

# 9

A GUIDE TO JUVENILE DETENTION REFORM

## JDAI in New Jersey

A Statewide Replication Success Story –  
And Lessons for Taking JDAI Statewide

Juvenile Detention Alternatives Initiative

A PROJECT OF THE ANNIE E. CASEY FOUNDATION

This report was written by Richard A. Mendel, an independent writer and researcher.

This report would not have been possible without the generous cooperation of many New Jersey leaders who participated in the state's groundbreaking JDAI effort. Specifically, the following 18 individuals were interviewed for the report and provided their insights and recollections: Florine Alexander, Sharon Bean, Judge Phillip Carchman, Anthony Casale, Harry Cassidy, Paul DeMuro, Paula Dow, Judge Lee Forrester, Judge Glenn Grant, Frank Hoerber, Judge Eugene Iadanza, Andrea McCoy Johnson, Jennifer LeBaron, Lisa Macaluso, Mike O'Brien, Kevin Ryan, Judge James Troiano and Judge Richard Williams.

While not all of these individuals are cited in the publication, every one of them played a crucial role in New Jersey's JDAI success story and contributed important insights contained in the report. The Annie E. Casey Foundation wishes to thank and congratulate all of them on their invaluable contributions to detention reform in New Jersey and nationwide.

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# contents

2	INTRODUCTION	24	F. Deepening Commitment: Embedding JDAI into the New Jersey Justice System
6	PART I A Narrative History of New Jersey’s JDAI Journey	28	G. Continued Progress: More Counties, Deeper Population Reductions
6	A. New Jersey Before JDAI: Soaring Detention Populations Despite Decreasing Crime	33	PART II Understanding the State’s Role in Detention Reform
9	B. JDAI Comes To New Jersey: A Statewide Focus	33	A. Lessons from New Jersey
11	C. A Strategic Start-Up	37	B. Putting the Lessons into Practice: Progress in Other States
17	D. Success in Five Pilot Counties	43	CONCLUSION
22	E. Replicating Success in Five More Counties	44	ENDNOTES

# Introduction

Over the past 20 years, the Juvenile Detention Alternatives Initiative has made a formidable impression on America's juvenile justice systems. Launched as a five-site pilot project in 1992, JDAI proved effective in helping local jurisdictions safely reduce reliance on pretrial detention for youth accused of delinquency or awaiting placement to correctional facilities or other out-of-home placements. JDAI's reform process has subsequently spread to jurisdictions all over the nation, prompting a fundamental shift in juvenile detention practices nationwide.

As of 2014, more than 250 counties in 39 states plus the District of Columbia are actively replicating the JDAI model. These jurisdictions are home to more than one-fourth of the nation's youth. As a group, participating jurisdictions have reduced their average daily population in detention by 43 percent since beginning their involvement in JDAI. That translates to 3,173 fewer young people locked in detention cells each day in JDAI communities nationwide. New admissions to detention have fallen 39 percent in participating JDAI sites, and the average lengths of stay in detention have fallen 8 percent.<sup>1</sup> Moreover, a national evaluation of JDAI published in 2012 found that detention populations have fallen far faster in JDAI counties than the statewide averages within their respective states.<sup>2</sup>

Virtually all jurisdictions participating in JDAI have expanded the availability of detention alternative programs — such as electronic monitoring, home detention and day or evening reporting centers — that can be used in lieu of locked detention to supervise youth awaiting a court hearing or pending placement. Nationwide, the vast majority of youth placed into these alternative programs in JDAI jurisdictions avoid rearrest and attend scheduled court dates. Moreover, available data show that juvenile arrest rates and juvenile court referrals are continuing to decline in JDAI sites. By reducing staffing and other costs in their detention centers or eliminating the need for construction of new or expanded detention facilities, participating JDAI sites have together saved hundreds of millions of dollars in spending for secure detention. These savings have allowed participating jurisdictions to expand support for community alternatives to detention and other youth development programming, alleviate budget shortfalls facing county governments and local court systems, or both. Meanwhile, local JDAI sites have saved states hundreds of millions more by sharply reducing the number of youth committed to state correctional institutions and other residential facilities.

Yet amid all of this success, one JDAI goal has remained stubbornly elusive — statewide adoption. Many states, in fact most, have embraced JDAI in a handful of local jurisdictions, and most of the localities adopting JDAI have substantially reduced their detention populations without any adverse impact on public safety. Yet, in most states where JDAI has found success in a small number of sites, there has been less progress in replicating JDAI in other counties.

Given the demands of the JDAI model, local sites typically require outside assistance if they are to pursue detention reform successfully (if at all). That is why the Casey Foundation has built an extensive infrastructure of resources dedicated to supporting local JDAI implementation through its model sites, conferences and publications. It is also why all new sites undergo multiple training seminars and all are assigned an expert consultant (known in JDAI as a Technical Assistance Team Leader) to provide ongoing assistance and to coach sites through the process. While Casey originally hoped that the first JDAI counties in a state would serve as “big brothers” to other counties, that expectation has proven overly optimistic. At the same time, however, Casey cannot possibly provide direct assistance to all 3,000 counties in the country.

Given these realities, the Casey Foundation has looked increasingly for states to play a central role in JDAI replication. If they choose — that is, if key state leaders make an intentional commitment to making detention reform a top statewide priority — states can play an invaluable role in helping localities overcome these barriers to participation and success in JDAI. Broadly speaking, states can perform three crucial and interrelated functions to help accelerate local JDAI replication efforts: (1) they can spark interest in and build local momentum toward detention reform at the local level; (2) they can provide direct support and guidance for local JDAI implementation efforts; and (3) they can facilitate a new consensus in support of detention reform among system leaders and line staff across a state’s many local jurisdictions.

Beginning around 2003, the Annie E. Casey Foundation shifted its approach to replication of JDAI, expanding the role of state governments and insisting that most new sites join the initiative in multisite cohorts within their states, in partnership with one or more agencies from state government. Unfortunately, time and experience showed that robust state leadership on detention reform did not emerge easily in most states. Rather, significant barriers often got in the way of states mobilizing support, providing meaningful leadership and building an infrastructure to help promote widespread and successful JDAI replication.

One barrier was the fact that detention, like probation, is a local function in most states’ juvenile justice systems. Other than licensing local detention facilities, state courts and juvenile justice departments and other executive agencies have not traditionally played a significant role in supervising or guiding detention. As a result, there is often little expertise on detention policies and practices at the state level. And given the longstanding balance of roles and responsibilities, state leaders may be hesitant to tread heavily into detention issues despite their direct impact on the flow of youth into state custody and their critical importance in terms of equitable treatment for youth. Even in states where detention facilities are directly operated or funded by the state, detention practices are often dictated by local court culture and resistant to state influence.

Also, many states lack capacity and experience providing training and technical assistance to support detention reform efforts, a critical need among local JDAI sites, and many lack robust and uniform data

collection systems to track key indicators related to detention reform. Another pervasive barrier to state leadership on juvenile detention reform is the absence of any active and engaged multi-agency oversight body in many states with responsibility (or a perceived mission) to maximize the overall success of the juvenile justice system.

This report focuses on New Jersey, which, for a variety of reasons, was the first state to overcome or avoid these barriers. After starting with five sites in 2004, New Jersey extended JDAI to five more sites in 2006, and it has continued to involve additional sites ever since, adding its 17th and 18th sites in 2013. The three remaining New Jersey counties are all slated to join JDAI in 2014 or the first half of 2015.

Both in the initial counties and in replication sites, the results of New Jersey's JDAI efforts have been impressive on many dimensions. Admissions and daily population have plummeted statewide. Many of the state's detention centers have closed or consolidated. An impressive network of detention alternatives has been erected, and a new risk assessment instrument — widely embraced by judges and other system leaders throughout the state — has helped to sharply reduce the number of low-risk youth placed into detention cells. These successes, in turn, have significantly reduced the number of youth committed to state custody.

These auspicious statewide outcomes were possible only because New Jersey's state government emerged as a strong, active and persistent leader on detention reform. As detailed in the body of this report, the state has taken many constructive steps and employed the many effective strategies that together paved the way for widespread replication, impressive across-the-board results and a durable statewide consensus likely to sustain detention reform for the foreseeable future.

Through this success in “bringing JDAI to scale” (see text box), New Jersey became an object lesson for the JDAI community on the crucial importance of state leadership in promoting the widespread and effective replication of the JDAI model within states. In late 2008, New Jersey was named the JDAI initiative's first and only state-level model site. Since then teams from 11 other states have come to visit and learn from New Jersey's example, and to use its example as a catalyst to enhance their own state's leadership on detention reform.

This report reviews New Jersey's experience in order to cull lessons from its success for these and other states hoping to take JDAI to scale. Part One of the report is devoted to telling New Jersey's JDAI story, recounting the history of JDAI in the state and describing critical developments and ingredients that underlie its progress. Part Two aims to draw lessons for other states striving to emulate NJ's achievements in moving JDAI from a promising but isolated pilot project to a statewide reality. It examines the role of states in JDAI and the important functions that states can play in supporting successful detention reform, and it details the progress made by several of the states that have visited New Jersey and are beginning to build the state-level infrastructure and leadership necessary for taking JDAI to scale.

Indeed, after several years of limited progress, a number of states have recently begun to make significant and noteworthy strides in JDAI replication. Gradually, thanks in part to the assistance it is providing these other states, New Jersey is shifting from an *outlier* to a *model* — from a unique success story in JDAI replication to a prototype for many others who are taking its lessons to heart and making JDAI the centerpiece of meaningful statewide action in juvenile detention reform.

### “TAKING JDAI TO SCALE” — WHAT DOES IT MEAN?

Increasingly in recent years, members of the Annie E. Casey Foundation’s Juvenile Justice Strategy Group, as well as other leaders in the detention reform movement, have spoken about the goal of “taking JDAI to scale.”

This phrase, however, has often bred confusion. What does it mean to take JDAI to scale?

One element of taking JDAI to scale, clearly, involves replicating the model widely to serve all or nearly all youth everywhere in the nation — or within a given state. However, replication in JDAI is not a simple yes-or-no question. Rather, going to scale involves quality as well as quantity — the depth, intensity and effectiveness of JDAI replication efforts, the dynamism and underlying values of participating sites, and not just the number of jurisdictions involved.

Given these nuanced and complex dynamics of replication, then, what does going to scale actually mean? The core of the answer is that going to scale means bringing the full promise of detention reform to court-involved youth everywhere. Necessarily, then, going to scale involves:

- Replicating the model widely, to ensure that it benefits youth in all or nearly all jurisdictions.
- Implementing the model fully, and with fidelity — building participating jurisdictions’ capacity to collect and use data to inform detention decision making and identify opportunities for significant improvement, and creating a new consensus on the need to limit the use of detention, ensure equity and provide safe and compassionate conditions for those who must be confined.

- Achieving meaningful results related to the core goals of detention reform, especially (but not only) in terms of reducing the unnecessary or excessive use of detention.
- Ensuring the sustainability of detention reform over the long term, by embedding core JDAI principles and practices into law, forging consensus among a broad range of influential policymakers and opinion leaders, and building expertise in detention reform up and down the organizational charts of key agencies involved in detention.

Two decades of experience with detention reform has shown that state leadership is an essential ingredient for meeting these challenges and bringing JDAI to scale.

# A Narrative History of New Jersey's JDAI Journey

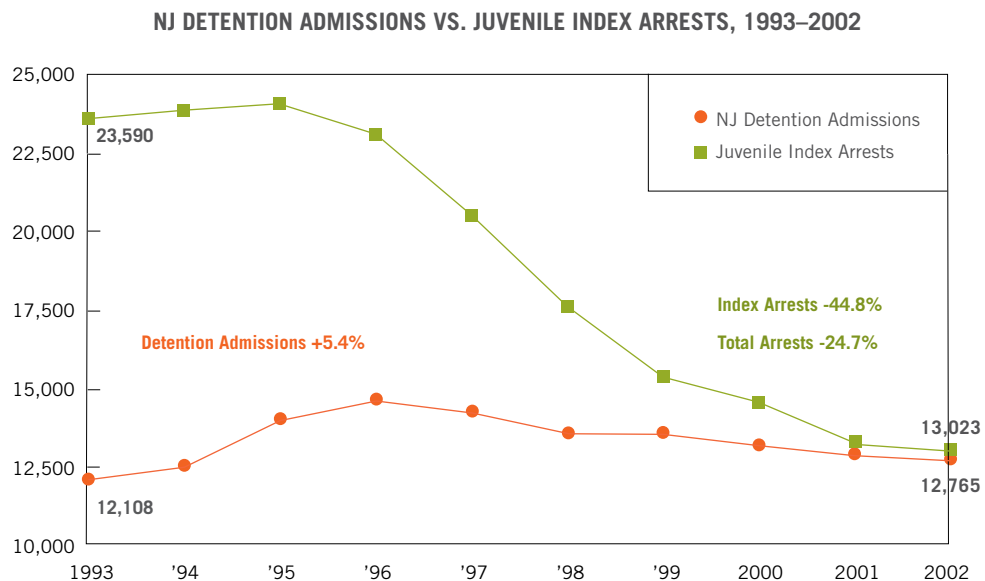
As in many parts of the nation, New Jersey's juvenile detention system faced a number of troubling trends in the 1990s and early 2000s. Like many other jurisdictions, New Jersey turned to JDAI to address the detention challenge, and — as in other states — New Jersey began its hands-on detention reform work in a handful of pilot jurisdictions.

Yet, more than any other jurisdiction, New Jersey designed its JDAI effort with an eye toward implementing the detention reform model not in isolated localities, but statewide. The JDAI reform process was initiated by leaders in state government who focused from the outset on statewide replication and constructed their JDAI plans with that long-term goal in mind.

## A. New Jersey Before JDAI: Soaring Detention Populations Despite Decreasing Crime

Even as juvenile crime and arrest rates plunged from their historic highs in the early 1990s, the number of youth confined in New Jersey's 17 county-run juvenile detention facilities remained stubbornly high. Facility populations spiked from 1993 to 1996 and declined only grudgingly thereafter. Even after facility expansion projects added hundreds of detention beds in the late 1990s, crowding remained endemic in many of the state's detention centers.

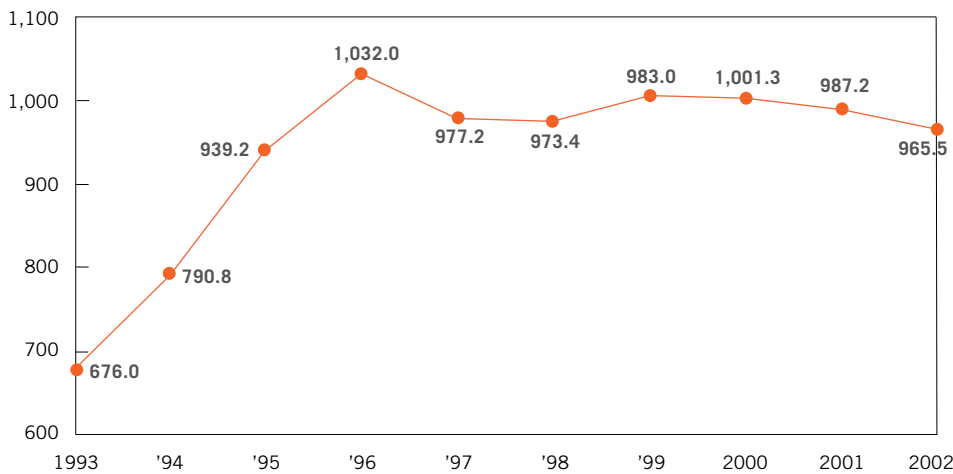
Consider the numbers. In 1993, New Jersey admitted 12,108 youth to detention and kept them for an average stay of 20.4 days. This resulted in an average daily detention population of 676 youth, above the combined maximum capacity (609 youth) of the 17 detention facilities.<sup>3</sup>





From 1993 to 2002, juvenile arrests for serious offenses — those defined by the FBI as “index crimes” — fell 45 percent in New Jersey, and total arrests fell 25 percent. Yet detention admissions rose over this period — or more precisely, the substantial increase in admissions from 1993 to 1996 (+2,540 admissions) exceeded the gradual reduction from 1996 to 2002 (-1,883 admissions). Among girls, detention admissions grew from 1,457 in 1993 to 2,024 in 2002, an increase of 39 percent. Average length of stay in detention also grew 30 percent from 1993 to 2002. Overall, New Jersey’s average daily population in detention increased from 676 in 1993 to 1,032 in 1996, then hovered near 1,000 for the next several years.<sup>4</sup>


**NJ DETENTION AVERAGE DAILY POPULATION, 1993–2002**



To help ease the overcrowding, several New Jersey counties expanded their juvenile detention facilities in the late 1990s, spending tens of millions of taxpayer dollars. Overall, state detention facilities added 349 beds from 1993 to 2002 — a 57 percent increase. Yet, even with these extra beds, the average daily population still exceeded the maximum cumulative capacity of detention centers statewide in 2002. And due to uneven utilization of facilities, serious overcrowding plagued several sites. Facilities in Atlantic, Hudson and Monmouth counties, for instance, averaged between 17 percent and 45 percent more youth per night than their design capacity.<sup>5</sup>

The most glaring overcrowding plagued the detention facility in Camden. Designed to house 37 youth, the Camden facility averaged 83 youth per day in 2002. At times the population in Camden spiked up to 130, nearly four times capacity.<sup>6</sup>

Conditions in Essex County’s facility were equally troubling. In 1986, a federal investigation had revealed dire problems in the Essex facility, including severe crowding, unsanitary and vermin-infested conditions, widespread violence, arbitrary punishments and unmonitored use of handcuffs and other restraints by facility staff. (The *Newark Star-Ledger* once described the facility as an “overcrowded hellhole.”) By



2003, when New Jersey leaders began contemplating their JDAI effort, crowding was less of a problem in Essex County, due to a major expansion project in the late-1990s that increased bed capacity from 100 to 242. But facility conditions remained problematic. Not until 2008 would Essex County finally satisfy a federal judge that it was meeting the constitutional requirement to provide humane treatment of confined juvenile offenders.<sup>8</sup>

Troubles were also widespread in other New Jersey detention facilities. A 2004 report by the state's Child Advocate found deep flaws in the treatment of youth with mental health issues, and severe inefficiencies in case processing for detained youth. Most alarmingly, the report found that youth in state detention centers threatened or attempted suicide 90 times in the first eight months of 2004. (Indeed, the Child Advocate's study was prompted by a highly publicized suicide at the Union County detention center in 2003.) Yet screening for suicide risk was often cursory, the Child Advocate found, and frequently administered by untrained staff. The Child Advocate's report also found that thorough mental health assessments were not administered in many facilities, and mental health treatment for detained youth was "grossly inadequate" across the state.<sup>9</sup>

The Child Advocate report also showed that New Jersey youth — including many with very limited offending histories — were being confined for weeks or months on end. In many cases, the youth were awaiting placement into non-secure treatment facilities, violating state laws prohibiting this practice. "Juvenile detention is designed to be neither long term nor a placement for children with serious emotional disturbance or behavioral health needs," the report found. "Nonetheless, many youth languish in confinement, with needs grossly unmet."<sup>10</sup>

Nearly one in five detained youth statewide had been detained for more than 60 days, the Child Advocate found. The longest stays in detention were found not for the most serious youth offenders destined for commitment to youth corrections facilities, but rather for youth with social service needs awaiting placements into non-secure child welfare or mental health programs.<sup>11</sup>

Meanwhile, as in other states, the population confined in New Jersey detention centers was disproportionately minority. Youth of color, who made up just 34 percent of the state population, were 81.5 percent of youth in detention.<sup>12</sup>

**A History of Inaction and Failed Reforms.** Long before New Jersey became involved in JDAI, these serious problems in the state's juvenile detention centers were widely known. The Essex County detention facility had been under federal court supervision since 1987. In 1994, an advisory panel appointed by New Jersey's governor issued recommendations to improve conditions in county detention centers and reduce overcrowding.<sup>13</sup>

Then, from 1997 to 1999, a high-level Detention Reform Task Force conducted an in-depth review of the state's detention system funded by the federal Office of Juvenile Justice and Delinquency Prevention.

The panel surveyed a cross-section of key actors across the state (including judges, prosecutors, defenders, detention administrators), and it examined a range of factors contributing to the overcrowding in detention centers statewide. The Task Force’s report, issued in March 1999, included a number of recommendations that closely mirror strategies employed in JDAI. These included training law enforcement officers to reduce inappropriate referrals to detention, establishing more detention alternatives programming, reducing detention based on technical violations of probation, eliminating delays in case processing and reducing the amount of time youth spend in detention following their dispositional hearings awaiting placement to correctional and treatment programs.<sup>14</sup>

Unfortunately, despite all the time and energy that went into the Task Force’s study and report, the recommendations gained little traction across the state and prompted little action. No new legislation was enacted and no new funds were appropriated at the state level to implement Task Force recommendations. No new rules were established by the judiciary to reduce wait times in detention for youth awaiting placement or to ban detention altogether for youth slated for placement in non-secure programs. No one in the courts or the youth corrections system began work on a risk assessment instrument to limit admissions or ensure uniformity across counties in which young people were detained. And other than a few isolated projects undertaken at the county level, the state saw no significant expansion in detention alternative programming to be used in lieu of locked detention for lower-risk youth.

Harry Cassidy, who served on the Task Force representing Burlington County (and later moved to New Jersey’s Administrative Office of the Courts, where he has played a key role in JDAI), summed up the Detention Reform Task Force in terse language: “That was a very nice discussion. Lots of stakeholders. Report done. Put on a shelf. Never saw the light of day.”

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**NEW JERSEY’S JDAI BRAIN TRUST UNDERSTOOD...early on that long-term progress could only be assured if the state created a durable infrastructure that offered ongoing encouragement, training, technical support, financing and other assistance to facilitate and sustain detention reform.**

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## **B. JDAI Comes to New Jersey: A Statewide Focus**

The inertia surrounding New Jersey’s efforts to reform its juvenile detention system persisted until early 2003 when officials in New Jersey reached out to the Annie E. Casey Foundation expressing keen interest in replicating the JDAI model — and doing so on a statewide basis.

Until that time, JDAI had been pursued primarily at the local level. However, thanks to the striking success of pilot sites like Multnomah County (Portland), Oregon, and Cook County (Chicago), Illinois, as

well as early replication sites like Santa Cruz County, California, and Bernalillo County (Albuquerque), New Mexico, interest in the model was building rapidly. Local jurisdictions were reaching out to the Annie E. Casey Foundation by the dozen, seeking permission and support to replicate JDAI.

Recognizing that these requests threatened to overwhelm the Foundation's capacity to provide effective technical assistance to local sites — after all the United States is home to more than 3,000 counties — leaders in the Casey Foundation's Juvenile Justice Strategy Group were just then reformulating their approach with an eye toward mobilizing states to take a central role in the JDAI replication process.

At this same time, the Casey Foundation asked the Coalition for Juvenile Justice (CJJ), a Washington-based membership organization, to begin reaching out to State Advisory Groups to explore their interest in getting more involved in JDAI. Few states responded to the inquiry, but for two key leaders in New Jersey the notion of state participation in JDAI hit a nerve.

Lisa Macaluso was director of the Office of Local Programs and Services in the New Jersey Juvenile Justice Commission (JJC), a state-level agency created in the mid-1990s when New Jersey removed juvenile corrections from the purview of the state's adult corrections department. Previous to taking that post, Macaluso had been the primary staff member assigned to the Detention Reform Task Force, which left her both highly knowledgeable about detention issues and acutely aware of the serious detention problems that remained unaddressed in the state. Macaluso was acquainted with the JDAI model, which informed the Detention Reform Task Force's 1999 report, and upon seeing CJJ's inquiry in 2003 she began immediately to devise plans for state-level involvement in JDAI, even though her boss, JJC Executive Director Howard Beyer, was seriously ill at the time and away on medical leave.

When Beyer returned to work, "He was 300 percent behind it," Macaluso recalls. And Beyer soon emerged as the state's leading champion of JDAI, a high-powered booster with deep commitment to the detention reform cause.

Beyer brought considerable experience and gravitas to his position as JJC executive director. Before coming to JJC in 1999, he had been warden of the Trenton State Prison and deputy commissioner at the New Jersey Department of Corrections. Beyer had begun his career as a correctional officer and worked his way up through the ranks. He served as JJC deputy executive director for three years before taking over as executive director in 2002.

Beyer came to JJC with a deep sense of purpose rooted in his experience in the adult prison system. "Howard had seen so many young people sentenced to 25 years in Trenton State Prison when he was the administrator there," recalls Macaluso. "He felt so strongly that, if we did this work well we could change the trajectory of kids like these so they could avoid places like Trenton... which is where the lifers went and the death row folks would go."

In JDAI, Beyer saw a unique opportunity to move the ball forward in New Jersey’s juvenile justice system, and he seized on it with passion. Beyer reached out immediately to Bart Lubow, national director of JDAI, and worked relentlessly to secure his support for a JDAI initiative in the state. “Howard [went] after Bart like a suitor for his first daughter,” quipped one top official in New Jersey. Over time, Beyer’s leadership would prove essential: “[New Jersey’s success in JDAI] happened because of many people,” said Kevin Ryan, who served as New Jersey’s Child Advocate from 2003 to 2005 and later as the state’s Human Services Commissioner, “but it wouldn’t have happened without Howard Beyer... He had an appetite for reform like no one I ever knew before.”

In response to this enthusiastic outreach, Lubow told Beyer that the Foundation would be very interested to pursue a statewide replication effort in New Jersey...but only if Beyer could bring in all of the state’s key leaders to support and participate. On October 27, 2003, Beyer hosted a meeting with 30 or so of the state’s leading juvenile justice officials. Held inside the state’s secure training school in Jamesburg, the meeting included the top judge and other leaders from the state’s Administrative Office of the Courts, juvenile court judges from several jurisdictions, the state’s top juvenile prosecutor and public defender, and representatives of county-level Youth Service Commissions (which distribute state funds for local juvenile services and monitor contracted programs), among others.

At the meeting, Lubow provided an overview of the JDAI model and described its outcomes to date, and Macaluso delivered an in-depth data presentation showing that the continuing crowding in the state’s detention facilities was not driven by any increase in youth offending, and was not necessary to protect public safety. Rather, detention crowding was tied to increased confinement of girls (few of whom had any history of violence or serious offending), and increasing lengths of stay for youth with mental health problems awaiting placement into non-secure facilities.

At the end of the meeting, Beyer went around the room and asked every participant whether or not he or she would be willing to support an effort to pursue detention reform and replicate JDAI across the state. Some session participants were enthusiastic. Others were more reserved. Yet, everyone present agreed to support the JDAI effort and to help move the work forward.

Three weeks later — on November 17, 2003 — Lubow sent Beyer a letter formally approving New Jersey as a JDAI replication site and offering a major financial commitment — \$200,000 per year in grant funding — to support the effort.

### **C. A Strategic Start-Up**

As soon as the official go-ahead arrived, Macaluso and Beyer swung into action developing plans and mobilizing support for New Jersey’s state-driven JDAI detention reform campaign. They were joined by a third critical contributor — Paul DeMuro — who also played a pivotal role in the New Jersey JDAI effort.

One of the nation's leading juvenile justice experts, DeMuro was a key advisor to JDAI's national Director Bart Lubow. He had worked as a top official in the Massachusetts youth corrections system in the early 1970s during a period of historic reform, and he subsequently served as Commissioner of Pennsylvania's Department of Children and Families. Since then, DeMuro has been involved as expert witness or court monitor in dozens of court cases regarding conditions of confinement in juvenile facilities, and he assisted both in designing the JDAI model and advising the highly successful JDAI pilot site in Chicago.

By coincidence, DeMuro lived in New Jersey, and he had gotten to know the state's juvenile justice system while serving on the Detention Reform Task Force staffed by Macaluso from 1997–99.

Lubow had invited DeMuro along to participate in the meeting of state leaders at the New Jersey Training School, and he quickly made DeMuro the Casey Foundation's point person for the New Jersey JDAI effort. Over the next several years, DeMuro would play a central role in advising Macaluso, Beyer and other state leaders, securing support from key leaders in the state judiciary, and helping build local teams in the five counties first selected to launch JDAI in the state.

Together, Beyer, Macaluso and DeMuro pursued a three-pronged strategy for the JDAI start-up in New Jersey: (1) establishing and engaging a state-level steering committee to support and promote JDAI replication efforts statewide; (2) selecting and mobilizing local steering committees in five pilot counties, and staging a high-profile kick-off event in each county to launch the local JDAI effort; and (3) hiring and training a team of "detention specialists" to analyze data on detention utilization in each participating county and to help local teams to use the data to identify problem areas and devise strategies for reducing overreliance on detention.

**Engaging State Leaders.** The first critical challenge was securing deeper buy-in from influential state leaders on whom the reform effort ultimately depended. Particularly after the failure of New Jersey's previous detention task force, the state's juvenile justice leaders and system personnel were understandably leery of another lofty-sounding reform project.

Beyer's clout and enthusiasm were critical. "He was the best cheerleader you ever saw," reports DeMuro. "Howard could get a meeting with the chief judge, with key leaders in the legislature, whoever we needed. He had the juice."

One key constituency was the state's judges, represented by the Administrative Office of the Courts. "When someone walked in with [JDAI], we didn't right off the bat say, 'oh let them in,'" recalls Judge Richard Williams, who served as the state's chief court administrator as the JDAI effort began in New Jersey. "We wanted to know who we were dealing with. We'll take people at good faith. But until we get to know them, we want to be a little wary — trust, but verify."

An early slip up only complicated the challenge of winning over the judges. Though Beyer and Macaluso had been talking to Williams and other judiciary leaders for weeks about JDAI, many rank-and-file

judges received no advance notice and were blindsided by the initiative. “It puts us in an awkward position,” Williams bluntly told Beyer in a December 2003 letter, “when judges and staff in the vicinages learn of important new programs like this one from the newspapers rather than hearing it first hand from me or from staff here.”

Judges’ most serious concerns, however, arose from JDAI’s emphasis on objective risk assessment instruments (RAIs) to guide detention decisions, which many judges perceived as a potential threat to their judicial independence.

A turning point came at a meeting on April 29, 2004, when the fledgling state JDAI steering committee discussed plans for the development and use of the risk assessment instrument. Harry Cassidy, director of family practice for the Administrative Office of the Courts, warned that while judges in the state were open to exploring the potential of a new risk instrument, they did not assume that a risk instrument would improve detention decision making in the state. Rather, they preferred a wait-and-see approach. (Cassidy would later become a leading JDAI proponent.)

DeMuro sought to defuse the judges’ concerns by stressing that the risk instrument would be applied by court intake staff prior to the initial detention hearing, and would not be binding on judges. As in other JDAI jurisdictions, judges would retain the right to make an independent decision at the first court hearing following the application of the risk instrument by court intake officers. Judges could decide to detain youth deemed appropriate for community supervision by the RAI, or conversely, to release youth recommended for confinement by the RAI. Macaluso also described a methodical 11-step process for designing and testing the risk assessment instrument.

The key moment in the meeting came when Judge Williams, the chief court administrator, signaled his support — and that of the chief of the state supreme court, Justice Deborah Poritz — for developing a single statewide risk screening tool. Williams argued that the statewide instrument was needed to ensure equal justice across the state, rather than the subjective process that had existed previously where youth in one county could be treated differently than youth in other counties, even if their offending histories and circumstances were similar. Following the meeting, a 15-person subcommittee was formed to develop the risk screening tool, including a wide variety of state and local stakeholders.

Harry Cassidy of the Administrative Office of the Courts and Judge Eugene Iadanza, the juvenile judge in Monmouth County, represented the judiciary on the subcommittee. Initially, recalls Iadanza, juvenile court judges across the state “were very concerned about having an instrument created that was mandatory on them. They still felt they should have the final say and the discretion. That was kind of like my unofficial marching orders in representing my constituency group.” However, Iadanza quickly found that — as promised — “they weren’t going to have to worry about those things.”



The subcommittee would go on to meet a dozen times over more than two years debating, designing, testing and honing a risk assessment instrument for the state — a process that proved invaluable in fostering consensus among system stakeholders and building a unified vision for detention reform statewide.

**Selecting and Mobilizing Pilot Sites.** Initially, JJC proposed to launch pilot JDAI efforts in seven of New Jersey’s 21 counties. Specifically, Beyer and his team wanted to work in the seven counties whose detention data been studied in depth as part of the Detention Reform Task Force that Macaluso had staffed (and DeMuro served on) in the late 1990s. However, Judge Williams and others in the Administrative Office of the Courts objected to such a large number of pilot sites. They wanted to start smaller, perhaps with as few as three counties. In January 2004, an agreement was reached to begin New Jersey’s JDAI replication effort in five counties.

These five pilot sites included the two counties facing acute crises in detention: Essex County, where the local detention facility was under longstanding court supervision due to substandard conditions of care; and Camden County, where the detention facility consistently housed three times as many youth as it was built for. The remaining three counties were selected based on their will and capacity to contribute, and their geographic and demographic diversity: Atlantic County, home to Atlantic City and many beach towns in the southern part of the state; Monmouth County, an affluent, suburban, mostly white jurisdiction in the middle of the state; and Hudson County, just across the Hudson River from lower Manhattan, whose population is less affluent and more ethnically diverse than the statewide averages.

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**PERHAPS NO DECISION HAS DONE MORE to ensure the success of New Jersey’s JDAI efforts than JJC’s decision to hire a cadre of detention reform specialists to support local JDAI implementation efforts.**

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JJC worked with local leaders to create a new steering committee in each pilot county to guide local implementation of JDAI. Under New Jersey’s 1994 juvenile justice reform law, each county in the state now had its own “Youth Services Commission (YSCs)” to select and oversee local juvenile programs and services using funds from the state and the federal government, and these YSCs included most or all of the key personnel involved in local juvenile justice operations. However, because the YSC’s were mainly focused on distributing funds and monitoring contracts, rather than policy, JJC staff and local leaders opted to create a new group in each county dedicated solely to detention reform.

During the early months of 2004, DeMuro and Macaluso reached out to multiple system leaders in all five of the pilot counties to gauge interest, answer questions and allay concerns. Through those



discussions, they identified a chair person(s) to lead the steering committee and act as point person for the local JDAI effort. In Essex and Monmouth counties, the chief judges of the family court (Judge Glenn Grant in Essex, Judge Eugene Iadanza in Monmouth) voiced strong support for JDAI and made themselves the obvious choice to co-chair the work in their respective counties. In Camden County, the reigns were handed to a capable and experienced court administrator, Mike O'Brien, who had recently arrived from Essex County. O'Brien had been deeply engaged in detention issues in Essex, and he immediately distinguished himself to DeMuro and Macaluso with his quick grasp of the detention challenge and his openness to change.

In both Atlantic County and Hudson County, the most prominent early JDAI champions both left their positions before implementation began, and no clear leaders emerged quickly to take their place. Not coincidentally, JDAI took longer to take root in Atlantic and Hudson than the other three pilot counties, though both counties eventually caught up and made impressive progress.

In all five of the pilot counties, JDAI implementation began with a widely attended kick-off meeting. Like the meeting for state leaders at the state training school the previous October, Beyer, Macaluso and DeMuro attended each event, as did national JDAI Director Bart Lubow of the Casey Foundation. The kick-off discussions created considerable enthusiasm in several of the counties. For instance, the chief family court judge in Essex County, Judge Glenn Grant, reportedly announced at the Essex kick-off event that his county was going to pursue JDAI and be “the best d---ed JDAI site in the nation.”

**Hiring Detention Specialists and Compiling County-Specific Detention Data.** At the same time they were reaching out to state and local officials, Beyer, Macaluso, and DeMuro were also marching double-time to build capacity within JJC to support local implementation of JDAI. To help in this effort, Macaluso brought on a fourth key member of the team, Jennifer LeBaron. A PhD in criminal justice, LeBaron had been working until then in the JJC research unit. Macaluso knew from her previous work on the Detention Reform Task Force that the state's otherwise strong data systems had crucial gaps on detention, and that filling those gaps would be pivotal to the state's prospects for success in detention reform. So Macaluso reached out to LeBaron and asked if she would be willing to lead the data collection and analysis for New Jersey's JDAI effort.

Until that point, local detention centers regularly reported the number of youth housed in their facilities, and also compiled information on the demographics of confined youth (breakdowns of race, gender). However, these data were all compiled manually by local detention center staff, written in longhand and faxed monthly to the state Juvenile Justice Commission. Moreover, all of the data were static. Macaluso explains the problem this way: “If you have 16 kids today and 16 kids tomorrow, there's no way to know whether they were the same 16. It wasn't really that helpful in determining who was in detention or why.”

LeBaron set out to build a far richer database capable of sorting out how long youth were staying in detention, and how detention outcomes differed among youth charged with different offenses, or hailing

from different neighborhoods. LeBaron also worked on building data capacity to determine how long youth were being detained pending their adjudication hearings, how long they spent in detention awaiting placement following adjudication and how many youth were being held for rule violations and failures to appear in court, rather than charged with committing new crimes. Having these data available enabled local decision makers for the first time to fully understand the factors underlying detention population trends and to make informed choices on how to safely reduce detention populations.

Aiming to put the information into the hands of local teams and empower them to use data to devise targeted reform plans, the New Jersey team came up with a brand new idea that has proven integral to the state's success: creating a team of "detention specialists" to work with and support local JDAI teams.

New Jersey used the bulk of the Casey Foundation's \$200,000 per year grant (plus some of the state's federal juvenile justice funding allocation) to hire five detention specialists in the summer of 2004. Recruiting from criminal justice graduate schools at major universities in the state, they looked for individuals with the quantitative skills to compile and analyze data effectively, and also a set of "softer skills" needed to work effectively with local teams and the motivation to pursue reform passionately.

"It's an oddly matched set of skills," explains LeBaron. "You need a background in research and data analysis, but you also need to have people skills, and you have to be able to win hearts and minds and be respected."

Once hired, each of the detention specialists was assigned to a pilot county, and — with intensive training and oversight from LeBaron — each became the lead staff person serving the site's local JDAI steering committee.

According to practically everyone involved in New Jersey's JDAI effort, this innovation has been an essential ingredient in New Jersey's success with JDAI. Specifically, the use of state-funded detention specialists has enabled New Jersey to:

- Ensure that local JDAI steering committees have immediate access to in-depth data plus help building their capacity to analyze and interpret the data;
- Provide each local JDAI site with a skilled and enthusiastic staff person to build momentum for reform at the outset of the JDAI process, rather than having local teams start from scratch on their own;
- Introduce and explain best practices in detention reform, such as objective risk assessment, efficient case processing and intensive use of data to identify needs and measure results;
- Offer an objective outside perspective on longstanding practices related to detention, a fresh set of eyes to raise questions that might not occur to local staff who have become inured to how things have always been done in a given county; and

- Connect local JDAI reform efforts to a dedicated team of JDAI supporters in state government, creating greater accountability for local sites (due to state oversight) and fostering progress toward building the knowledge base and system infrastructure needed to support JDAI replication statewide.

“I can’t say anything else but thank goodness for the detention specialist,” says Andrea McCoy Johnson, who served as juvenile prosecutor in Essex County when JDAI was launched in 2004 and has remained deeply involved ever since. “We all had our other duties, but that was her job...she kind of helped moved the whole program along.”

“[The detention specialists] work with you very slowly. They don’t want to give you the impression that they are trying to push something down your throat,” adds James Troiano, a juvenile judge also from Essex County. “The detention specialists are trained. They provide you with information. They make good suggestions. They’re there to motivate, and they’re good at what they do.”

The detention specialists’ work was particularly intensive in the early months as local steering committee members were first learning to work with data and understand the eight core strategies of the JDAI model, and as they devised their initial reform plans. Gradually, as local steering committee members became more adept with the data and more familiar with JDAI, the detention specialists could step back and let local staff take more responsibility. This freed some of the detention specialists’ time and enabled them to take on additional counties as JDAI expanded throughout the state.

#### **D. Success in Five Pilot Counties**

In the spring and summer of 2004, with the detention specialists on board, the JDAI leadership team at JJC was ready to launch JDAI in the five pilot sites. All five counties held kick-off meetings, and four of the five soon convened their first steering committees soon thereafter. (The fifth county, Hudson, required additional time to organize its JDAI effort following the departure of its Youth Services Commission administrator, Bob Baselice, an early champion of JDAI in the county who was initially slated to chair the local steering committee.)

While these sessions jumpstarted the local conversation about detention reform, however, the real work could not begin until summer 2004 when LeBaron finished compiling a one-day data snapshot for each jurisdiction — analogous to the “detention utilization study” compiled for any new JDAI site — which showed how many youth were detained, the reasons for detention (nature of charges and/or rule violations or failures to appear), youths’ status (pretrial vs. pending placement), as well as demographic breakdown, lengths of stay and more.

“There was a lag while we compiled the data,” Macaluso recalls. “What we should have done was to start pulling together the data as soon as we identified a site, so that by the time we hold the kick-off meeting, the data were collected, analyzed and ready to present.” This was a lesson New Jersey learned early on,

and approaches were modified going forward so that subsequent JDAI sites had access to this initial data set immediately.

Once the data snapshots were available, the local steering committees quickly began identifying the top issues and problems they wanted to address. For each local steering committee, JJC staff made a detailed data presentation describing the key findings in terms of average populations, admissions, length of stay, special detention cases, racial disparities and more. Next, each member of the steering committee was asked to identify issues from the data presentation that stood out as most important, after which the group went through the list and assigned each item to one of JDAI's eight core strategies. Through this data-driven conversation, each local collaborative formed subcommittees to analyze the identified issues more deeply and develop corrective action plans.

In subsequent discussions, the local steering committees talked about the data trends in greater detail and sought to identify the handful of issues with the greatest opportunity for quick action leading to significant reductions in detention population. For instance:

- In several jurisdictions the data showed that, due to serious case processing inefficiencies and administrative roadblocks, youth often remained in detention for two weeks or more *even after being assigned to a detention alternative program*.
- In many sites, a large share of detention admissions (20 percent or more) resulted from technical violations of probation — in other words, for breaking rules rather than for committing new crimes. In other sites, large numbers of youth were being detained for failure to appear for scheduled court hearings.
- In one site (Monmouth), the steering committee noticed that many youth accused of drug crimes were remaining in detention for long periods due to delays in processing drug tests.
- And in many sites, steering committee members were deeply concerned about problematic conditions of confinement, often tied to overcrowding.

Out of these observations, and the discussions they sparked, the local steering committees quickly identified tangible goals for reform, and — working in issue-specific subcommittees — they rolled up their sleeves and began devising action plans. Progress came swiftly.

- To reduce the high number of detentions for youth failing to appear in court, Essex County created a new telephone notification system to remind youth of their hearing dates and encourage attendance. Monmouth County also improved its notification system and ended the automatic use of detention in failure to appear cases. In addition, Monmouth changed its protocols for youth accused of probation violations — relying on detention only as a last resort after less restrictive options are tried. Atlantic County also stepped up its use of a response grid for probation violators to ensure that minor violations

did not result in detention. Hudson County created new “intermediate sanctions” in lieu of detention for non-compliant probation youth, and also began holding “adjustment conferences” to discuss rule-breaking behavior with probation youth and their parents as a final step before imposing detention for rules violations.

- Several sites expanded the range and responsiveness of detention alternative programming. Atlantic County made its electronic monitoring program compatible with cellular phones, whereas the program previously excluded youth whose families had no landline telephone. Camden County began contracting with Youth Advocate Programs, a nationally respected youth agency, to offer a new community supervision alternative program for youth awaiting child welfare placements who would otherwise require detention. Camden, Essex and Monmouth counties began funding evening reporting centers.
- To address pervasive procedural bottlenecks that kept youth detained longer than necessary, all of the pilot sites instituted case processing reforms. Monmouth County created a new procedure allowing youth to be placed directly into detention alternatives programs, rather than having to be admitted first to secure detention. Essex County hired a “Detention Review Expeditor” to help move cases through the system more quickly.

In addition to spurring these and many other concrete reforms, JDAI had a more general impact in the pilot counties by raising awareness among system personnel and changing attitudes and decision making. All of the counties began to track detention cases much more closely. For instance, Camden County created a detailed database to track detention cases and analyze trends. Essex County began producing monthly data reports analyzing detention population trends and monitoring the utilization of alternative programs, plus a monthly “accountability report” tracking case processing statistics relevant to each system stakeholder. Monmouth County began sending a daily email alert to all stakeholders summarizing current populations in detention and detention alternative programs.

JDAI also caused judges and other key decision makers in the five pilot jurisdictions to shift their attitudes and embrace the logic of detention reform, sharply decreasing the share of youth admitted to detention and reducing system officials’ tolerance for lengthy detention stays. Throughout 2004 and 2005, judges and intake staff continued to make initial detention decisions subjectively — thanks to the state’s meticulous but time-consuming approach toward developing and implementing a risk assessment instrument to guide detention placements. Yet admissions declined in all five of the sites from 2003 (before JDAI) to 2005.

“People, judges, everyone in these jurisdictions started asking themselves why are we locking up these kids,” recalls LeBaron. “There was a real shift in philosophy.”

## A TURNAROUND IN CAMDEN

Before the onset of JDAI, the overcrowding in Camden County's juvenile detention center was nothing short of catastrophic. The facility, designed to house 37 youth, held an average of 95 young people per night in 2003. In August 2003, the facility census ballooned to 131.

With assistance from Paul DeMuro, Camden's JDAI steering committee devised an ambitious plan for reducing the facility population to address the overcrowding crisis, including a "soft cap" on daily population at the facility.

As part of the plan, which the steering committee approved in July 2004, the presiding judge of the county's family court, Charles Rand, took over responsibility for the initial review of all new delinquency cases before assigning them to the court's two other judges. Rand made a concerted effort to avoid unnecessary detention, and the number of new admissions declined from 205 per month in 2003 to 168 per month in 2004 and 156 per month in 2005. In addition, Camden

created a new detention alternative by contracting with Youth Advocate Programs, a private agency that operated a post-dispositional supervision program in the county, to work with pre-adjudicated youth with severe needs who would otherwise be detained. Also, the county moved all girls out of the facility, sending them to non-secure group homes or to detention centers in nearby counties.

In addition, Camden created a daily population report detailing the circumstances of every confined young person, and it began holding daily detention population review meetings to review cases and identify those who might be eligible for a detention alternative placement or moved to a less secure placement. Camden also assigned a "case expeditor" to work with stakeholders across agencies to move youth more quickly through the system and ensure that as many youth as possible were assigned to alternatives. Finally, in accordance with the "soft cap" concept, county leaders agreed that whenever the facility census rose

above 62, the staff from court and relevant agencies would meet to hold an emergency meeting to review cases and explore options for expediting cases and moving youth into detention alternatives or dispositional programs.

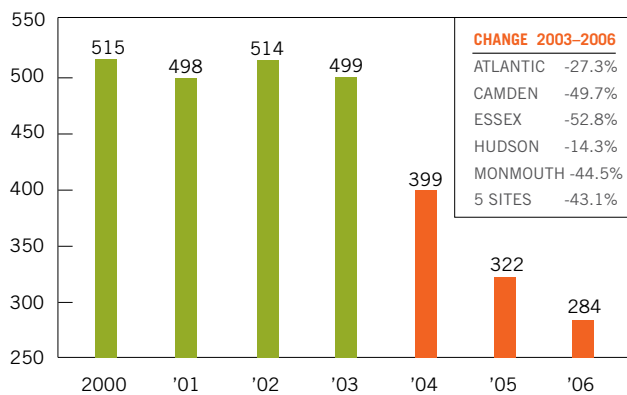
Taken together, these steps produced dramatic results. In the second half of 2004, as Camden began implementing the plan, the facility's average population declined to 65. Average daily population (ADP) continued falling in 2005 (ADP= 61) and 2006 (ADP = 51). Indeed, on December 16, 2006, the population fell to 36 young people, one below the designed capacity. And several days later, the facility housed just 28 young people.

"There is no silver bullet," explained Mike O'Brien, the local JDAI steering committee chair. "The successes have been the result of numerous small fixes, which added up to major change."

**Auspicious Early Results.** Through all of these changes, JDAI produced quick and consequential results in New Jersey’s five pilot counties. After hovering between 498 and 515 each year from 2000 through 2003, the average daily detention population in the five counties fell to 399 in 2004 (a 20 percent drop), and then kept falling rapidly in 2005 and 2006.

This precipitous drop in daily population resulted from reductions in both the numbers of youth admitted to detention (as described above) and also the average length of stay following admission. In Essex County, average length of stay declined from nearly 40 days in 2003 to 20 days in 2006. Likewise, Monmouth County reduced the average length of stay from 32 to 20 days over these three years. The population reduction for girls in detention was particularly noteworthy — falling 62 percent from 50.3 girls per day in the five facilities in 2003 to just 19.3 girls per day in 2006. Though the racial and ethnic composition of the detention population did not shift significantly, the pilot counties did make progress in reducing a disparity in average length of stay between youth of color vs. white youth. In 2003, the average detention stay in the five counties was nearly twice as long for youth of color as for white youth (33 days vs. 17 days). By 2006, the disparity was down to 29 percent (22 days vs. 17 days).<sup>15</sup>

**NJ JDAI PILOT SITES:  
COLLECTIVE ANNUAL ADP, 2000–2006**



These trends differed somewhat among the five jurisdictions. The biggest overall drops in population came in Essex and Camden counties, followed closely by Monmouth. Atlantic and Hudson counties made less progress initially, though both have since reduced their populations substantially. In Essex County, most of the progress from 2003 to 2006 resulted from a nearly 50 percent cut in the average lengths of stay. Whereas 22 percent of youth detained in Essex remained in detention for 60 days or more in 2003, only 12 percent remained for 60 days or more in 2006. In Camden County, by contrast, average length of stay was already well below the state average before JDAI began. So Camden lowered its population primarily through a 38 percent cut in detention admissions.



The JDAI effort in pilot counties was also notable for one outcome it did not produce: any rise in juvenile arrests resulting from the reduced reliance on secure detention. Total juvenile arrests in the five pilot counties declined by 2 percent from 2003 to 2006, and arrest for the most serious violent and property crimes declined by 7 percent.<sup>16</sup>

Though results related to conditions of confinement are not so easily quantifiable, the pilot counties also made substantial progress in improving safety and services within their detention facilities. Reduced populations eased overcrowding in the facilities and improved staff ratios, eliminating security hazards and enabling the facilities to enhance services and other programs. In addition, each of the pilot counties received training on how to conduct facility self-assessments to identify any conditions or practices that endangered youth, violated their rights, or denied them access to education or other required opportunities and services.

### **E. Replicating Success in Five More Counties**

Buoyed by the progress in the five pilot counties, the leaders of New Jersey's initiative turned their attention in early 2006 to the next phase of their statewide plan: expanding JDAI's reach by replicating the model in additional counties.

By this time, the success of the pilot counties was attracting widespread attention around the state. The state-level JDAI steering committee was making good progress in devising a statewide risk assessment instrument, and — having overcome some early standoffishness — all members were firmly on board with the JDAI effort.

Rather than selecting and approaching replication counties, as it had with the initial pilot sites, the JDAI leadership team at JJC invited all remaining counties in the state to submit letters if they were interested in implementing JDAI locally. This Request for Letters of Interest, circulated in April 2006, was detailed and specific. It provided counties with data on their local detention trends, and it asked the counties to form local teams, identify challenges presented by the data and answer a series of questions about how they might address those challenges.

With encouragement from Beyer and others at JJC, and from the state steering committee, five counties responded to the Inquiry and submitted JDAI applications. In June, Macaluso and LeBaron met with Harry Cassidy; Gayle Maher, chief of juvenile probation services Tom Fiskens, deputy attorney general; and Cindy Samuels of the state Public Defender's Office to rank and review the applications. However, during the meeting, the group decided not to pick and choose among the counties but rather to recommend that the state accept all five applications. In August 2006, Bergen, Burlington, Mercer, Ocean and Union counties were officially welcomed as JDAI replication sites.



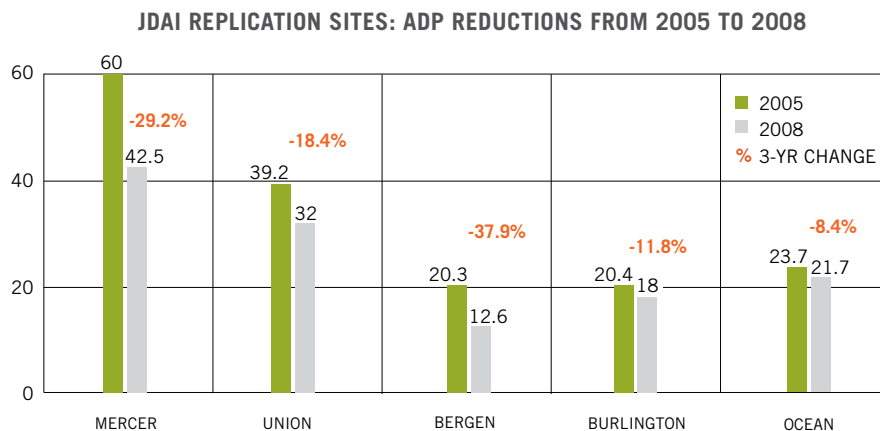
“We decided that if a site showed the interest and they were willing to work, we should work with them,” says Macaluso. “The whole idea was to encourage reform. So why discourage any county that wants to move forward?”

In most respects, the start-up in these five replication sites mirrored the process employed in the five pilot counties two years earlier. In each case, JJC reached out to county leaders and helped them form a steering committee and identify a chairperson.

Like the initial pilot sites, the replication counties were each assigned a detention specialist to assist the local JDAI team with data analysis, clarify challenges and provide on-the-ground support to help in the reform process. And as in the pilot counties, some replication sites proved more ready than others to hit the ground running. Yet, all five of the new sites did mobilize active JDAI steering committees, upgrade their data systems, identify reform opportunities, develop workplans and implement new data-driven reforms. For instance:

- Mercer County developed new violation of probation (VOP) protocols and approved a new sanction grid in order to reduce the number of youth detained for rule violations, and it enhanced the court notification system to reduce the number of youth detained for failure to appear at VOP hearings.
- Ocean County expedited the court process for youth admitted to detention for violating probation rules.
- Union County expanded the number of slots in its electronic monitoring program and made the program available to families without landline phones. Union County also enhanced its electronic monitoring program by adding a life skills component, job training, transportation assistance and counseling.

Through these and other changes, all five replication counties reduced their average daily population from 2005 (before entering JDAI) and 2008, with a combined reduction of 22.5 percent.<sup>17</sup>



SOURCE: JDAI Annual Data Report—2008, New Jersey Juvenile Justice Commission.



## F. Deepening Commitment: Embedding JDAI into the New Jersey Justice System

In addition to supporting JDAI implementation in the pilot and initial replication counties, leaders at JJC and the Administrative Office of the Courts, as well as others on the statewide JDAI steering committee, were simultaneously working to build support for JDAI statewide and to embed detention reform more deeply into the fabric of the New Jersey justice system. This work included four critical elements: (1) developing a statewide risk screening tool to help guide initial detention decisions in a uniform manner across the state; (2) expanding the role of the state JDAI steering committee; (3) hosting a series of statewide conferences to build awareness of JDAI and enhance skills and understanding of detention reform among local system personnel; and (4) creating a dedicated funding stream to support JJC detention specialists and expand funding for data-driven detention reform plans.

POLITICAL SUPPORT FOR JDAI **has remained firm in New Jersey through four different governors, and the initiative has continued to thrive despite substantial turnover of key leaders.**

**Statewide Risk Screening Tool.** Despite some initial resistance from juvenile judges, New Jersey’s state JDAI steering committee established a risk assessment subcommittee in 2004 and began developing a statewide detention risk instrument.

Their decision had support from the state Supreme Court, and from the Administrative Office of the Courts. “I think there was a recognition that a problem existed and that something needed to be done to make the justice system uniform throughout every county,” recalls Monmouth County Judge Eugene Iadanza, “that if a juvenile got arrested in Monmouth, Warren, Camden, or Essex, the chance of that juvenile being placed in the detention center is going to be the same no matter where they are from.” In July, the risk assessment subcommittee convened the first in a series of bimonthly meetings that would span more than two years. “At the beginning, there was no trust” among the prosecutors, defense attorneys, judges, advocates, police and county government administrators who served on the subcommittee, recalls Jennifer LeBaron, who staffed the RAI subcommittee. “People really didn’t know each other,” said LeBaron, “and they came with very different perspectives and interests.”

At the very first meeting, participants were asked to identify the offenses that absolutely merited detention in every case. “Four hours later,” LeBaron recalls, “the only thing we had agreed on was that murder merits detention.” Over time, however, these frank discussions proved invaluable. Gradually, as the subcommittee continued to meet and hash out the issues, participants came to consensus on the need to adopt uniform guidelines, and gradually judicial leaders throughout the state grew more comfortable

with the risk screening concept. “Having judges play a major role in developing the risk screening tool was one of the ways you dealt with [their concerns],” explains Judge Richard Williams, the former Administrative Director of the New Jersey Courts. “It could become the judges’ instrument. Had a tool been developed and imposed, I don’t know if it would have met with the same degree of acceptance. Getting the input and having a hand in designing I think was critical.”


As the risk tool began to take shape, subcommittee members suggested numerous adjustments, and they asked LeBaron to run data simulations for at least a half-dozen scenarios to show how alternative formulas would impact detention populations as well as the utilization of detention alternative programs.

In August 2006, Howard Beyer submitted a report, prepared by the subcommittee, to the Administrative Office of the Courts detailing the risk screening tool and proposing a multistage process for introducing it into practice. The plan, which was endorsed by the state’s presiding family court judge in October 2006, called for a gradual rollout of the risk tool in the pilot counties, following preparation of required data and information systems as well as extensive training for local police and system staff. A four-county test of the risk instrument in early 2008 showed that the risk instrument was favorably received by most system stakeholders, and that it yielded a shift toward reduced use of detention. Three more JDAI counties were approved to begin implementing the risk tool in 2009, and since then it has spread to six additional counties, with two more counties expected to begin in early 2014.

Most importantly, in 2009 the New Jersey Supreme Court formally approved the risk assessment tool for use statewide. Because the risk tool is only authorized in participating JDAI jurisdictions (and only after sites undertake extensive training and get approved by a statewide risk screening committee), the Supreme Court ruling signaled a crucial endorsement of JDAI from the state’s judicial branch and formally embedded statewide JDAI replication in New Jersey policy.

**Expanded Role for Statewide Steering Committee.** Ever since the risk screening tool was completed and first put into service in 2008, its utilization has been carefully monitored by an active state-level subcommittee. Every year, this subcommittee analyzes the outcomes of juvenile cases to assess the impact of the risk screening tool in sites where its use has been approved, and reviews the readiness of new sites to begin utilizing the risk tool. The subcommittee and the detention specialists also provide technical assistance and training to help sites prepare to implement risk screening.

Oversight of the JDAI risk screening process is just one of the important and active roles still performed by the state steering committee, which has taken an increasingly central role over time in guiding the state’s juvenile justice system. In 2009, the steering committee was reformulated and renamed as the New Jersey Council on Juvenile Justice System Improvement. Overseen jointly by the state judiciary and the Juvenile Justice Commission, the Council’s explicit purpose is “to use and incorporate the core strategies of JDAI to examine juvenile justice in New Jersey systematically and to promote strategies that improve outcomes from arrest through adjudication and disposition.” In other words, the state’s JDAI



steering committee has become *the* central policymaking body for juvenile justice in New Jersey, with an approach grounded in JDAI's eight core strategies.

The 37-member Council has developed subcommittees and workgroups focused on risk screening, access to treatment, racial and ethnic disparities, probation, waivers to criminal court, detention facility utilization, juvenile justice careers and credentialing, and communications strategies.

**Statewide JDAI Conferences.** In April 2005, New Jersey convened the first in what would become a series of statewide JDAI conferences that insiders say have been invaluable in building momentum toward statewide replication.

Attended by 130 staff from pilot counties and relevant state agencies, the 2005 conference gave New Jersey's emerging cadre of detention reform leaders the chance to learn about innovative efforts in JDAI sites around the nation, bone up on data analysis and other skills related to detention reform, and network and share ideas with their counterparts from other counties. In the second day of the conference, participants met in their local teams to discuss all they had learned at the conference and to work out a set of action steps to expand and improve upon their current JDAI efforts. The state's chief Administrative Judge, Attorney General and Assemblyman Joseph Cryan (a prominent member of the legislature) all addressed the audience and lauded the effectiveness of JDAI and endorsed the effort to replicate the model statewide.

"Every judge in the state was there. That's when we knew it was a big deal," recalls DeMuro. Subsequent conferences were held annually from 2006 through 2009, then again in 2011 and 2013. At the 2007 conference, the state's attorney general, Stuart Rabner, now the chief justice of the New Jersey Supreme Court, lauded JDAI as a "miracle of government."

Participation at the conferences is invitation-only, targeted primarily to teams representing counties with active JDAI programs. However, since 2007 a handful of system leaders from each non-JDAI county have also been included. The conferences have played an important role in building interest and dedication to detention reform for prospective sites. For current sites, the second days of the conferences have been particularly important as local teams formulate new goals and then — in the final plenary session — make a commitment in front of all their colleagues to deepen their local JDAI reform efforts and improve upon their outcomes.

Over time, these conferences have grown more and more popular with juvenile justice personnel across the state, as JDAI has become seen increasingly as a winning initiative and a point of pride for the state. The most recent conference attracted more than 400 participants. At the conferences, the state has regularly bestowed awards to recognize exemplary leaders and highlight success, thereby boosting morale of local JDAI teams and stoking their enthusiasm for continued progress.

“The annual conference was very important,” says Frank Hoeber, who served as special assistant to the Administrative Director of the New Jersey Courts in the early years of JDAI. “You brought all of the people who were working [on JDAI] all over the state together once a year. Each conference was addressed by the Administrative Director [of the Courts], the Attorney General and sometimes the Chief Justice. That built for the participants a real sense of empowerment in what they were doing.”

**Carefully Targeted State Funding.** In 2007, state assemblyman Joseph Cryan came to meet with Juvenile Justice Commission staff armed with a question: how much money could they use from the legislature to expand and improve the state’s JDAI effort? Caught off guard, Lisa Macaluso suggested that \$300,000 would be a great help. Cryan laughed, Macaluso recalls. “He said, ‘I’m looking at 20 different proposals for \$2 million or more, and I have no way of knowing if any of them work. Looking at the data, I know [JDAI] works, and I want to do something to help institutionalize this.’”

Cryan’s district in Union County was home to one of the state’s most notorious detention centers, a dilapidated structure squeezed onto the 6th floor of a parking garage in the city of Elizabeth. The facility had been repeatedly criticized by the state’s attorney general for egregious conditions, and one young resident had hung himself from an exposed sprinkler in 2003. The state and county were in the process of replacing the facility — for an ultimate cost of \$37 million — and Cryan was determined to put some state funds into more constructive uses.

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**THE LEADERSHIP CHALLENGE facing states seeking to promote JDAI replication today are not nearly so steep as those New Jersey confronted a decade ago. New Jersey’s success is now a matter of record, and New Jersey is firmly entrenched as a model for state-level leadership on JDAI.**

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While grateful for Cryan’s support, however, Macaluso and other staff at JJC were wary of a major legislative appropriation for JDAI. The initiative had been achieving striking success without a dedicated funding stream, and they worried that the availability of substantial funding might attract counties to the project for the wrong reasons.

JJC crafted a plan aimed at avoiding those potential pitfalls while strengthening the state’s capacity to support effective implementation of JDAI. Specifically, they proposed to use legislative funds to pay the salaries of the state’s team of detention specialists (whose job title has been renamed “research and reform specialists,” in line with the broader focus of reform efforts in New Jersey), and to create an innovation grants program to fund JDAI reform efforts in participating counties. Cryan successfully championed a \$4 million per year plan through the legislature in 2008. Though the total has been reduced to \$1.9

million per year due to state fiscal woes, these state funds have continued to flow to JDAI ever since. To ensure that the grant funds are well-spent, the state makes funding available only to counties with active JDAI programs that are collecting and reporting required data on detention utilization, and counties must apply for the funds with detailed plans spelling out their proposed innovations and tying them to specific needs and opportunities supported by data analysis. Moreover, full funding is provided only to counties whose local JDAI steering committees have implemented meaningful reforms, and have reallocated local funds to support detention reform efforts.

“You don’t just get this money for being a JDAI site,” says LeBaron. “You have to demonstrate real commitment to JDAI and show that you’re achieving results.”

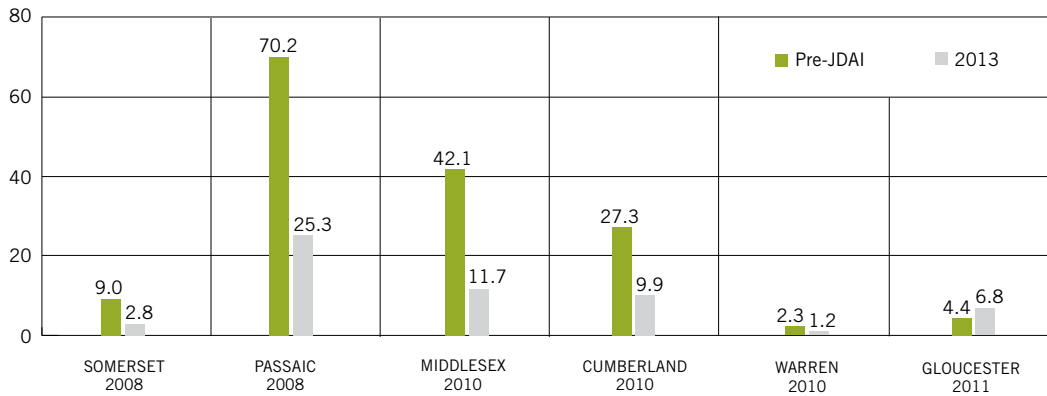
### **G. Continued Progress: More Counties, Deeper Population Reductions**

Through these efforts, New Jersey has made immense progress in embedding JDAI into the fabric of its justice system, creating sufficient momentum to make JDAI self-sustaining within the state. Political support for JDAI has remained firm in the state through four different governors, and the initiative has continued to thrive despite substantial turnover of key leaders. Howard Beyer, the JJC executive director who made JDAI a personal crusade and played a crucial role in its start-up, retired abruptly in 2007. Lisa Macaluso, the most knowledgeable member of the state’s JDAI team and also its workhorse, left JJC in early 2008 to take a top position in the New Jersey Attorney General’s Office.

Despite all these changes, JDAI has continued to thrive in New Jersey, expanding to additional sites, further lowering detention populations in existing sites while protecting public safety, and achieving important new milestones such as reducing commitments to state custody and allowing closure of several detention facilities around the state.

**Adding Counties, Approaching Statewide Implementation.** In addition to five pilot counties and the first five replication counties, two other NJ counties (Somerset and Passaic) joined JDAI in 2008, three more in 2010 (Middlesex, Cumberland and Warren), one (Gloucester) in 2012 and two more in 2013 (Cape May and Sussex). These new replication sites followed the same process as the first replication sites, with local teams reviewing data on local detention trends and preparing a letter of interest providing answers to specific questions about how they plan to address identified detention reform challenges. As in previous years, some of the new replication sites progressed more rapidly than others. Overall, however, all but one of the replication counties active throughout 2013 have reduced average detention populations since launching JDAI.<sup>18</sup> (The exception, Gloucester County, had only 84 detention admissions in all of 2013, and was the most recent site added to the New Jersey JDAI fold.) In total the combined average daily detention population in the six newest sites fell 63 percent from their pre-JDAI levels.

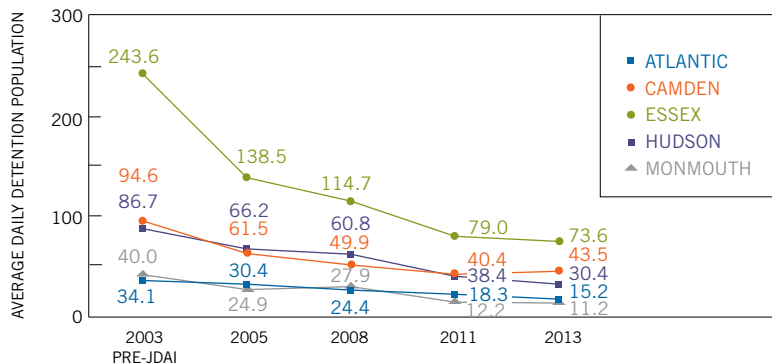
### ADP CHANGE IN RECENT REPLICATION SITES



JJC staff are in frequent contact with key personnel in each of the remaining three counties in the state, encouraging them to launch local JDAI efforts and offering assistance with preliminary planning whenever a new county expresses interest. As a result of these discussions, LeBaron reported in December 2013 that she's hopeful the remaining three counties (Salem, Morris and Hunterdon) will join the JDAI initiative in 2014 or early 2015.

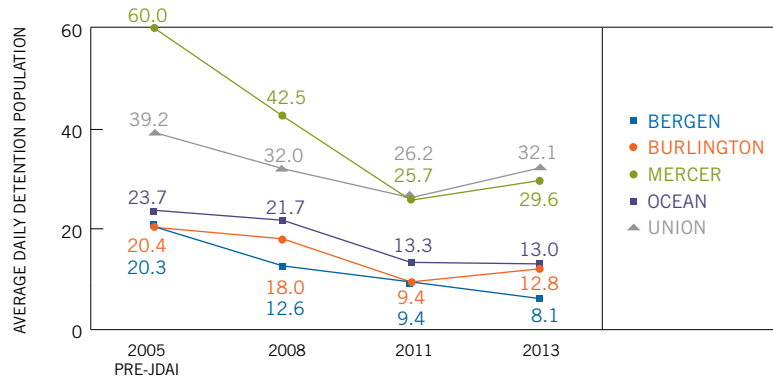
**Continued Progress in Older Sites.** Meanwhile, the original pilot counties and the first five replication counties have continued to innovate and, in doing so, far surpassed their early successes. Between 2008 and 2013, for instance, all five of the original pilot counties further reduced their average detention populations, with combined daily population in 2013 down 37 percent from the already reduced levels achieved in 2008. Likewise, the first five replication counties saw their collective average detention population fall by 25 percent from 2008–2013.<sup>19</sup>

### NJ JDAI PILOT SITES: CHANGE IN ADP OVER TIME





NJ JDAI INITIAL REPLICATION SITES: CHANGE IN ADP OVER TIME



These population reductions reflect the continued efforts by local JDAI steering committees to analyze their data, identify problems and anomalies that result in unnecessary use of detention, and develop new programs and strategies to improve results. For instance, Essex County noticed that its referral process for entry into a detention alternative program was slow and cumbersome, resulting in underutilization of the alternative program as well as unnecessary detention stays for youth awaiting referrals. Essex revamped the process in 2010, and since then the waiting time from referral to admission was cut from six days to just one half-day. The smoother process also led to an 80 percent increase in the program’s average daily population.

Combined with reductions achieved in their initial start-up years, these efforts have enabled participating JDAI counties to lower their detention populations to levels that would have been unimaginable just a few years ago. The five pilot counties have cut their average population by 54 to 72 percent since launching JDAI, with the total average detention population in the five counties falling from 499 per day to just 174. The first five replication counties have cut their combined daily population nearly in half, from 164 per day pre-JDAI to 96 per day in 2013.<sup>20</sup>

New Jersey’s JDAI counties have dramatically reduced the detention of girls. In the five pilot counties, the average population of detained girls has fallen by 76 percent compared to their pre-JDAI levels. In all JDAI sites statewide, the average population of girls has fallen 68 percent. Likewise, participating JDAI counties also made noteworthy progress in reducing detention admissions resulting from violations of probation (down 69 percent) and failure to appear in court (down 70 percent).<sup>21</sup>

Youth of color in New Jersey have reaped substantial benefit from JDAI. As of 2013, average daily population of youth of color in detention fell 60 percent in JDAI counties (from 740 pre-JDAI to 300 in 2013). A number of New Jersey counties have worked intensively with the W. Haywood Burns Institute



for Juvenile Justice Fairness and Equity to identify and address local policies and practice that result in unequal treatment of youth in the justice system.<sup>22</sup>

Since launching JDAI in 2004, New Jersey officials have closely monitored public safety results. The data make clear that reduced use of detention has not resulted in any increased threat to public safety. As of 2013, the total number of juvenile arrests in participating JDAI counties had fallen 51 percent since JDAI implementation, and juvenile arrests for serious crimes have fallen 43 percent.<sup>23</sup> Few youth placed into detention alternative programs have committed new crimes. Just 4 percent of youth enrolled in detention alternative programs were arrested for a new offense in 2013. Meanwhile, 84 percent of these youth remained crime-free pending their adjudication hearings, successfully completed their programs and appeared in court as scheduled.<sup>24</sup>

Safety has also improved dramatically inside New Jersey's detention centers. Overcrowding, which was endemic in many detention centers, no longer occurs in the state's detention facilities. All detention facilities in the state are currently operating under capacity.<sup>25</sup> The Essex County detention center, which had been operating under a federal court consent decree since 1987 due to poor conditions and lack of safety, was released from court supervision in 2008. The state's two other notoriously problematic detention centers — in Camden County and Union County — have both been razed and replaced.

**Tangible Benefits for Citizens and Youth.** The sharp drop in New Jersey's reliance on secure detention in juvenile justice has carried substantial benefits, particularly for the state's young people but also for its citizens. Research has clearly established that confinement in a juvenile justice facility has powerful and long-lasting negative consequences for youth, even if they are detained for only a short period. Detention interrupts young peoples' schooling, and it increases the odds they will drop out of school or get suspended. Contact with other troubled young people can have negative consequences for youth, increasing the odds that they persist in delinquent conduct. Most immediately, youth held in secure detention pending their adjudication hearings are three-times as likely as youth who remain home pending trial to be committed after trial to a correctional institution or other residential facility.

Indeed, one of the most salutary effects of detention reform in New Jersey has been a precipitous decline in the number of youth committed to state training schools and other residential facilities. Prior to launching JDAI, participating counties committed 1,037 youth to state custody. In 2013, these same counties committed just 301 youth, a 71 percent drop.<sup>26</sup> Given the widespread violence and the heavy use of restraints and solitary confinement reported in these types of facilities, the reduced reliance on training school commitments is clearly benefiting New Jersey's young people. Given the high recidivism rates documented among youth returning from training schools and the astronomical daily costs associated with training school confinement (nearly \$400 per night), the downward trend in commitments is also beneficial for citizens and taxpayers.<sup>27</sup>

NUMBER OF JUVENILE COMMITMENTS

SITE	PRE-JDAI	MOST RECENT (2013)	CHANGE
Atlantic	45	14	-68.9%
Camden	378	71	-81.2%
Essex	121	22	-81.8%
Monmouth	34	5	-85.3%
Hudson	118	16	-86.4%
Mercer	67	18	-73.1%
Union	89	51	-42.7%
Bergen	14	14	0.0%
Burlington	10	11	+10.0%
Ocean	23	17	-26.1%
Somerset	5	5	0.0%
Passaic	53	19	-64.2%
Middlesex	51	22	-56.9%
Cumberland	24	12	-50.0%
Warren	2	0	-100.0%
Gloucester	3	4	+33.3%
<b>TOTAL</b>	<b>1,037</b>	<b>301</b>	<b>-71.0%</b>

JDAI has also benefitted New Jersey taxpayers in another way: reduced daily populations have allowed several counties to close or consolidate their detention facilities. When New Jersey began its work with JDAI, detention facilities operated in 17 counties across the state. Today, only 11 facilities are operating. Four of the facility closures — in Passaic, Monmouth, Mercer and Gloucester — can be tied directly to JDAI, and these closures have led to substantial savings for several counties. For instance, when Passaic County closed its 45-bed detention facility in 2009 and agreed to send youth to nearby Essex County, Passaic realized a net savings of \$9.1 million per year while paying an estimated \$3.8 million per year in fees to Essex.<sup>28</sup> Likewise, when Gloucester County closed its facility and began sending youth to nearby Camden County, Gloucester realized net annual savings of \$1.7 million while sending more than \$700,000 per year to cover detention costs in Camden.<sup>29</sup>

# Understanding the State's Role in Detention Reform



## A. Lessons from New Jersey

The story of New Jersey's success in taking JDAI to scale is both fascinating and inspiring. Yet, it is useful to other states only so far as critical lessons can be drawn from its progress, and the key ingredients identified and then replicated.

The first and most important lesson taught by New Jersey is that success is possible. As detailed at the outset of this report, states face real and significant constraints on their capacity to support effective and widespread replication of detention reform. Detention is primarily a local function in most states, and few state governments have expertise on detention. Yet, New Jersey has demonstrated that states can play a central and invaluable role in spreading the JDAI model and in helping detention reform succeed at the local level.

What accounted for New Jersey's first-of-its kind success story in taking JDAI to scale? Boiled down, New Jersey's progress can be chalked up to three factors. First was determined leadership. Second was timing — achieving excellence in initial sites before spreading the model to other jurisdictions. Third was the development of a sturdy infrastructure to support local implementation efforts, promote replication and sustain momentum over the long haul.

**Leadership.** Prior to New Jersey, no state had successfully made JDAI a centerpiece of its juvenile justice reform efforts or mounted an intensive effort focused on taking JDAI to scale. Yet, despite this lack of a template, many New Jersey leaders devoted enormous time to the JDAI effort and expended precious political capital to ensure the success of detention reform statewide.

Howard Beyer, the former prison warden who took over the reins of the state Juvenile Justice Commission in 2002, made JDAI an abiding passion for several years. At JJC, Beyer recruited two capable and motivated administrators to oversee the JDAI effort, Lisa Macaluso and Jennifer LeBaron. From the very start, this JJC leadership team made statewide replication their explicit goal. Rather than relying solely on the efforts of local site leaders, the state juvenile corrections agency took a commanding role in the JDAI replication.

New Jersey's JDAI fortunes were further bolstered by crucial and timely support from top judges and other senior officials in the state's Administrative Office of the Courts, and from top officials in several other state agencies. At the local level, a number of system leaders — judges, probation chiefs, prosecutors, juvenile defenders, detention administrators and others — demonstrated extraordinary commitment to detention reform both in pilot counties and in replication sites.

Just as important as their individual contributions, New Jersey leaders found a way to work together and forge a strong multidisciplinary, cross-agency consensus in support of JDAI. Even before New Jersey was invited to participate in JDAI and before it received a single dollar in grant support, the Annie E. Casey Foundation insisted that JJC Executive Director Howard Beyer convene a meeting of the state's top judges and juvenile justice officials, and that he earn their unanimous support to move forward with a statewide JDAI effort. Initially, many of these leaders were lukewarm toward JDAI, wary after years of failure on detention reform. However, through careful and painstaking bridge-building — by listening carefully and addressing the legitimate concerns of many top participants about risk screening and other topics — the JDAI leadership team at JJC overcame the initial skepticism and developed a committed core of support at the top rungs of the state government. That statewide leadership proved critical to the continued success of JDAI in the state, enabling New Jersey to sustain momentum through several governors, even after the initiative's primary champion, Howard Beyer, and its key tactician, Paul DeMuro, stepped aside.

Fortunately, the leadership challenge facing states seeking to promote JDAI replication today are not nearly so steep as those New Jersey confronted a decade ago. New Jersey's success is now a matter of record, and New Jersey is firmly entrenched as a model for state-level leadership on JDAI. Meanwhile, a number of other states have begun to emulate New Jersey and are making significant progress as well (see below). A pathway to progress has been blazed.

Nonetheless, the experiences of other states seeking to expand the states' role in JDAI confirm that leadership remains a crucial and often scarce ingredient. Indeed, rarely have states made significant and enduring progress in taking JDAI to scale absent a handful of influential and highly motivated state officials who dedicate themselves to detention reform and devote substantial energy to ensuring its success.

**Timing: Excellence Before Expansion.** Though New Jersey leaders were focused on statewide replication from the outset, they recognized that initial success was critical. Widespread replication would only be possible, and would only make sense, if the pilot sites showed that detention populations could be sharply reduced without harming public safety. While many of the steps taken by New Jersey leaders in their first two years of work on JDAI — building data system, hiring data specialists, beginning discussions about a statewide risk assessment instrument — would ultimately prove valuable for replication, virtually all of the effort in 2004 and 2005 was devoted to work in the five pilot counties. Only when detention populations began to plummet in these counties, and when a growing cadre of state and local officials became strong adherents to the JDAI approach, did leaders turn their focus to replicating the model in additional sites.

**Infrastructure.** Important as it was, New Jersey's strong leadership and initial success were not sufficient on their own to ensure continuing progress on detention reform. Indeed, many states have seen limited replication even after initial sites achieved striking success. And leadership is by nature transitory. Key officials inevitably retire or move on to new roles.

The members of New Jersey's JDAI brain trust understood these limitations of leadership, and they recognized early on that long-term progress could only be assured if the state created a durable infrastructure that offered ongoing encouragement, training, technical support, financing and other assistance to facilitate and sustain detention reform. The creation of this state-level JDAI infrastructure, erected over a period of several years, has proven key to sustaining ongoing momentum in New Jersey's JDAI efforts. Indeed, the importance of building such an infrastructure is perhaps New Jersey's most enduring lesson for other states.

Following are the six most important elements of the New Jersey JDAI infrastructure, the six continuing strands of state assistance that propel New Jersey's progress in bringing JDAI to scale and realizing the model's full potential.

**1 A standardized, first-rate data system.** In-depth data analysis — the capacity to examine the numbers and identify factors that contribute to overreliance on detention — is a crucial ingredient for success in JDAI. Yet, most jurisdictions nationwide lack first-rate data systems, and few states either require localities to collect the necessary data or possess themselves the capacity to analyze data or compare results across counties. New Jersey's decision to develop such a data system at the outset of its JDAI effort was a pivotal factor in all of its subsequent successes.

**2 Expert assistance from the state to support local JDAI sites.** Perhaps no decision has done more to ensure the success of New Jersey's JDAI efforts than JJC's decision to hire a cadre of detention reform specialists to support local JDAI implementation efforts. Similar to the support offered to sites in other states by the Casey Foundation's technical assistance team leaders, the aid provided by these specialists has been invaluable in helping local JDAI steering committees analyze trends, identify reform opportunities, and forge clear plans for local action. The detention reform specialists, who possess strong skills both as data analysts and as facilitators, also ensure that the state remains integrally involved in local detention reform efforts at all times.

**3 A structured and predictable replication process.** Another key to New Jersey's continued success has been the structured, predictable process it has created for adding new jurisdictions into the initiative. In every locality, success in JDAI depends upon an active and committed local steering committee. The process must be driven by motivated leaders at the local level. Thus, while state-level JDAI officials actively encouraged local sites to enter the process, and they offered extensive support and assistance to any county seeking to launch a local JDAI replication effort, the state never ordered localities to participate. Instead, the state has created a standard application process for new replication sites, beginning with the formation of a local steering committee. Next, interested counties must complete an application package that requires the local team to begin reviewing available detention trend data and to suggest a handful of reform opportunities — low hanging fruit — that they might want to pursue in the early stages of their JDAI effort. Once the application is completed, JJC presents a detailed data snapshot and sends a detention reform specialist to begin working with the local team to identify and

address reform opportunities. This approach enables localities to enter JDAI on their own timetable and at a sustainable pace for the state's cadre of detention reform specialists, and it helps local sites nurture a team of committed champions from the very outset of the JDAI replication process.

- 4 **A statewide risk assessment instrument.** A crucial turning point in New Jersey's JDAI replication effort came early on when — despite significant concerns from several judges — the statewide steering committee formed a risk assessment subcommittee to devise a single statewide risk assessment instrument. Indeed, it was Judge Richard Williams, the state's chief court administrator from 1999 to 2004, who insisted on pursuing a single risk instrument in order to ensure that all New Jersey youth were treated equally in the detention process. Another pivotal moment came in 2009 when the New Jersey Supreme Court formally endorsed the new risk screening tool and approved it for statewide use...but only in counties with active JDAI reform initiatives and only after preparation of required data systems and extensive training of local staff. The ruling codified the notion that detention should be limited to youth who pose a significant threat to reoffend or abscond as determined through objective screening, and it essentially made JDAI the accepted standard of detention practice in the state.
- 5 **Financial support for local detention reform efforts, tied explicitly to JDAI principles and priorities.** Since 2008, New Jersey's legislature has provided a multimillion dollar annual state appropriation to support the salaries of state detention specialists and also to fund local JDAI reforms. While perhaps not essential to the continued success of local JDAI sites, these funds send a powerful signal to system participants statewide that JDAI has powerful backing in the state, and that detention reform is a core element of New Jersey juvenile justice policy — one that requires focused effort and attention from local system players. This signal is strengthened by the funding formula used to allocate local grants, which requires detailed, data-rich proposals documenting how funds will be used to address JDAI goals and distributes the most money to jurisdictions with greatest adherence to the JDAI model.
- 6 **Statewide JDAI conferences to build expertise and enthusiasm for JDAI.** Beginning in 2005, statewide conferences have proven an effective tool for immersing local system personnel in JDAI concepts, training them in crucial skills and activities, boosting cohesion and consensus among existing local JDAI teams, marketing JDAI to system leaders in non-participating counties and bolstering enthusiasm for JDAI throughout the state.

Judge Lee Forrester the chief juvenile judge in Mercer County and also co-chair of the statewide Council on Juvenile Justice System Improvement, explains how important this structure is to JDAI's future in his county and throughout New Jersey. "JDAI has provided a paradigm shift, a sea change that has affected how business is done," Forrester said. "So a judge who replaces me ... is still going to have an infrastructure that didn't exist before. I used to worry about the sustainability question, [but] I don't worry about that nearly so much now. There is a backbone to this [now]."

## **B. Putting the Lessons into Practice: Progress in Other States**

Using these strategies, New Jersey has demonstrated how state government can play a pivotal role in JDAI, and that effective state leadership can be a catalyst for dramatic progress in taking JDAI to scale.

For several years, New Jersey's progress was not mirrored by similar gains in other states. However, the asymmetry between New Jersey and other states in supporting effective and widespread JDAI replication has begun to ebb. Encouraging advances are emerging in a number of other states, and that progress is due in no small part to New Jersey's efforts as the JDAI initiative's only state-level model site. Since 2008, 11 states have sent delegations to New Jersey to learn about its strategies for JDAI replication, and to begin intensive planning to ramp up their own state-level JDAI efforts. Most of those states have since made measurable progress in expanding state support for JDAI. Three states in particular — Indiana, Missouri and Massachusetts — have made noteworthy advances.

In **Indiana**, state-level JDAI efforts began in earnest in 2009, three years after Marion County, home to the state capital city of Indianapolis, entered JDAI. Marion County's JDAI initiative produced substantial improvements. Local leaders opened a new reception center to preclude the need for detention for youth with social service needs, and they reduced the daily detention population by nearly 50 percent with no negative impact on public safety. Yet, for three years, none of Indiana's other counties adopted the model.

Then late in 2009, the Indiana Crime and Justice Institute (ICJI), the state's criminal and juvenile justice planning agency, embraced statewide system improvement as a key goal. ICJI chose a private agency, the Youth L.A.W. Team of Indiana, to coordinate the system improvement effort, with JDAI as a main focus, and it provided funds for a three-year planning effort. (ICJI also serves as home to the State Advisory Group which receives and administers federal juvenile justice grant funding.) The state also engaged leaders in three additional Indiana counties — Lake, Porter and Tippecanoe — to become the first cohort of JDAI expansion sites.

In May 2010, an 11-member statewide JDAI expansion team led by state Supreme Court Justice Steven David, conducted a two-day site visit to New Jersey and began framing a statewide replication plan. Soon after, the Indiana Department of Corrections (which oversees the state's youth corrections facilities) and the state Supreme Court agreed to join ICJI as partners in the JDAI expansion effort, and in September 2010 the state formed a broader statewide steering committee including senior representatives from each of the three agencies above, as well as interested state legislators, local sheriffs and chiefs of police, university scholars, probation officers, prosecutors, juvenile defenders and others. With Judge David serving as an energetic and high-profile champion (playing a role akin to that of Howard Beyer in New Jersey), progress has continued on several fronts ever since. In October 2010, Indiana's Supreme Court along with the state's bar association announced support for statewide replication of JDAI, and four additional counties were invited to join the expansion effort.

Since then, the state has provided intensive support to ensure success in the eight participating counties, which together are home to one-third of Indiana's youth, and it has taken a number of significant steps to build a solid infrastructure at the state level to support future expansion. To assist local sites, the state organized a series of training sessions on fundamentals of JDAI and other topics such as data utilization, facility inspections and conditions of confinement, and disproportionate minority confinement. The state also partnered with the Annie E. Casey Foundation to prepare a system assessment for each participating county. In addition, the state invited the W. Haywood Burns Institute to participate in an extensive engagement on racial and ethnic disparities in four local sites.

Beginning late in 2011, the state steering committee created working groups on data utilization, risk screening and admissions, conditions of confinement and disproportionate confinement, as well as ad hoc committees on statewide expansion and legislative engagement. Building on this progress, Indiana's state legislature approved a \$6 million appropriation in the spring of 2013 to support JDAI replication over the coming two years.

In **Missouri**, JDAI efforts began in 2006 when the Office of State Court Administration received a multi-year grant from the Annie E. Casey Foundation to launch JDAI in four of the state's five largest localities: Jackson County (home to Kansas City), Greene County, the city of St. Louis and St. Louis County. Three more counties joined JDAI in 2008.

STATEWIDE REPLICATION of JDAI is important because it offers a means — perhaps the most practical available means — for states to make their juvenile justice systems more effective, more efficient and more just.

A year later, the Office of State Court Administration joined with leaders in Missouri's Department of Public Safety and its State Advisory Group elected to make JDAI expansion a top priority and began allocating a substantial share of Missouri's federal juvenile justice funds for detention reform. That decision, combined with a 2010 site visit to New Jersey by 11 of the state's key juvenile justice decision makers, sparked an increasingly ambitious state-level campaign to encourage and support JDAI replication.

Since then, Missouri's work on JDAI has expanded substantially:

- In 2010, Missouri established a state-level JDAI planning team to manage statewide replication efforts;
- Following New Jersey's lead, the state planning committee devised a clear process for new sites to join JDAI, with approval granted only to sites that commit to pursuing all eight JDAI core strategies;



- From 2008 to 2012, eight jurisdictions launched replication efforts. As of early 2014, 16 of the 19 judicial circuits in Missouri with detention centers have active JDAI initiatives, with two more circuits scheduled to begin replication at year's end;
- Using OJJDP funds, the state has been providing start-up grants to sites launching new JDAI efforts, as well as grants to support new detention alternatives programming;
- The state also offers training and support for localities by assigning each site a dedicated specialist from the Office of State Court Administration to help with data analyses and provide other assistance, and by providing opportunities to visit and learn from more experienced JDAI sites;
- In the spring of 2011, Missouri's Supreme Court approved a new rule requiring all juvenile courts state-wide to utilize a standardized detention assessment instrument in determining whether to detain youth, and to collect and regularly report data on detention utilization trends and overrides to the detention risk instrument; and
- The state court system is implementing new statewide conditions of confinement standards for juvenile detention facilities.

As part of its most recent three-year plan submitted to OJJDP (covering fiscal years 2012-14), Missouri's State Advisory Group has established a goal to launch JDAI in all of the remaining six judicial circuits with detention centers where it is not currently active.

State JDAI coordinator Bob Perry traces many of these positive developments to the state steering committee's site visit to New Jersey. "Having so many decision makers on our trip to New Jersey helped bring this about," said Perry. "We didn't have to come home and convince anyone."

JDAI began in **Massachusetts** in 2007 in Worcester County and Suffolk County (Boston), home to two of the state's nine secure detention centers. However, because the juvenile courts and youth corrections system (including detention) are overseen at the state level in Massachusetts, JDAI efforts radiated throughout the state thanks to several statewide policy and practice changes aimed to reduce overreliance on detention, including:

- An agreement with the state's child welfare agency to reduce lengths of stay for foster youth in secure detention;
- New protocols for the supervision of youth 12 and under who enter the juvenile justice system, including rules aimed at minimizing secure detention of children under 13; and
- Case processing reforms to reduce the use of detention for the completion of court-ordered 30-day evaluations. This practice, which had been especially prevalent in Worcester County, had been focused

## WHAT CAN YOUR STATE DO TO PROMOTE DETENTION REFORM? A CHECKLIST

Despite their lack of direct involvement in detention operations, state governments are well-suited to serve a number of vital functions in promoting the detention reform cause. The most promising of these infrastructure-building efforts should concentrate on three key goals: (1) offering direct support to help ensure success for local JDAI implementation teams; (2) sparking interest in and building local momentum for detention reform at the local level; and (3) deepening support for detention reform among system leaders and line staff across the state.

In terms of direct support for local detention reform efforts, states can and should:

- **Create a robust and streamlined data collection system**, with standard definitions and reporting requirements, to ensure that all jurisdictions track data utilization trends uniformly and to allow apples-to-apples comparisons between jurisdictions.
- **Offer technical support to assist local site teams in analyzing available detention data** and using data to identify critical needs and opportunities for system improvement.
- **Provide staffing support for newly formed local JDAI Implementation committees**, including knowledgeable and skilled facilitators to help focus initial discussions on achievable short-term goals, and keep them on track for long-term success.
- **Deliver in-depth, high quality training and technical assistance** for local JDAI steering committee members and agency personnel, including opportunities for sites to work with and learn from each other.
- **Make funding available to support detention reform efforts**, either by directly appropriating funds to help local jurisdictions dedicate staff or fund new detention reform programming, allocating federal juvenile justice funds to detention reform, or reallocating existing funds for these purposes.

In terms of sparking interest and promoting detention reform, states can and should:

- **Create a cohesive statewide JDAI coordinating committee** where key stakeholders from varied agencies and interests (judges, prosecutors, juvenile defenders, probation officers, detention center operators, service providers and advocates) can debate contentious issues and forge statewide policy consensus regarding the purposes of detention, for instance, the need for objective risk assessment or other pivotal detention-related issues.
- **Clearly signal state-level support for detention reform** by adopting new rules defining the proper purposes of detention, creating and mandating the use of a uniform detention risk screening instrument, limiting the use of detention for youth accused of status offenses and

other low-level crimes, and/or requiring prompt detention hearings.

- **Issue regular data reports documenting the progress of all local jurisdictions statewide in achieving key detention reform goals, such as reducing average daily population, detention admissions, length of stay, racial/ethnic disparities in detention and the utilization and success rates of detention alternative programming.**
- **Devise a predictable and systematic approach for new replication sites to join the JDAI initiative, so that local leaders understand what is required to pursue detention reform, how they should initiate the process and what assistance will (and will not) be available from the state to support their efforts.**

And in terms of deepening support for detention reform among system personnel, states can and should:

- **Create meaningful opportunities for cross-site interaction** by convening regular statewide detention reform conferences, as well as more targeted multi-site training.
- **Publicize favorable results, and publicly celebrate successes achieved by local JDAI sites, in order to build public awareness of JDAI's accomplishments and maximize public and political support for expansion.**
- **Signal high-visibility support for detention reform, through public statements from high-level officials involved in the state juvenile justice system** — governor, supreme court judges, administrative office of the courts, prosecutors, juvenile corrections department, etc. — describing why detention reform is desirable and important.

primarily on low-level offenders likely to be released back into the community after the evaluations were completed.

These statewide changes, along with local efforts in participating sites, led to steady reductions in the use of detention. These, in turn, allowed the state to make significant reductions in detention bed capacity.

However, progress was slower on other aspects of detention reform, including design and implementation of a statewide risk assessment instrument, reducing the detention for youth for technical violations of probation and addressing racial disparities in detention.

In September 2011, a team of 14 Massachusetts leaders participated in a site visit to New Jersey to explore options for deepening the state's detention reform efforts. During the visit, and following their return, the leadership team streamlined the governance structure for the state's JDAI initiative, with a smaller oversight group comprised mainly of leaders who participated in the site visit to New Jersey. The group, which represents multiple state agencies as well as local officials and private service providers, now meets monthly to work on JDAI policy development and workplan implementation across partner agencies.

Massachusetts also created a new "detention specialist" position at the Department of Youth Services, modeled after the role played by state staff in New Jersey — a full-time expert to assist local JDAI sites with data analysis, planning, and policy and program development. Another marker of progress came when a local presiding judge, Sally Padden of the Essex County juvenile court, joined the state's JDAI oversight board — marking the first time a member of the state judiciary had taken such a prominent role in JDAI. Subsequently, the state's chief juvenile court judge, Michael Edgerton, has also become more actively engaged with JDAI, as have several other local court judges.

In April 2013, Massachusetts launched JDAI efforts in a fifth site, Bristol County, and the kickoff for the sixth and final site is scheduled for in early 2014. At that point, JDAI will be active in every major population center in Massachusetts, and every county with a secure detention facility.

Though significant work remains for the state JDAI leadership team in implementing a statewide risk assessment and reducing detention for technical violations of probation, its data show dramatic progress has already been achieved in reducing overreliance on secure detention: statewide from 2008 to 2013, the average daily population in detention has plummeted 73 percent, and the total bed capacity in secure detention facilities has fallen 66 percent.

In addition to Indiana, Missouri and Massachusetts, eight other states have sent delegations to visit New Jersey as part of their efforts to strengthen state-level support for JDAI replication — Arizona, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, Ohio and Washington State — and several other state-level JDAI leadership teams are active in a number of other states as well.

## Conclusion

Gradually, by adopting strategies pioneered in New Jersey or developing new strategies of their own, a growing number of states are overcoming resistance and surmounting the very real barriers and obstacles that have limited states' capacity until now to assume an effective leadership role on detention reform.

For JDAI to achieve its full potential, this trend must continue and accelerate in the years to come.

Why? Why is New Jersey's success so noteworthy? Why is the emerging progress in other states so encouraging? Why is it so important — perhaps critical — that other states continue to learn from New Jersey and build the infrastructure necessary to replicate JDAI more widely within their borders?

Not because the Annie E. Casey Foundation says so, certainly. Not because it is required by law or statute.

Rather, statewide replication of JDAI is important because it offers a means — perhaps the most practical available means — for states to make their juvenile justice systems more effective, more efficient and more just. Replicating JDAI widely — or “taking it to scale” — is a necessary step to end “justice by geography” and ensure equal justice across county lines. It is necessary to end the unnecessary, counterproductive and wasteful use of detention that damages young people's prospects for success, exacerbates the risks of continued lawbreaking and wastes vast sums of taxpayers' money.

Finally, broad and effective detention reform provides state and local justice systems a crucial head start in their broader efforts in juvenile justice reform — and particularly in reducing the populations of youth committed to “deep end” correctional facilities. As of 2012, participating JDAI sites nationwide had reduced commitments by 43 percent from pre-JDAI levels.

As the Annie E. Casey Foundation documented in its 2011 report, *No Place for Kids*, the evidence is now overwhelming that wholesale incarceration of juvenile offenders is dangerous, ineffective, wasteful, obsolete and inadequate. Daily costs are astronomical, recidivism rates alarming, maltreatment widespread and treatment services inadequate.

JDAI offers a readily adaptable means for states to reduce correctional commitments and end current practices that damage lives, undermine public safety, and squander taxpayers' money. But only if states take the necessary steps to spread the JDAI model beyond the isolated islands of innovation where it currently flourishes.

## ENDNOTES

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THE ANNIE E. CASEY FOUNDATION

701 ST. PAUL STREET BALTIMORE, MD 21202 410.547.6600 WWW.AECF.ORG