

**INDIANA JUVENILE DETENTION ALTERNATIVES INITIATIVE
MONROE COUNTY
JUVENILE JUSTICE SYSTEM ASSESSMENT**

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INTRODUCTION

Monroe County is one of 11 jurisdictions engaged in implementing the expansion of the Juvenile Detention Alternatives Initiative (JDAI) in the State of Indiana. The 11 expansion sites include: Allen, Bartholomew, Boone, Delaware, Henry, LaGrange, LaPorte, Madison, Monroe, St. Joseph and Wayne counties. These sites join eight counties that are currently implementing JDAI: Clark, Elkhart, Johnson, Howard, Lake, Marion, Porter and Tippecanoe. The expansion effort operationalizes JDAI in 19 Indiana counties; home to 56% of Indiana's youth ages 10-17.

An important first step to implement JDAI is a county-specific assessment that analyzes the juvenile justice system policies and practices. The System Assessment is an effort to understand in both programmatic and practical terms how the juvenile justice system operates. Information is gathered through a series of interviews with key juvenile justice stakeholders, including community representatives, review of documents and a visit to the juvenile detention facility, if applicable. It is a qualitative review of how the county's juvenile justice system functions and the development of the use of the eight core strategies of JDAI. The System Assessment complements the county's Detention Utilization Study (DUS), which is a quantitative review of youth in the juvenile justice system. As part of Monroe County's next steps, key leaders will begin the DUS process with the help of their assigned State Juvenile Justice Strategist. Together, the System Assessment and the Detention Utilization Study are intended as guides for development of a twelve-month work plan that includes measurable outcomes and timelines for detention and system improvement activities in Monroe County.

We acknowledge the insight, cooperation and assistance we received from everyone we met in Monroe County. We are particularly indebted to Pam Cain and Christine McAfee for their time and effort arranging the logistics of this visit and for ensuring that our team was able to cover as much ground as we did in the time we were on site. Finally,

we acknowledge the Honorable Stephen Galvin for his strong leadership in Monroe County.

ASSESSMENT METHODOLOGY

The assessment team visited Monroe County on August 26, 2014. Prior to the on-site visit, the team had access to basic quantitative and qualitative information. On site, the team conducted a series of interviews with local stakeholders to understand the county's status regarding utilization of the eight core strategies of JDAI. The stakeholders interviewed included representatives from law enforcement, YSB and probation personnel, presiding judge, school personnel, community-based service providers, local office of the Department of Child Services, local government and local youth advocates. For organizational purposes, the information gathered through the interviews is presented as observations that are grouped in accordance with the eight core strategies of JDAI. However, please note that the strategies are often intimately connected and may therefore be relevant under multiple headings.

We appreciate the difficulty of being scrutinized by relative strangers. Also, we know that a one-day visit is not exhaustive or definitive and that such an abbreviated visit will significantly understate the many strengths and talents of those who serve in the Monroe County juvenile justice system. Indeed, by our focus on system improvement, this assessment may appear far more critical than a broader overview of what Monroe County provides to youth involved within the juvenile justice system. However as indicated by the rich information contained in Monroe County's Annual Report, it is clear that the juvenile justice system is committed to collecting and using data to guide decision-making. We hope to work together to build on the strengths of the community and the juvenile justice system to move forward improvement efforts.

COLLABORATION AND LEADERSHIP

Collaboration through consensus building allows different agencies, branches of government and community representatives to devise strategies that work best to promote community safety and successful youth. Collaboration and leadership by multiple agencies and community members is a core governance strategy used by JDAI and is the key element for new JDAI sites to build an efficient and responsive juvenile justice system. Without strong authority and leadership to ensure interagency coordination, comprehensive systemic change can become a daunting challenge. The primary vehicle for implementing this collaboration is the JDAI Local Collaborative Steering Committee, referred to in this report as the steering committee.

Observations:

- The Honorable Stephen Galvin hears delinquency, CHINS and paternity cases as well as other cases not related to the juvenile justice system. He has been on the bench since January 1, 2005.
- Key stakeholders reported that since the county's engagement in JDAI, there have been multiple state and local meetings have been convened by local stakeholders to discuss juvenile justice issues. There have been local meetings regarding JDAI and county representatives attended the Indiana JDAI Inter-Site Conference held in July 2014.
- Key stakeholders report that there is a standing meeting with department heads or their designees and probation to allow for information sharing.
- Key stakeholders report that potential members for Monroe County's local JDAI steering committee have not yet been nominated; however, some members necessary for inclusion in the local steering committee have been identified.
- Based on information provided prior to the Assessment, there are several groups in Monroe County that meet regularly to discuss issues related to youth, including Commission on the Status of Black Males, Commission on Hispanic and Latino Affairs, and Commission on the Status of Children and Youth.
- Stakeholders suggested additional agencies that might be contacted for inclusion on the local JDAI collaborative, such as: a Victim Advocate from the Prosecutor's Office, local service providers, a representative from Indiana University, representatives from the local law enforcement agencies.
- Key stakeholders reported that there will be a new Sheriff beginning January 2015.
- Monroe County has two probation personnel who share JDAI Coordination duties. JDAI coordination is pivotal in ensuring the eight core strategies of JDAI are implemented with fidelity to the model. JDAI Coordinators act as the point of contact and subject-matter experts for the local JDAI steering committee as well as the conduit of information with the state JDAI team.

Purpose of Detention (statutory references for criteria for detention: I. C. 31-37-5-3, I. C. 31-37-5-4 and I. C. 31-37-5-5)

In Indiana, the administration and operation of secure detention facilities and detention alternatives include partnerships between state and local agencies including the Department of Child Services, local probation departments, local service providers and the local judiciary. Though these placements are all treated as a part of the detention continuum, operationally they are quite different. As part of the process of identifying the target population for each of the options, it is important to clarify how key leaders define the purpose of each available resource.

SECURE DETENTION

- In general, key stakeholders identified the purpose of secure detention as maintaining public safety, to ensure the safety of the youth, and ensuring youth appear in court (i.e. flight risk) pending disposition.
- In describing the actual use of secure detention in Monroe County, several stakeholders reported that it is used to protect youth from harming themselves and to get them the treatment they need to keep them from going further into the system.
- Key stakeholders reported that detention is used as a consequence to teach youth a lesson when they are non-compliant with the terms of their probation. One stakeholder noted that secure detention can provide an "immediate link to a consequence and action."
- Other stakeholders reported that secure detention is used as a "cooling off period," or as an opportunity to assess the needs of youth to determine next steps.
- There are times when secure detention is used as a temporary hold when other options are not available or as a short term option that is the last resort.

Recommendations:

- 1) Include the following in the membership of the local JDAI Steering Committee: Juvenile Court Judge, JDAI Coordinator, Prosecutor, Public Defender, Juvenile Court Services, Community Corrections, Youth Services Bureau, Probation, Police (including representatives from the Bloomington Police Department and other

law enforcement agencies), DCS staff, a county government representative, school representatives, service providers, neighborhood leaders, families and youth formerly involved in the juvenile justice system. Consider formally appointing collaborative members (both existing and new) using a letter from the Judge.

- 2) The local JDAI Steering Committee will benefit from inclusion of youth that have previously been in the juvenile justice system, as well as residents from those communities in the county where referrals to the system have been highest, into this deliberative body. The inclusion of representatives from the community will prove to be an invaluable resource, especially when addressing issues of race, gender and ethnic equity.
- 3) The local JDAI Steering Committee will be chaired by Judge Galvin since he has juvenile court jurisdiction. As chair of the collaborative, Judge Galvin will ensure that the group is specifically focused on the implementation of the JDAI core strategies.
- 4) Establish a process to “coach up” new members of the local JDAI Steering Committee to ensure new members can meaningfully contribute and avoid delaying the initiative’s progress each time a new person joins the Committee.
- 5) Participate in the Purpose of Detention (POD) process facilitated by the JDAI State Team. To ensure that Monroe County’s policies and practices are consistent with the agreed upon POD definitions and that the definitions are appropriately specific, Monroe County will complete the Detention Utilization Study (DUS) to examine past detention utilization practices. The County will receive assistance from their State-assigned Juvenile Justice Strategist and the State’s Data Consultant to complete the DUS. By describing who has been detained in the past and comparing those profiles to the stated purpose of detention, Monroe County will be able to isolate target populations that may be safely supervised in the community versus being placed in secure detention and develop alternative strategies for these children. Gaining consensus on the purpose of secure detention is also a critical first step in the development and implementation of an objective Detention Risk Assessment Instrument (DRAI).
- 6) The local JDAI Steering Committee will meet on a regular basis to ensure accountability, progress of juvenile justice system improvement efforts, and regular monitoring of the Phase One/Year One Work Plan.

- 7) Continue to engage full-time JDAI Coordination efforts, either through contract or employment. In order to move the initiative forward, the county will want to continue to provide full-time coordination during the next three phases of immersion and implementation of the eight core strategies of JDAI in Monroe County. The Coordinator(s) will be an integral part in collaboration and consensus-building as well as exhibit abilities to engage multiple people and organizations in the JDAI effort –both system and non-system personnel. The Coordinator(s) will be the local subject-matter experts on all things related to JDAI as well as the local juvenile justice system.
- 8) Participate in JDAI model site visits to local jurisdictions that have addressed similar types of juvenile justice system improvement issues that are prominent in Monroe County.
- 9) For more information regarding JDAI, its values, principles and strategies, members of the collaborative should reference publications such as *Pathways, Two Decades of JDAI, A Progress Report: From Demonstration Project to National Standard; The Dangers of Detention;* and *Pathways Series 2: Collaboration and Leadership*. Each of these publications can be accessed through the JDAI Helpdesk at www.jdaihelpdesk.org.

COLLECTING AND USING DATA

JDAI is a data driven initiative. Data drawn from all sources should be reviewed regularly to paint an accurate picture as to how the juvenile justice system is operating. In collaboration with the local steering committee and subsidiary workgroups, Monroe County should use the information to identify points where policy and practice improvements may lead to significant changes in use of secure detention and detention alternatives. Potential reforms should be evaluated, implemented then monitored for results. To reflect the importance of data in the initiative, JDAI sites prepare quarterly reports on detention utilization, screening and alternative program utilization, and prepare an annual report.

Observations:

Environment

- The Probation Department, which collects a large majority of the standard JDAI data points, has been using the QUEST system, developed and currently maintained by Gottlieb & Wertz, since January, 2014. The system is comprehensive and far-reaching in its capacity for capturing the standard JDAI data points.
- The Court system utilizes the Odyssey system to track court-related data.

- Leadership as it relates to the interest and use of data is very strong in the County. This is exhibited by a strong motivation to become a more integrated data-driven system as well as the data policies and practices already put into place.
- Administration of the QUEST system at a local level is outstanding. Although QUEST has only been used in the county since the beginning of 2014, the QUEST Administrator has found and requested creative solutions in their use of the system that are benefitting their use of data as well as benefitting other QUEST counties.
- Data quality appears strong in the county, in part because of an intelligent emphasis on automating as much data entry as possible as well as a strong and consistent emphasis on manually verifying the data that is entered into the system.
- Detention utilization statistics are currently available in two places: within canned detention reports in QUEST and within QRS reports. The detention utilization data has not currently been verified as accurate and is undergoing that process at the time this report was written. Detention utilization stats will begin being reported for quarter four of 2014.
- The ability to analyze standard decision points by REGGO (Race, Ethnicity, Gender, Geography, and Offense) is provided in QRS reports with the exception of case processing studies.
- On August 22nd, 2014, a Data Analytics Assessment (DAA) was conducted by Jason Melchi, the State's JDAI data consultant. The purpose of this assessment is to assess a County's initial capacity for collecting and utilizing JDAI-related data. The DAA assists counties by providing findings and recommendations for developing institutional capacity with data in order to collect and report on accurate data in a reliable and timely fashion.

Statistics

2014 (January – September) Detention Utilization

Racial and Ethnic Disparities

	White	Black	Latino	API	Native American	Other	Total
2013 Youth Population¹	8567	513	411	504	44	-	10039
2014 (Jan – Sep) Admissions	50	8	3	0	0	3	64
% Youth Population	85%	5%	4%	5%	<1%	-	100%
% Admissions	78%	13%	5%	0%	0%	5%	100%
Admission Rate (per 1,000 youth)	6	16	7	0	0	-	6
Avg. Daily Population	3.2	.3	.1	0	0	.4	4
Avg. Length of Stay	17.7	10.7	13.3	0	0	27.4	17.5
Median Length of Stay	13	10	16	0	0	24	13.0

- **In 2013, youth of color were overrepresented in admissions to secure detention.**
 - Black youth represented 5% of the youth population but 13% of admissions to secure detention.
 - Youth of color were admitted to secure detention at higher rates than White youth.
 - For every 1,000 White youth, 6 were admitted.
 - For every 1,000 Black youth, 16 were admitted. Black youth were nearly three times as likely as White youth to be admitted to secure detention.
 - For every 1,000 Latino youth, 7 were admitted. Latino youth were slightly more likely as White youth to be admitted to secure detention.

Average Length of Stay and Average Daily Population

- The average length of stay in secure detention in 2013 was 17.5 days.
- Because an average can be skewed by particularly long or short length of stays, JDAI also reviews the median length of stay. The median length of stay was 13 days, meaning 50% of youth stayed longer than 13 days, and 50% of youth had a shorter length of stay.
- Detention populations are a function of admissions and length of stay. The number of youth admitted and how long they stay determines average daily population. On an average day in Monroe County in 2013, there were four children in secure detention.

¹ Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>

Reasons for Secure Detention

Reasons for Secure Detention were incomplete for this system assessment. As the State works on establishing a standard ranking of offense severity this analysis will remain incomplete. The goal is to begin analyzing this data for the quarter four, 2014 time period.

Changes in Secure Detention Utilization 2011- 2013

Changes in Admissions

	2009	2010	2011	2012	2013
Admissions	116	114	104	114	63
Percent Change	--	-1%	-9%	+10%	-45%
Number Change	--	-2	-10	+10	-51

- **Between 2012 and 2013, admissions to secure detention decreased by 45% from 114 youth admissions in 2012 to 63 in 2013.**

Recommendations:

- 1) Explore the dramatic drop in secure detentions between 2012 and 2013. It was suggested from interviews that the reduction in admissions to secure detention was likely as a result of *"an overall reduction in referrals and perhaps staff being more cognizant of who should go into detention versus release / shelter"*. It is recommended to validate this suggestion by gathering statistics on referrals for both 2012 and 2013 to see if that hypothesis holds true. In addition, once the purpose of detention conversation has been completed and the detention risk screening tool is developed and put into place the county will then be able to better quantify and analyze detention intake decisions.
- 2) Explore the over-representation of youth of color in admissions to secure detention. The numbers themselves do not suggest an explicit or implicit bias; however, may suggest the need to develop strategies to address the reasons for these youths representation in the juvenile justice system.
- 3) The State Data Strategist/Consultant will provide the data workgroup with a Data Analytics Assessment report. The assessment report will provide a diagnosis of current data systems as well as recommendations to ensure appropriate data are collected and available for analysis as JDAI work goes forward. This assessment will also include short-term, medium-term, and long-term strategies for institutionalizing the use of data within Monroe County.
- 4) It is recommended to participate in a Statewide JDAI QUEST Best Practices Group. This group will develop a best practice guide for using QUEST for JDAI purposes. More details on action items for this group are described in your Data Analytics Assessment report which will be delivered this year.
- 5) It is recommended to create written training materials for data collection points throughout the system to standardize data collection within the County. This

recommendation will be a support in ensuring a high level of data accuracy particularly when training new staff that will be entering data into the system. In addition, develop language that helps to educate staff on the importance of the data that they are collecting and how it is later used. This step will assist in ensuring strong data quality. In addition, the JDAI QUEST Best Practices Group may assist in the development of the training material.

- 6) Once available, it is recommended to review and institutionalize the data dictionary that has been developed by the State JDAI team to ensure data consistency. This is important to ensure that your statistics mean what you think they mean and are in agreement with State definitions.
- 7) As data becomes available through the work of the data workgroup, the newly appointed Local JDAI Steering Committee should expand its utilization of data in helping to inform policies and practices. This is especially true for data that would assist in the evaluation of the objective admissions process and probation practices.
- 8) A critical step in understanding and evaluating the purposes of detention is to conduct a Detention Utilization Study (DUS). The DUS will assist in the furtherance of the understanding regarding how the County has used most recently used secure detention. Examples of the DUS can also be found on the Help Desk. Plans to conduct the DUS are currently underway for the county.
- 9) The Committee should conduct deeper data analyses of specific target populations to determine whether there are populations of detained youth who the system, with the appropriate support, could serve safely in the community and not in detention.
- 10) Review *Pathways Series #7, By the Numbers: The Role of Data and Information in Detention Reform*.

OBJECTIVE ADMISSIONS POLICIES AND PRACTICES

One of the fundamental principles of JDAI is that detention decisions must be based on objective screening instruments that are developed through a collaborative process involving key stakeholders. An objective detention risk assessment instrument (DRAI) is an indispensable component of good detention practice. DRAIs assess a youth's risk of failing to appear for scheduled court hearings and/or committing a new delinquent act prior to adjudication. The DRAI applies objective criteria, such as the nature of the offense and the minor's offense history, to produce a risk score that indicates the youth's suitability for secure detention, referral to a detention alternative program, release to a parent or guardian and diversion from formal court processing. The DRAIs bring objectivity, fairness and efficiency to the detention screening process. Sites can document the efficiency of their DRAI by monitoring the failure to appear and re-offense rate of youth who are released in accordance with their risk scores. Objective

admission criteria is also a fundamental part of the foundation in building a system that is race, gender and ethnically neutral.

Statutory Criteria for Detention Admission

- Indiana's statutory detention criteria according to **IC-37-5-3 Version b Release or Detention of Child Taken Into Custody Without Court Order**

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 3. (a) If a child is not taken into custody under an order of the court, the law enforcement officer may release the child or may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. Subject to subsection (c), the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) Unless a law enforcement officer determines that detention is essential to protect a child or the community, the law enforcement officer who detains a child for a violation of the curfew law under IC 31-37-3 shall make a good faith effort to release the child to the child's parent, guardian, or custodian within a reasonable time after the child is detained.

As added by P.L.1-1997, SEC.20. Amended by P.L.79-2001, SEC.3; P.L.158-2013, SEC.327.

- **IC 31-37-5-4 Detention at designated place; notice**

Sec. 4. If the child is not released, the child shall be delivered to a place designated by the court. The law enforcement officer shall immediately notify the child's parent, guardian, or custodian and an intake officer of the following:

- (1) Where the child is being held.
- (2) The reasons for the child's detention.

As added by P.L.1-1997, SEC.20.

- **IC 31-37-5-5 Version a**
Investigation, release, or detention by intake officer of child taken into custody without court order

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer shall release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;

(2) the child has committed an act that would be murder or a Class A or Class B felony if committed by an adult;

(3) detention is essential to protect the child or the community;

(4) the parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child; or

(5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

As added by P.L.1-1997, SEC.20.

- **IC 31-37-5-5 Version b**
Investigation, release, or detention by intake officer of child taken into custody without court order

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer shall release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;

(2) the child has committed an act that would be murder or a Level 1

felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
(3) detention is essential to protect the child or the community;
(4) the parent, guardian, or custodian:
(A) cannot be located; or
(B) is unable or unwilling to take custody of the child; or
(5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

As added by P.L.1-1997, SEC.20. Amended by P.L.158-2013, SEC.328.

Observations:

- When a child is arrested, law enforcement contacts probation who then makes the determination on whether or not the child will be securely detained.
- Probation staff is available 24 hours per day (either in the office or on-call) to make the decision whether a child should be securely detained.
- Key stakeholders noted that they follow statutory guidelines to determine which youth should be securely detained, but also use their own intuition when making the decision. There is no screening tool used by law enforcement or probation to help determine which youth should be securely detained.
- If a youth is securely detained, they will receive the IYAS detention tool the following business day to determine whether they should remain in secure detention.
- Probation has the option to release a child to their parents, place them in shelter care (at the Monroe County Youth Service Bureau), or detain them. Key stakeholders noted, however, that probation may place a child in the YSB if they are not already on probation.
- Key stakeholders noted that probation staff is very judicious about the youth that are securely detained, making sure only those youth who pose a risk to the community or themselves are detained.
- Key stakeholders noted that if a decision is made to securely detain, law enforcement must wait with the child until transportation (either to the Jackson County Juvenile Detention Center or Southwest Indiana Regional Youth Village) arrives.

- Key stakeholders report that house arrest, day reporting, community service, and electronic monitoring are available pre-adjudication; however, these options can only be utilized once the Detention Hearing is held. This ascertaining regarding the availability for day reporting or community service opportunities for pre-adjudicated youth in lieu of secure detention is not consistently held by other key stakeholders.
- Key stakeholders report that law enforcement has the discretion whether or not to refer a child to detention. If a child is not arrested, the officer will complete a paper referral and forward the information to probation.
- Key stakeholders noted that probation staff meets weekly to staff cases to formalize recommendations to the court. They also discuss difficult cases and cases that are being recommended for placement.

Recommendations:

- 1) Develop a consensus-based Detention Risk Assessment Instrument (DRAI)/Admissions Workgroup that will be used to assist with making detention decisions. The Workgroup will participate in the Purpose of Detention (POD) process facilitated by the Indiana JDAI State Team. This process consists of several meetings over a period of approximately six months, as well as assignments to be completed between the meetings, which will lead to the development of a consensus-based DRAI.
- 2) Once an instrument is developed and implemented, the JDAI Local Steering Committee will ensure that new intake policies are written and institutionalized on the proper use of the risk screening tool. Additionally, the DRAI Workgroup will monitor outcomes to ensure the instrument is not unnecessarily widening the net of youth admitted into detention or releasing youth to community-based alternatives or relatives who are deemed inappropriate for such options. For example, the group should review overrides to determine how many youth who score as eligible for release without conditions on the DRAI are placed in a detention alternative, non-secure or secure detention instead of being released outright. If this occurs, the Workgroup will work to create policies and programs that allow for the outright release of these youth while maintaining public safety and ensuring they appear at future court hearings. Further, the DRAI Workgroup should review data on youth who score on the lower end of the DRAI to determine whether or not they are being released to a detention alternative, released to a relative, or diverted from the formal court process. If youth are not being diverted from the formal court process or released to alternatives or relatives, the Workgroup will dig deeper to determine whether specific factors

(e.g. offense, JD history) may be driving those decisions. All the DRAI data is reviewed using a racial lens, ensuring that youth of color are not being disparately impacted when compared to their similarly situated white counterparts.

- 3) The DRAI Workgroup will develop a plan to ensure that the rules guide decision-makers with clarity regarding how to make detention decisions, particularly for youth who score as eligible for release or release with conditions on the new instrument. DRAI Workgroups review the various alternative to detention programs and establish a continuum from least to most restriction of liberty, as well as target populations for each identified program to help create consistency regarding how and where youth are placed.
- 4) The DRAI Workgroup should complete and review the Detention Utilization Study (DUS) to determine how detention has been used previously and ensure that the DRAI is meeting anticipated outcomes. An eye toward identifying successful and unsuccessful completion of pre- and post-disposition release should also be considered.
- 5) Because Monroe County has several pre-adjudication detention alternatives available (with judicial approval), the DRAI Workgroup and local steering committee should consider ways that probation staff can utilize this option at the point of intake, especially for low-risk youth who do not appear to pose a risk to or at risk of failing to appear in court. This will expand the alternatives to detention options that probation staff have beyond just shelter care.
- 6) Members of the DRAI Workgroup may learn more about objective decision-making and developing risk assessment instruments should review *Pathways Series #3, Controlling the Front Gates: Effective Admissions Policies and Practices* and *Juvenile Detention Risk Assessment, A Practice Guide to Juvenile Detention Reform*. Both publications can be accessed at www.jdaihelpdesk.org.

ALTERNATIVES TO DETENTION

The primary purpose of programs and/or services that are alternatives to detention is to provide supervision to moderate-risk youth *who would otherwise be detained*. Measures of success for Alternative-to-Detention (ATD) programs are that youth appear for scheduled court hearings and do not commit new delinquent acts while the case is pending. Pre-adjudication detention alternatives are not intended to provide treatment for youth who meet criteria for detention. Treatment programs are reserved for youth who have been found true or “guilty” of a delinquent act *and* who require treatment in order to alleviate the condition of delinquency. Detention alternatives should be

monitored using objective data to track and analyze (1) the numbers and types of youth placed into the alternative programs; (2) the lengths of stay in the programs; (3) whether the program is actually used for youth who would otherwise have been in detention (i.e. whether “net widening” is occurring); and (4) whether or not the program is successful (i.e. if the youth referred are attending scheduled hearings and not committing new delinquent acts). It is of paramount importance to maintain focus on the fact that pre-adjudicated youth who participate in ATDs have not been found true of a delinquent act and that, but for the availability of the ATD, the youth would be held in secure detention. ATDs restrict a youth’s liberty to the least extent possible to ensure appearance at scheduled court hearings and that the youth does not commit a new delinquent act while the case is pending.

Observations:

- Key stakeholders reported that other than secure detention, the only two options available at intake are placement the Monroe County Youth Services Bureau (YSB) shelter or outright release to a parent/guardian.
- Stakeholders reported that YSB referrals come from probation, DCS or from parents.
- In the event that a child is eligible for release but a parent/guardian is unwilling or unavailable, the child would be placed at the YSB.
- Key stakeholders report that house arrest and electronic monitoring are available pre-adjudication; however, these options can only be utilized once the Detention Hearing is held.
- Key stakeholders reported that there are community resources, such as Big Brothers Big Sisters and Family Solutions, which serve families and youth on probation.

Recommendations:

- 1) Consider the option of giving probation staff the authority to place youth on pre-disposition detention alternatives, such as house arrest, day reporting, and/or electronic monitoring, at the point of contact with law enforcement.
- 2) Establish an alternative to detention (ATD) workgroup to align with the work of the DRAI workgroup. ATD workgroups typically include key system and community stakeholders including probation, County government officials, Community Corrections, YSB representative and DCS. In addition, engaging community members will shed light on other possible alternative programs that are available that probation and the Court may not be aware of.

- 3) Consider requesting the JDAI Coordinators compile a list of potential community service providers in Monroe County that interact with/provide resources and services to at-risk youth ages 10-17, either through the formal court process or as a result of prevention activities. Include the number and type of youth each program/provider serves.
- 4) The JDAI Local Steering Committee and ATD workgroup will utilize information about the current ATDs in the Detention Utilization Study (DUS) to create a more detailed profile of detention and detention alternative populations. These profiles should include, at a minimum, race, ethnicity, gender, geography, and offense/reason (REGGO) as well as age at referral.
- 5) Establish policies and practices regarding the collection of ATD utilization data. Monroe County can engage with the local YSB to utilize the data to assess current effectiveness and efficiency of existing ATD programs (shelter care), e.g., the numbers and types of youth placed into the alternative programs and their length of stay in the detention alternative, whether the program is displacing youth from secure detention, and how well the juveniles perform while in the alternative, i.e. attend their hearings while remaining arrest free.
- 6) The ATD workgroup regularly reviews case processing times for youth in ATDs to ensure that these youth are handled within a similar case processing time frame as youth in detention.
- 7) As informed by the assessment of current ATDs, determine the need to develop a more robust continuum of ATDs, working together to develop a funding mechanism for ATD development and expansion. Examples of site ATD continuums can be accessed at www.jdaihelpdesk.org.
- 8) For more information on developing and using alternatives to detention, the ATD workgroup should review *Pathways Series 4, Consider the Alternatives*.

REDUCING UNNECESSARY DELAYS IN CASE PROCESSING WHILE ENSURING DUE PROCESS

Efficient case processing ensures that youth are held in secure detention as briefly as possible and that case processing timelines are similar for all youth, regardless of their placement on the detention continuum, while ensuring the right to due process. Reducing unnecessary delays in case processing allows the court to maximize the use of alternatives, increases the likelihood that youth will appear for scheduled court

hearings, reduces re-arrest rates while the case is pending and enables youth to more effectively realize the link between delinquent behavior and consequences. There are specific case processing policies and practices that are directly relevant to juvenile justice system improvement efforts and serve to establish a culture of efficiency, timeliness and accountability. Moreover, the population of a juvenile detention facility at any time is a function of two factors: the number of youth admitted and the length of time youth remain in detention. Reduction of either or both of these factors results in a lower detention population. Finally, maintaining similar case processing timelines for all youth, regardless of their detention status, ensures availability of ATDs for youth who are appropriate for them.

Observations:

- As required by statute, youth detained in Monroe County have their Detention Hearing with 48 hours of being detained (excluding weekends or holidays). Detention Hearings are held as necessary as there are no standing court days when such hearings are held.
- Key stakeholders report that Wednesdays have been set aside as standing juvenile court days unless other hearings, such as Detention Hearings are required to be held on different dates in order to meet state guidelines.
- During the Detention Hearing, the court decides whether a child should be released or remains in secure detention. Key stakeholders report that if the child remains in secure detention, they will be scheduled for an Initial Hearing within seven days. This timeframe is the same for youth who are released from secure detention following the Detention Hearing.
- Key stakeholders report that if a youth requests a Public Defender at intake, then the case is forwarded to the prosecutor for consideration of formal processing. It could happen, then, that a low level youth is processed formally.
- Key stakeholders report that there are 14 Public Defenders and all represent juveniles and adults.
- Key stakeholders report that if the youth does not request a Public Defender, probation staff completes the Preliminary Inquiry (PI) and relevant IYAS tool(s), and then meets with the Intake Team to decide if they will do an Informal Adjustment (IA) or process the case formally.
- Key stakeholders report that the time period between the completion of the PI and Initial Hearing is about 30 days.

- Key stakeholders report that if a child does not have a private attorney or has not already requested a Public Defender, a Public Defender is assigned at the Initial Hearing.
- Key stakeholders report that the Pre-trial conference is held 2-3 weeks following the Initial Hearing. If the case is not resolved at this point, then a Fact-Finding Hearing is set out a few weeks. Stakeholders reported that they usually have only about 2-3 Fact-Finding Hearings per year.
- Stakeholders report that that large majority of cases are resolved at the Pre-Trial conference and the Disposition Hearing is set 2-3 weeks out. Stakeholders report that it is rare for the Pre-Trial conference and Fact-Finding Hearings to be held at the same time.
- Key stakeholders report that if a child had previously been processed informally via an Informal Adjustment, it is likely that any further contact with the juvenile justice system would be through the formal process.
- Key stakeholders report that they were not aware of secure detention being used as a post-disposition option—not that post dispositional youth are not placed in secure detention.

Recommendations:

- 1) Establish a Case Processing workgroup. Members include at a minimum, the Judge or Magistrate, Public Defender, Prosecutor, JDAI Coordinator, law enforcement, Department of Child Services, Chief Juvenile Probation Officer and Intake staff. Workgroup members should be encouraged to review *Pathways #5- Reducing Unnecessary Delay: Innovations in Case Processing*, available at www.jdaihelpdesk.org.
- 2) Create a system map that documents the average, minimum and maximum length of time between each decision point (for detained and non-detained youth). The workgroup examines factors that may contribute to case processing delays, including time spent waiting for psychological testing to be completed. The group should disaggregate data on time frames by race, gender, geography, ethnicity and custodial status (i.e. detained or not detained). This process is important to determine, beyond anecdote, where case processing issues exist that may impact how long youth are in secure detention, in a detention alternative or released pending disposition, if any.
- 3) Ensure that similar case processing timelines apply consistently across all juvenile cases—for those youth securely detained and in non-secure status.

- 4) Establish an ongoing process for collecting and sharing data regarding the use of secure detention, shelter care, and detention alternatives as sentencing options.
- 5) Establish an ongoing process for collecting data about pre- and post-adjudicated youth in out-of-home placements, including the characteristics of the youth placed (minimally by race, ethnicity, gender, geography and offense) and program outcomes.
- 6) Establish a case review process with stakeholders who have the authority to move cases and eliminate delays. Properly structured and staffed, detention reviews lead to expedited release and also establish a culture in which every secure detention bed day, every day in a detention alternative and every day awaiting disposition of a youth's case counts. This helps the youth, family and community receive justice in a timely manner, relate consequences to the offense and move youth back into their normal life processes.

SPECIAL DETENTION CASES

Special detention cases include youth who are detained for violations of probation (VOP), for warrants or writs, and youth who are awaiting placement. Youth detained for technical violations of probation and warrants are often low risk youth who have broken the rules and have frustrated the adults who are responsible for them. They may not pose a threat to public safety or be a risk of failing to appear for scheduled court hearings, but they need to be held accountable for their behavior. In jurisdictions across the nation, special detention cases may constitute 20% to 40% of detained youth and they may remain in detention for lengthy periods of time. Many of these youth present high needs, but not high risk to the community. They represent a key challenge in juvenile justice system improvement: how to ensure that youth respect the orders of the court without relying on unnecessary detention. Effective population management involves policy and program innovations and changing practices that safely reduce the number of youth in secure detention for special detention cases.

Observations:

- Key stakeholders reported that there are eight juvenile probation officers, some of which are supervision probation officers and some are intake probation officers. The supervision probation officers visit with youth that are in placement, or while at school or in the community.

- Key stakeholders reported that probation officers have a caseload of 30-40 cases per person and there are no specialized caseloads. However, each probation officer is assigned to youth at the various schools in the community.
- Key stakeholders report that the probation term for most youth who is typically 6-9 months. For youth who with more serious cases, the probation term is 9-12 months.
- Key stakeholders report that if a youth completes the probation requirements before the term ends with no new offense, probation can submit a request to the court to be released early from probation. The youth does not have to appear in court but the Judge does send an order authorizing the early release.
- Although probation staff does not have a formal graduated response grid, stakeholders reported that they do use graduated responses when dealing with youth who violate the terms of probation. It was reported that probation officers will try to resolve issues three times before violating the youth's probation, although there is no formalized policy or expectation of 'three' being a magical number.
- Key stakeholders reported that if a youth violates probation or commits a new crime while on probation, they can be placed in secure detention for the violation. However, secure detention resulting from a violation only occurs when the child is a danger to themselves or others, according to stakeholders.

Recommendations:

- 1) Establish a Special Populations Workgroup that consists of the Juvenile Court Judge, f, juvenile division supervisor, juvenile probation officer, the JDAI Coordinator, DCS Representative, law enforcement, school representatives, and alternatives to detention service providers.
- 2) When the Local Steering Committee and Workgroup discuss the purpose of secure detention, stakeholders should pay specific attention to public safety risk factors and their relationship to probation violations.
- 3) Ensure that the Detention Utilization Study (DUS) includes a section on special detention cases which includes violations of probation (VOPs), warrants, and pending placements. All utilization data should be disaggregated by race, ethnicity, gender, geography and offense (REGGO).

- 4) As informed by the DUS, develop strategies to expedite pending placement cases and explore possibilities to reduce the use of secure detention for technical and low-risk probation violators and warrant cases.
- 5) Develop and implement a Probation Response (i.e. graduated sanctions and incentives) grid to enhance consistent responses to non-compliance while recognizing successful milestones for similarly situated youth.
- 6) Review *Pathways Series #9, Special Detention Cases: Strategies for Handling Difficult Populations*. Additional information on best practices and innovations to reduce the use of secure detention for these populations can be accessed through the JDAI Help Desk at www.jdaihelpdesk.org.

CONDITIONS OF CONFINEMENT

The JDAI emphasis on decreasing the unnecessary use of detention does not eliminate the existence or use of secure detention for certain youth. Youth who represent a risk to public safety or who would fail to appear for scheduled court hearings if released are strong candidates for pre-adjudicative detention. Acknowledging that there is a need for secure detention for these youth, it is incumbent on the juvenile justice system to provide a safe environment for the youth and for the staff who supervise them.

Observations:

- Monroe County does not operate its own secure detention facility. Monroe County primarily uses the Jackson County Juvenile Detention Center for youth who are deemed appropriate for secure detention and the cost is approximately \$100/day. Occasionally Monroe County will use the Southwest Indiana Regional Youth Village for secure detention and the cost is approximately \$148/day.
- Monroe County uses the Monroe County Youth Services Bureau for emergency shelter care. Emergency Shelter Care costs approximately \$272/day.

Recommendations:

- 1) Review *The Dangers of Detention*, which can be accessed at www.jdaihelpdesk.org.
- 2) Regularly visit the facilities where Monroe County youth are being detained or placed. It is important for those making the decisions whether or not to detain youth to understand the condition of the facilities where youth are being placed.

- 3) Review *JDAI Practice Guide Number 2, Detention Facility Self Assessment and Pathways Series 6, Improving Conditions of Confinement in Secure Detention Centers* for a detailed description of the secure detention facility assessment process and standards.

REDUCING RACIAL AND ETHNIC DISPARITIES

Reducing racial and ethnic disparities in the juvenile justice system is a core strategy of JDAI that permeates all other strategies. This work requires that all policies and practices be viewed through a racial and ethnic lens to determine whether there is a disparate impact on youth of color. While there are many factors outside the juvenile justice system that influence the disparate detention rates for youth of color, the detention decision point significantly impacts deeper penetration into the system. The weight of using detention for low risk, high need youth has largely been borne by youth of color. A fundamental principle of equity is that system stakeholders commit to actively address racial and ethnic disparities at those decision points within the juvenile justice system where they have control and for which they are responsible and accountable.

Observations:

- According to the 2012 census via the Office of Juvenile Justice and Delinquency Prevention Easy Access to Juvenile Populations, the Monroe County at-risk juvenile population (ages 10-17) is as follows: White 89.1% (126,469); Asian 6.4% (9,103); Black 4.1% (5,783); and American Indian 0.4% (533).
- A number of stakeholders believe that there has been an increase in truancy referrals for Hispanic students. Once they are referred to probation, it appears as though the issue is cultural because of young people are working to help support their families in the Hispanic community.
- Key stakeholders reported that there is a translation service available to assist with interpreting at Court hearings, so there are rarely delays due to translators not being available.
- Several key stakeholders referenced the DMC study conducted by IUPUI several years ago and noted that there may be some racial and ethnic equity issues with youth of color at the arrest and detention decision points and are interested in looking closer at the data in these areas.

Recommendations:

- 1) Gather, maintain and review all data disaggregated by race, ethnicity, gender, geography and offense (REGGO). This will help the Local Steering Committee to determine if racial, ethnic and/or gender disparities exist in Monroe County and identify system areas and/or decision points where youth of color are disparately impacted as compared to their similarly-situated White counterparts. For example, the Local Steering Committee may review this disaggregated data to determine whether youth of color represent a disproportionate number of out-of-home placements. Further, the Local Steering Committee should disaggregate length of stay data by REGGO to determine whether certain populations of youth are staying longer in detention and for what reason.
- 2) Ensure the inclusion of representatives from communities of color in the collaborative process. This will add value to future discussions about racial/ethnic/gender equity and systematic approaches to reducing such inequities, if they exist.
- 3) Communities that successfully address potential disparities require the JDAI Coordinator to engage the racial justice champions noted during stakeholder interviews that could assist in addressing disparities in the juvenile justice system. These champions should be coached up by the JDAI Coordinator regarding JDAI and meaningfully and thoughtfully engaged in the JDAI implementation process.
- 4) Develop a Racial and Ethnic Disparities (RED) workgroup. The workgroup will be tasked with exploring potential equity issues in Monroe County's juvenile justice system; identifying and overseeing the implementation of strategies specifically designed to address these issues; and ensuring Monroe County's juvenile justice system improvement efforts are continuously viewed through a racial and ethnic equity lens.
- 5) To the extent that disparities in detention and the larger juvenile justice system are related to geographical variables (e.g. lack of services in different parts of the county), disaggregate data by city/town/zip code and include representation on the Local Steering Committee that reflects these geographical differences. For example, consideration should be given to recruiting individuals from areas noted as having a large number of referrals to the juvenile justice system.
- 6) Consider contracting with Strategies for Youth (www.strategiesforyouth.org) to provide training to School Resource Officers and other law enforcement agencies on adolescent brain development as well as how to deal with youth from diverse

backgrounds through the *Policing the Teen Brain* training and *Juvenile Justice Jeopardy*.

- 7) The Local Steering Committee should read *Pathways #8, Reducing Racial Disparities in Juvenile Detention*, *Adoration of the Question: Reflections on the Failure to Reduce Racial & Ethnic Disparities in the Juvenile Justice System* (2008), and *The Keeper and the Kept: Local Obstacles to Disparities Reductions in Juvenile Justice Systems and a Path to Change* (2009). Each of these publications is available at www.jdaihelpdesk.org or www.burnsinstitute.org.