



Utah Juvenile Justice Working Group

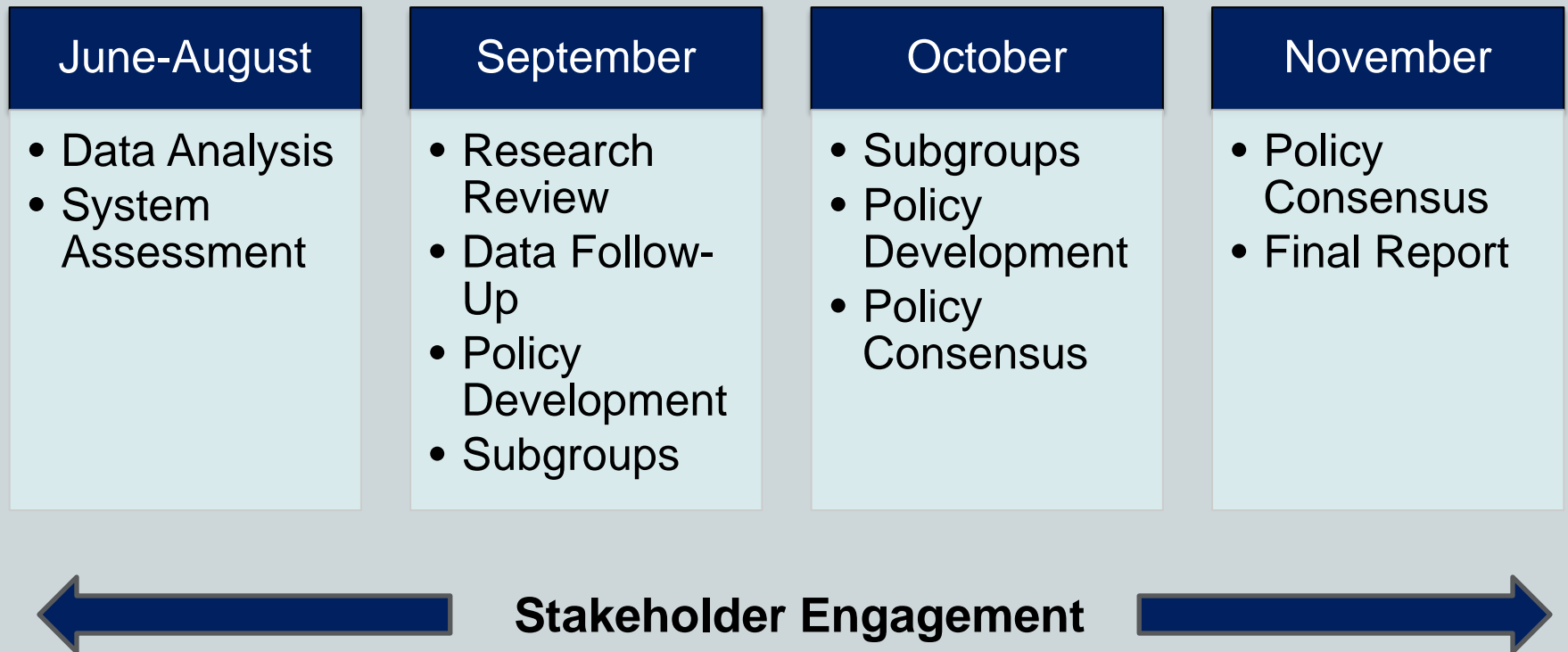
Charge to the Working Group

- Promote public safety and hold juvenile offenders accountable
- Control costs
- Improve recidivism and other outcomes for youth, families, and communities

The Working Group's recommendations will be used as “the foundation for statutory, budgetary and administrative changes to be introduced in the legislature during the 2017 session.”

<i>Governor</i> Gary Herbert	<i>Senate President</i> Wayne Niederhauser	<i>Executive Director, CCJJ</i> Ron Gordon
<i>Chief Justice</i> Matthew Durrant	<i>House Speaker</i> Gregory Hughes	<i>Executive Director, DHS</i> Ann Williamson

Working Group Process and Timeline



Stakeholder Roundtables

Completed

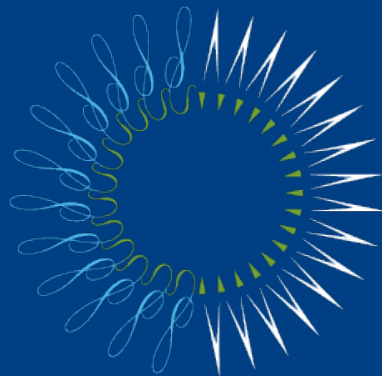
- JJS Secure Care ADPs (7/12)
- JJS Secure Care Staff (7/13)
- JJS Secure Care Youth (7/13)
- Probation officers (8/3)
- Probation supervisors (8/3)
- Probation chiefs (8/3)
- Juvenile Defense Attorneys (8/10)
- Education—Pre-Court (8/10)
- Education—Facilities (8/10)
- JJS Rural Services ADPs (8/11)
- Families (8/11)
- Secure Detention Staff (8/12)
- Secure Detention Youth (8/12)
- JJS Long-Term Secure Staff (8/15)
- JJS Long-Term Secure Youth (8/15)
- Work Camp Staff (8/15)
- Work Camp Youth (8/16)
- Community Partners (8/12, 8/16)
- Judges (8/25)
- Prosecutors (8/29)
- Probation youth (8/30)

Pending

- DCFS Staff (9/12)
- DCFS Youth (9/12)
- Victims (9/12)
- Law enforcement (TBD)
- JJS Proctor Care Youth (TBD)

Agenda

1. Follow Up Data Analysis: 8:45-10:15
2. Research Presentation: 10:30-12:00
3. Lunch Break: 12:00-12:30
4. Working Group Discussion on Research Principles and Key Takeaways from Utah System Assessment: 12:30-2:00
5. Policy Subgroup Planning: 2:00-2:30



THE
PEW
CHARITABLE TRUSTS

Follow Up Data Analysis

Utah Juvenile Justice Working Group
Salt Lake City, Utah
September 1, 2016

Overall Key Takeaways

Drivers Analysis and System Assessment

Overall Key Takeaways: System Assessment Presentation 1

- **Decision-making**
 - Opportunities for early intervention exist through services in the community, but some alternatives to court referrals and secure detention are not available in all parts of the state
 - No assessment tools are used to inform detention decisions
 - Non-judicial adjustment is available as an alternative to court processing, but is limited to certain offenses, is not required in any case, and may be an aggravating factor in future cases
 - Only about one-third of judges report defense counsel is appointed for all offense types
 - No statutory requirements regarding overall supervision length or custody disposition options, and judges often depart from sentencing guidelines

Overall Key Takeaways: System Assessment Presentation 1

- **Youth flow**
 - Utah's total arrest rate is higher than the national average due to low-level crime
 - Violent crime rates are lower than the national average and have declined faster
 - The number of youth entering the court system for the first time has declined 35% since 2008
 - More Hispanic youth enter the system than are represented in the Utah youth population
 - The proportion of youth who receive a non-judicial adjustment on their first intake is declining
 - There is district variation in the proportion of youth who receive a non-judicial adjustment at first intake
 - A higher proportion of misdemeanants and status offenders who receive a petition at first intake have subsequent charges, compared to those who receive non-judicial adjustment at first intake
 - Contempt charges primarily drive the difference

Overall Key Takeaways: System Assessment Presentation 1

- **Youth flow**

- More than 400 youth are detained pre-adjudication on first intake
 - Misdemeanor assault, retail theft, and marijuana offenses are among the most common charges for these youth; 44% are low risk
- A higher proportion of adjudicated youth who receive a detention disposition have subsequent charges compared to overall adjudicated youth
 - Gap holds for specifically low-risk youth
- Marijuana, assault, and truancy are 3 of top 4 offenses that receive a detention disposition
- Community service, fine, and/or restitution are most common dispositions for youth adjudicated at first intake
- Half of youth ordered to detention on first adjudication have new charges within 1 year
- Many youth have more serious subsequent dispositions and spend more time under court jurisdiction before aging out even though offenses are not getting more serious over time

Overall Key Takeaways: System Assessment Presentation 2

- **Decision-making**

- Options and availability of services for youth residing at home may vary regionally, and a majority of probation officers and JJS Case Managers report barriers to service access
- JJS and Probation offer similar types of contracted services and report similar top needs among the youth they supervise
- All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
- There is no clear statutory guidance on probation length, probation termination, or responses to technical violations
- Although sentencing guidelines intend O&A to be used solely as a diagnostic tool and not as a disposition in and of itself, statute does not limit placement
- Statute allows secure detention to be used at the court's discretion for all types of cases except status offenses
- There are no statutory guidelines for length of stay out of home for JJS community placement or DCFS placement, except for the jurisdictional age of 21

Overall Key Takeaways: System Assessment Presentation 2

- **Youth flow**

- PSRA assessments show that low proportions of youth entering the juvenile justice system have criminogenic needs
- The largest declines in dispositions are for probation and JJS secure care, outpacing declines in new intakes
- Racial disparities are present for all types of probation and custody dispositions, compared to the demographics of new intakes or the youth population
 - The largest racial disparity in the system is for Black youth disposed to DCFS placement
- There is substantial variation in whether judicial districts' use of O&A, detention, JJS custody or DCFS custody is consistent with their proportion of new intakes
- Detention dispositions are the most frequently utilized out-of-home placement

Overall Key Takeaways: System Assessment Presentation 2

- **Youth flow**

- The majority of probation and out-of-home dispositions are for non-felony cases
 - Contempt charges are the largest drivers of O&A, detention, JJS community placement, and DCFS dispositions
 - Youth often stay out of home longer for contempt charges than misdemeanors on average
- DCFS custody dispositions are longer than JJS community placement or secure care dispositions
- Almost all probation and custody youth spend time in detention at some point
- While very few of the youth who are put on probation or in JJS custody started as high risk when they entered the court system, most leave the system high risk
- Community supervision costs as much as \$7,500 per youth on a caseload per year while JJS residential beds cost as much as \$127,750 per year

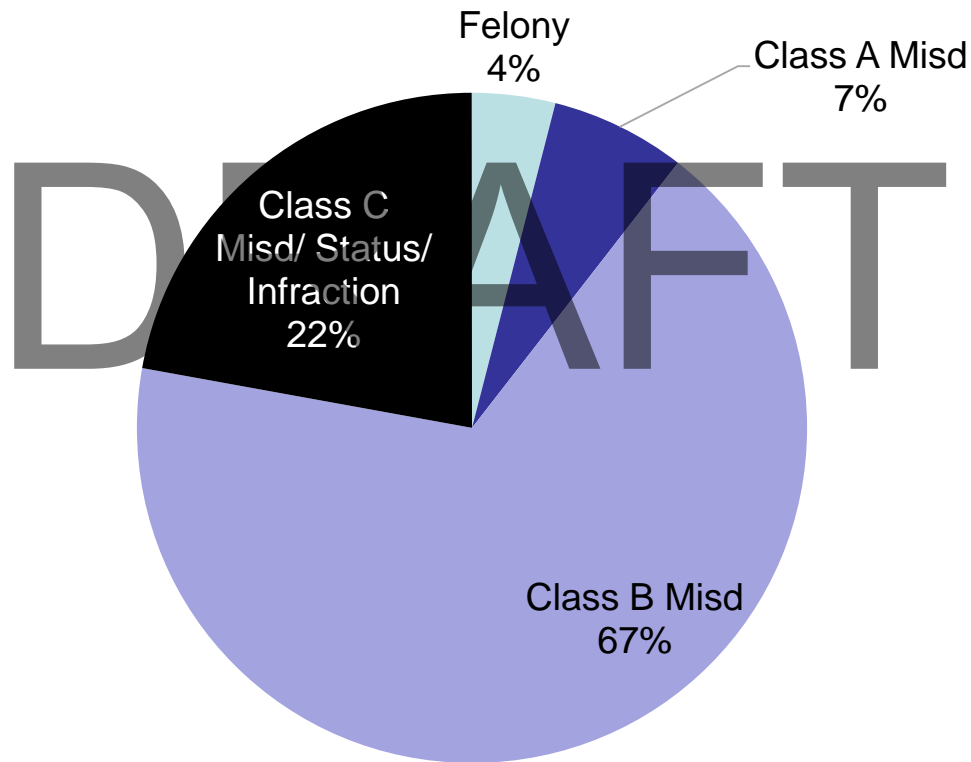
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First Intake

Data

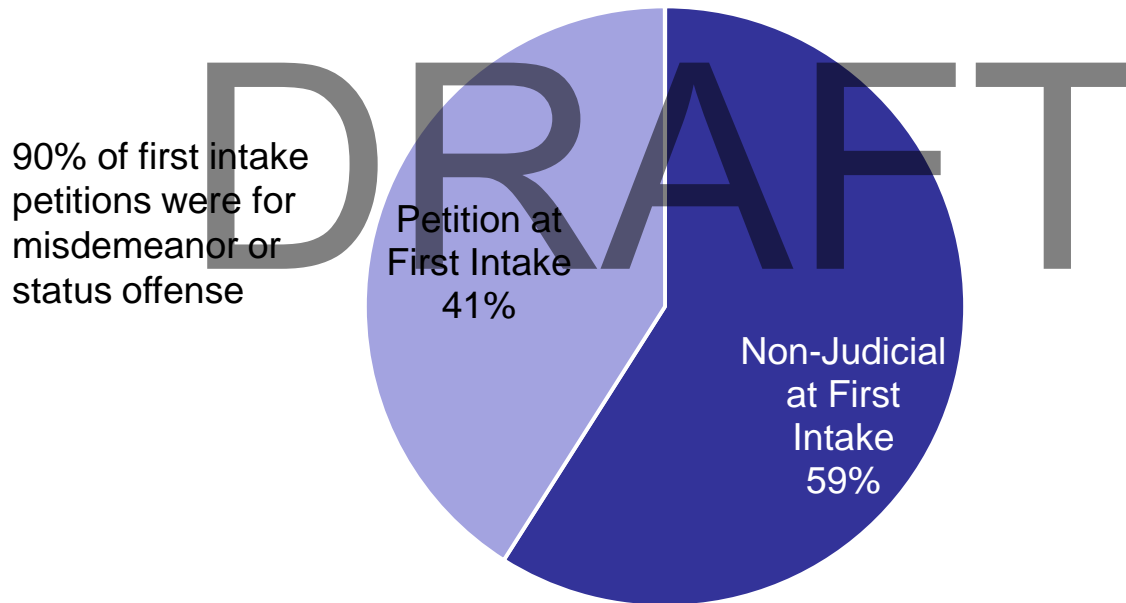
96% of 17 year olds' first juvenile intake was for a misdemeanor or status offense

Most Serious Offense for 17 Year Olds at First Intake, 2015 (N=1571)

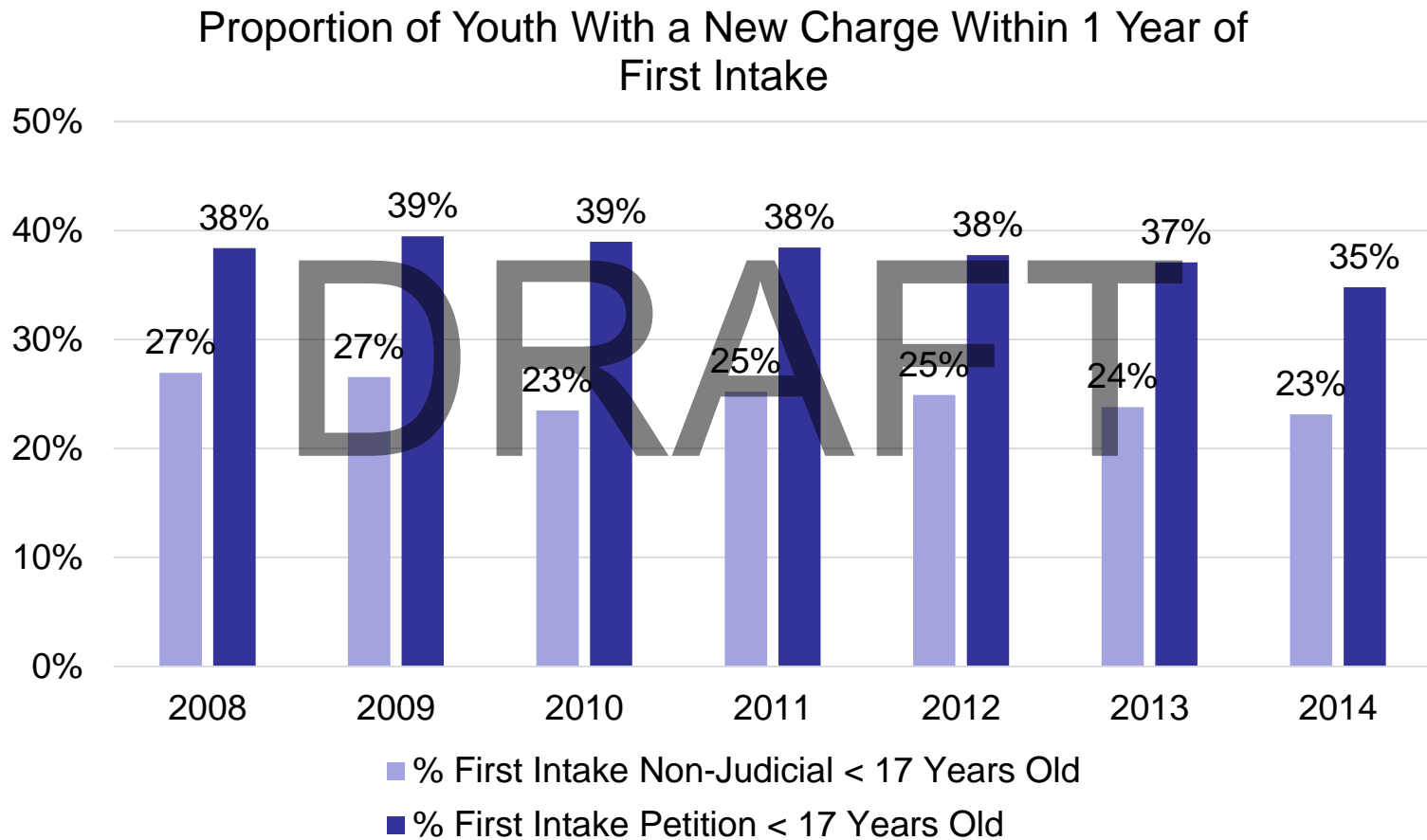


59% of 17 year olds get a non-judicial at their first intake, but 90% of new intake petitions were for misdemeanor or status offenses

First Intake Decision for 17 Year Olds at First Intake, 2015 (N=1578)

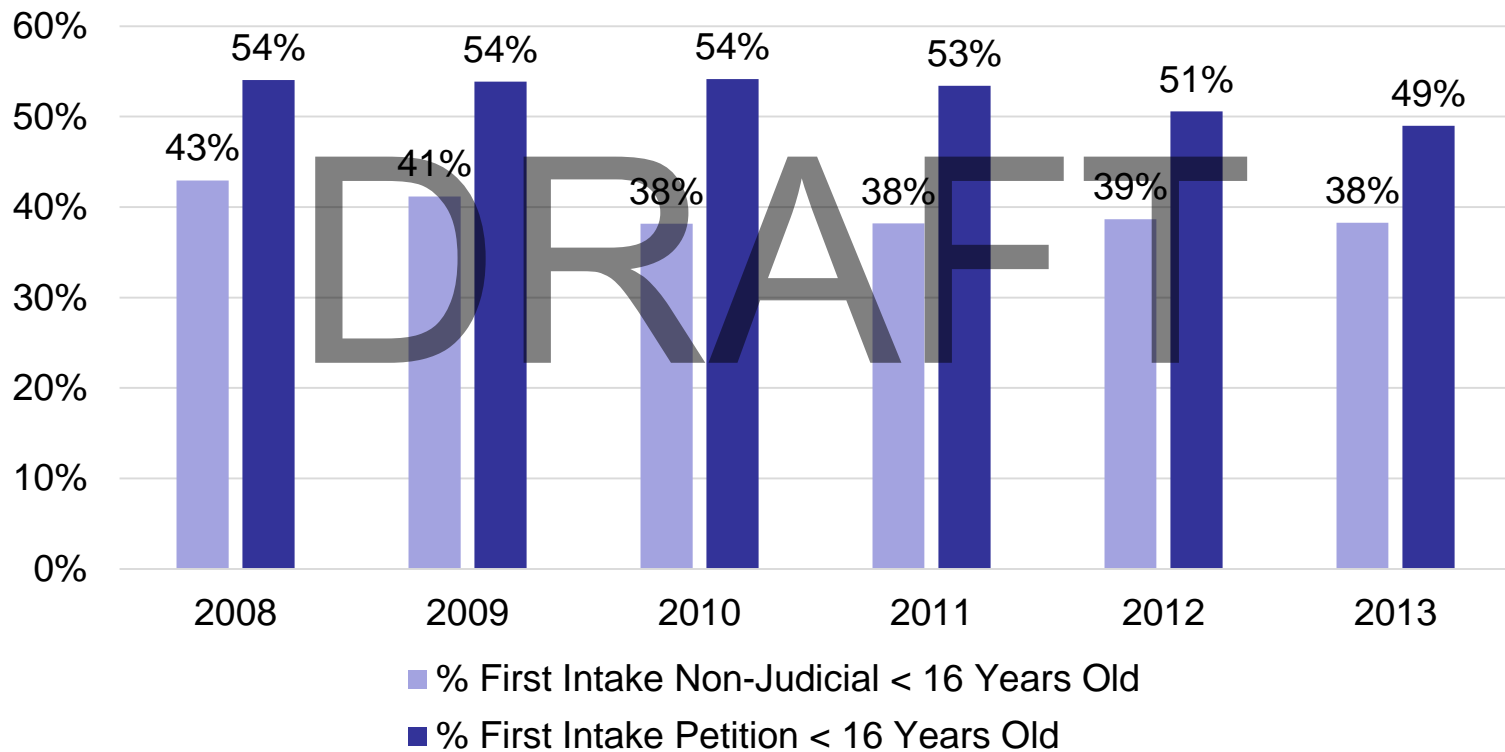


Gap in proportion of non-judicial youth and petition youth who have new charges holds for youth under 17



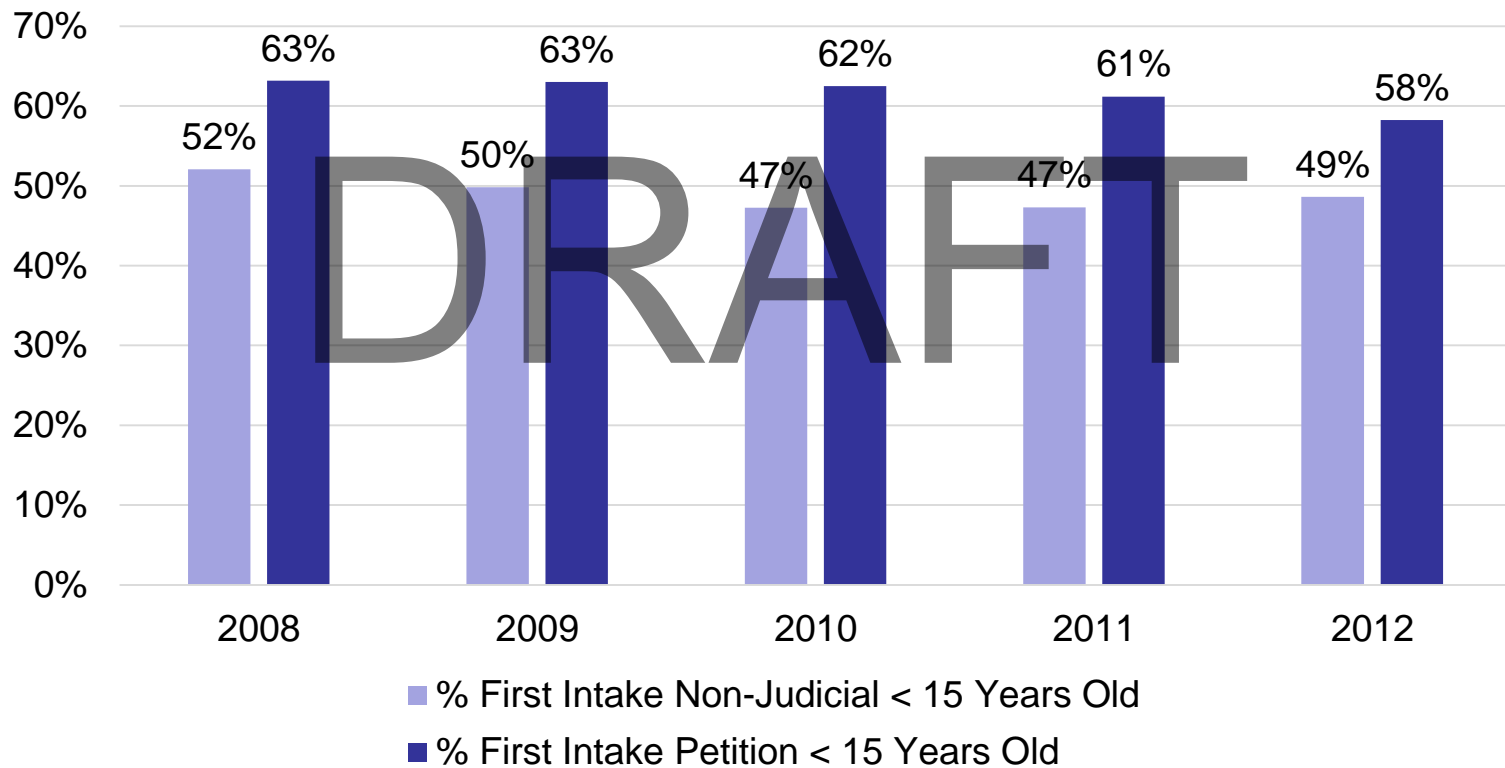
Gap in proportion of non-judicial youth and petition youth who have new charges holds for youth under 16

Proportion of Youth With a New Charge Within 2 Years of First Intake



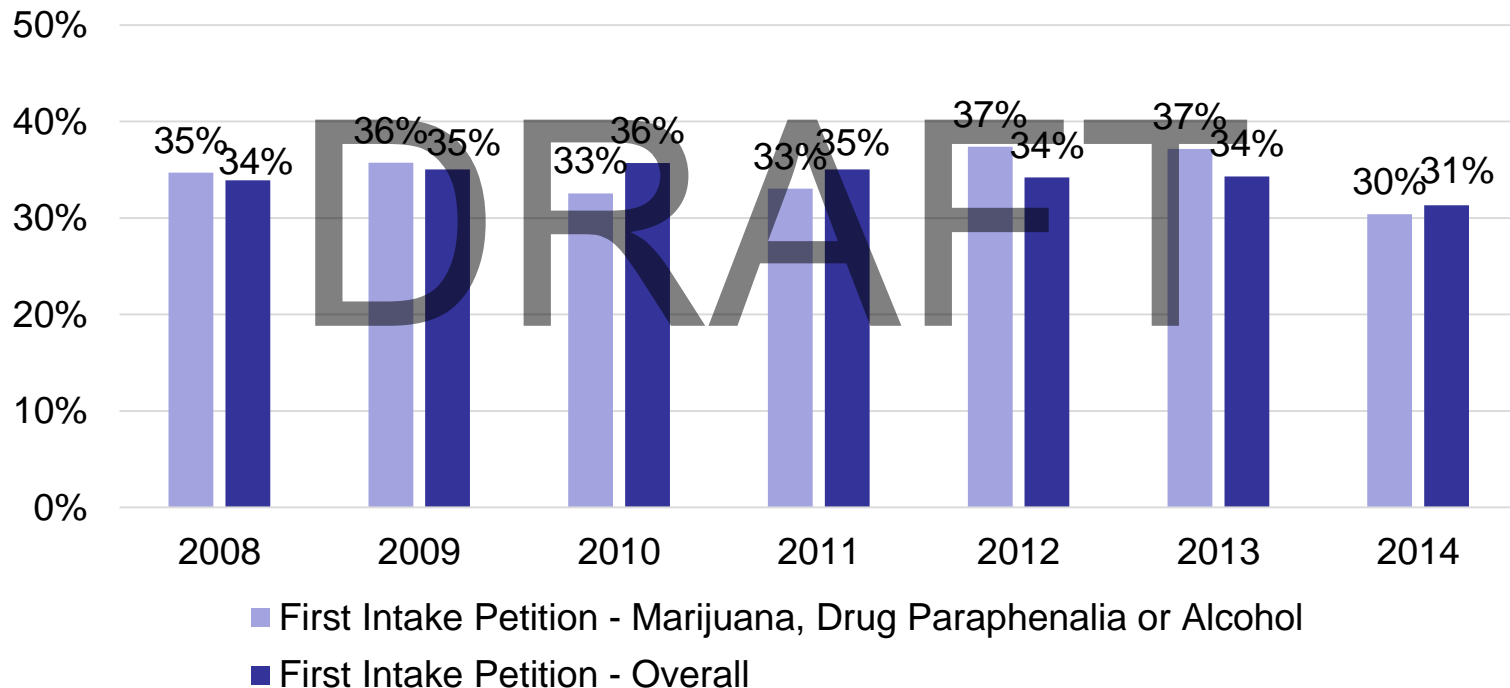
Gap in proportion of non-judicial youth and petition youth who have new charges holds for youth under 15

Proportion of Youth With a New Charge Within 3 Years of First Intake



No difference in proportion of youth originally charged with drug offenses that have subsequent charges

Proportion of Youth with New Charge Within 1 Year of First Intake

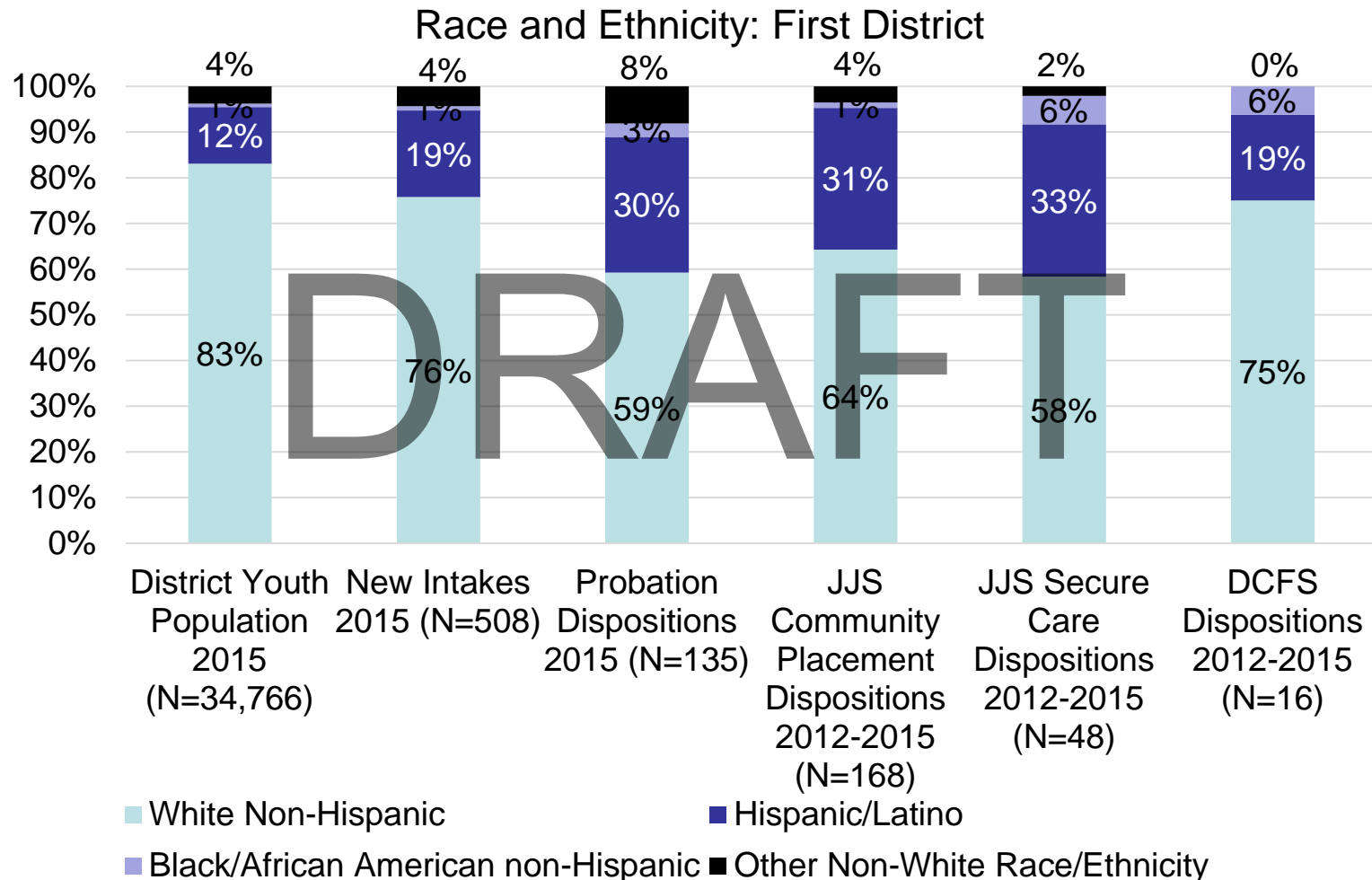


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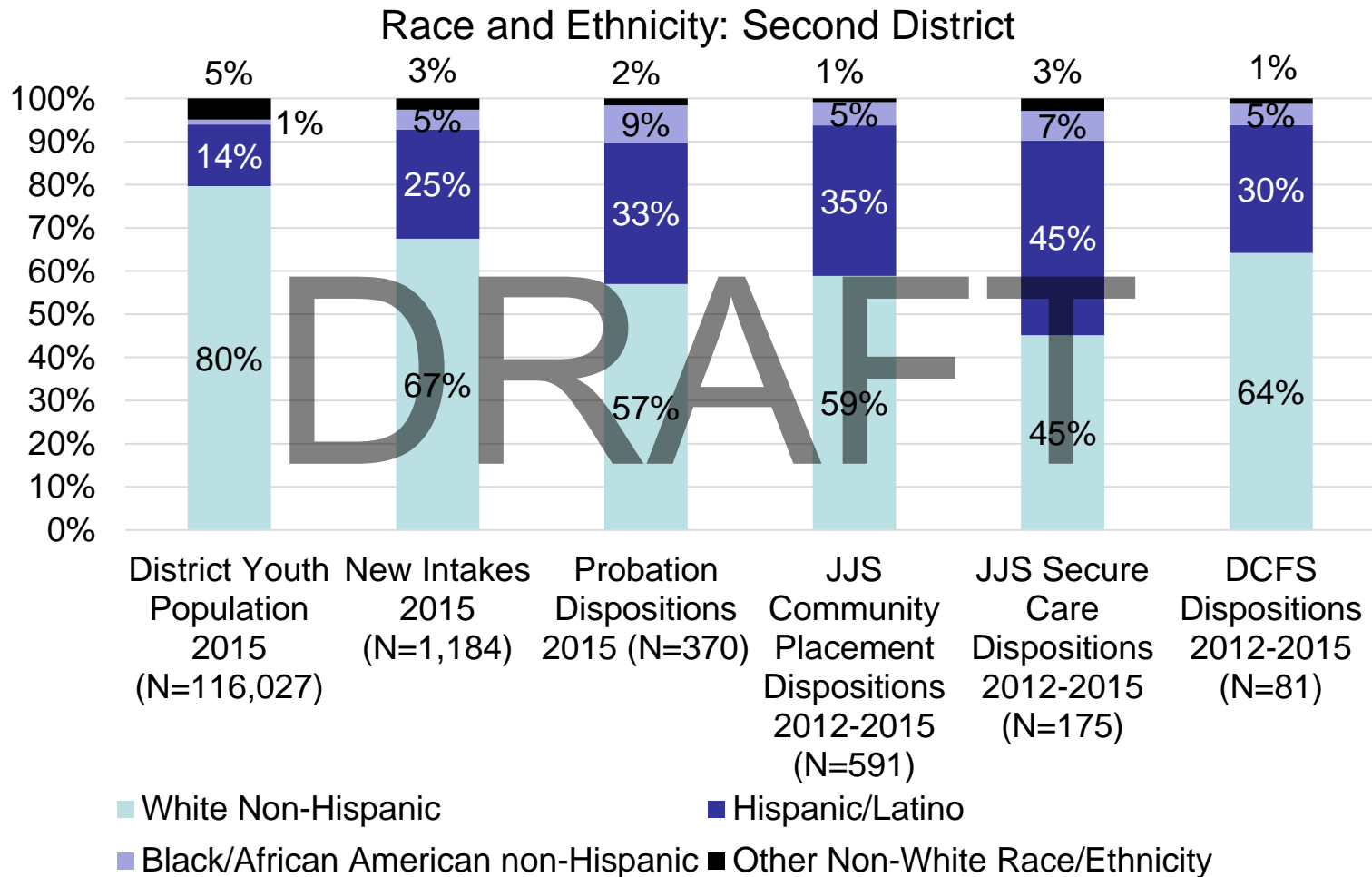
Race and Ethnicity Breakdown by District

Data

First District disparities for Black and Hispanic youth increase for probation and custody dispositions

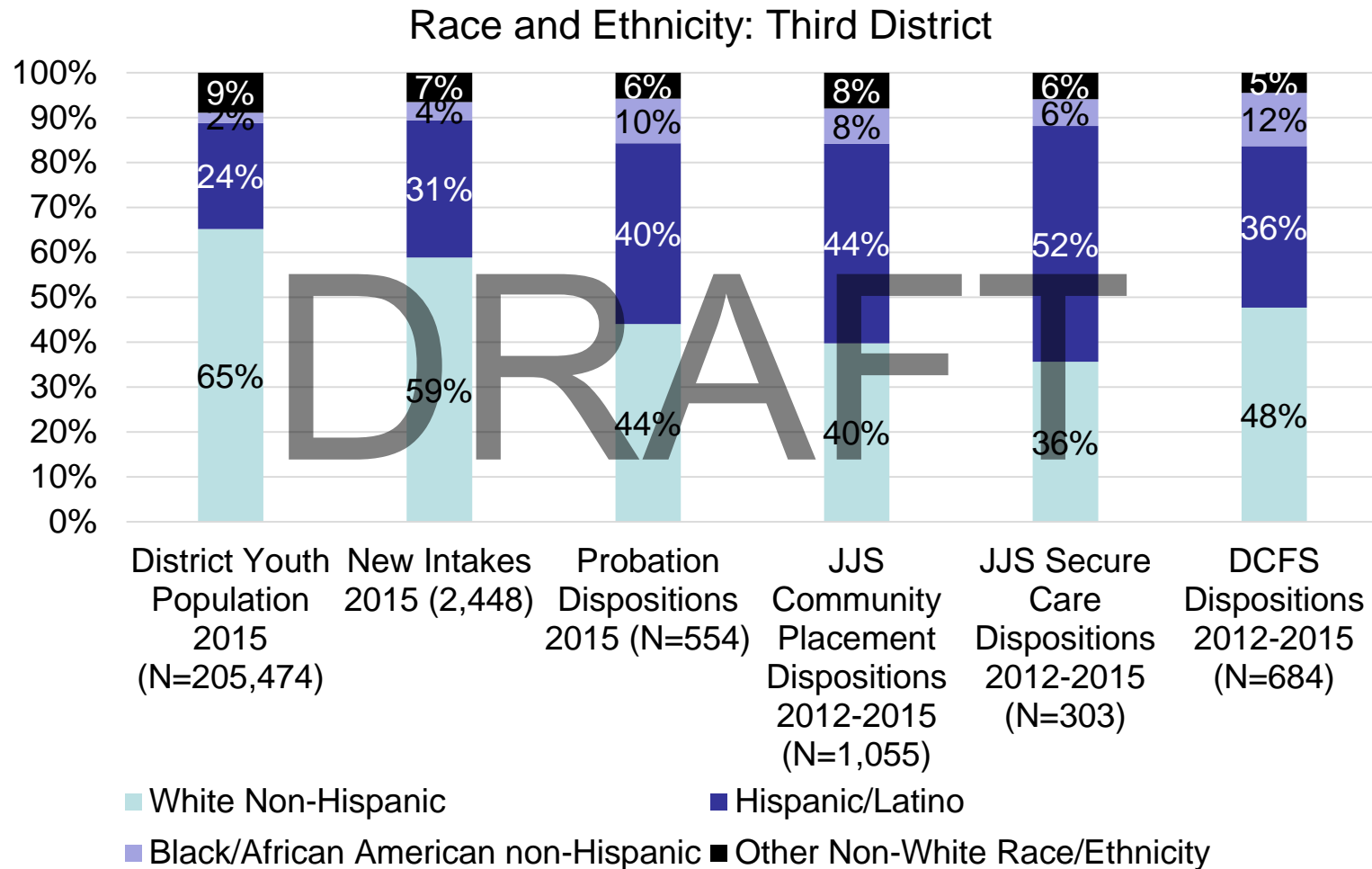


Second District disparities for Black and Hispanic youth increase for probation and custody dispositions



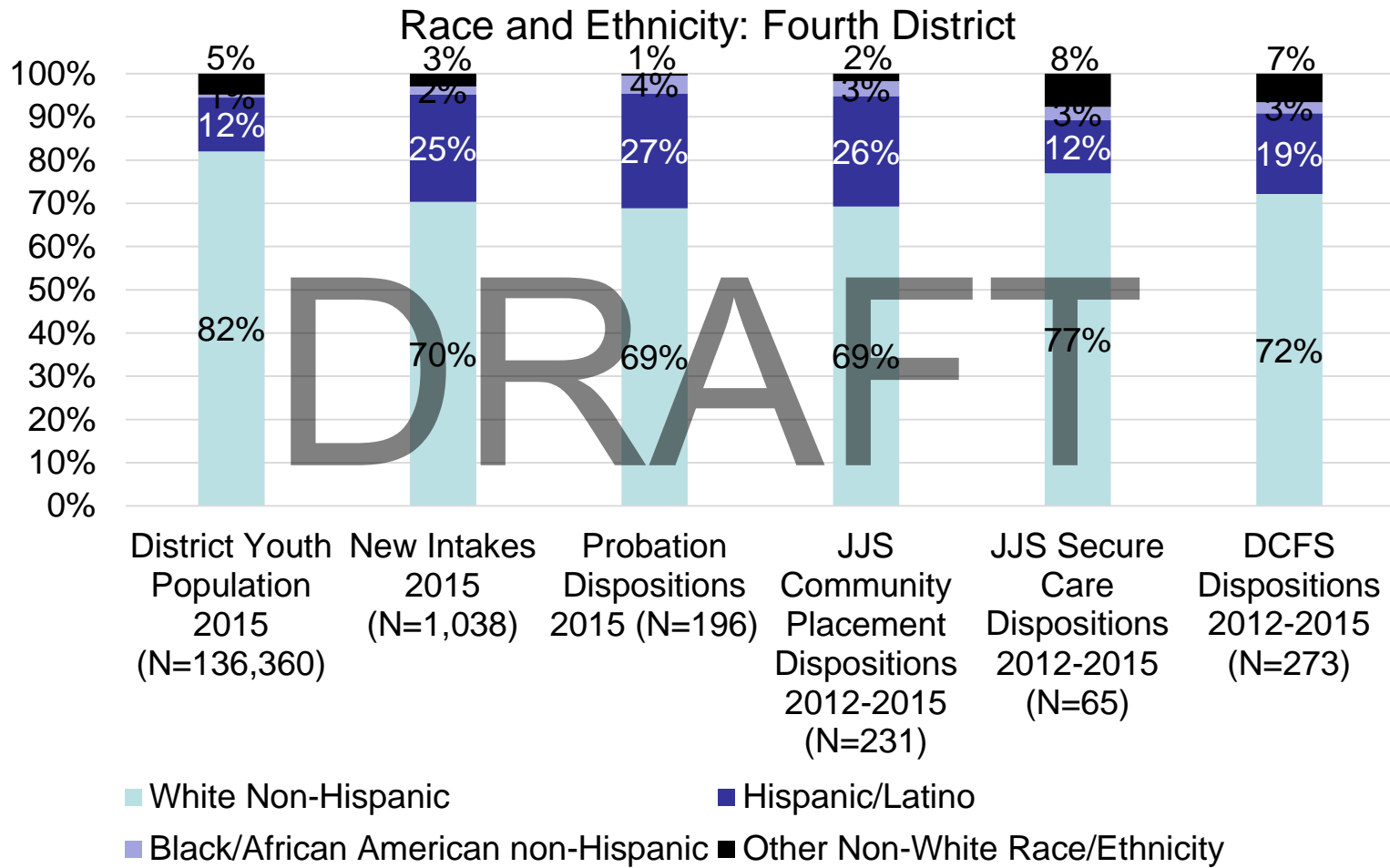
*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

Third District disparities for Black and Hispanic youth increase for probation and custody dispositions



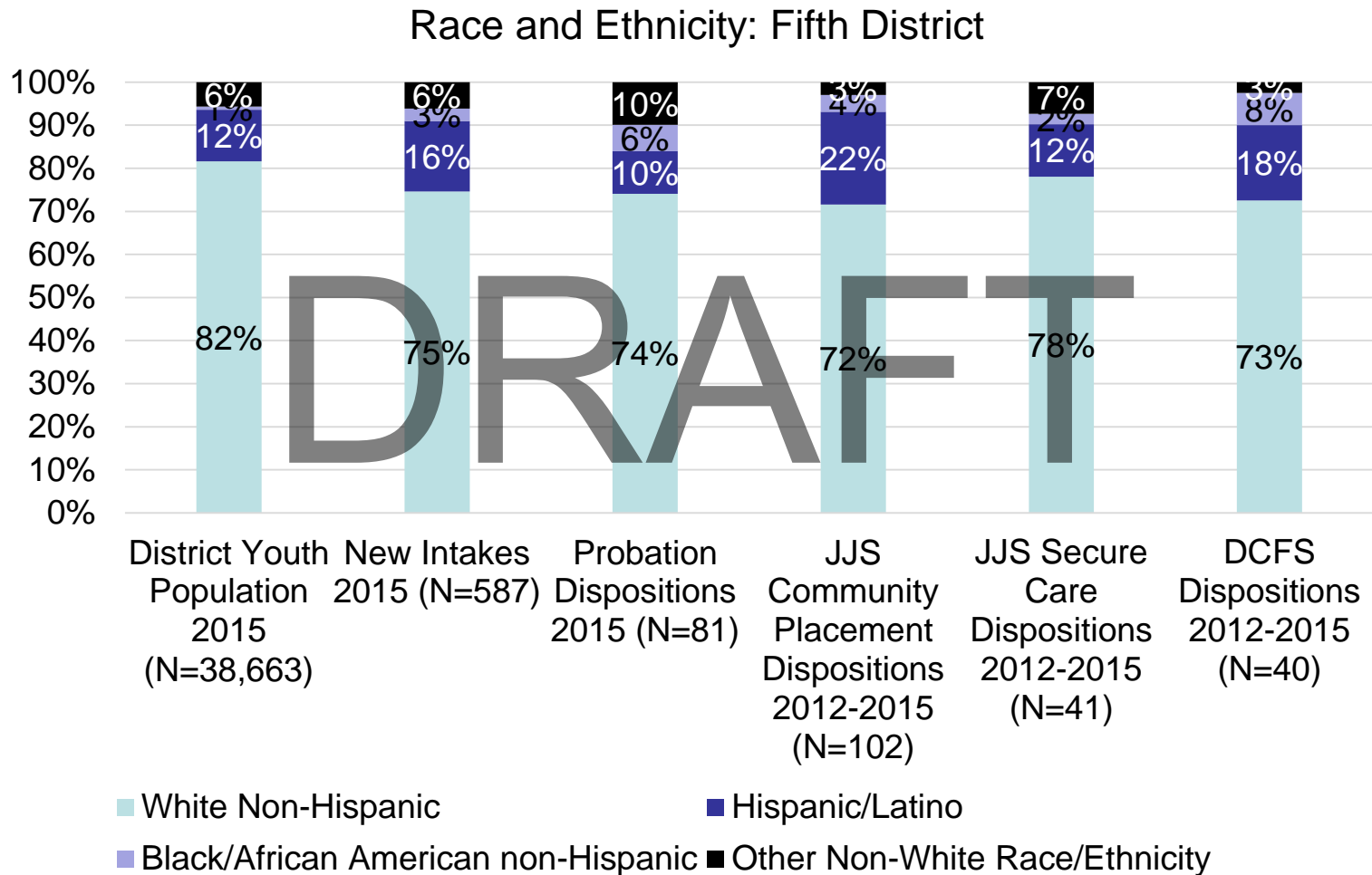
*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

Disparities in Fourth District vary for different types of dispositions



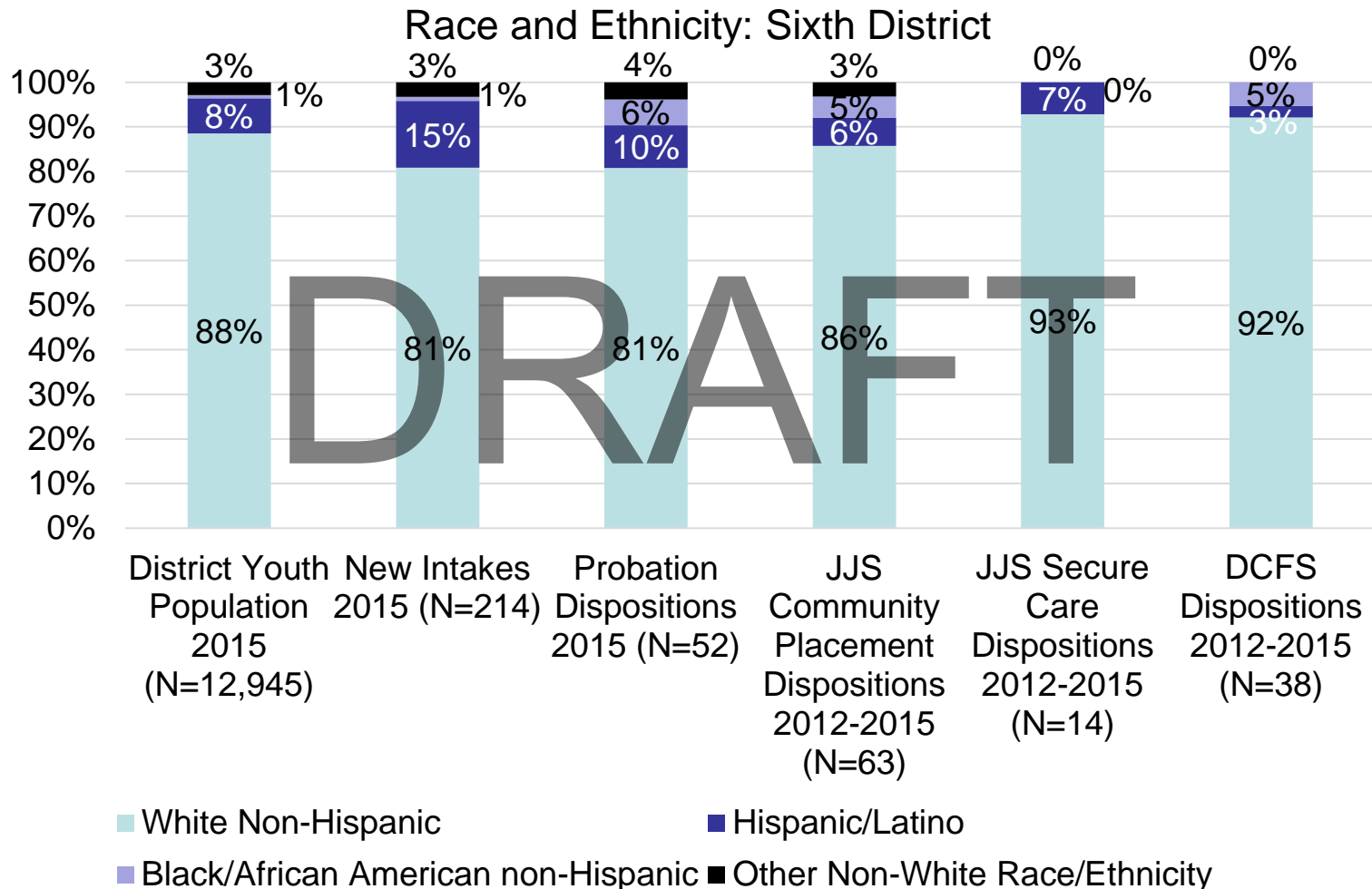
*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

Disparities in Fifth District vary for different types of dispositions



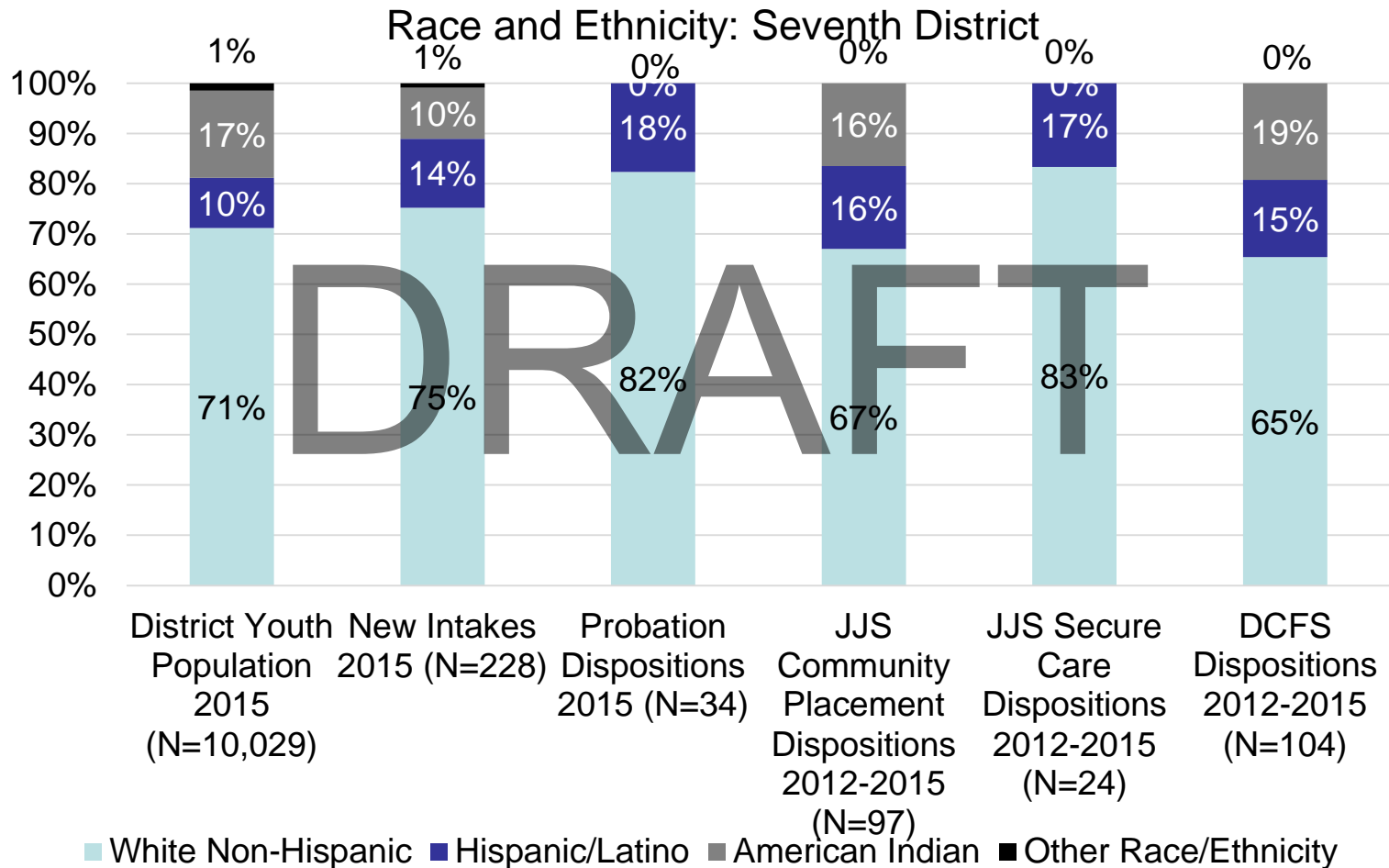
*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

Sixth District disparities are smallest for secure care dispositions; vary at other points in system

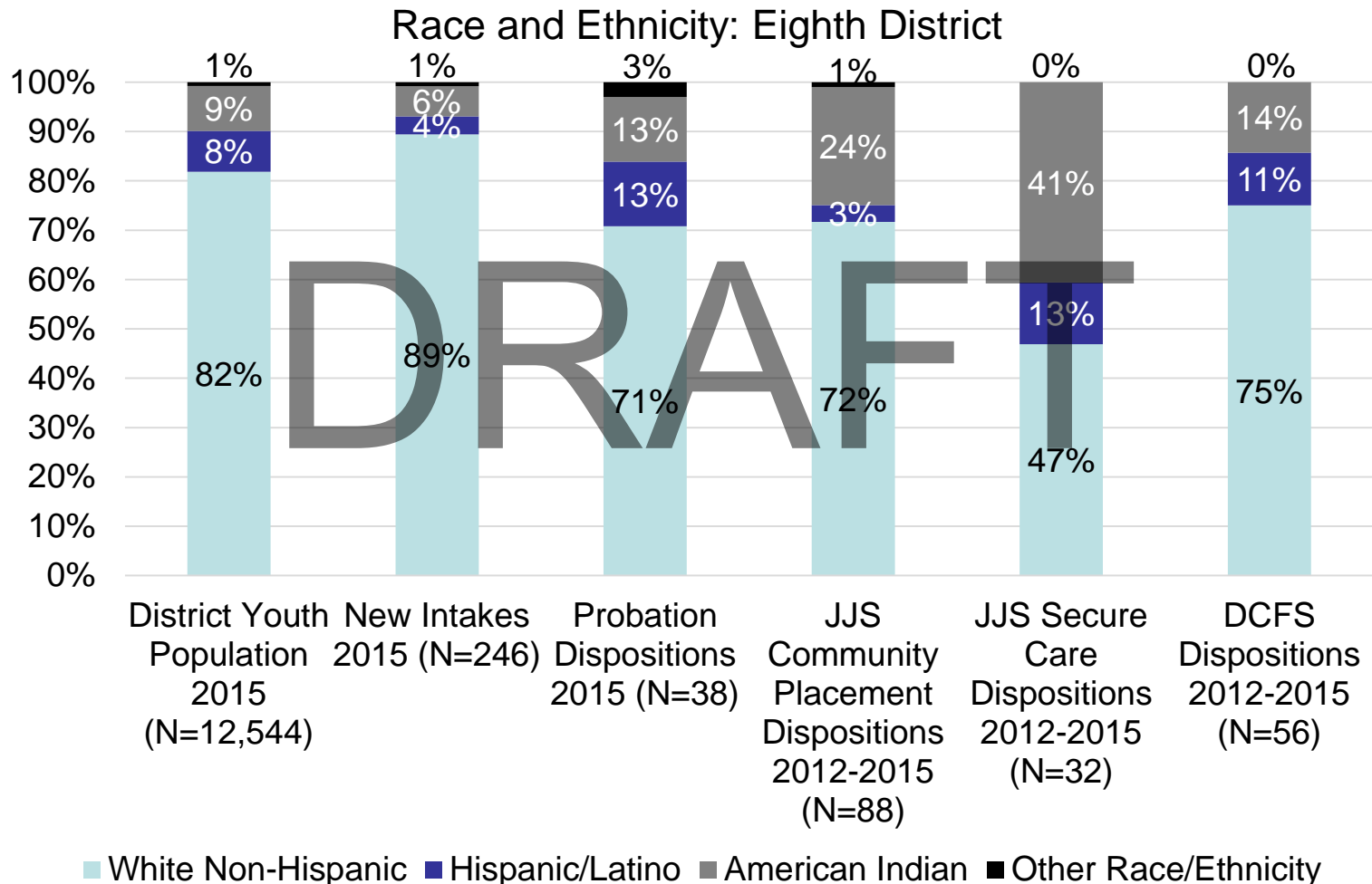


*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

Seventh District disparities vary throughout the system; not as large among young coming into the system



Eighth District disparities not present among new intakes, but increase for probation and custody dispositions



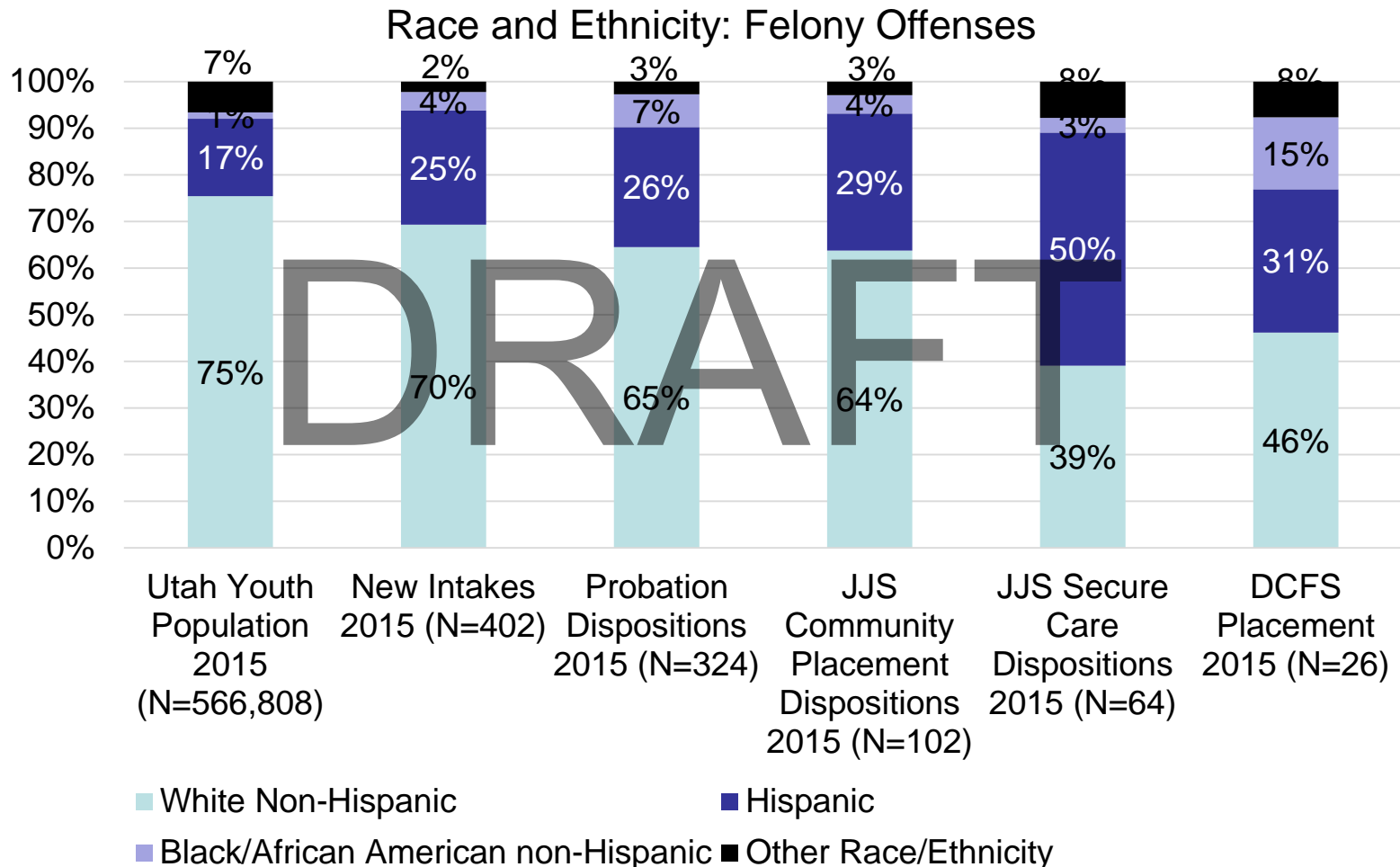
*District Youth Population: State of Utah School Enrollment Demographics Data, 2015

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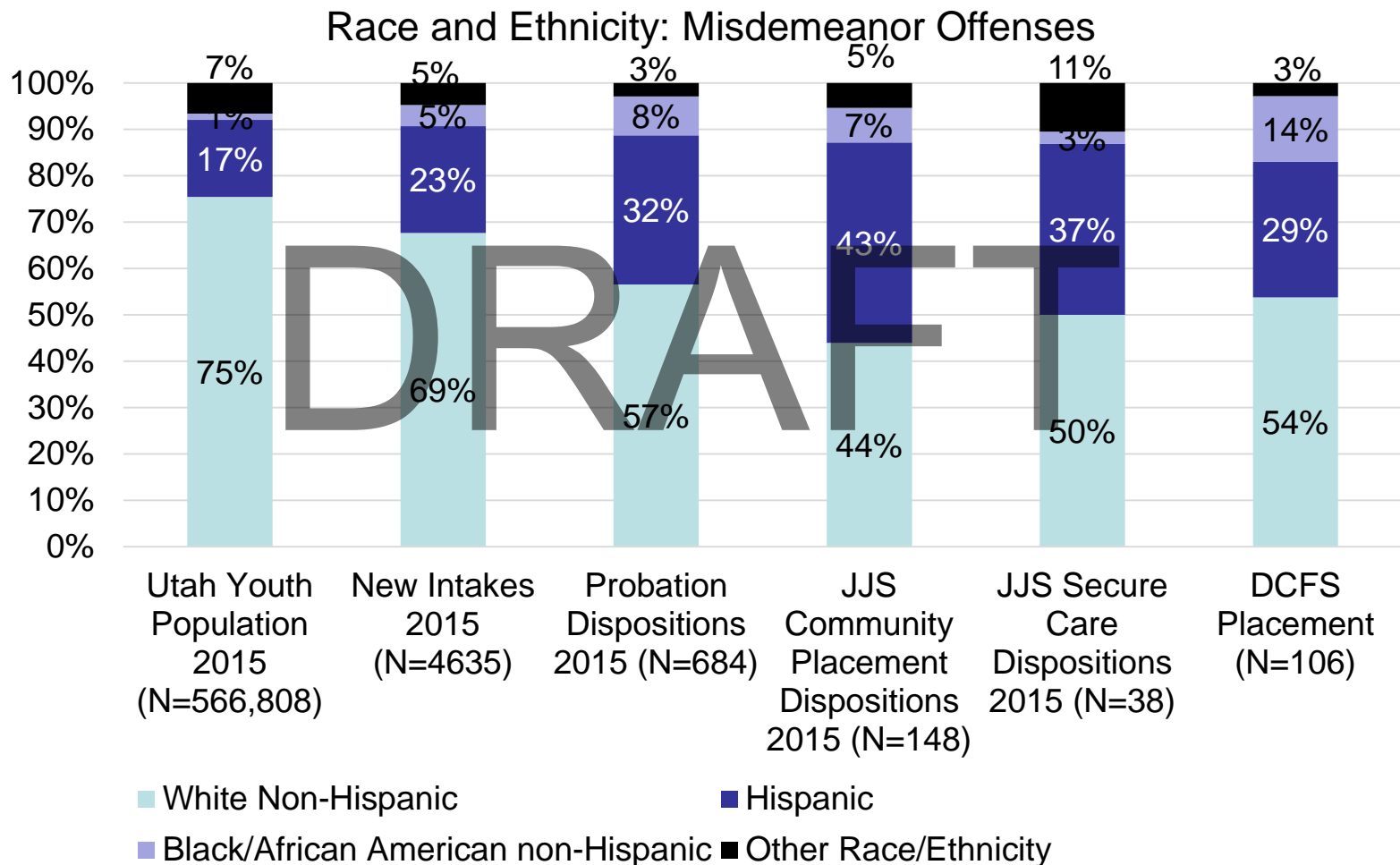
Race and Ethnicity Breakdown by Offense

Data

Within felony offenses, disparities are largest for Hispanic youth sent to secure care and Black youth sent to DCFS

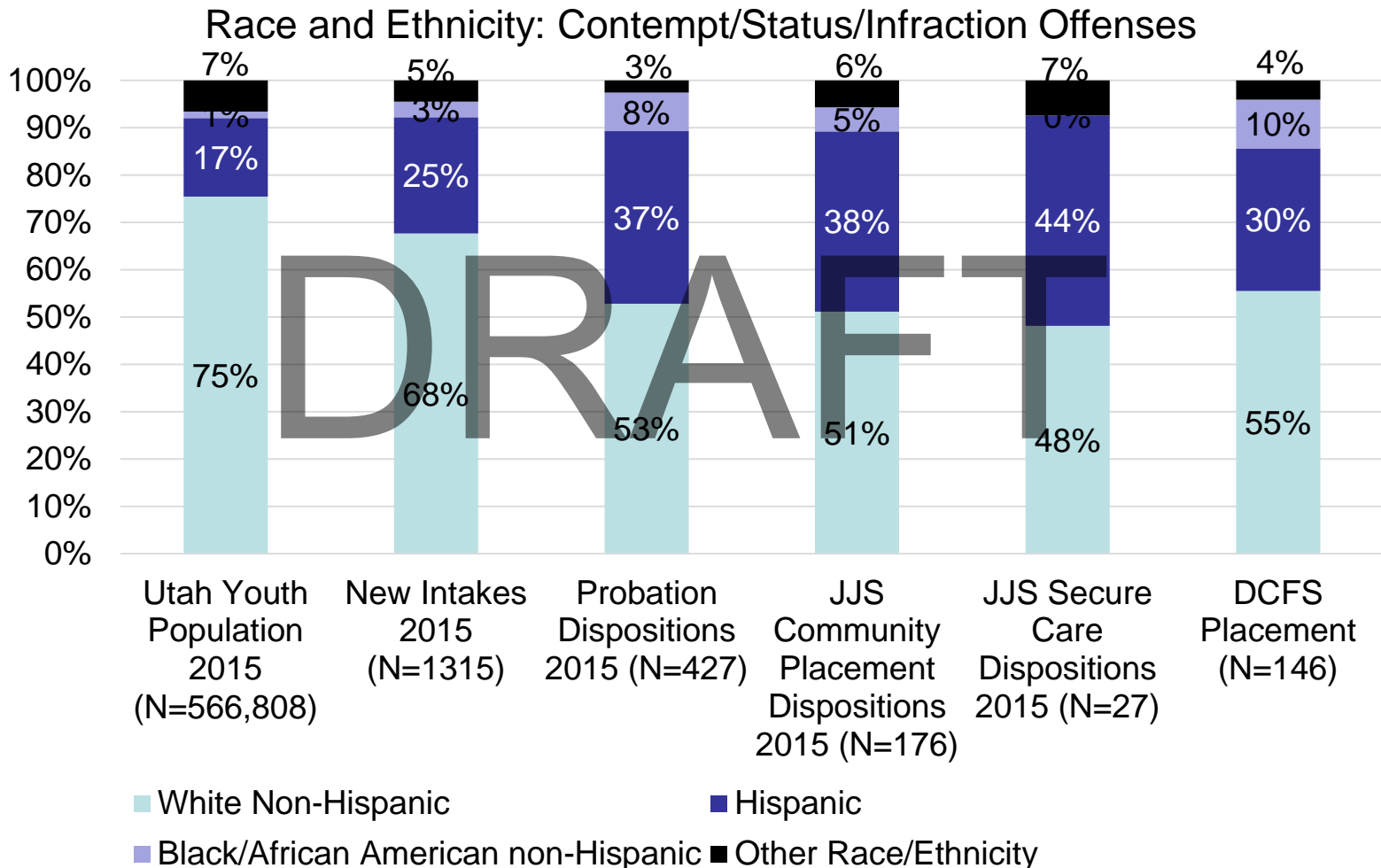


Within misdemeanors, disparities are largest for Hispanic youth sent to community placement and Black youth sent to DCFS



*Utah Youth Population: State of Utah School Enrollment Demographics Data, 2015

For contempt and status offenses, disparities for Black and Hispanic youth vary throughout the system



*Utah Youth Population: State of Utah School Enrollment Demographics Data, 2015

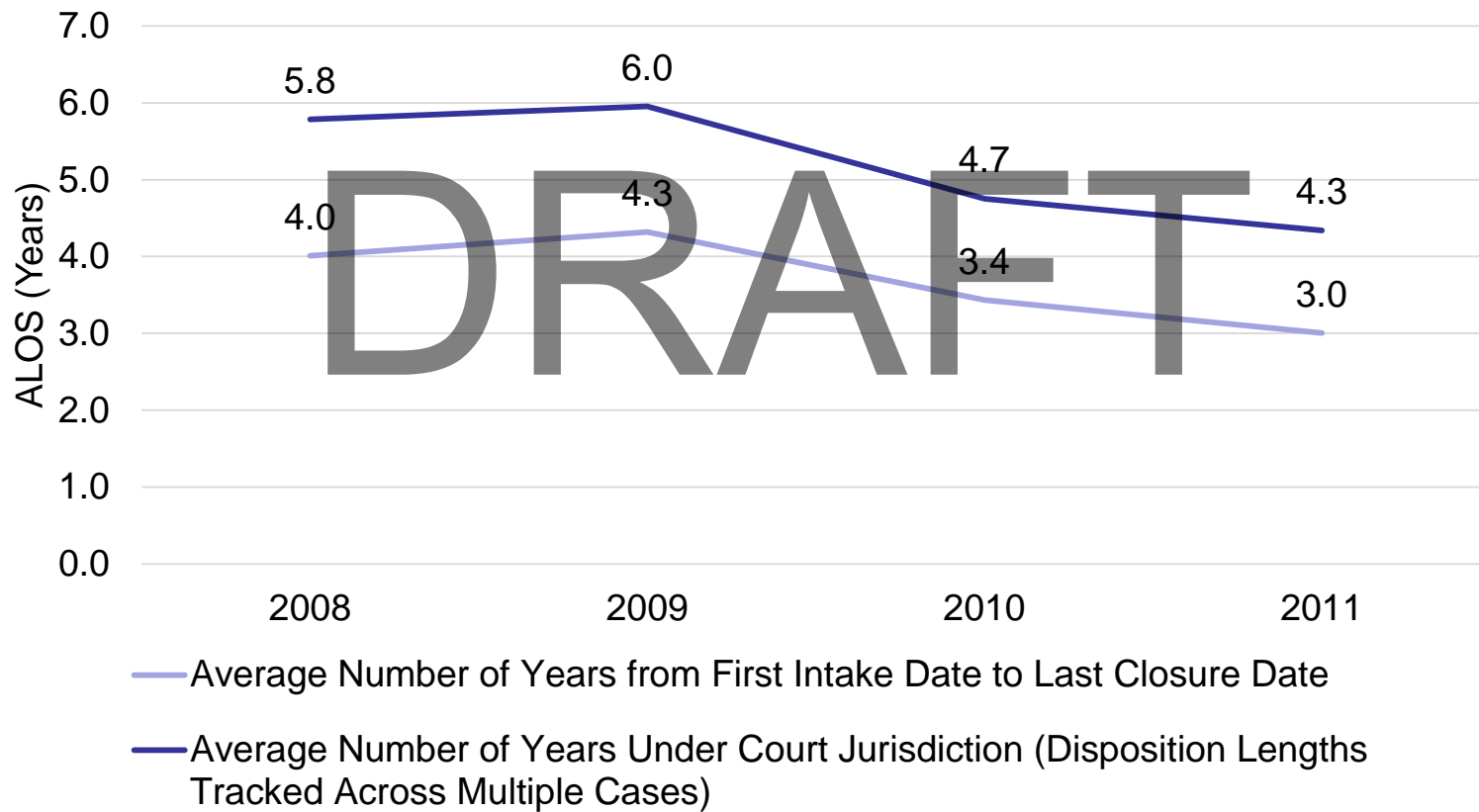
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Time Under Court Jurisdiction

Data

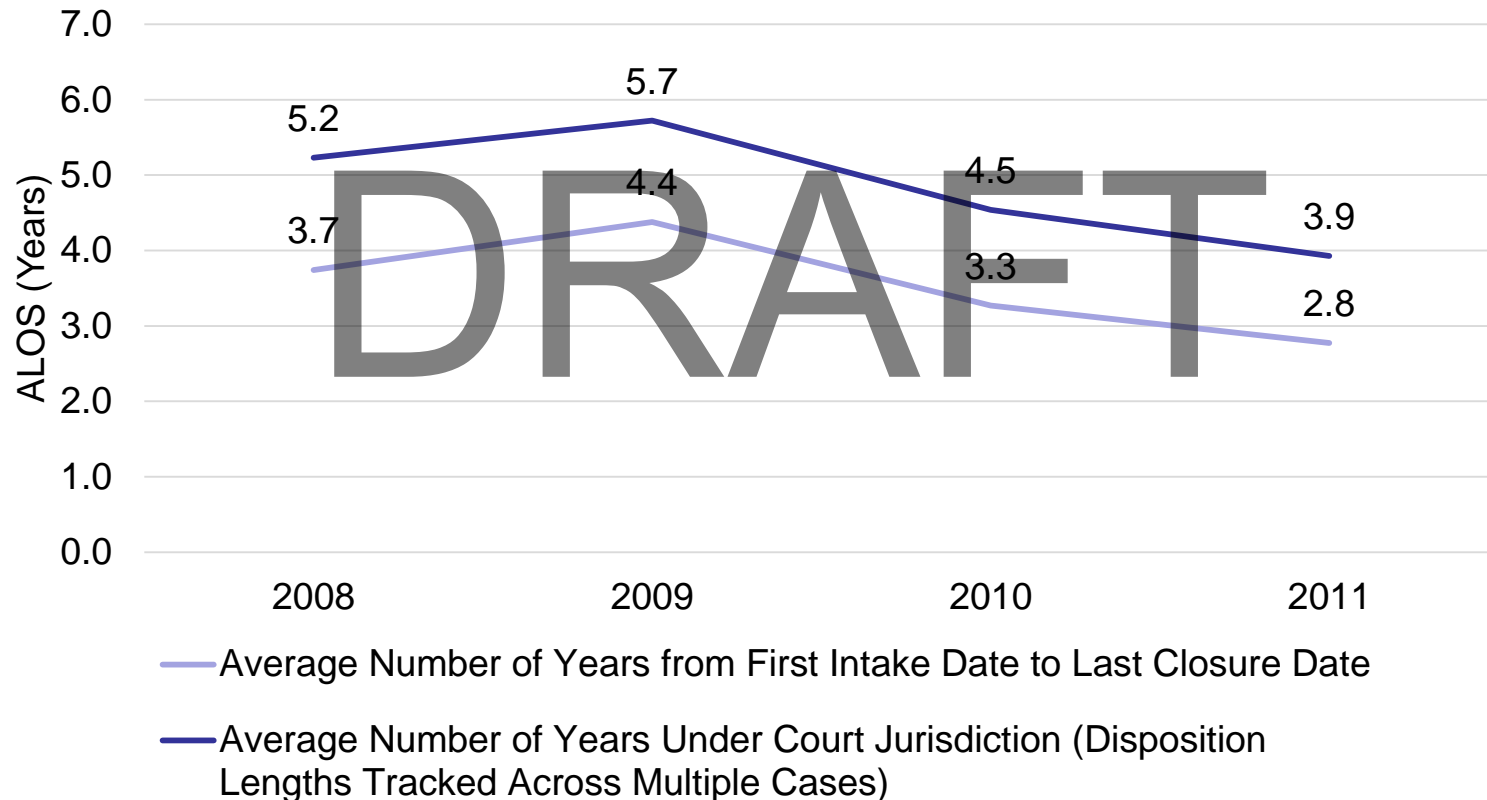
Difference in time under court jurisdiction driven by suspended overlapping dispositions on different cases

Youth Who Aged Out and Spent Time on Probation
First Intake 2008-2011

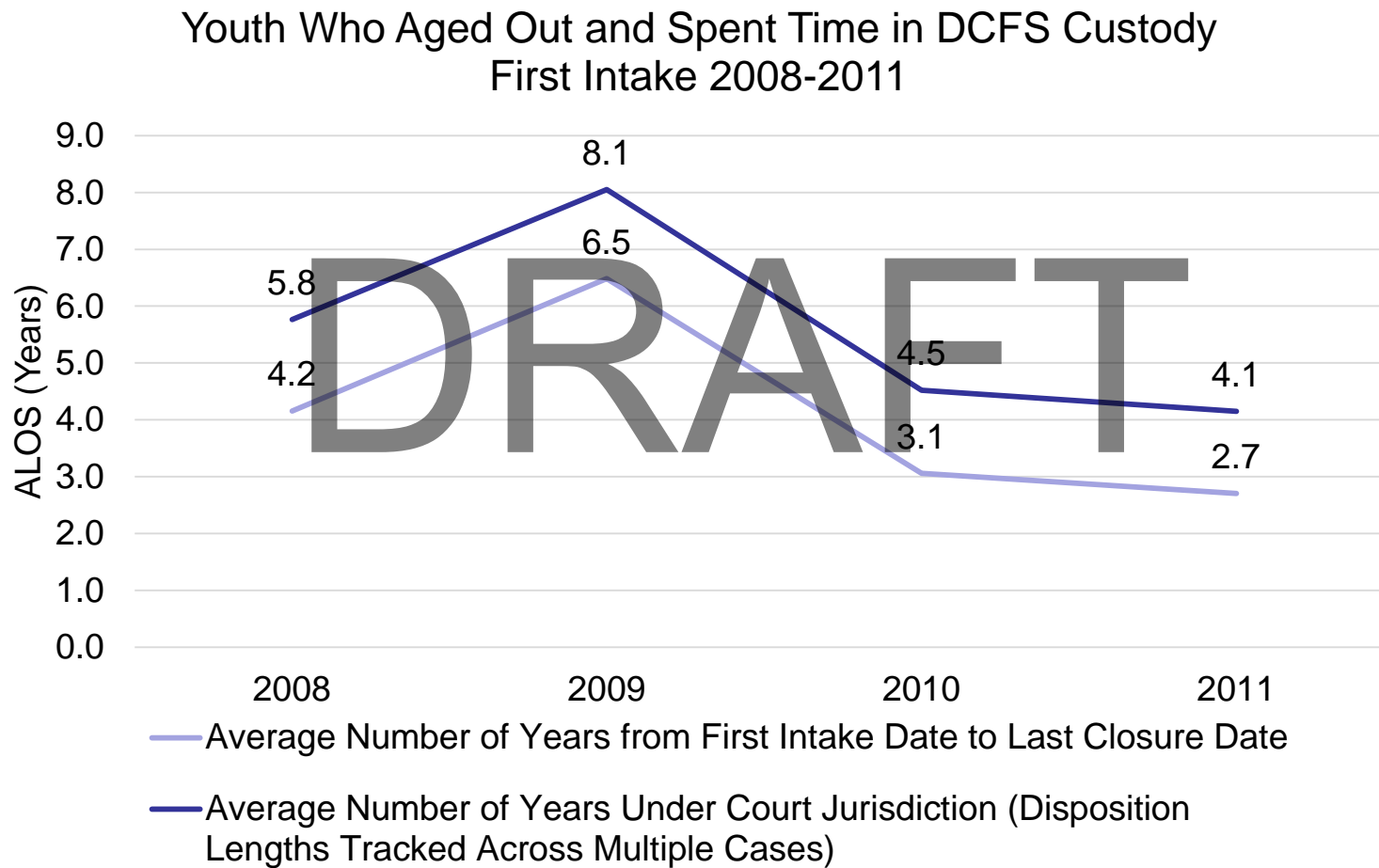


Difference in time under court jurisdiction driven by suspended overlapping dispositions on different cases

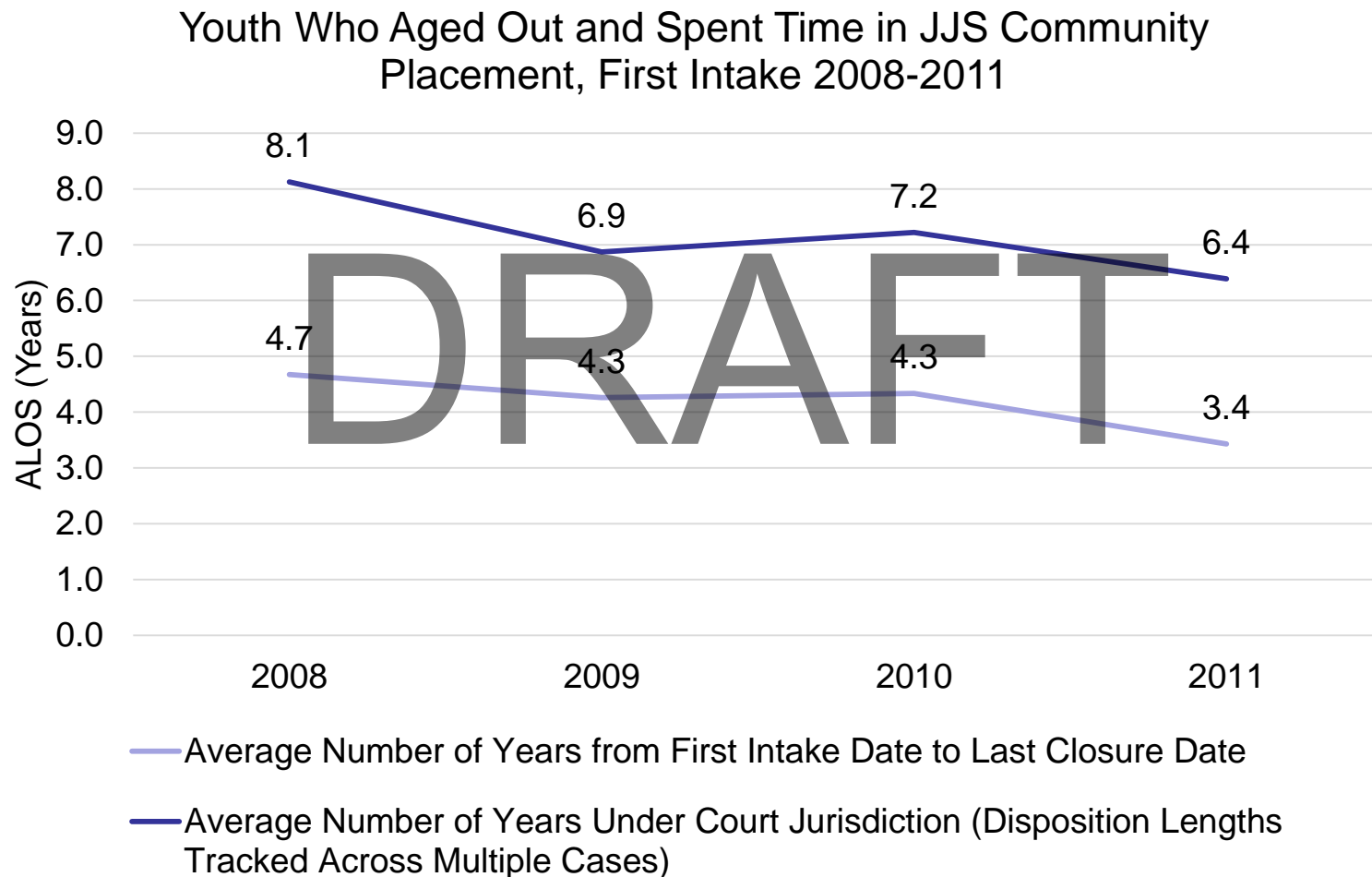
Youth Who Aged Out and Received JJS Detention
Disposition, First Intake 2008-2011



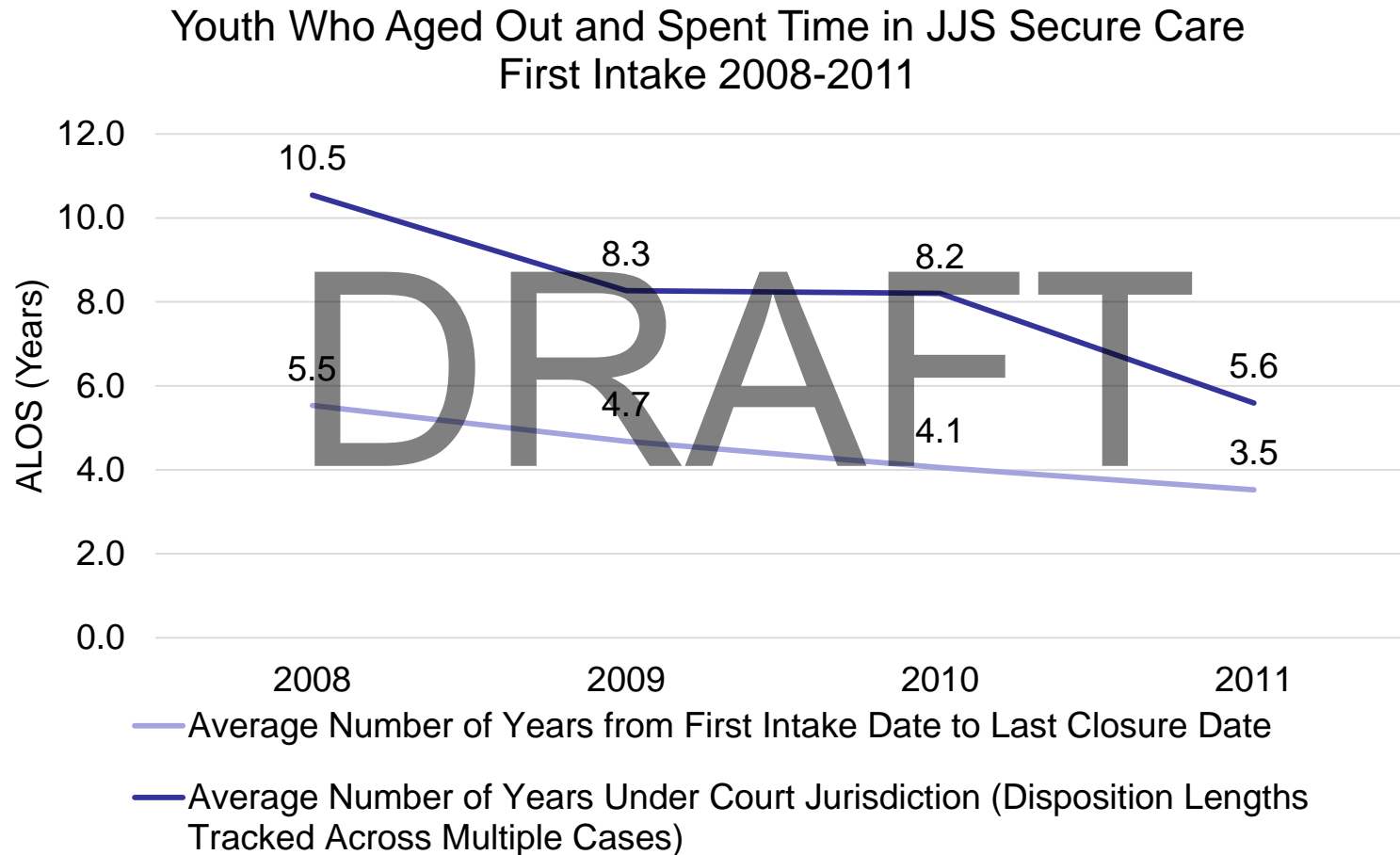
Difference in time under court jurisdiction driven by suspended overlapping dispositions on different cases



Difference in time under court jurisdiction driven by suspended overlapping dispositions on different cases



Difference in time under court jurisdiction driven by suspended overlapping dispositions on different cases



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Probation and Custody Trajectories

Data

This section reviews the trajectories of 5,232 youth who spent time on probation or in long-term JJS/DCFS custody

	Youth Aged Out First Intake 2008-2011
Youth Spent Time on Probation or in JJS/DCFS Custody	5,232
Youth Spent Time on Probation	4,388
Youth Spent Time in DCFS Custody	774
Youth Spent Time in JJS Community Placement	1,384
Youth Spent Time in JJS Secure Care	348

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Trajectory for Youth Put on Probation

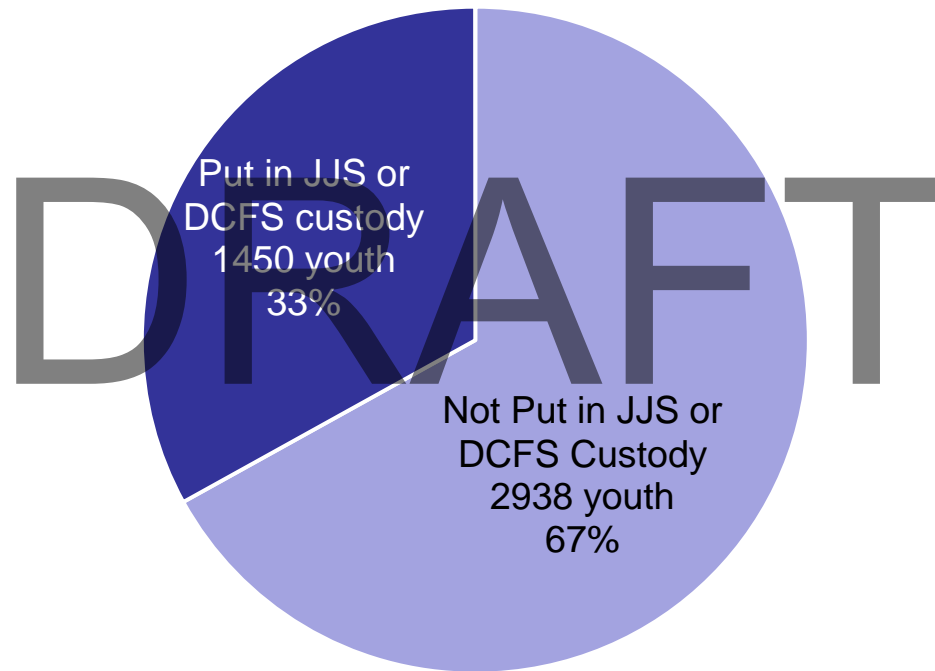
Data

Most probationers are placed in detention before probation;
of those put in custody, majority are placed after probation

	Youth Spent Time on Probation (N=4388)	Of Those Placed, Proportion Placed After Probation
Placed in Detention	88%	24%
Placed in DCFS Custody	9%	58%
Placed in JJS Community Placement	24%	96%
Placed in JJS Secure Care	5%	100%

1/3 of youth put on probation end up in DCFS or JJS custody before aging out

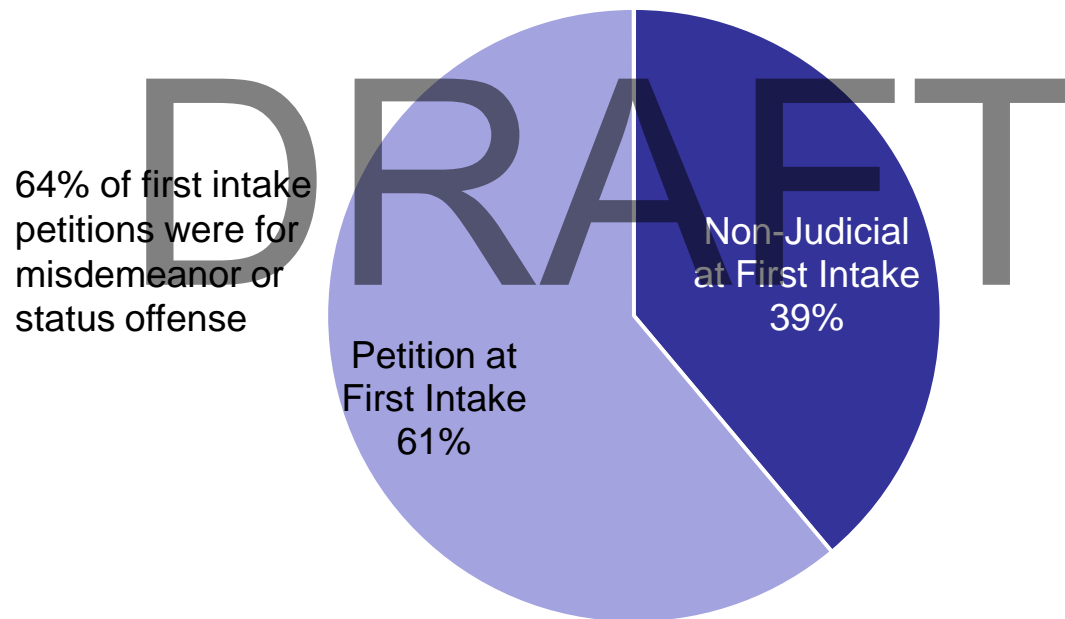
Youth Spent Time on Probation



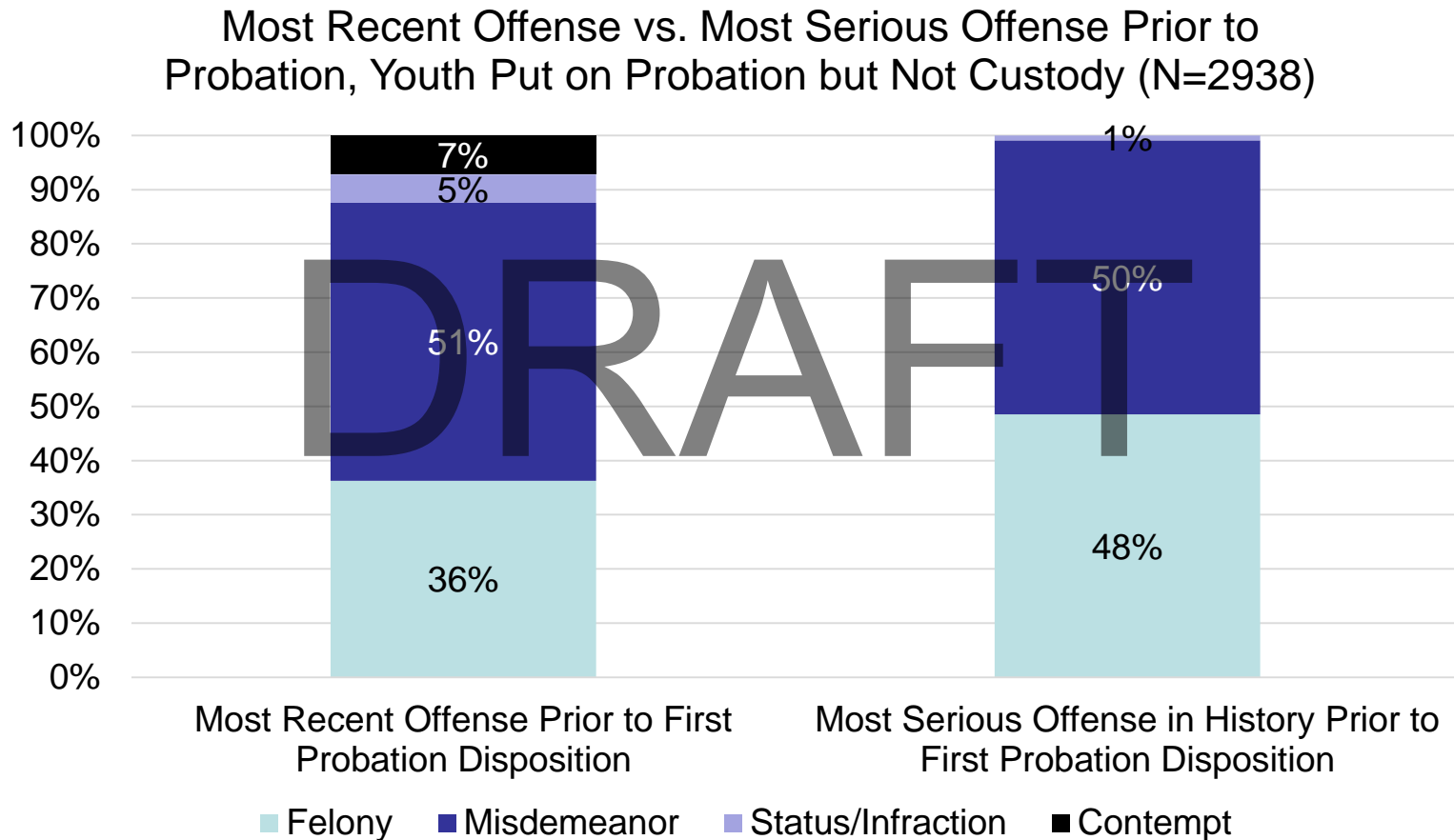
The following slides in this section only show data for the 2938 youth who are not put in DCFS or JJS custody

Only 39% of youth put on probation got a non-judicial adjustment at their first intake

First Intake Decision for Youth Put on Probation
but Not Custody (N=2938)



Half of the youth first put on probation for a misdemeanor, and half have a misdemeanor as their most serious offense

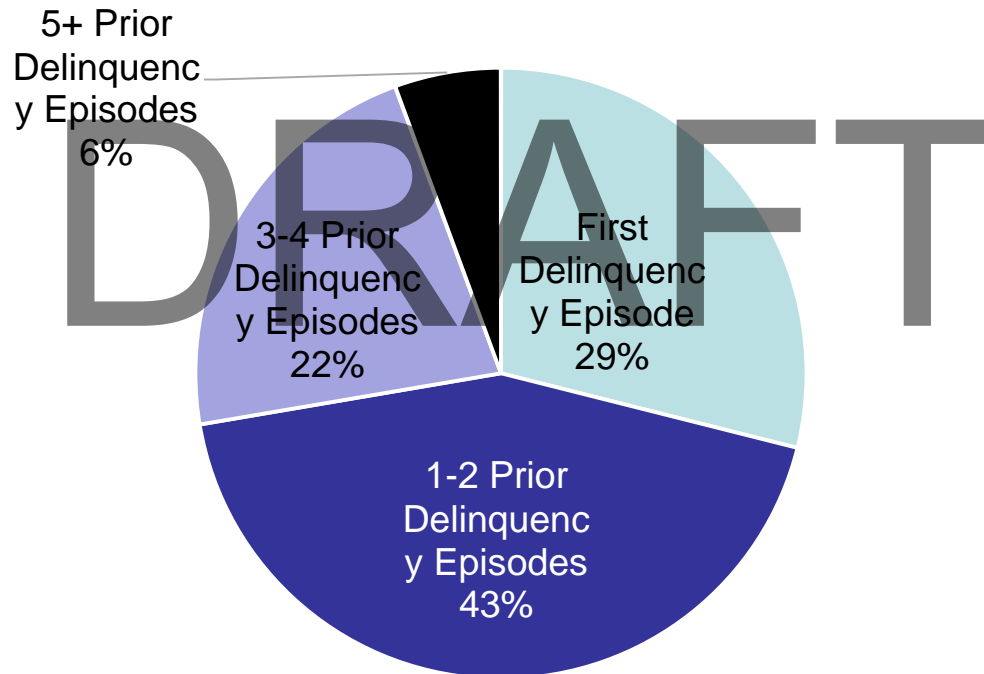


For youth who had felony in history, most of them had a recent felony

	Average Time Since Felony Offense (Months)	Proportion of Youth Whose Felony Offense Was More than 1 Year Ago
Youth Put on Probation with Prior Felony Offense in History (N=1426)	3.7	8%

About 3/4 of youth who are put on probation have 2 or fewer prior delinquency episodes

Prior Delinquency Episodes for Youth
Put on Probation but Not Custody
(N=2911)

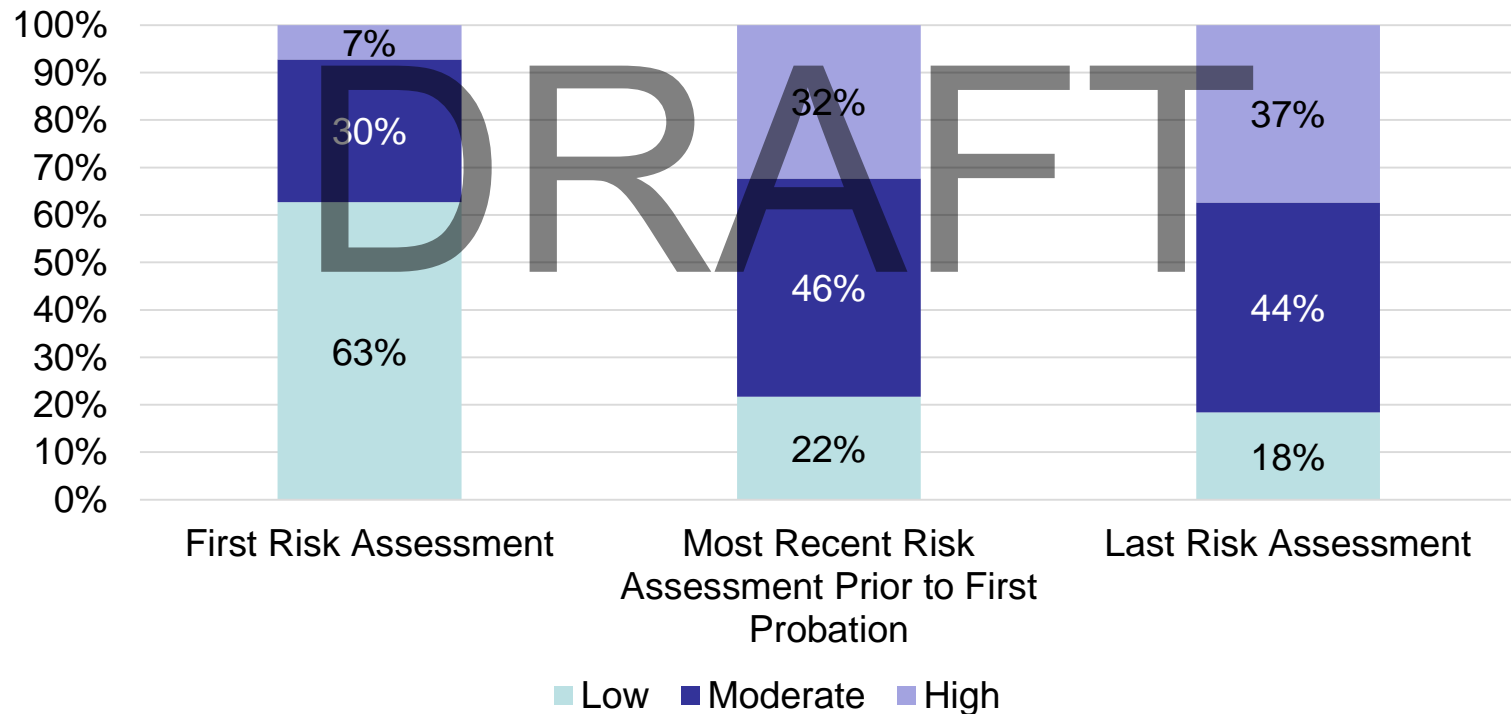


Youth are put on probation on average 1.5 years after their first charge

	Average Time Since First Offense Prior to First Probation (Years)	Proportion of Youth in System for More than 2 Years Prior to Probation
Youth Put on Probation but not Custody (N=2938)	1.5	32%

7% of probationers started as high risk; 32% were high risk when they were placed on probation; 37% were high risk when they left the system

Risk Profile Comparison for
Youth Put on Probation but Not Custody Who Had Multiple
Risk Assessments (N=1744)



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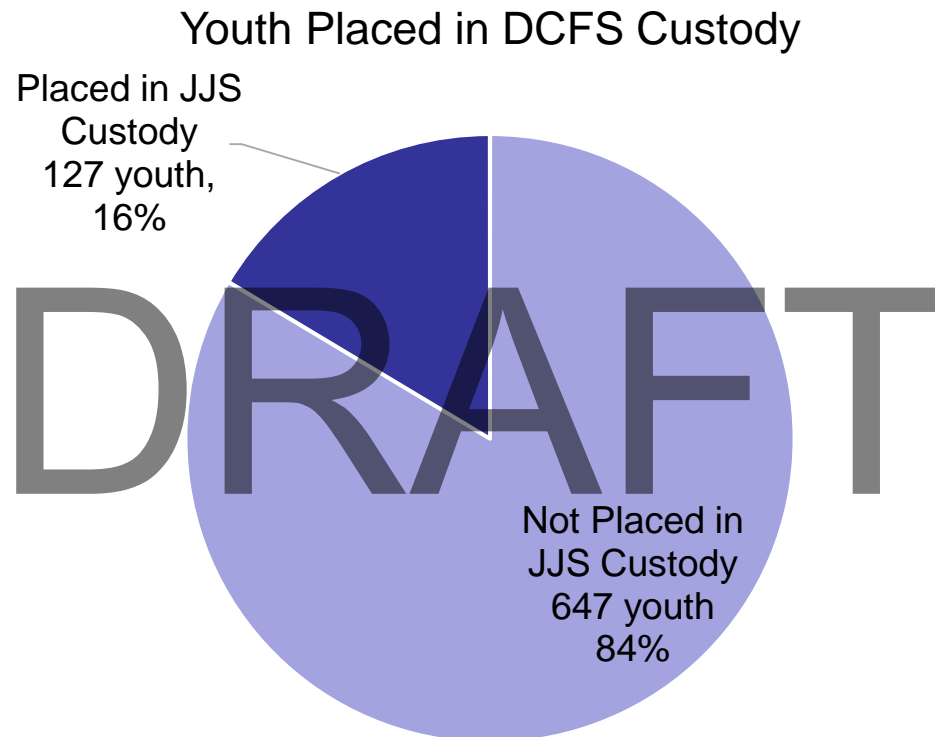
Youth Placed in DCFS Custody

Data

Nearly all youth put in DCFS custody spend time in detention; 41% on probation; less than 1/5 in JJS custody

	Youth Placed in DCFS Custody for Delinquency or Status (N=774)	Of Those Put in Placed, Proportion Placed After DCFS Custody
Placed in Detention	92%	11%
Placed on Probation	41%	75%
Placed in JJS Community Placement	14%	82%
Placed in JJS Secure Care	6%	100%

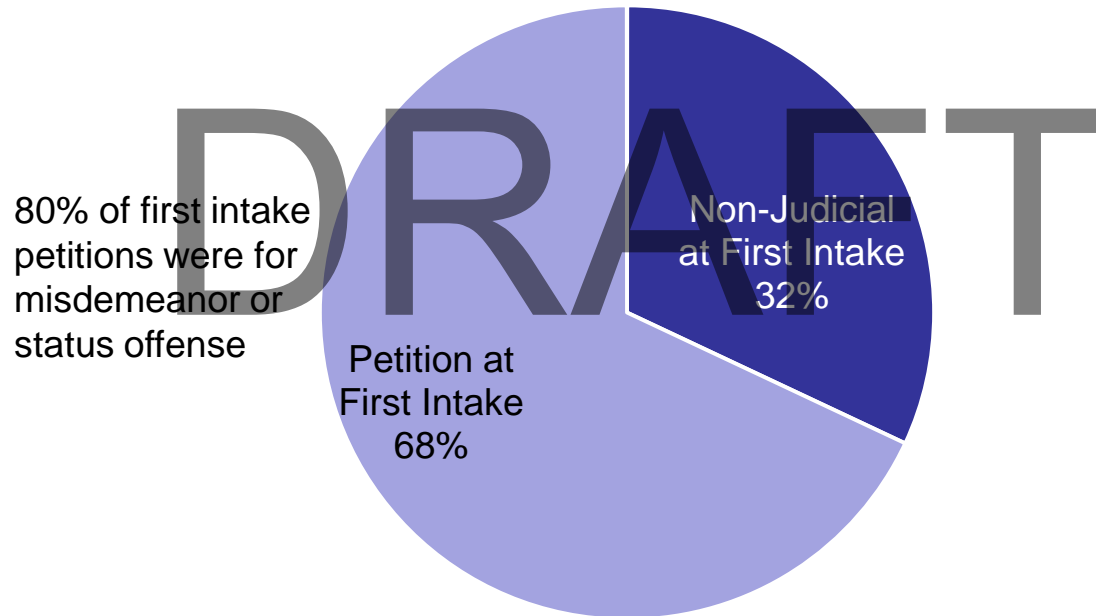
Only 16% of youth placed in DCFS custody end up in JJS custody before aging out



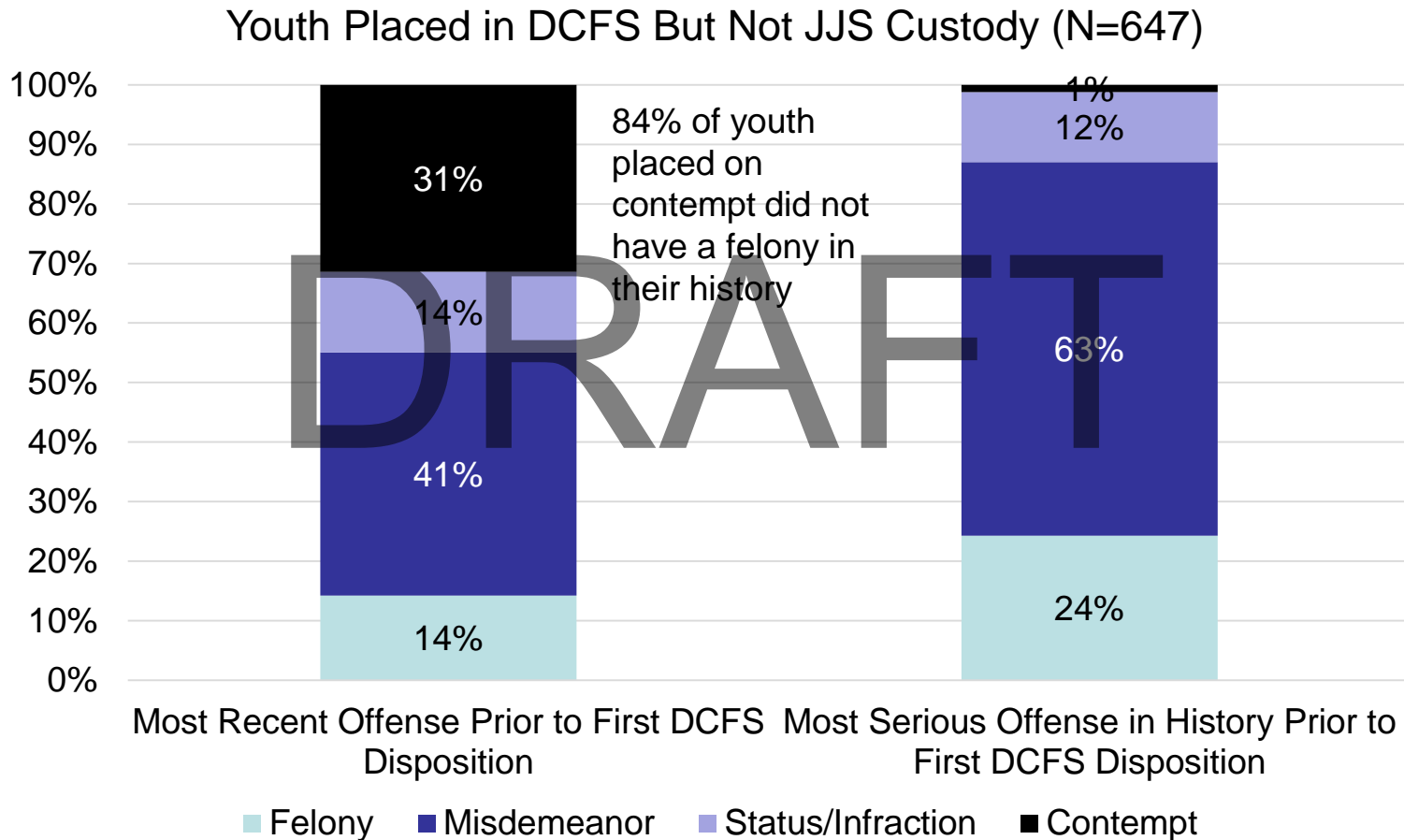
The following slides in this section only show data for the 647 youth who are not put in JJS custody

More than 2/3 of youth placed in DCFS custody got a petition at their first intake

First Intake Decision for Youth Placed in DCFS
but not JJS Custody (N=647)



1/3 of the youth first placed in DCFS custody on contempt, and only 1/4 had a felony in their history

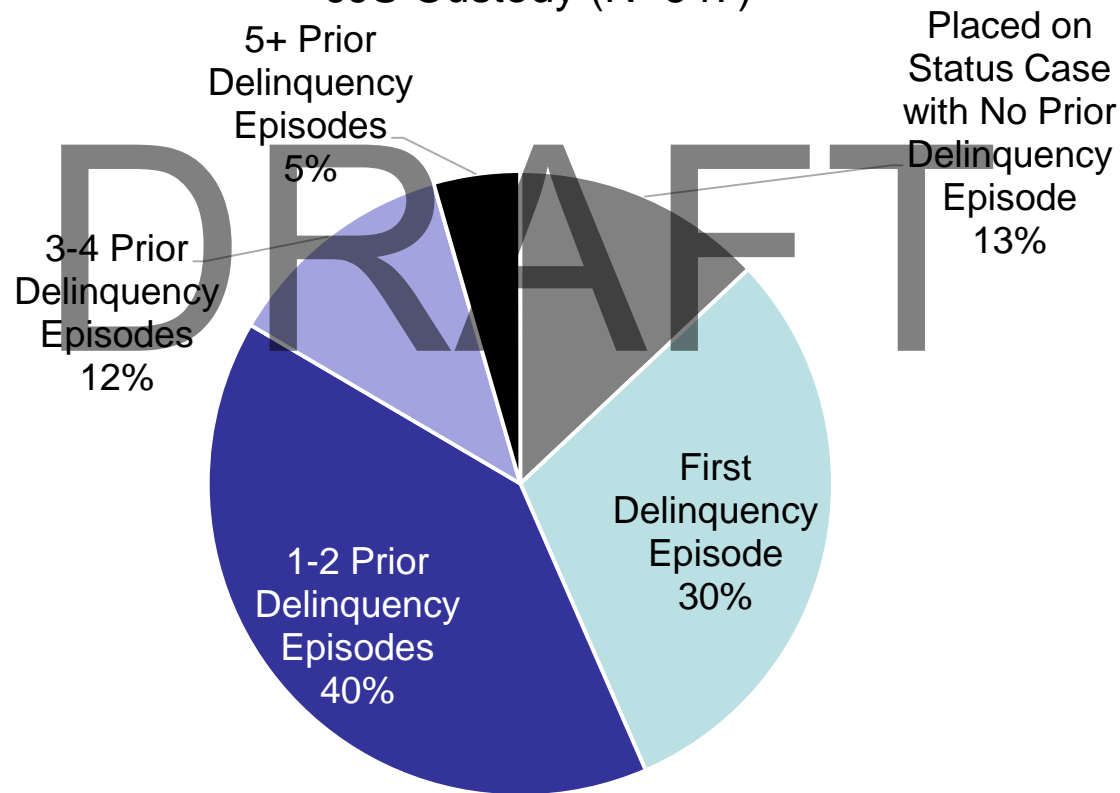


16% of youth who did have a felony in their history were charged more than 1 year prior

	Average Time Since Felony Offense (Months)	Proportion of Youth Whose Felony Offense Was More than 1 Year Prior
Youth Placed in DCFS but not JJS Custody with Prior Felony Offense in History (N=157)	6.1	16%

43% of youth have no current or prior delinquency episodes before they are put in DCFS custody

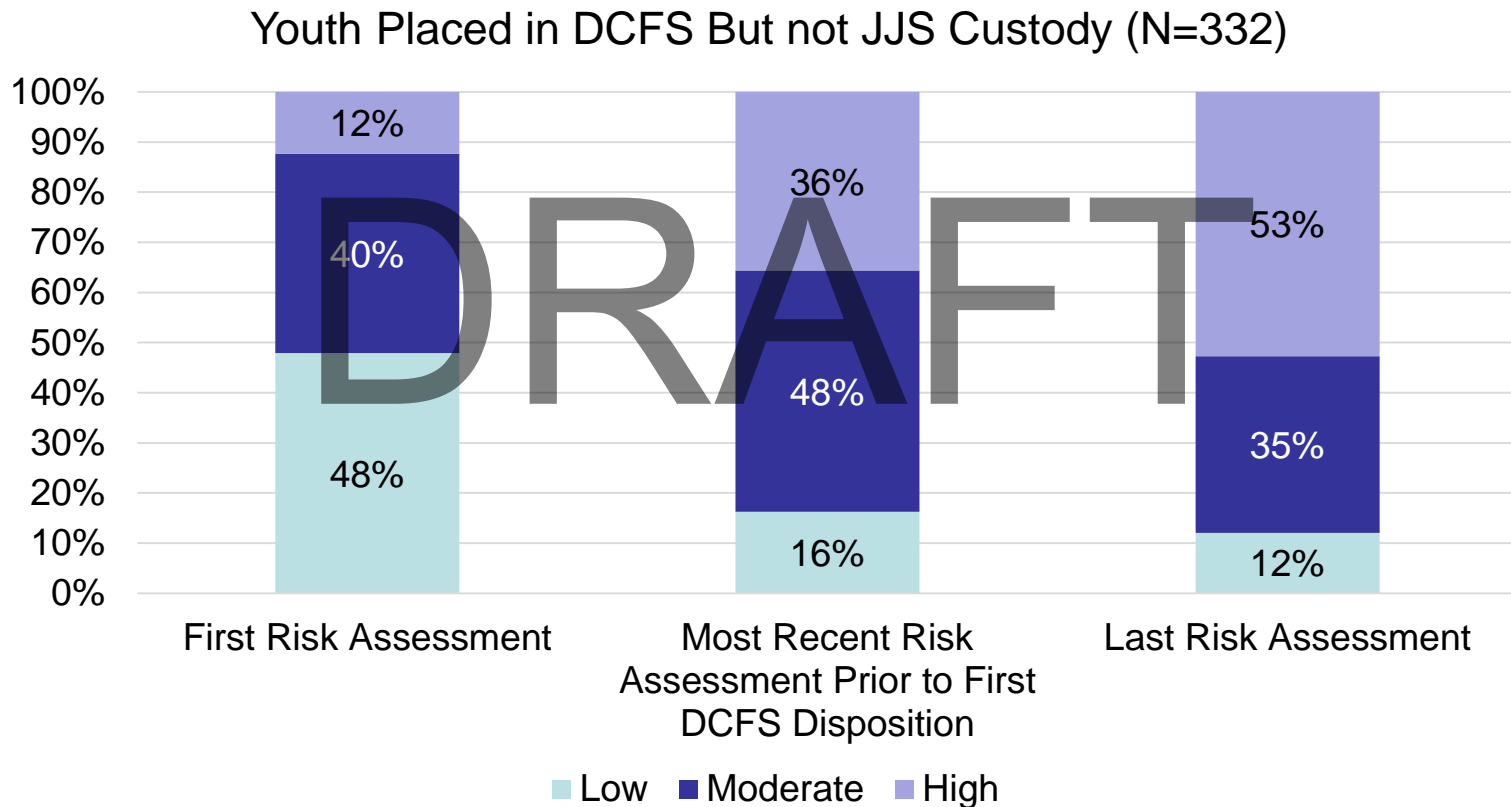
Number of Delinquency Episodes Prior to DCFS Disposition, Youth Put in DCFS but Not JJS Custody (N=647)



Youth are put in DCFS custody on average 1.4 years after their first charge

	Average Time Since First Offense Prior to First DCFS Disposition (Years)	Proportion of Youth in System for More than 2 Years Prior to DCFS
Youth Placed in DCFS but not JJS Custody (N=647)	1.4	27%

12% of DCFS youth started as high risk; 36% were high risk when they were placed with DCFS; 53% were high risk when they left the system



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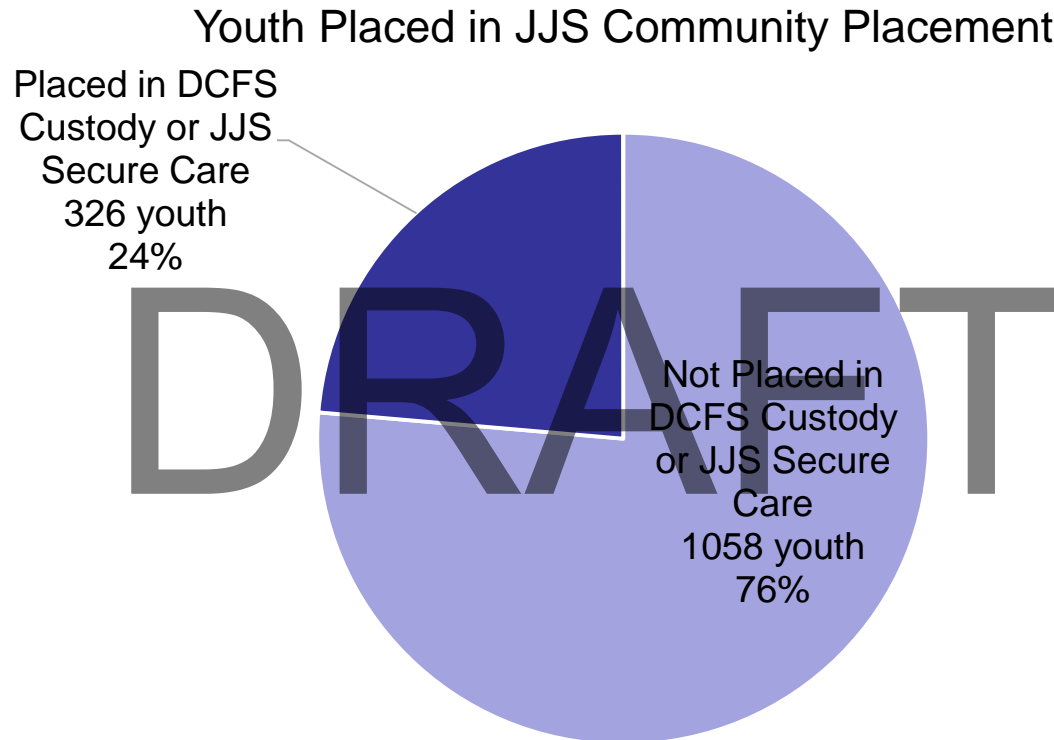
Youth Placed in JJS Community Placement

Data

Nearly all youth put in JJS community placement spend time in detention; nearly 3/4 had been on probation

	Youth Placed in JJS Community Placement (N=1384)	Of Those Put in Placed, Proportion Placed After JJS Community Placement
Placed in Detention	99%	2%
Placed on Probation	76%	4%
Placed in DCFS Custody	11%	87%
Placed in JJS Secure Care	15%	100%

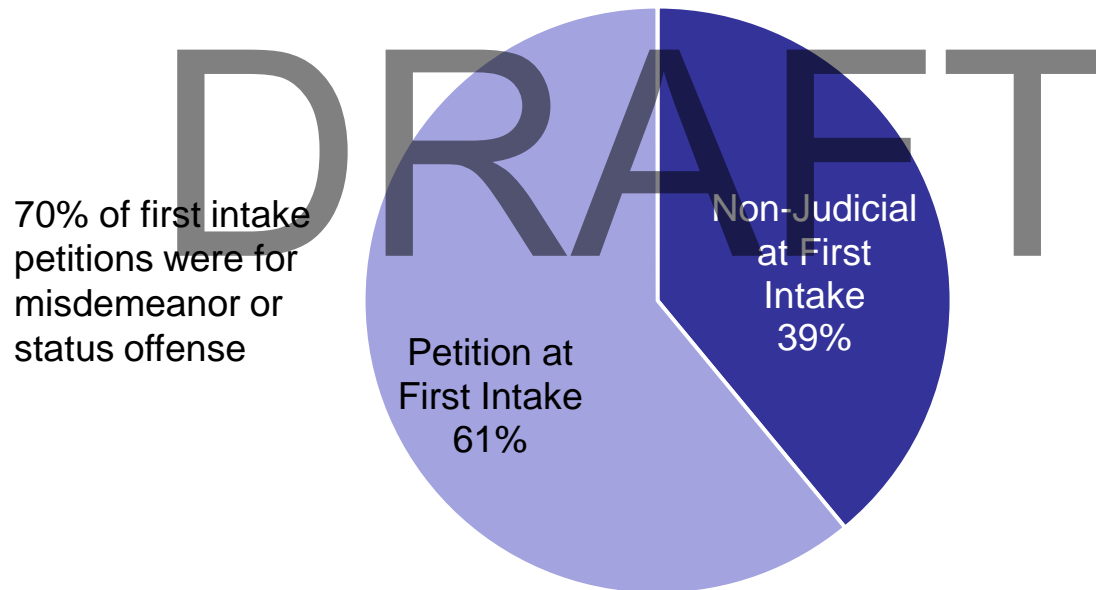
3/4 of the youth placed in JJS community placement were not placed in secure care or DCFS custody



The following slides in this section only show data for the 1058 youth who are not put in DCFS custody or JJS secure care

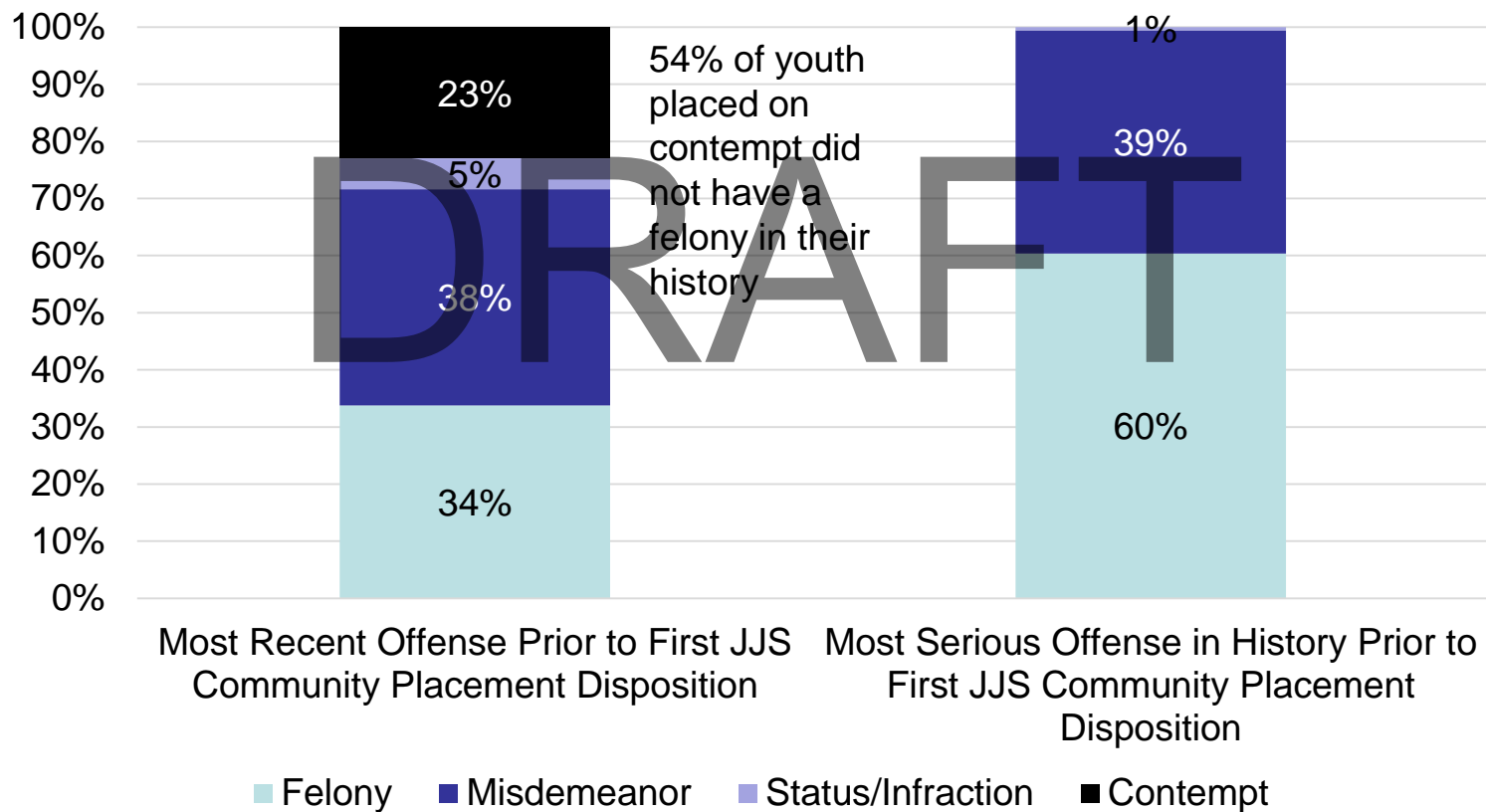
More than 60% of youth placed in JJS community placement got a petition at their first intake

First Intake Decision for Youth Put in JJS
Community Placement But Not DCFS or
Secure Care (N=1058)



1/4 of youth first placed in JJS community placement on contempt, 60% had a felony in their history

Youth Placed in JJS Community Placement But Not DCFS or Secure Care (N=1057)

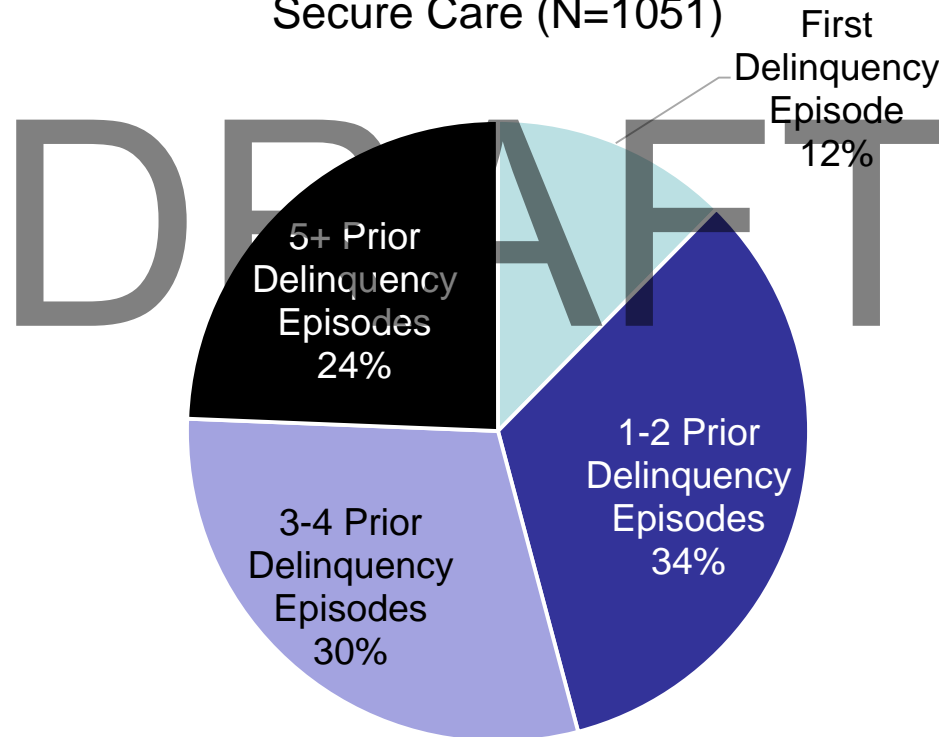


18% of youth who did have a felony in history were charged more than 1 year prior

	Average Time Since Felony Offense (Months)	Proportion of Youth Whose Felony Offense Was More than 1 Year Prior
Youth Placed in JJS Community Placement but not DCFS or Secure Care with Prior Felony Offense in History (N=638)	6.5	18%

Nearly half of youth sent to JJS community placement have 2 or fewer prior delinquency episodes

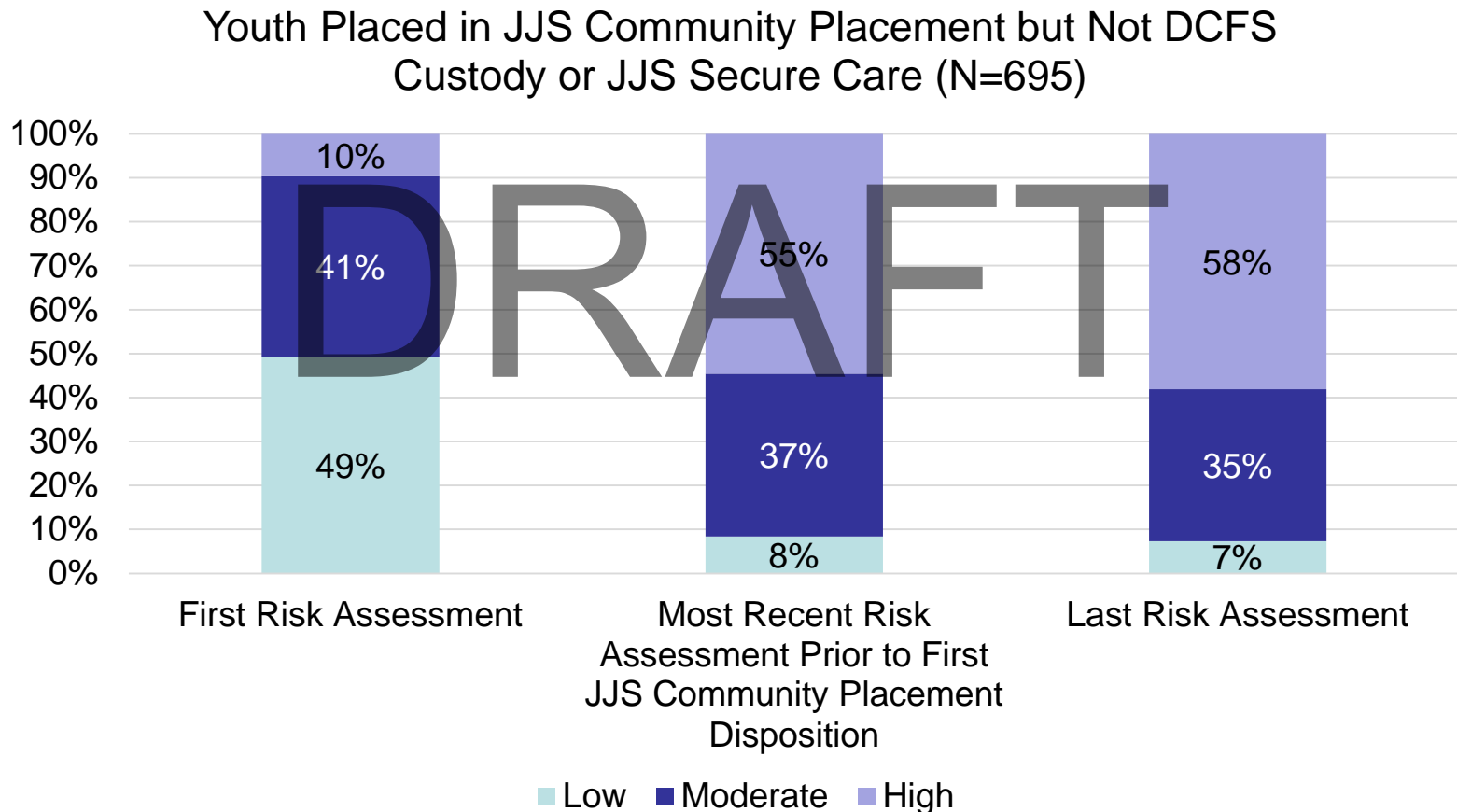
Number of Delinquency Episodes Prior to JJS Community Placement, Youth Put in JJS Community Placement But Not DCFS or Secure Care (N=1051)



Youth are put in JJS community placement 2.1 years on average after their first charge

	Average Time Since First Offense Prior to JJS Community Placement Disposition (Years)	Proportion of Youth in System for More than 2 Years Prior to JJS Community Placement
Youth Placed in JJS Community Placement (N=1057)	2.1	50%

10% of JJS community placement youth started as high risk;
55% were high risk when they were placed with JJS; 58%
were high risk when they left the system



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Youth Placed in JJS Secure Care

Data

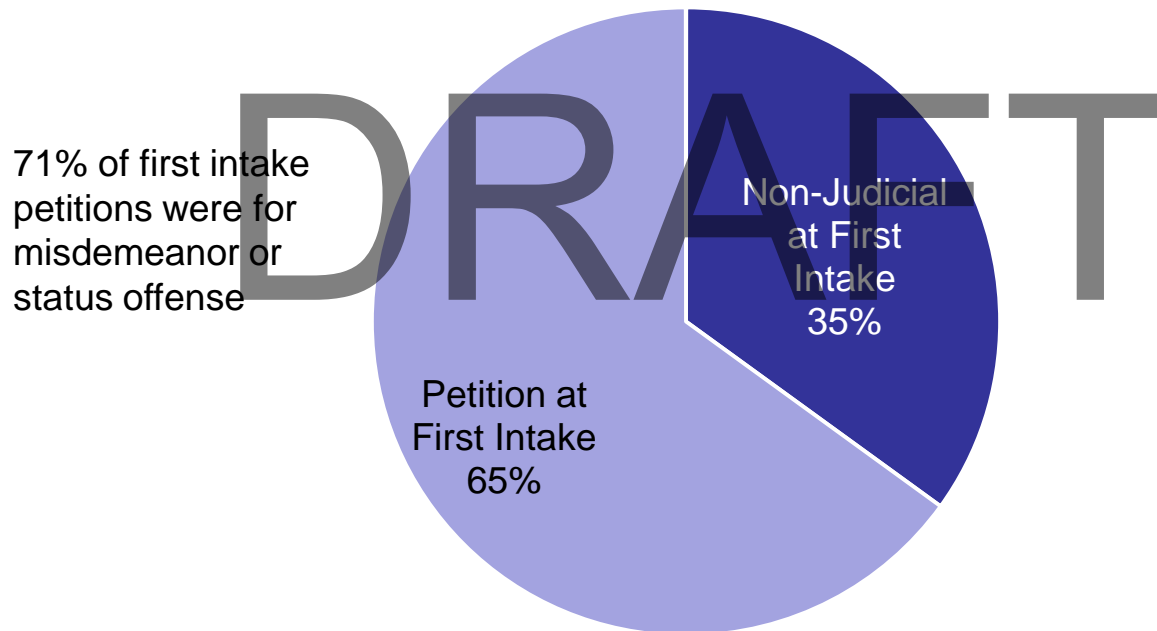
All JJS secure care youth have a prior history of detention;
60% were in JJS community placement, 64% on probation

	Youth Placed in JJS Secure Care (N=348)	Of Those Put in Placed, Proportion Placed After JJS Secure Care
Placed in Detention	100%	0%
Placed on Probation	64%	0%
Placed in JJS Community Placement	60%	1%
Placed in DCFS Custody	16%	0%

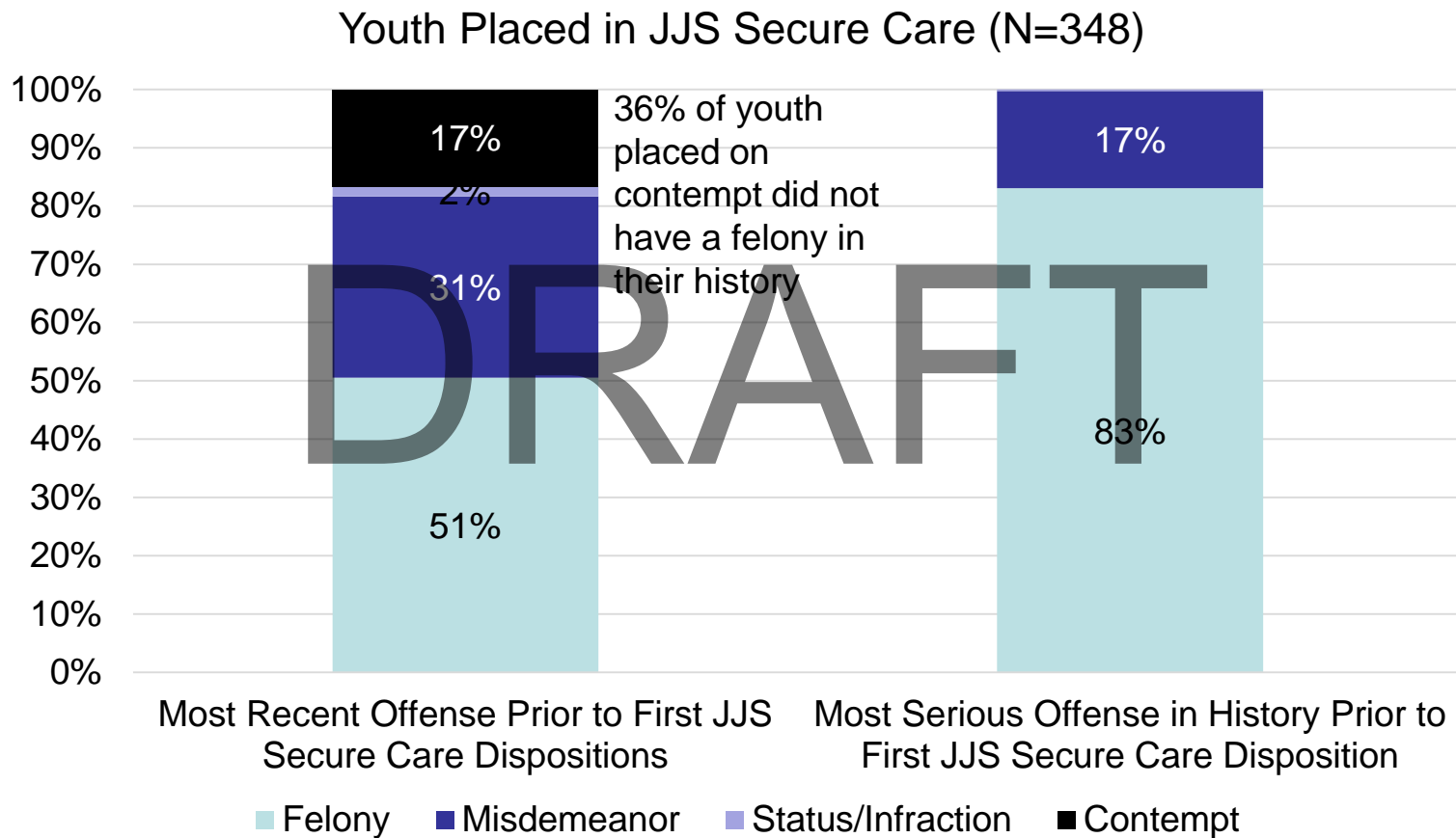
The following slides in this section show data for all 348 youth sent to secure care

Nearly 2/3 of youth placed in secure care custody got a petition at their first intake

First Intake Decision for Youth Placed in JJS
Secure Care (N=348)



17% of youth first placed in JJS secure care on contempt,
83% had a felony in their history

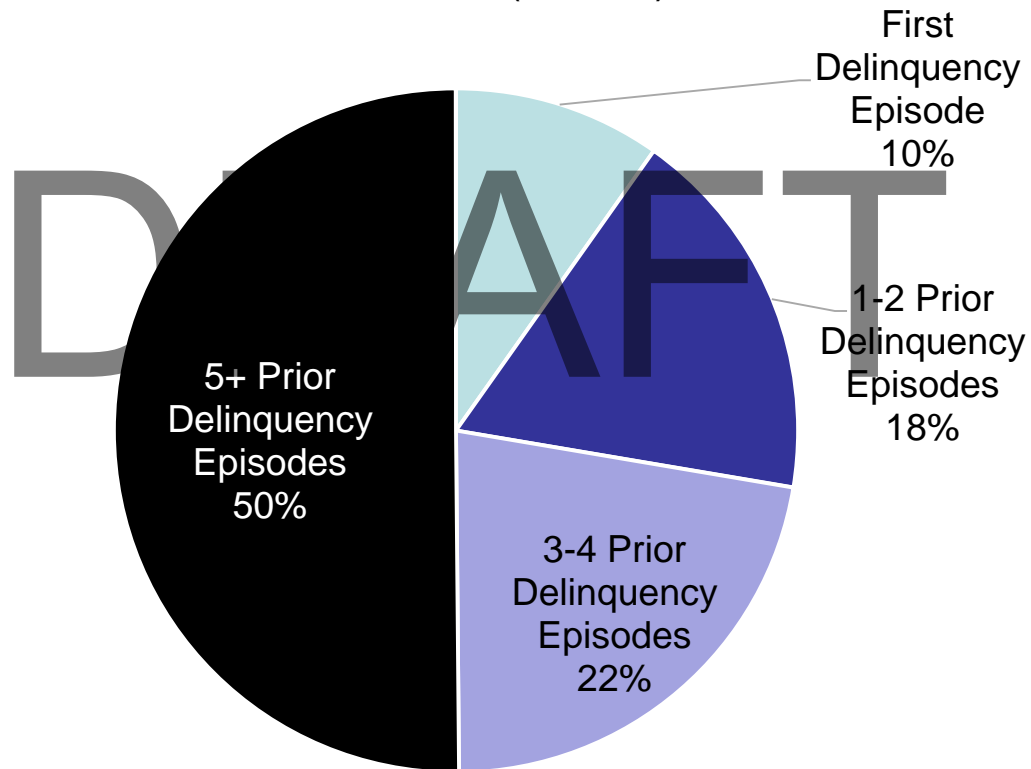


24% of youth who did have a felony in history were charged more than 1 year prior

	Average Time Since Felony Offense (Months)	Proportion of Youth Whose Felony Offense Was More than 1 Year Prior
Youth Placed in JJS Secure Care (N=289)	7.9	24%

Half of youth placed in JJS secure care have 5 or more prior delinquency episodes

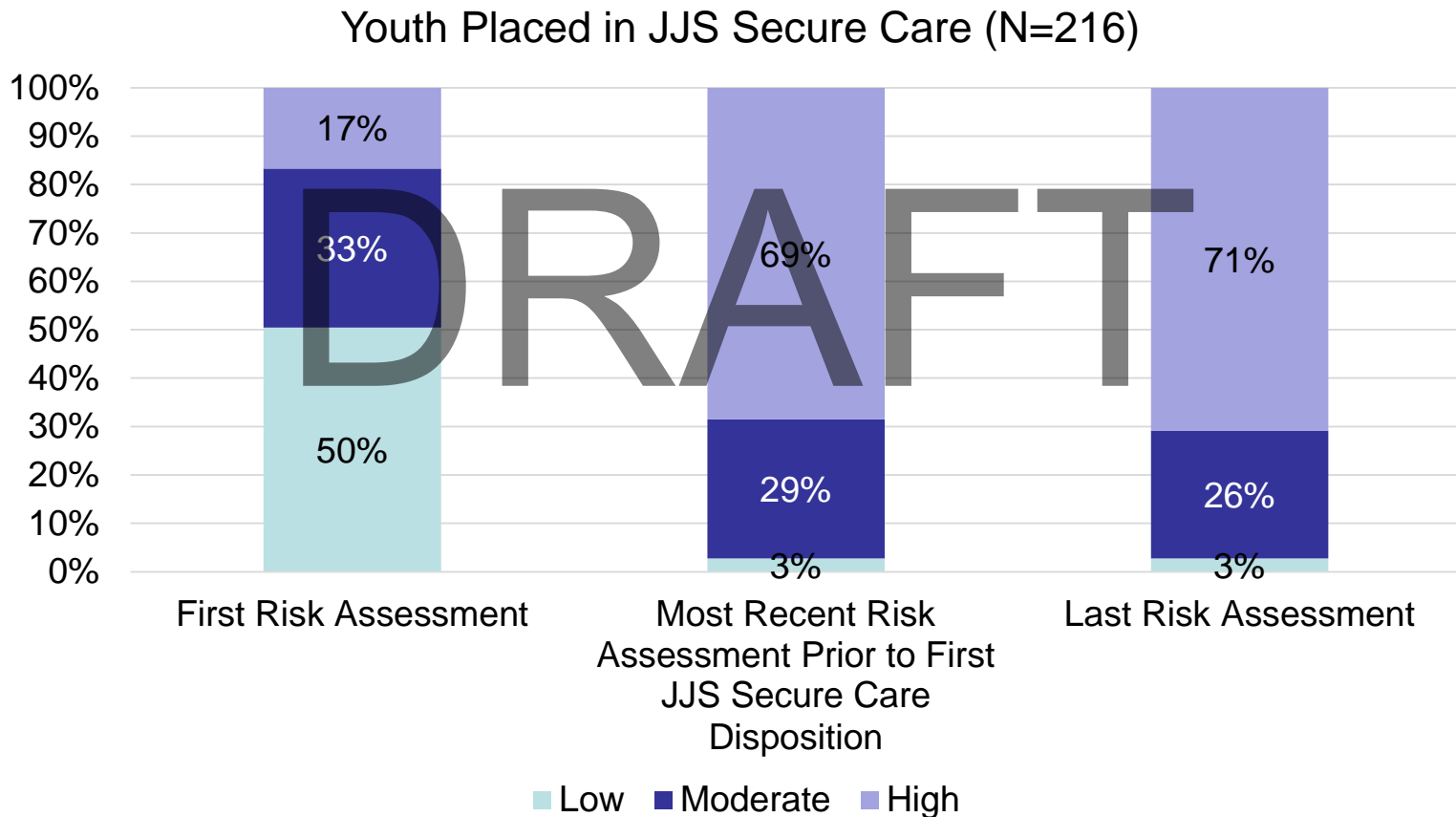
Number of Delinquency Episodes Prior to JJS
Secure Care (N=347)



Youth are put in JJS secure care nearly 3 years on average after their first charge

	Average Time Since First Offense Prior to First JJS Secure Care Disposition (Years)	Proportion of Youth in System for More than 2 Years Prior to JJS Secure Care Disposition
Youth Placed in JJS Secure Care (N=348)	2.8	67%

17% of JJS secure care youth started as high risk; 69% were high risk when they were placed in secure care; 71% were high risk when they left the system

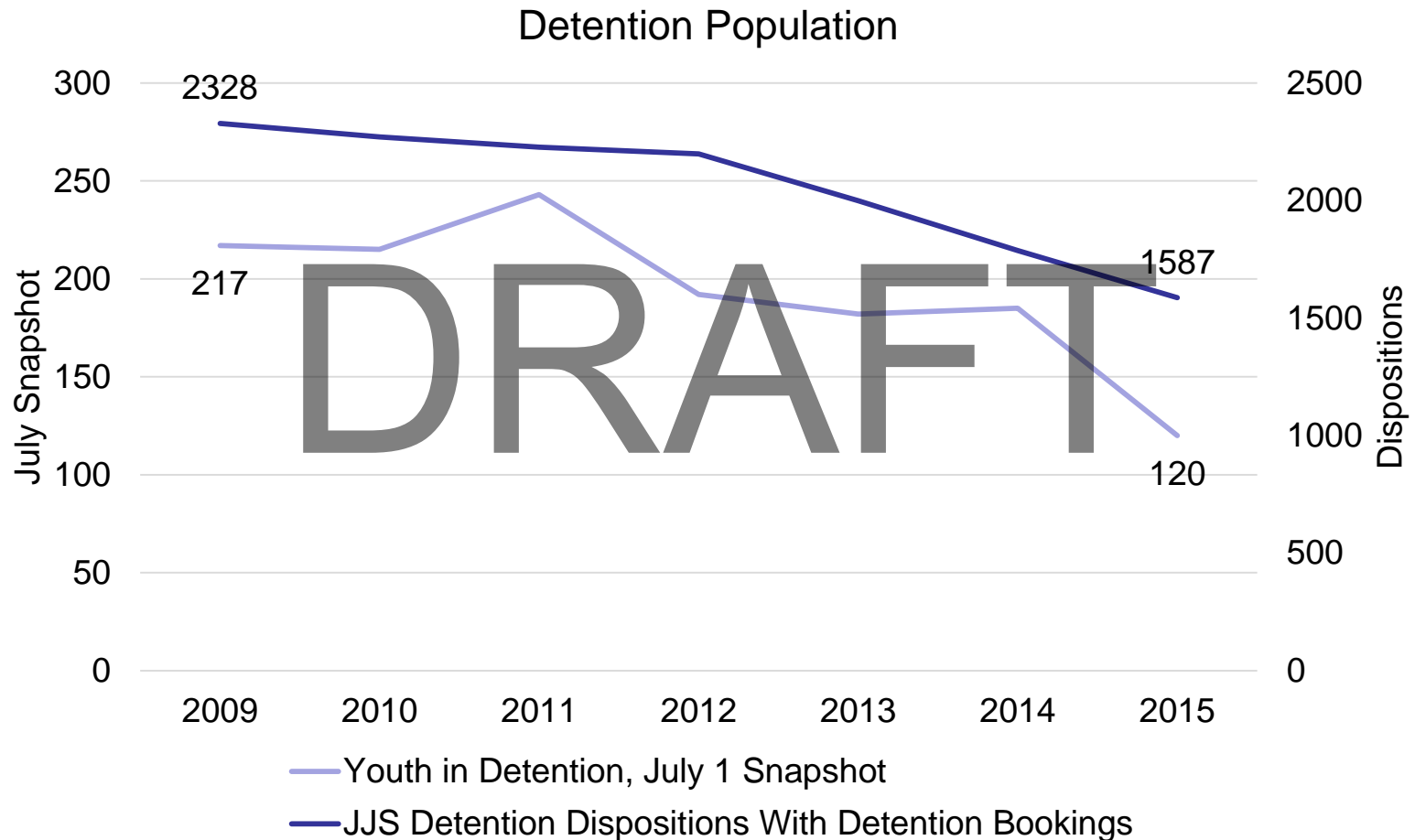


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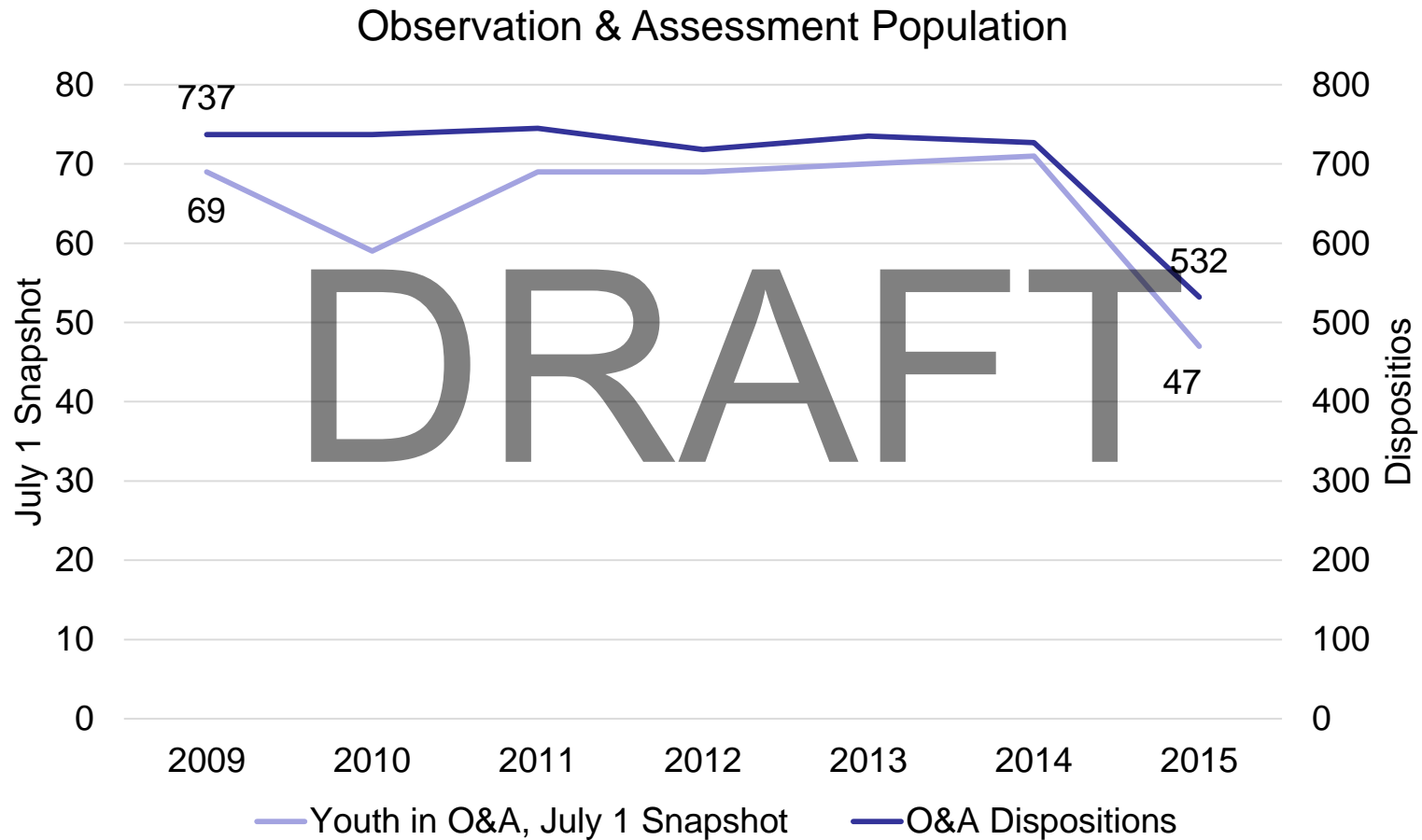
JJS Out of Home Population and Costs

Data

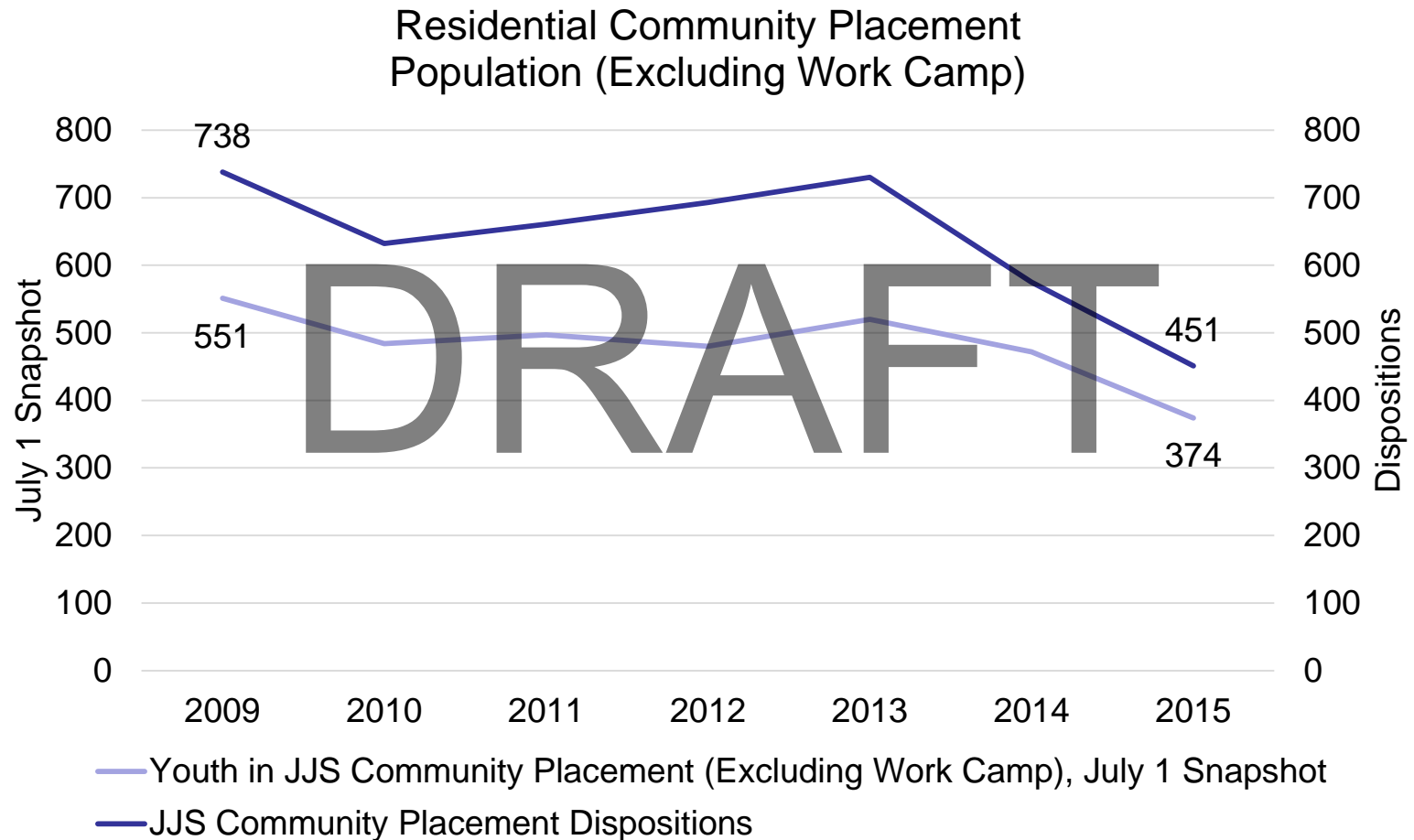
JJS detention population down 45%, larger than the 32% decline in detention dispositions with bookings



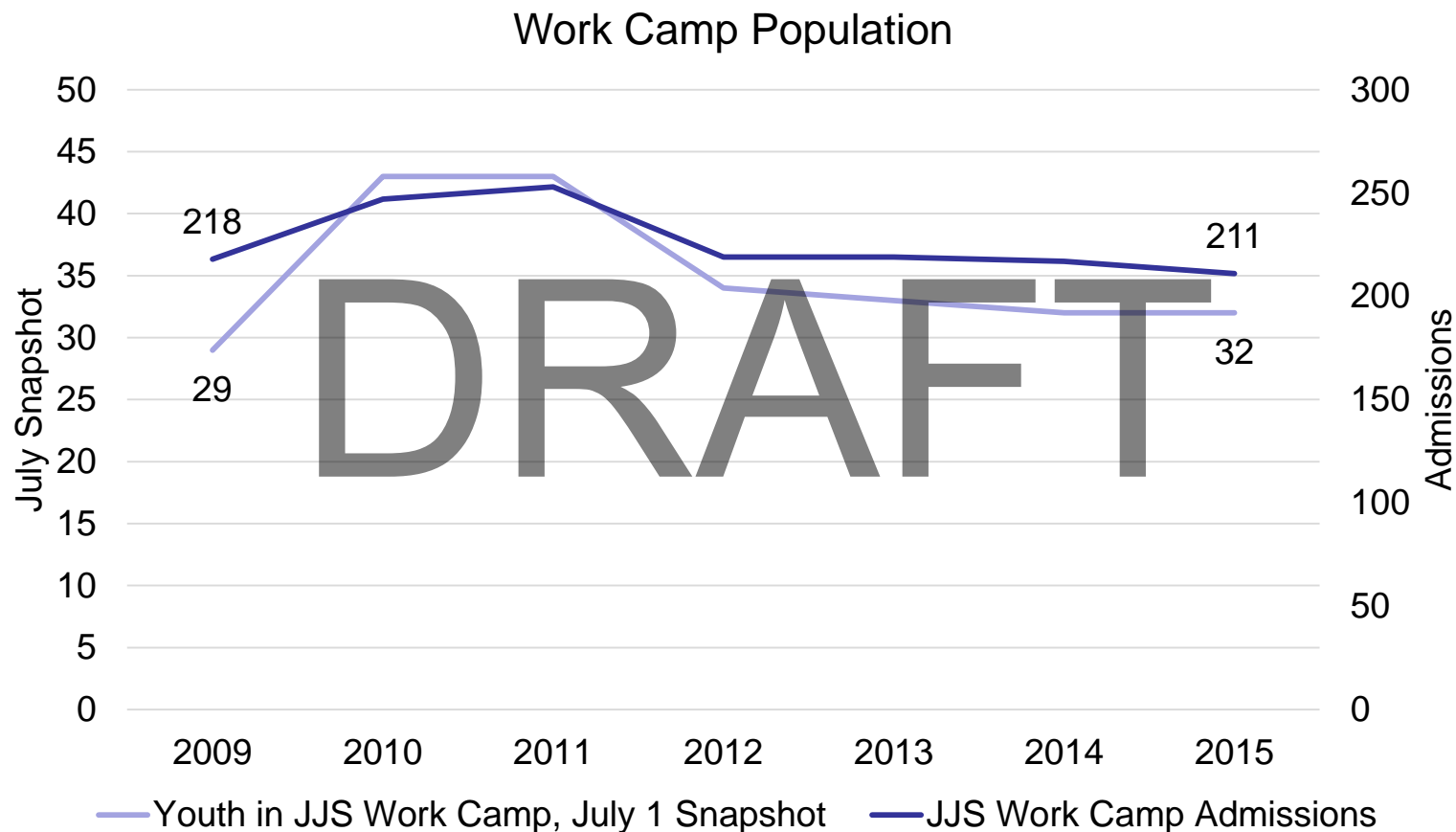
O&A population down 32%, consistent with 27% drop in O&A dispositions in the last year



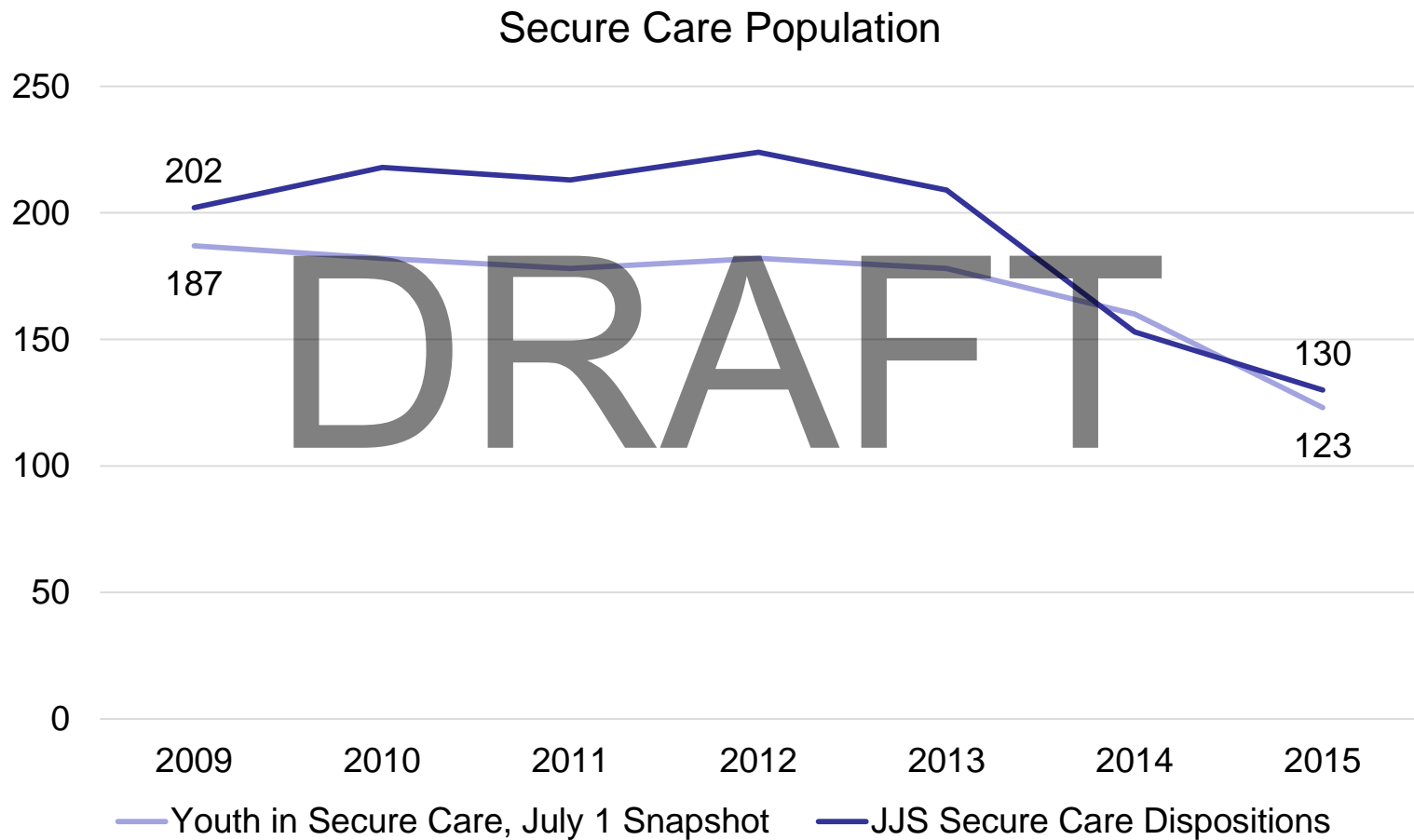
JJS community placement population down 32%, consistent with 39% decline in dispositions



JJS work camp population and admissions have been relatively consistent since 2009

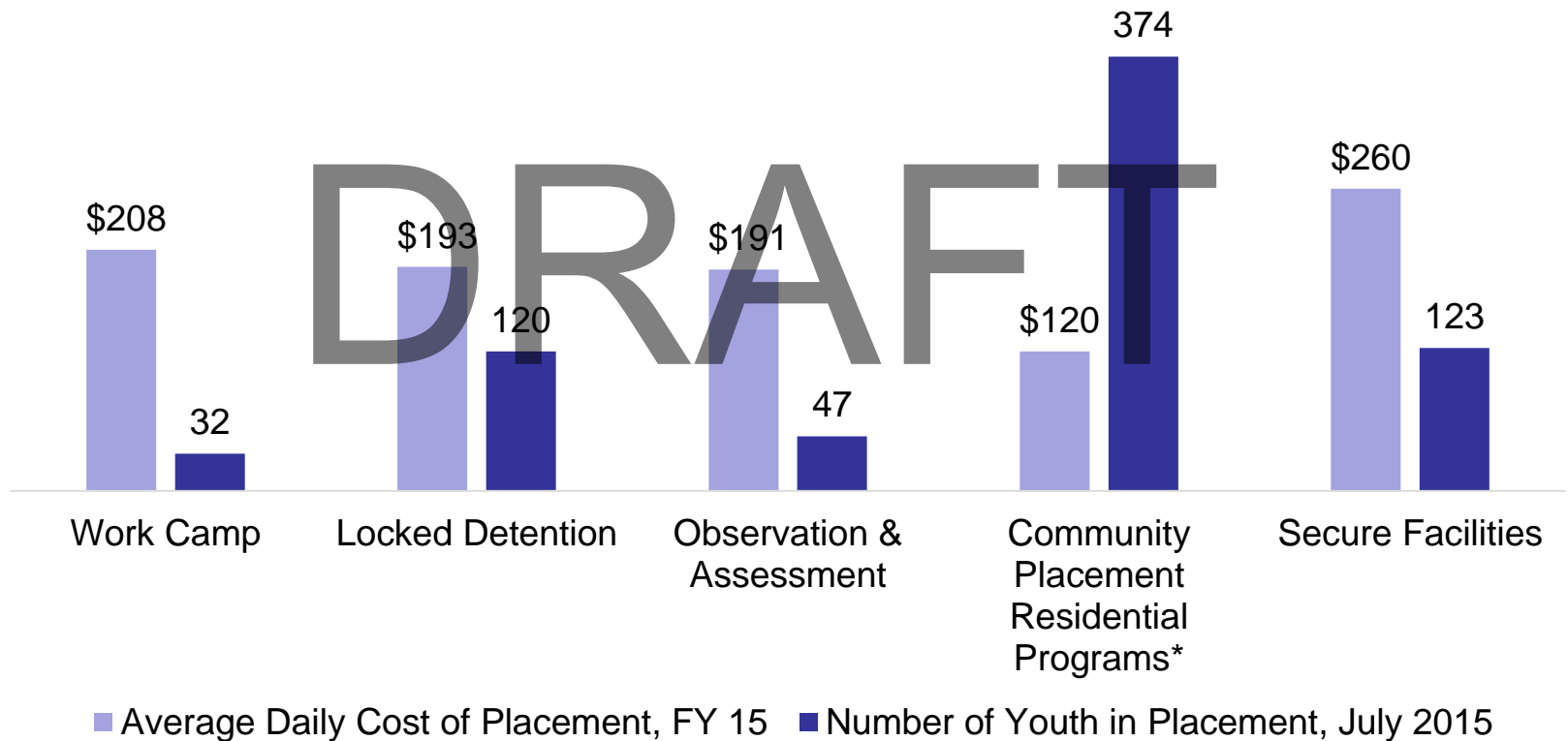


JJS secure care population down 34%, consistent with 35% decline in secure care dispositions



Community placement residential beds are the most frequently utilized out of home placement, cost nearly \$44,000 per bed per year on average

Per Diem Out-of-Home Placement Comparison



*Excluding work camp and residential treatment

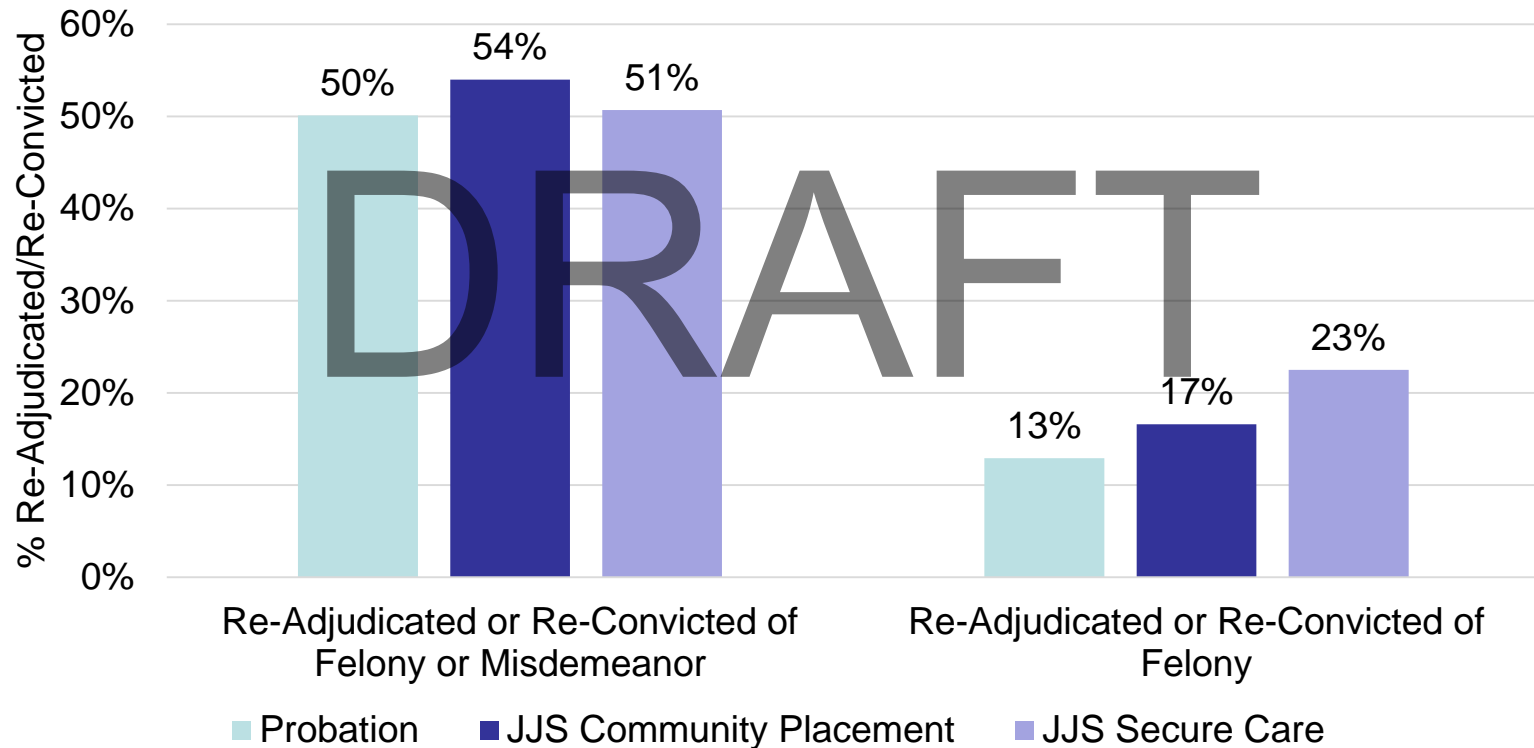
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Recidivism in the Juvenile or Adult System

Data

Despite significant variation in cost, overall recidivism rates are similar for youth released from probation and JJS custody

Recidivism in Juvenile or Adult Court Within 2 Years of Release from Probation or Custody, 2012 Releases



Source: JJS and AOC analysis for Pew/NCJJ Multi-state Recidivism Study

Overall Key Takeaways

Follow Up Data Analysis

Overall Key Takeaways: Follow Up Data Analysis

- **Youth flow**
 - 41% of youth who are 17 at their first intake get a petition, 90% of which are misdemeanors or status offenses
 - A lower proportion of youth who receive a non-judicial at their first intake have subsequent charges (compared to a petition at their first intake), even when only looking at outcomes for youth whose new charges would be captured in the juvenile justice system
 - Racial disparities increase as youth get deeper in the juvenile justice system, but the size of the disparity varies by judicial district and offense level
 - For youth who spend time on probation, detention or in custody, it is at least 3 years on average from their first charge to the end of their last disposition before aging out
 - Total time under court jurisdiction is inflated by suspended/overlapping dispositions across multiple cases

Overall Key Takeaways: Follow Up Data Analysis

- **Youth flow**

- Most youth who are put on probation or in custody did not get a non-judicial on their first intake
 - The majority of the youth who got petitioned were charged with misdemeanor or status offenses
- For the youth's first placement, 76% of youth placed in DCFS custody, 40% of youth placed in JJS community placement and 17% of youth placed in secure care do not have a prior felony their history
 - The majority of these youth placed in DCFS or JJS community placement on contempt do not have a prior felony
- The majority of probationers and DCFS custody youth, and nearly half of JJS community placement youth, have 2 or fewer prior delinquency episodes before their first placement
 - Youth placed in JJS secure have more prior delinquency history
- Most youth have already experienced a substantial increase in their risk level from their first assessment prior to being placed on probation or in custody
 - The risk profile for DCFS youth increases substantially between their most recent risk assessment and their last assessment before aging out

Overall Key Takeaways: Follow Up Data Analysis

- **Youth flow**
 - Despite significant variation in cost, overall recidivism rates are similar for youth released from probation and JJS custody
 - About 50% are re-adjudicated or re-convicted within 2 years of release
 - Most JJS out-of-home population declines (except detention) are consistent with declines in dispositions
 - Community placement residential beds are the most frequently utilized out of home placement, and cost nearly \$44,000 per bed per year on average

Working Group Discussion

Does the Utah juvenile justice system align with research showing how to best protect public safety, hold youth accountable, and improve outcomes?

- If not, how does Utah's system diverge from the research?
 - Are these areas that should be examined during the policy development phase?

Subgroup Planning

- Pre-Adjudication Subgroup
 - Pre-adjudication decision-making
 - Pre-adjudication court process
- Dispositions Subgroup
 - Disposition options
 - Supervision length
- Investment and Oversight Subgroup
 - Evidence-based practices and programming
 - Data collection, training, and oversight

Next Steps

- Subgroup Meetings (before Oct. 21)
- Stakeholder Roundtables
- October 21st Meeting
 - Policy Option Presentations by Subgroups
 - Policy Option Discussion by Working Group
- November 10th Meeting
 - Discussion of Working Group Report