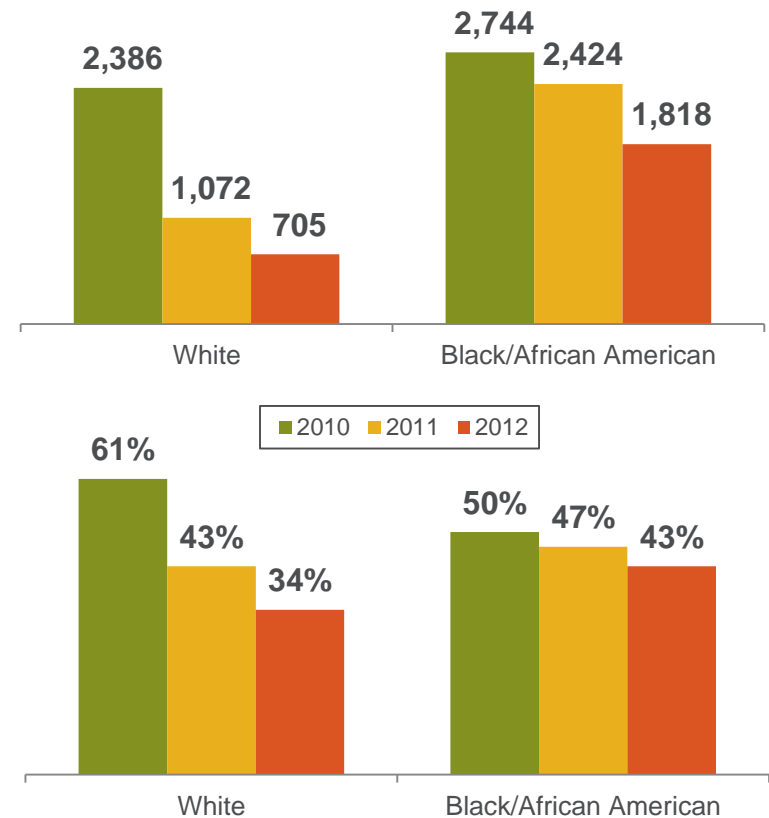
Over the past five years, there has been a steady increase in the use of informal options for delinquency and status referrals

Formal filings are at a five year low; however, the diversion rate has increased much more dramatically for White youth than Black/African American youth.

PROBATION INTAKE (RSR) DECISIONS
2008-2012

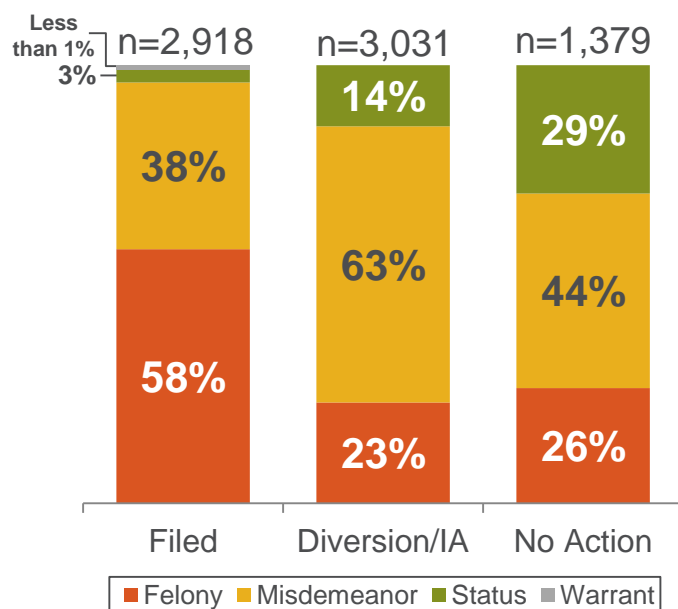


2012 FILINGS BY RACE (#, %)

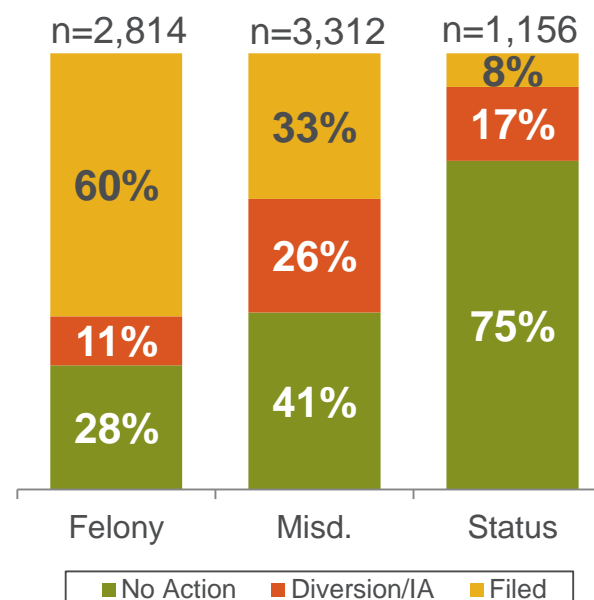


In 2012, filed cases were far more likely to be felonies than misdemeanors, since only a third of misdemeanor arrests are filed

PROBATION INTAKE (RSR) DECISIONS BY ARREST CHARGE SEVERITY, 2012



ARREST CHARGE SEVERITY BY INTAKE (RSR) DECISIONS, 2012

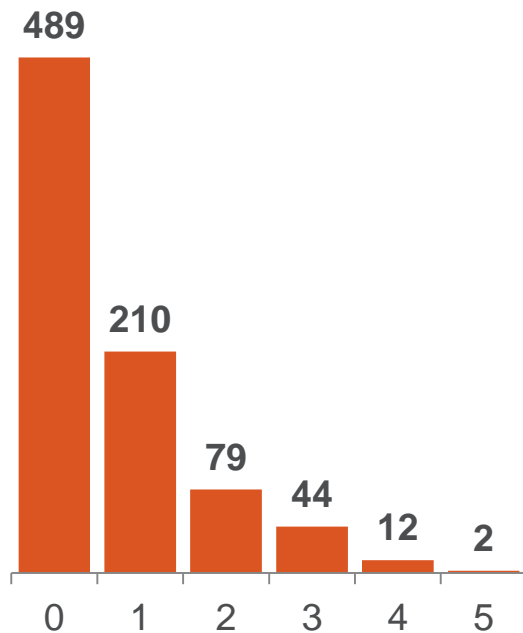


- Recently, the Diversion Program was eliminated to bring the Court into compliance with state statute, so there should be some exploration into how to ensure there is no increase in the formal filing rates
- However, POs report that informal adjustments can be extremely time consuming and can actually require more time each month than some probation cases
- There may be a need to revisit criteria for No Action, and to consider removing IAs from formal supervision caseloads

Yet, looking at the dispositional data, there seem to be additional youth who could have been safely diverted from formal court involvement

PRIOR JD CASES AMONG YOUTH WITH NO PRIOR FILINGS

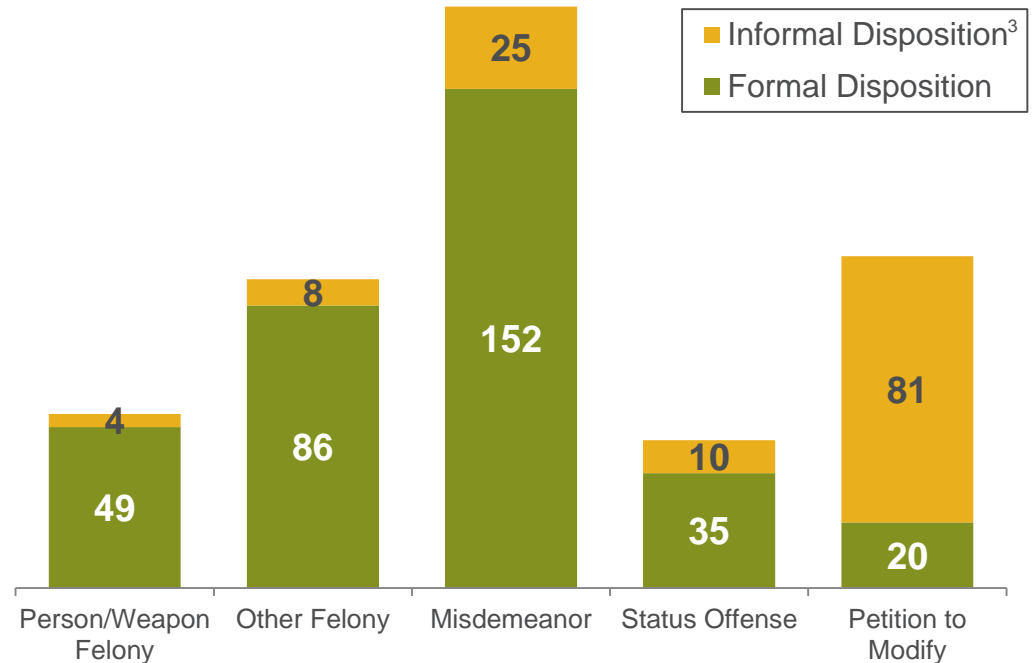
(n = 836)



Nearly 60% of disposed youth with no prior filings also had no prior referrals to juvenile court

DISPOSITIONS FOR YOUTH WITH NO PRIOR JD CASES²

(n = 470)



Almost half of all youth with no prior were adjudicated for a misdemeanor or status offense, and 84% of those received a disposition for formal probation, placement or commitment

² Charge data was missing for 19 youth

³ Informal dispositions include: No Dispositional Requirements, Foster Care/TFC/Shelter, Informal Probation, Alternative Sanctions, and Services

Overall, there are many youth on probation that do not have a significant history in juvenile court, and possibly could have been diverted

- In 2012, Marion County placed 758 misdemeanants and 41 status offenders on probation. Of those youth:
 - **43%** had no prior filings
 - **24%** had no prior delinquencies at all
 - **80%** had no prior felony adjudications
- Among all youth placed on probation in 2012:
 - **41%** had no prior filings
 - **48%** had no current or prior felonies
- Only 4% of dispositions were for something less restrictive than probation¹

Is this a good use of juvenile justice resources?

¹ Dispositional option that allows cases to be “taken under advisement” which may include a number of requirements without formal probation

Dispositional data also provides insight into the patterns of placement in local residential facilities and commitment to DOC

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- Use of suspended commitments
- Use of placement vs. DOC

Probation

Community-Based Services

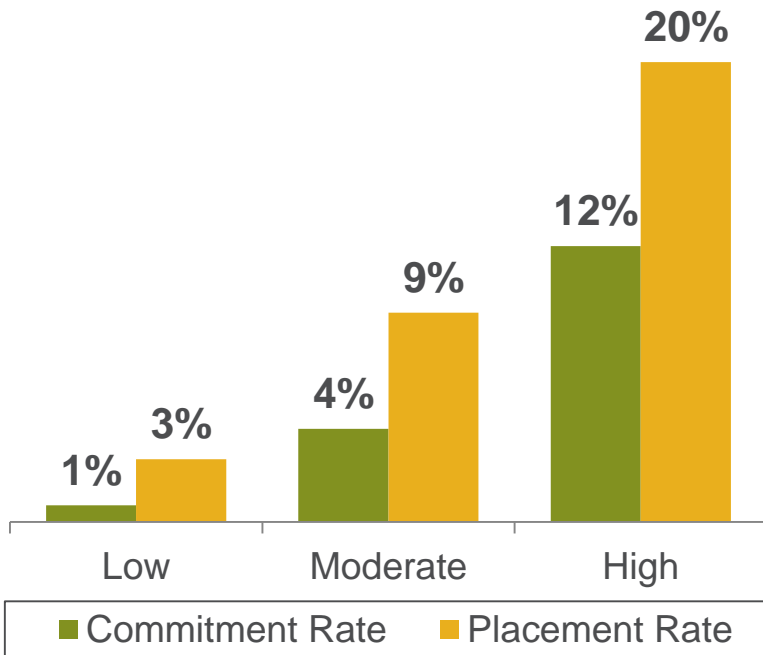
Residential Facilities



CROSS-CUTTING ELEMENTS:
Collaboration, Racial Disparity, Data-Driven
Decision-Making

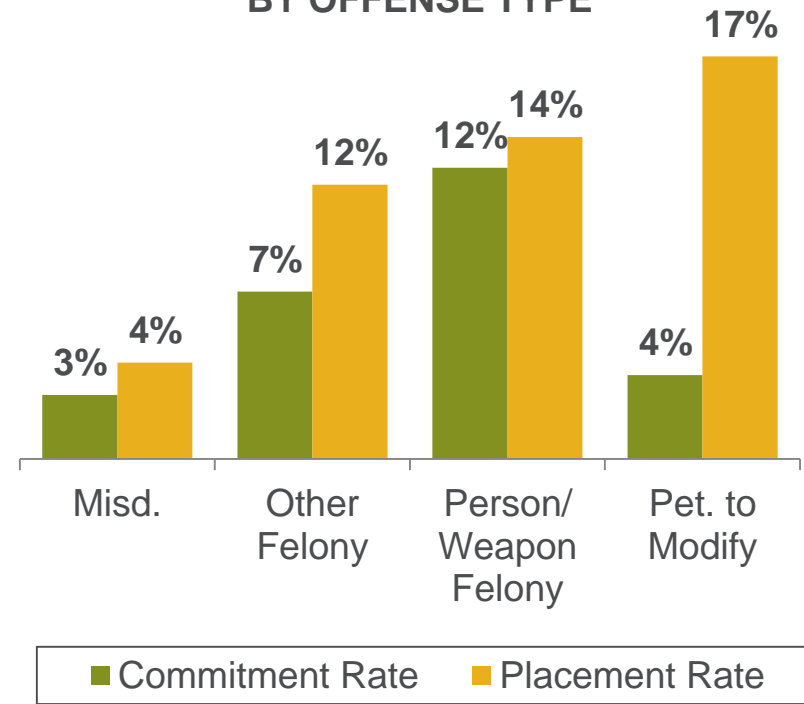
In general, youth who have higher risk levels and more severe charges are more likely to be committed or placed

COMMITMENT AND PLACEMENT RATES, BY IYAS ASSESSMENT LEVEL



Only 1% of disposed youth who are low-risk according to the IYAS are committed to DOC, and only 3% are placed

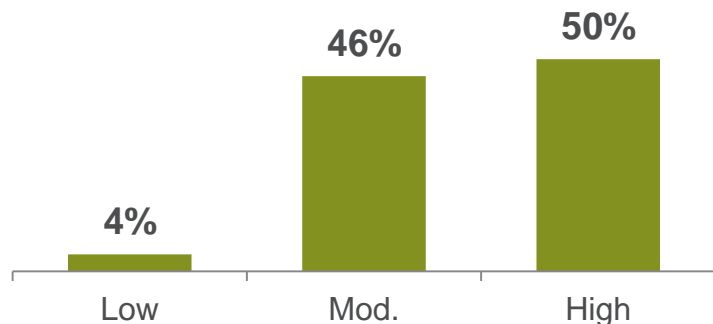
COMMITMENT AND PLACEMENT RATES, BY OFFENSE TYPE



Likelihood of commitment & placement generally increases with offense severity, but the highest placement rates are for petitions to modify

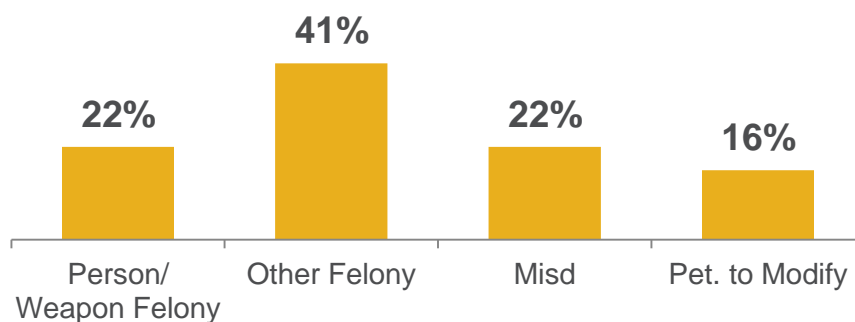
Yet, even despite low commitment rates for low and moderate risk youth, they still account for half of all youth committed to DOC

COMMITMENTS BY IYAS ASSESSMENT LEVEL



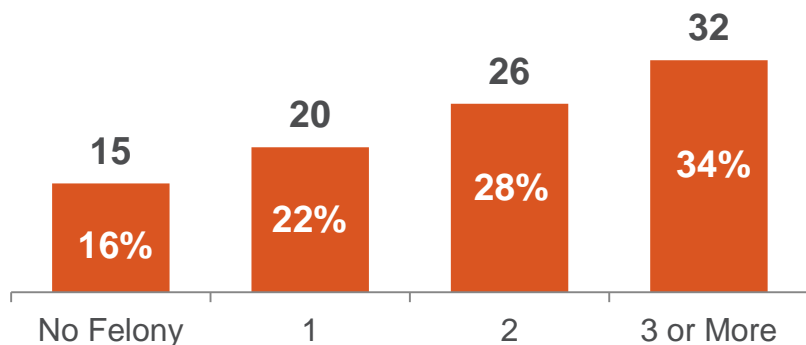
Half of all commitments were youth with low or moderate risk scores

COMMITMENTS BY CURRENT OFFENSE



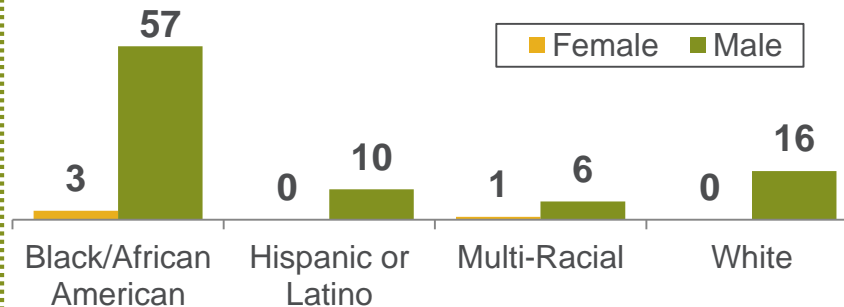
38% of youth sent to DOC were committed for a VOP or misdemeanor

COMMITMENTS BY TOTAL FELONY ADJUDICATIONS



Almost 40% of committed youth have only had one or no felony adjudications (current or prior).

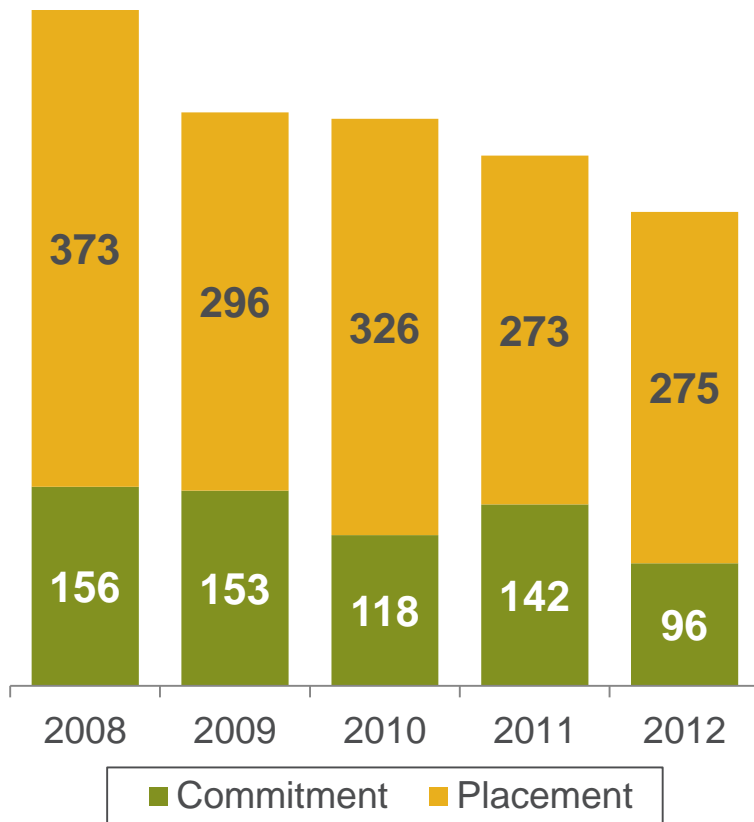
COMMITMENTS BY RACE AND GENDER



- There has been success finding alternatives for nearly all female youth
- The vast majority of commitments are Black youth

The use of local residential placement is far more common than commitment to the Department of Corrections

**TOTAL COMMITMENTS & PLACEMENTS
2008-2012**

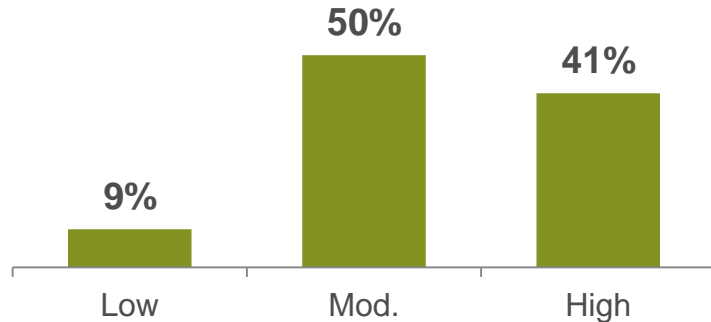


Checks and balances are in place regarding placement decisions but are not as demanding as those for commitments, and do not seem to be highly effective in limiting the use of placement. This could result in disparate sentencing outcomes:

- Recommendations for commitment must be staffed with the Deputy Chief and Assistant Deputy Chief, but placement recommendations only require staffing with a supervisor.
- Judge Moores reviews all dispositions to commitment, but not placement.
- Although DCS must review placement recommendations, it was reported that they rarely disagree and, if they do, the recommendation still goes to court as is, with DCS's disagreement noted.
- Youth in placement remain on probation instead of receiving a disposition to placement, which reinforces the idea that placement can be a part of probation.

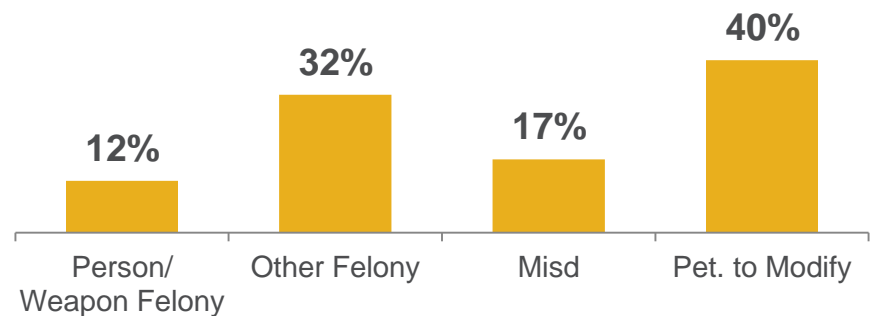
These placements are mostly used for low or moderate risk youth, and especially for modifications

PLACEMENTS BY IYAS ASSESSMENT LEVEL



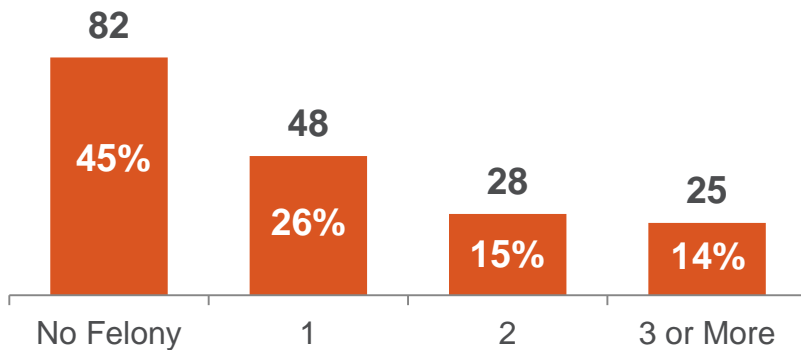
59% of all placements were youth with low or moderate risk scores

PLACEMENTS BY CURRENT OFFENSE



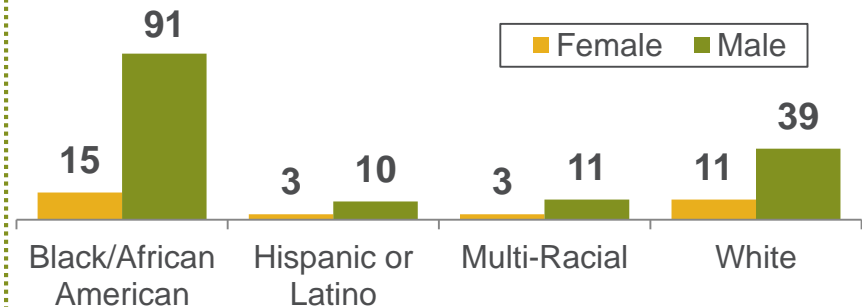
57% of youth sent to placement were adjudicated for a VOP or misdemeanor

PLACEMENTS BY TOTAL FELONY ADJUDICATIONS



71% of placed youth have only had one or no felony adjudications (current or prior).

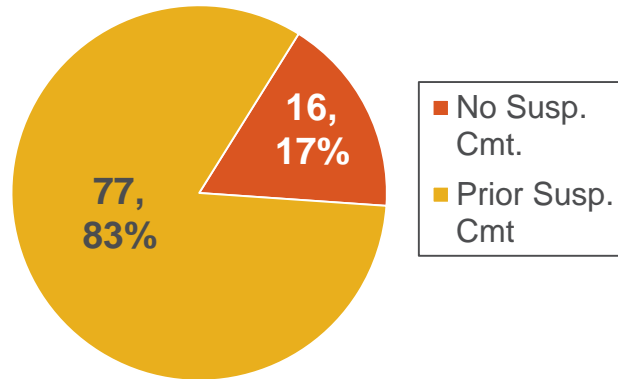
PLACEMENTS BY RACE AND GENDER



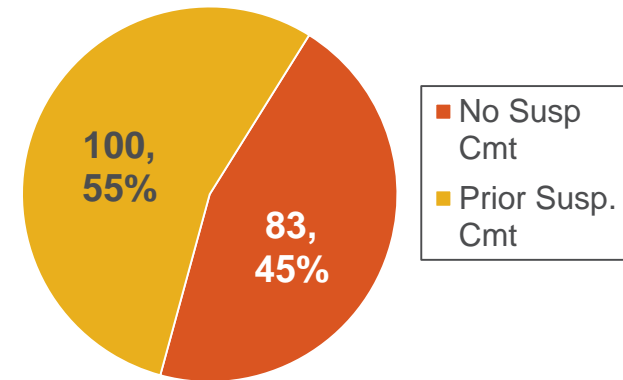
- Even for placement, there has been success finding alternatives for most female youth
- To a lesser extent, most placed youth are Black

Suspended commitments greatly increase the likelihood of commitment or placement, especially among youth with one or fewer felony adjudications

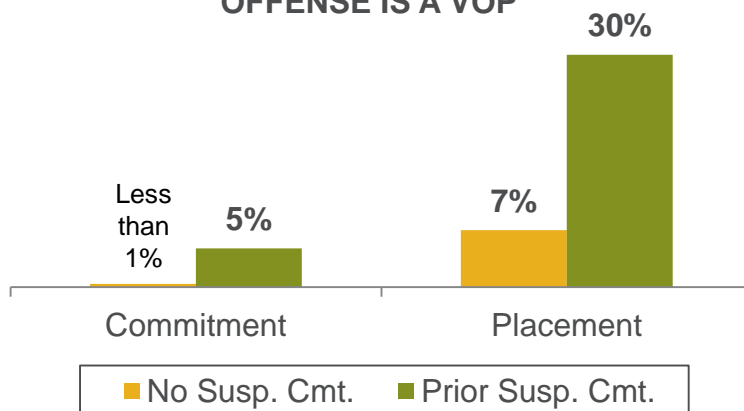
COMMITMENTS TO DOC BY PRIOR SUSPENDED COMMITMENT (N = 92)



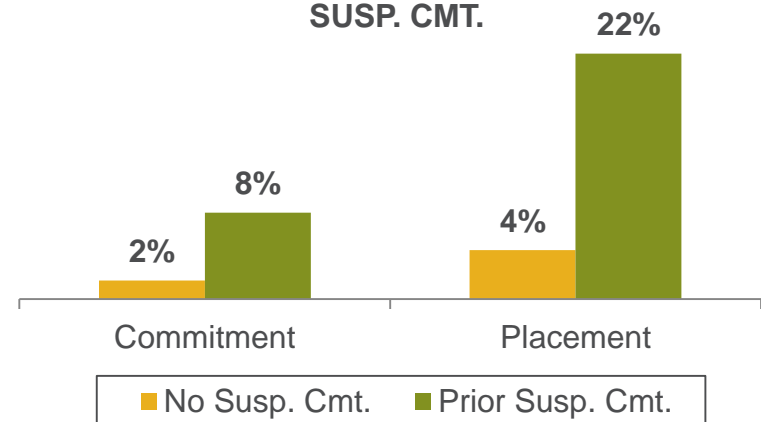
RESIDENTIAL PLACEMENTS BY PRIOR SUSPENDED COMMITMENT (N = 83)



% OF YOUTH WITH NO PRIOR PLACEMENTS OR FELONY ADJUDICATIONS WHOSE CURRENT OFFENSE IS A VOP

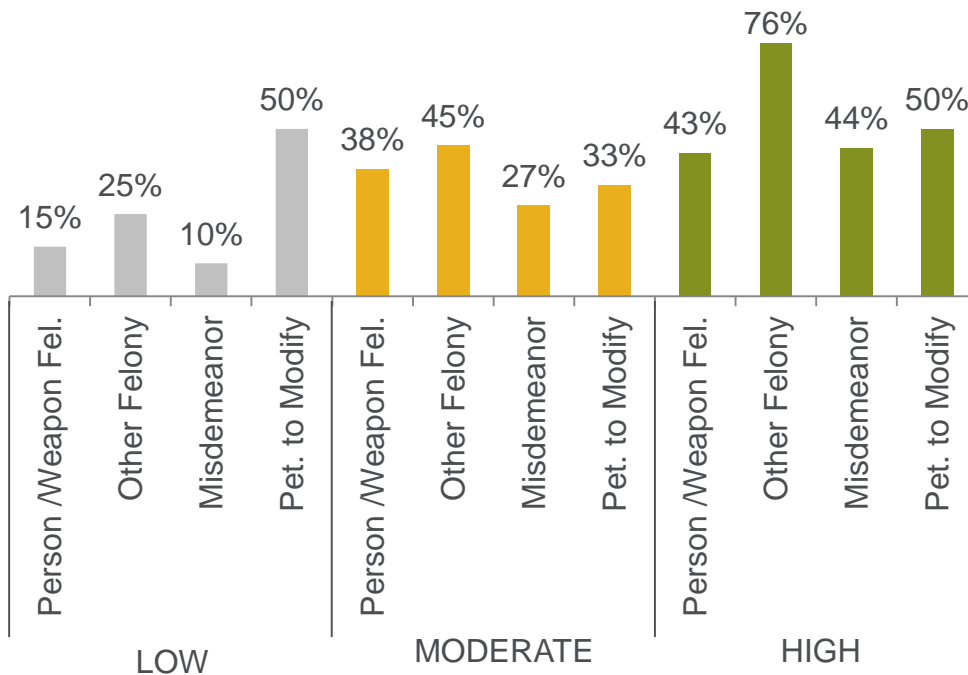


% OF YOUTH WITH NO PRIOR PLACEMENTS, AND 1 FELONY ADJUDICATION, BY PRIOR SUSP. CMT.

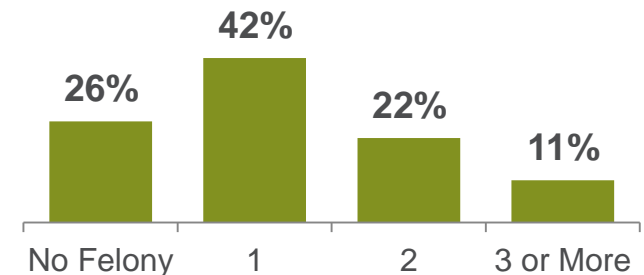


However, they are overused and there does not seem to be a logical pattern as to whom they are issued

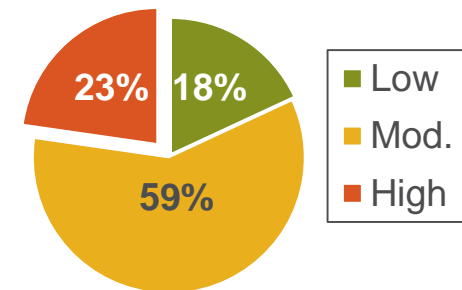
% OF YOUTH DISPOSED TO PROBATION WHO WERE ALSO GIVEN A SUSPENDED COMMITMENT, BY RISK AND OFFENSE



YOUTH DISPOSED TO PROBATION & SUSP. COMMITMENT, BY PRIOR HISTORY



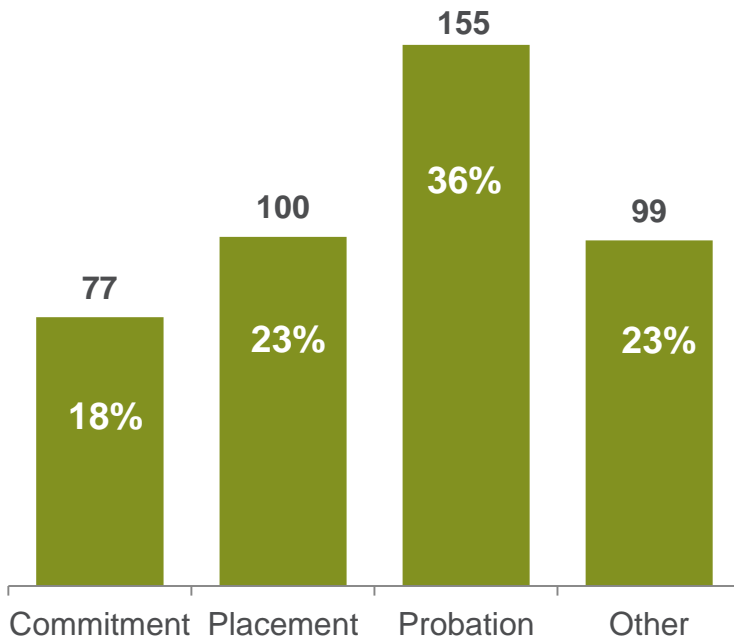
YOUTH DISPOSED PROBATION & SUSP. COMMITMENT, BY IYAS RISK LEVEL



- 26% of dispositions for probation included a suspended commitment.
- 77% of all youth disposed to probation with a suspended commitment scored low or moderate risk on the IYAS
- 26% have never been adjudicated for a felony

Furthermore, it is difficult to ascertain from the data the intended purpose of using suspended commitments

**NEW DISPOSITIONS FOR YOUTH WITH APRIOR
SUSPENDED COMMITMENT**



- Most youth who are given a suspended commitment are placed on probation when re-disposed on a new arrest or violation—not committed.
- This suggests that suspended commitments may be over-used and that they do not convey a clear or consistent message to youth or court officers.
- Moreover, suspended commitments do not impact the type of intervention that youth receive
- There needs to be more intentionality regarding which youth receive suspended commitments and what they mean so that they are only used when youth are truly at risk of commitment

How probation is used in Marion County has a significant impact on who ends up in the deep end of the system

MAJOR THEMES

This presentation will explore:

Diversion

Disposition

Probation

- Probation practices & policies
- Issues of morale & buy-in for reform
- Impact of VOPs on placements and commitments

Community-Based Services

Residential Facilities

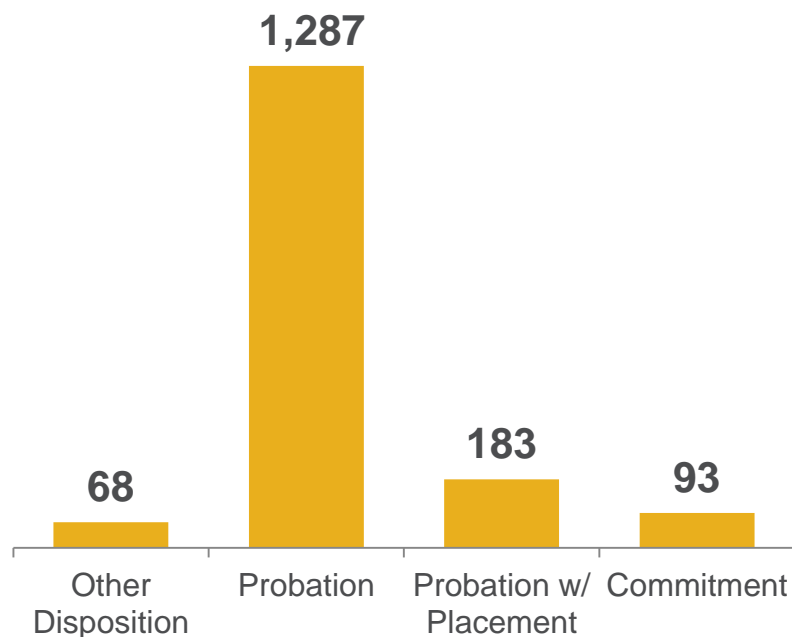


CROSS-CUTTING ELEMENTS:
Collaboration, Data-Driven Decision-Making,
Family Engagement

All stakeholders have a responsibility to ensure probation can operate effectively as an alternative to confinement

The vast majority of youth who come through the juvenile justice system end up on probation

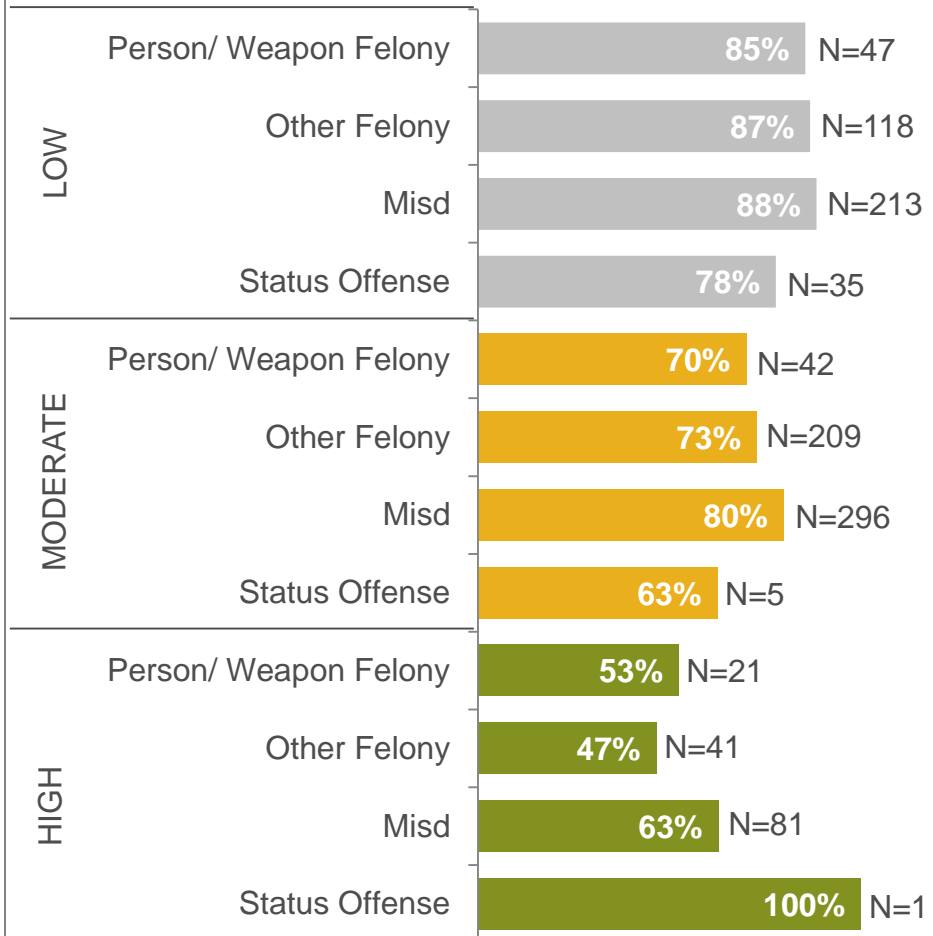
2012 Dispositions



- Our assessment included an in depth look at who ends up on probation, what stakeholders expect of probation, and how probation operates because probation is the largest part of the JJ system, and a driver of deep end populations
- Stakeholders throughout the system need to consider how they are using probation and how that establishes a set of expectations about how probation should operate
- If fewer youth are going to go to the deep end of the system, they will have to be on probation, and POs will need the resources, the time, and the skills to effectively work with that population, which may require other stakeholders to shift their expectations

But the size of the low/moderate risk population on probation makes it hard to effectively serve the youth that pose the greatest risk to public safety

PERCENT OF ALL CASES DISPOSED TO PROBATION, BY RISK LEVEL AND OFFENSE²

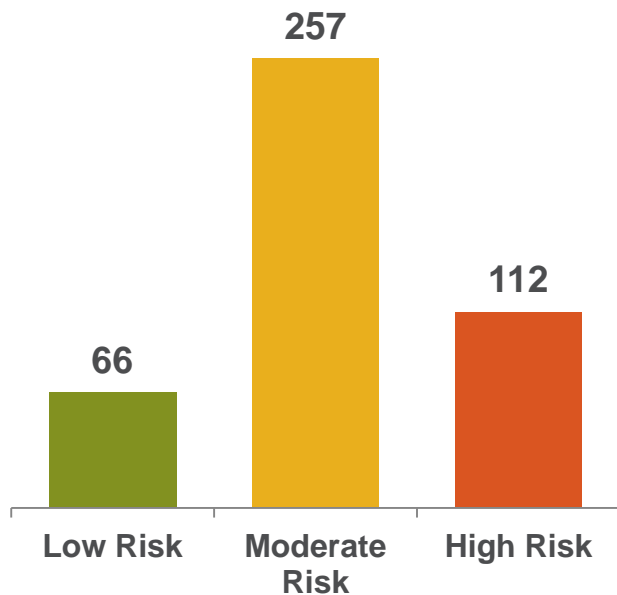


- Of 1,109 youth disposed to probation with available IYAS scores:
 - 87% are low & moderate risk
 - 64% of all probation dispositions were low risk or moderate risk misdemeanor or status offender
- This population defines probation as something for the “lightweight” kids, yet half of all high risk youth with felonies are placed on probation.
 - Probation can’t be the intensive service they need
 - Yet, stakeholders are unhappy with the other available options (placement & commitment)
- **Probation needs to either become much more nuanced or keep the youth that do not pose a risk to public safety out to focus on a more serious population.**

² 178 youth are missing IYAS scores and are therefore excluded from this analysis

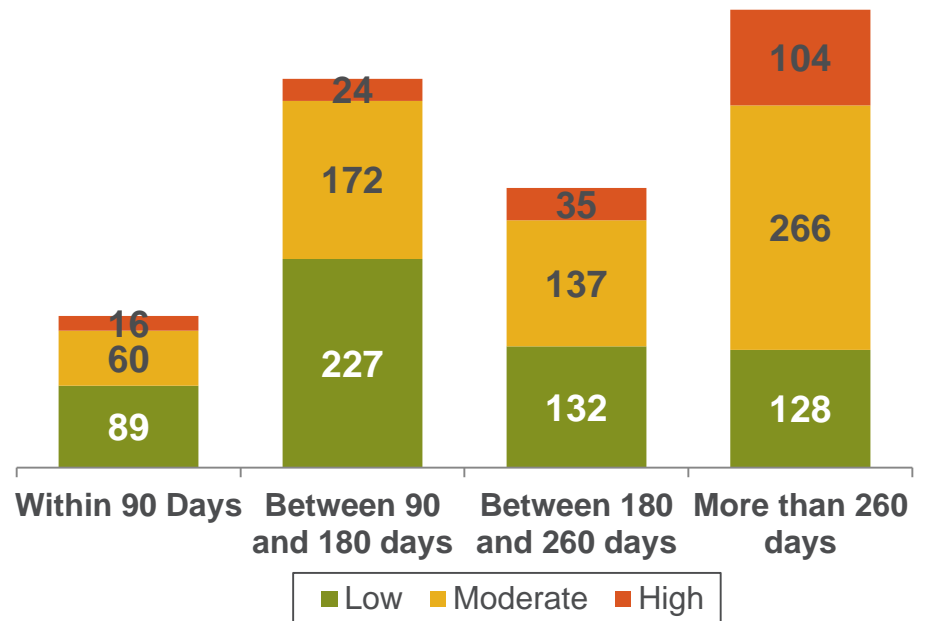
Once on probation, these low & moderate risk youth stay on too long and account for the majority of modifications

2012 PETITIONS TO MODIFY PROBATION, BY IYAS LEVEL



- Petitions to modify account for 20% of all adjudications and **74%** scored low or moderate risk on the IYAS.
- **Of the petitions to modify that resulted in commitment or placement, 39 out of 76 were low or moderate risk**

LOS ON PROBATION, BY IYAS RISK LEVEL 2012 PROBATION TERMINATIONS



- 88% of youth remain on probation much longer than the initial 90 day end date with more than a third staying longer than 260 days
- 79% of those who stay on longer than 260 days scored low or moderate risk on the IYAS

Additional systemic barriers prevent probation from effectively working with the most challenging youth to avoid placement

CHALLENGES OF PROBATION

CONFLICTING EXPECTATIONS OF PROBATION

- ▶ Monitoring youth compliance vs. facilitating a process of behavior change
- ▶ Intermediate success or failure vs. long-term success or failure
- ▶ Are POs seen as part of the intervention or purveyors of services?

BARRIERS TO MEETING EXPECTATIONS

- ▶ Uneven implementation of best practices
- ▶ Heavy workloads
- ▶ Too much time spent on non-delinquent youth and IAs
- ▶ Is 90 day term realistic? Average is 260 days

UNINTENDED CONSEQUENCES OF REFORM

- ▶ Low PO morale due to heavy workloads and feelings of distrust from other system stakeholders
- ▶ Many stakeholders are not bought into JDAI philosophy and do not embrace reform

Probation cannot be consistently effective

Our interviews and observations identified some areas where policy or practice change might increase success rates for youth on probation

ADDITIONAL OPPORTUNITIES:

- POs are required to file a VOP when there is a new arrest, but are supposed to follow the Administrative Sanctions policy on technical violations.
 - However, It is up to each individual supervisor to ensure that administrative sanctions have been tried before filing the VOP.
 - The Administrative Sanctions policy allows POs to add any sanctions that are available to the court besides those that restrict the youth's freedom (i.e. placement and electronic monitoring)
- Expectations of various system stakeholders have led probation to take a “not on my watch” approach, with an emphasis on compliance rather than behavior change.
 - Good case planning that is individualized, done in partnership with the youth and family, with opportunities to recognize accomplishments and celebrate success can increase both compliance and facilitate behavior change.
 - But also, there needs to be recognition among all stakeholders that change is a process.

To reduce use of confinement, a robust array of community-based services is an essential supplement to probation supervision

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Disposition

Probation

Community-
Based
Services

- Utilization of wraparound program
- Gaps in current array of services
- Ability of providers to work with the most challenging youth

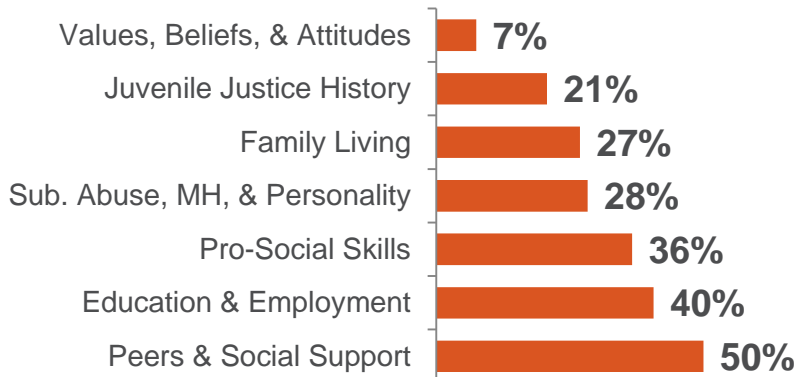
Residential
Facilities



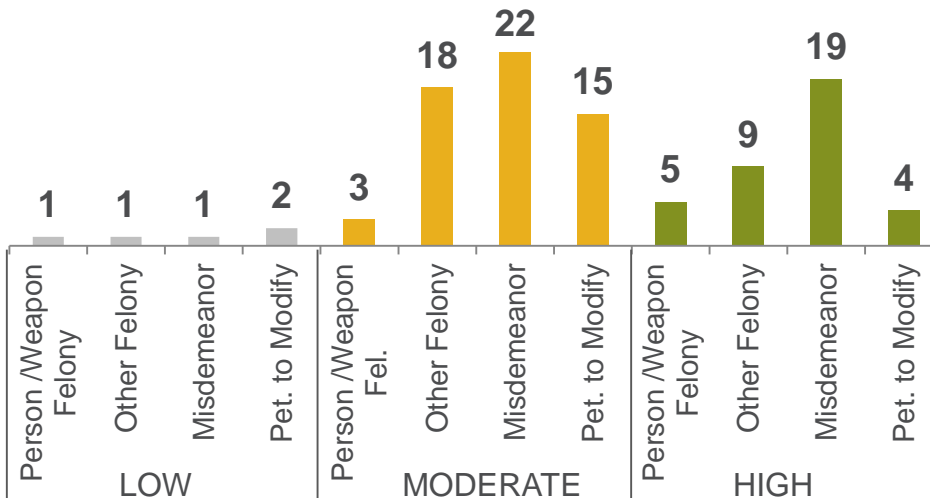
CROSS-CUTTING ELEMENTS:
Collaboration, Youth Well-Being, Data-Driven
Decision-Making

Community-based services could be utilized more efficiently and better targeted for the specific needs of Marion County youth

% OF YOUTH FOUND HIGH RISK, BY IYAS SUB-FIELD



YOUTH REFERRED TO CSCC, BY IYAS RISK & OFFENSE



ASSESSMENT FEEDBACK:

- Stakeholders reported that available programs do not target the primary criminogenic needs of Marion County youth.
- Stakeholders also reported that many times youth are too quickly ejected from programs, which often leads to a VOP, and often results in placement.
- As the graph on the left shows, the wraparound program, Cross System Care Coordination, could be better targeted to high risk youth with more serious offenses

For those youth that do need to be confined, they should receive the services they need to ensure they become productive, law-abiding adults

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- Program outcomes and effectiveness
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- Ejection and refusal of certain youth from residential placements



CROSS-CUTTING ELEMENTS:
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Decision-Making

Residential placements are not producing the outcomes that stakeholders want to see, nor are they an effective alternative to commitment

KEY STATISTICS:

- 23% of committed youth had at least one prior placement and 48% had a prior commitment or placement.
- 20% of youth are arrested while IN placement.
- 25% of youth are ejected from placements due to program failure.
- Among youth released from placement not arrested while in the program, a third are arrested within three months (31%, 85 of 278) and more than half (52%, 145 of 278) are arrested within six months.
- Among youth released from placement who were not arrested during their time in custody, the six-month recidivism rate is exactly the same as the rate for DOC (53%).

OTHER OBSERVATIONS:

- Top IYAS needs are not addressed by residential placements (especially peers)
- Concern raised that the placements aren't addressing criminogenic needs generally, and that the programs are designed for CW kids
- Providers are rejecting and ejecting youth who are too difficult to manage, but if residential providers aren't equipped to deal with the most challenging youth, why are they being used at all?
- Even with 90 day review hearings, the average length of stay in placement is 127 days.

So what are the major takeaways from all this information?

About eight years ago, Marion County stakeholders made a conscious decision to significantly restrict the practice of sending youth to the Department of Corrections. There remained a need to do something instead, yet the current alternatives are not as successful as they could be:

- Probation is unable to function as an individualized intervention that focuses the majority of its resources on the youth who pose the greatest risk to public safety.
- Community-based services are not targeted to the needs of the population they are intended to serve and they are not producing the results the system wants to see.
- Placements produce poor outcomes and stakeholders are unhappy with them, yet continue to use them.
- Stakeholders looking for another opportunity for an effective “stick” look to suspended commitments, but these are used haphazardly and instead of functioning as an alternative, effectively drive more youth into placement & commitment.

We have a number of recommendations for how to address these issues, enhance your system, and thereby reduce deep end populations

DRIVERS OF CONFINEMENT

Too many youth who do not pose significant risk to public safety in the system

Reform overload and lack of buy-in could undermine success

Probation practice is uneven and too many youth are unsuccessful

Confinement used too frequently for youth who are neither high risk nor charged with serious offenses

Lack of clear alternatives to confinement for the most challenging youth

Services available for youth are not effective

HIGH LEVEL RECOMMENDATIONS

Streamline probation caseloads and address flow into the system

Increase PO buy-in for current and past reforms

Enhance use of best practices in probation, including youth and family engagement

Systematize dispositional decision-making, including the use of Suspended Commitments

Prioritize and allocate system resources for those youth who are identified as posing the greatest risk to public safety

Improve programmatic outcomes by ensuring that they provide the right kinds of services and only use programs that get good results

Addressing the composition and content of probation will increase youth success while on probation and after they are no longer under supervision

Streamline Probation Caseloads

- Increase the use of informal processing
- Increase the use of taking cases “under advisement”
- Consider the creation of an Informal Adjustment caseload
- Conduct a cost-benefit analysis of school-based probation

Increase PO Buy-In for Reforms


- Develop a “vision” for juvenile probation to ensure all system stakeholders understand the purpose and functions of probation
- Seek PO input on new initiatives and how to improve those that have already been implemented
- Ensure that reforms do not unnecessarily create more work for POs

Enhance Use of Best Practices in Probation

- Train POs on youth & family engagement
- Revise current case planning tool
- Reviewing VOP policies and procedures

To systematize dispositional decision-making, Marion County should consider implementing Structured Decision Making

- Structured Decision Making (SDM) is a process of dispositional decision making that ensures that the majority of the system's resources are focused on the youth that need them the most
- An SDM grid reflects local values and is developed in collaboration with the key agencies and representatives invested in the juvenile justice system
- It achieves fairness: youth with similar behaviors and risk levels will receive similar dispositional recommendations from probation officers
- The grid reduces the use of overly intensive dispositions for low-risk youth, which has been shown to increase risk of recidivism
- Recommendations for the level of security in the disposition will not be based on the youth's treatment needs or attitude while in court or with PO¹



Placements and commitments can remain low and resources are maximized, without sacrificing appropriate levels of supervision

¹ Treatment needs are addressing through case management as part of the young person's disposition

This is an example of an SDM matrix that was implemented in New York City. It establishes guidelines for POs' dispositional recommendations

MOST SERIOUS CURRENT ARREST CHARGE ³	LIKELIHOOD OF RE-ARREST		
	HIGH OR VERY HIGH	MODERATE	LOW
CLASS I: A, B felonies (violent & non-violent), violent C felonies	Out of Home Placement (range of security options)	Out of Home Placement or Alternative to Placement	Alternative to Placement or Probation
CLASS II: Non-violent C felonies, violent D felonies	Out of Home Placement or Alternative to Placement	Alternative to Placement or ESP (Level 3 Probation)	Level 1 or 2 Probation
CLASS III: Non violent D, All E felonies, misd assault and misd weapons possession	Alternative to Placement or ESP (Level 3 Probation)	Level 1 or 2 Probation	Level 1 Probation or CD
CLASS IV: A misdemeanors except assault and weapons and all B misdemeanors⁴	Level 1 or 2 Probation	CD or ACD ⁵	ACD or short term one time consequence or Dismissal

MANDATORY OVERRIDES:

1. Must consider CD or ACD for youth with no unsealed priors. Decision is based on the circumstances of the case.
2. If case goes to trial, use finding offense

DISCRETIONARY OVERRIDES:

POs have discretion to recommend either a more or less restrictive option than the grid provides. However, all overrides - up or down - must be submitted with justification for approval by the PO's supervisor and Borough Director

³ Arrest charge was selected instead of adjudicated charge due to the idiosyncrasies of New York City's plea bargaining practices. It was determined that using adjudicated charge would drastically impact the number of cases contested in court and would, therefore, reduce the value of the grid as a tool that reflects the consensus of system stakeholders. This was not without much debate, however, and is an issue that may continue to be contested

⁴ Many of these cases should be adjusted at intake

⁵ ACD = adjournment in contemplation of dismissal, CD = conditional discharge

Coupled with the SDM grid, Marion County needs to develop a more effective alternative to commitment option

PRESENT

SUSPENDED COMMITMENT

- Used too frequently (n=334)⁶
- Not effectively targeted (77% low or moderate risk)
- No impact on intensity of services or supervision
- Because use isn't targeted, yet it increases likelihood of placement and commitment, kids with similar risk to public safety have very different outcomes

PLACEMENT

- Population poorly targeted: typical youth are low or moderate risk with no felony adjudications
- Intervention poorly targeted: criminogenic needs not targeted generally and IYAS needs don't drive treatment
- Providers not equipped or don't want to serve most challenging youth: 20% of youth are arrested *in placement* and 25% are ejected
- Placement is ineffective: recidivism rate matches those of DOC, with half of kids re-arrested within six months

FUTURE

ALTERNATIVE TO PLACEMENT

- Targeted to young people with highest risk of re-offending and/or with serious offense histories
- Supervision is of greater intensity/frequency than current probation supervision
- Supervision is tailored to strengths and needs of young people
- Case planning is more individualized and places high emphasis on youth and family engagement and buy-in
- Wrap-around services are accessed with greater frequency and more effectively
- Programs are designed for youth who pose greatest risk of re-arrest in the absence of an intensive intervention

⁶ 334 youth had a disposition to probation that included a suspended commitment in 2012

It is also essential to improve the outcomes for both community-based and residential programs available for justice-involved youth

COMMUNITY-BASED

- Review the current array of services to ensure that programs are available to address the most prevalent needs of Marion County youth
- Increase availability and use of positive youth development programming
- Eliminate potential obstacles to youth participation in programs (e.g., transportation, scheduling, money, etc.)
- Collaborate with providers to reduce practice of ejecting youth from programs too quickly
- Target high intensity interventions, such as CSCC for youth who pose the greatest risk to public safety

RESIDENTIAL

- The Marion County Juvenile Court, and the Department of Children's Services need to collaborate more effectively to ensure that residential providers are targeting the areas which are most likely to lead to future delinquency
- Consider the use of "no eject, no reject" policies when contracting with residential providers
- Monitor recidivism data regularly to ensure that youth are not removed from their homes only to be placed in facilities that do not reduce their likelihood of future system involvement