

Forum to Increase Evidence-Based Practices by Addressing Disparities in the System

{ Efforts to Eliminate Disproportionate Minority Contact

- Original bill was introduced in 2009 as SB 292, sponsored by Senator Bill Hamrick
- **Over 10 legislative hearings were held to vet SB 292 during the 2009-2010 sessions**
- SB 127 and HB 641 were introduced by Senator Hamrick and Representative Wendell Willard in the following legislative session, and additional hearings were held during the 2011-2012
- HB 641 unanimously passed the House in 2012, but never made it to the floor of the Senate for a vote
- **In the summer of 2012, Governor Deal reappointed the Special Council on Criminal Justice Reform and tasked them with looking at juvenile justice reform**

HOW IT ALL BEGAN

- ⌘ Develop fiscally sound, data-driven juvenile justice policies that ensure Georgia's tax dollars are used effectively and efficiently;
- ⌘ Focus on those offenders who are adjudicated delinquent and sent to an out-of-home placement;
- ⌘ Identify reforms to current dispositional practices that improve public safety and control costs through more effective use of community-based options.

Goals

⌘ Large numbers of low-risk kids consume expensive juvenile justice resources and recidivism rates remain high.

⌘ YDC: 39% low-risk, 65% recidivism rate, \$91,126 per bed

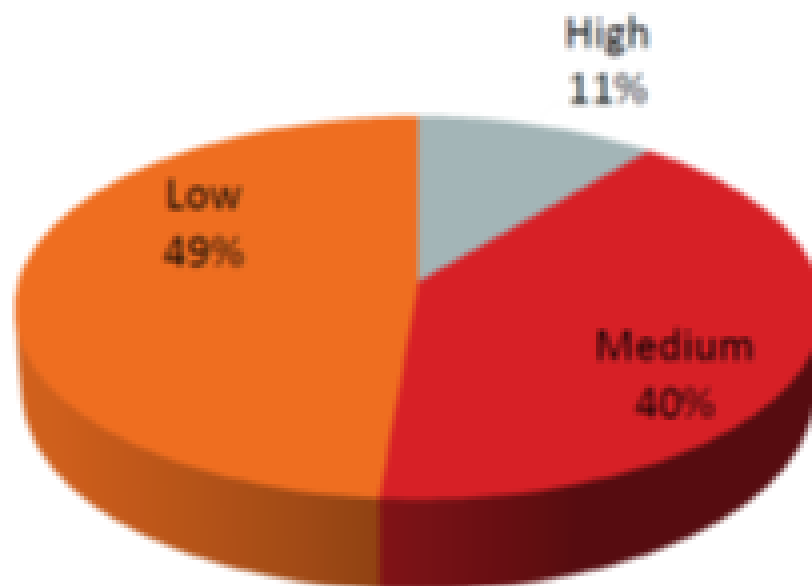
⌘ Non-Secure Residential: 53% non-felony, 49% low-risk, 54% recidivism rate, \$28,955 per juvenile

	Total Population (2011)	% Non-felony (Misdemeanor or Status)	% Non-Violent Offense Types	% Low-Risk	Recidivism Rate (Released in 2007)	Cost
Out-of-Home Population	1,917	24%	58%	40%	64%	N/A
YDC Population	619	1%	39%	39%	65%	\$91,126 per bed
Designated Felons	607	0%	38%	39%	N/A	N/A
Non-Secure Residential Population	600	53%	70%	49%	54%	\$28,955 per juvenile
RYDC Population	698	20%	65%	34%	N/A	\$88,155 per bed

Out of Home: Non-secure Residential

- Non-Secure Residential
 - Group homes, emergency shelters, wilderness/ outdoor, therapeutic programs
 - Can be utilized as alternatives to detention, Short Term Programs, or residential placements
 - Private facilities include numerous non-secure residential placement locations
 - DJJ accesses over 300 beds, roughly 15% are for non secure detention

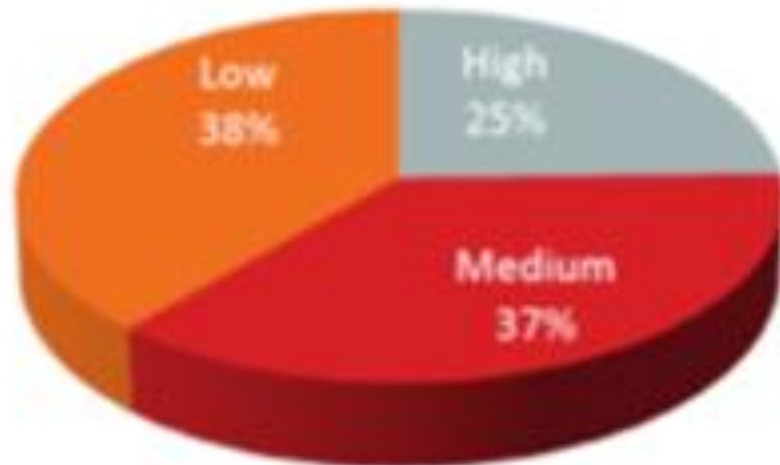
Risk levels of youth in non-secure residential treatment, 2011 (snapshot date)



Out of Home Placement: Youth Development Campuses

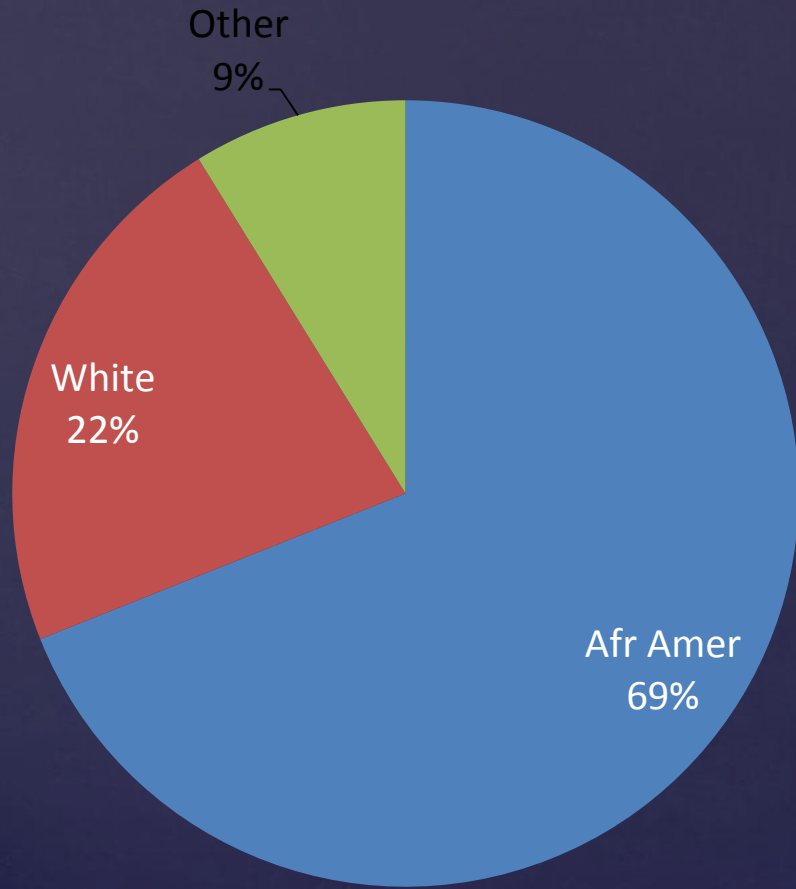
- YDCs provide secure care, supervision and treatment services to youth who have been committed to the custody of DJJ
- YDCs provide youth services that include education, health and mental health services, food services, resident counseling, substance abuse units, vocational programming, and family visitation, among other services

Risk level of youth in YDC on snapshot date, 2011



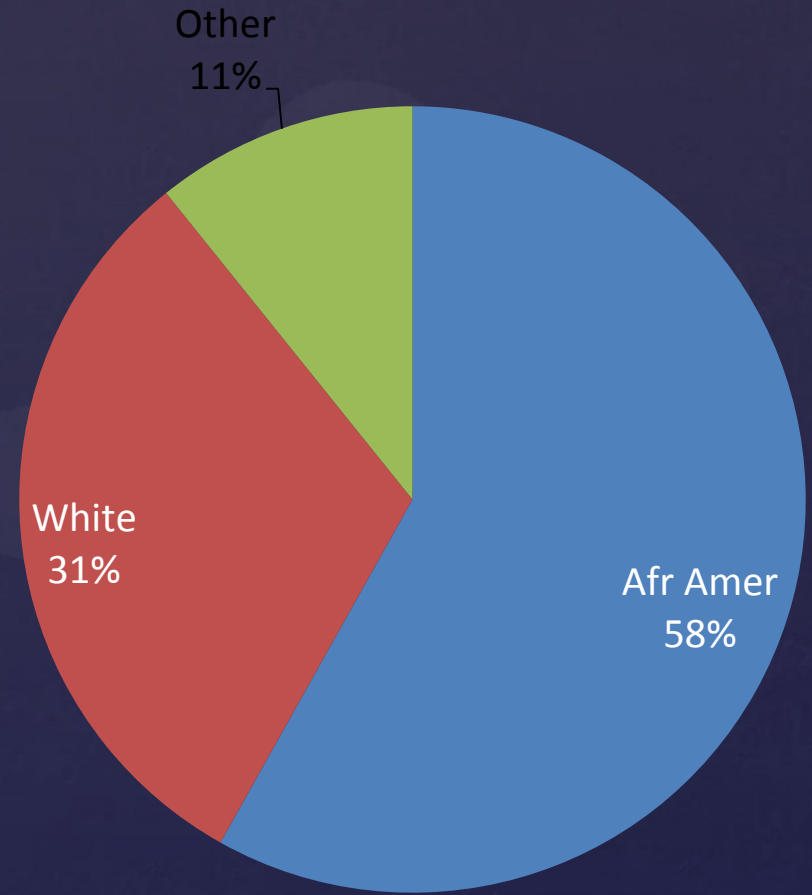
Race/Ethnicity of Youth in System

Out-of-Home



n = 1,917

Community



n = 13,790

Goals

- ⌘ Develop fiscally sound, data-driven juvenile justice policies that ensure Georgia's tax dollars are used effectively and efficiently;
- ⌘ Focus on those offenders who are adjudicated delinquent and sent to an out-of-home placement;
- ⌘ Identify reforms to current dispositional practices that improve public safety and control costs through more effective use of community-based options.

Research tells us that:

- ☞ Placement does not lower the likelihood of juvenile reoffending and may in fact increase the likelihood of committing a new crime for some offenders.
- ☞ Longer lengths of stay in secure facilities does not increase public safety,
- ☞ Targeting high risk offenders for correctional interventions maximizes recidivism reduction.
- ☞ There are a number of community-based intervention strategies and program models that have been proven cost-efficient and are also effective to reduce juvenile reoffending.

Research: What We Know

Fiscal Incentives

Recommendation 1: Implement a performance incentive structure similar to Ohio and Texas.

- Evidence-based community-based options can reduce recidivism, but too often, the quantity and quality of community-based options in Georgia is dependent upon location and funding.
- Ohio and Texas: Several states and local communities have aligned their fiscal relationship in ways that reward performance. For example, Ohio's RECLAIM program provides incentives to counties to develop and utilize community-based alternatives.
- This proposal would recommend that Georgia develop and implement a fiscal incentive structure similar to Ohio and Texas.
- Working group currently considering potential details of this proposal to determine its efficacy. This group will report back to the full Council.

Designated Felons

Recommendation 2: Create a two-class system within the Designated Felony Act.

- Currently, the Designated Felony Act contains one dispositional structure for nearly 30 offenses ranging from murder to smash and grab burglary.
- In 2011, 39% of designated felons in a YDC were assessed as low-risk.
- Georgia pays \$91,126 per bed per year at a YDC. Despite these high costs, 65% of juveniles released from a YDC are re-adjudicated delinquent within three years.
- This proposal would revise the Designated Felony Act to create a two-class system that continues to allow for restrictive custody in all DF cases while taking into account both offense severity and risk level. The Council also suggests adjusting the dispositional sanctions for each class that corresponds to the degree of the offense and takes into account the risk level of offenders.

Misdemeanants

Recommendation 3: Prohibit status offenders and some misdemeanants from being committed to secure residential facilities and reinvest savings into the community.

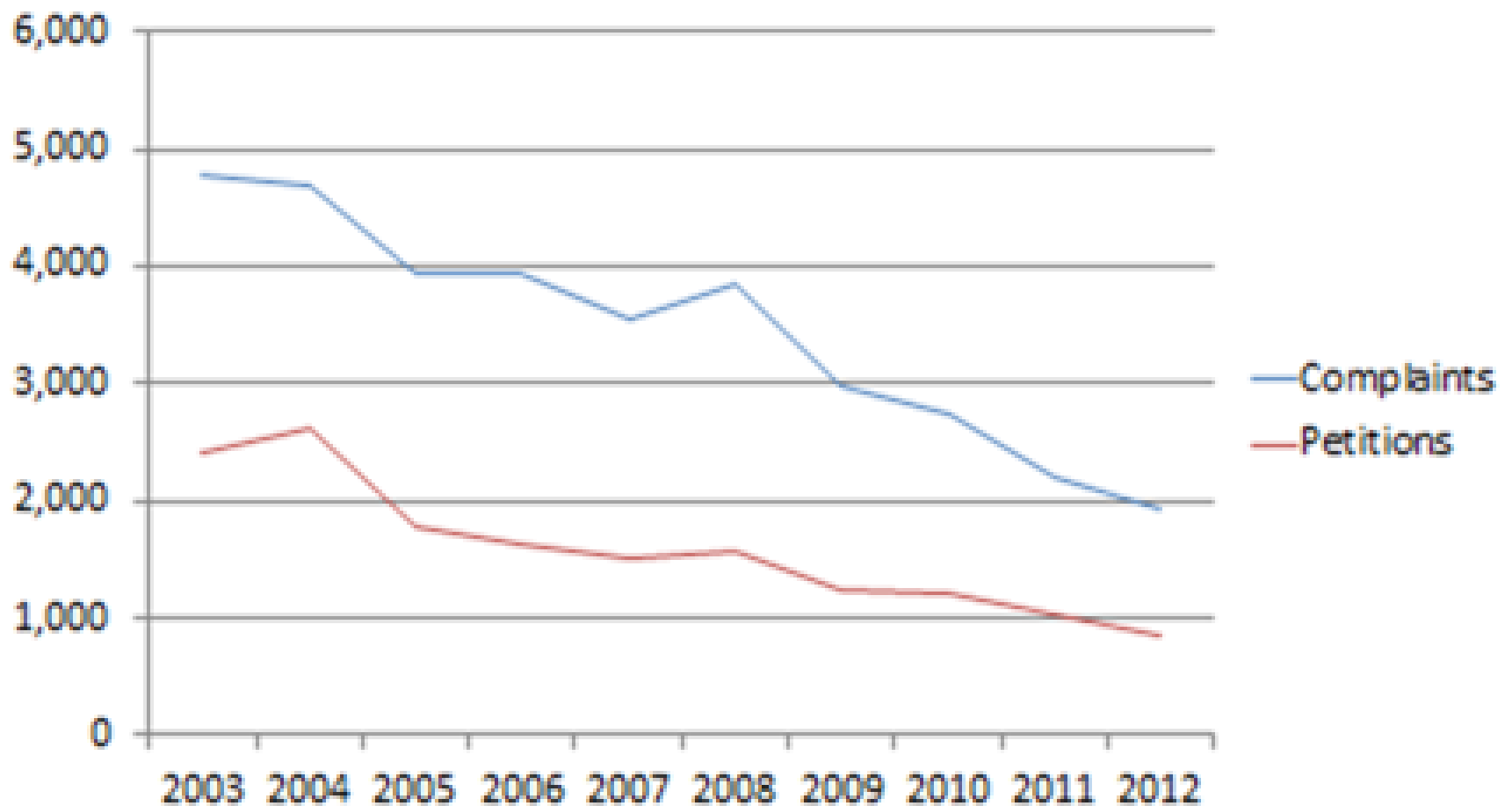
- ⌘ 53% of juveniles in a non-secure residential facility were adjudicated for a misdemeanor (45%) or status offense (8%). In addition, there are additional post-adjudication misdemeanor and status offenders sitting in an RYDC awaiting a placement.
- ⌘ Several states have recently implemented restrictions on the placement of misdemeanor and/or status offenders in state facilities, including Texas, Florida, Virginia and Alabama.
- ⌘ This proposal would allow only juveniles who were adjudicated for a felony offense to be committed to state facilities, unless they met certain criteria.
- ⌘ Reinvestment: In addition, the working group suggests that the Special Council recommend that half of the projected savings from this recommendation be reinvested back into communities through a grant program to the counties to support local, evidence-based interventions for these offenders.

School Related Offenses

Recommendation 4: Require juvenile courts to collect and track data regarding referrals to the juvenile justice system.

- Currently, there is no uniform mechanism for collecting and tracking referrals to the juvenile justice system. As a result, the state is not able to identify which cases result from school related offenses and assess the degree to which school-based incidents and referrals are key drivers into the system.
- This proposal would require the collection and tracking of this data in order to give the state the capacity to make more informed, data-driven decisions that can improve public safety.

Complaint & Petition Filings

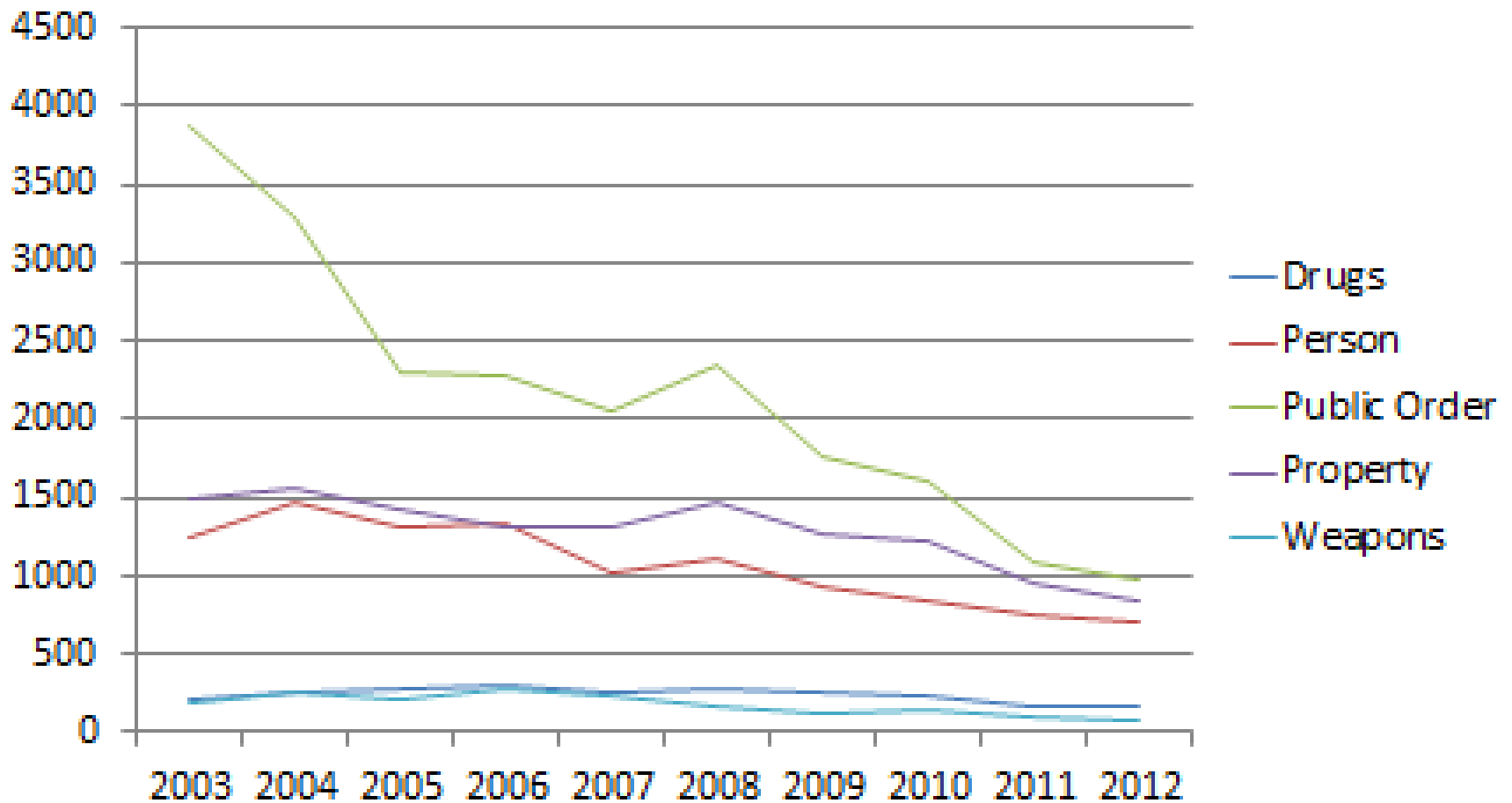


JDAI's Effect in Clayton County

2012 data as compared to the same measures in 2002

- 70% decrease in average daily detention population (ADP)
- 64% reduction in ADP of minority youth
- 43% reduction in average length of stay
- Felony re-arrest (prior to adjudication) of less than 1%
- 43% fewer commitments to state custody
- 40% fewer commitments of minority youth
- 67% reduction in formal petitions

Filings by Offense Type



Language of old 15-11-46 deleted and new version of old 15-11-46.1 provided when a child may be detained:

child shall not be detained or conditions imposed unless;

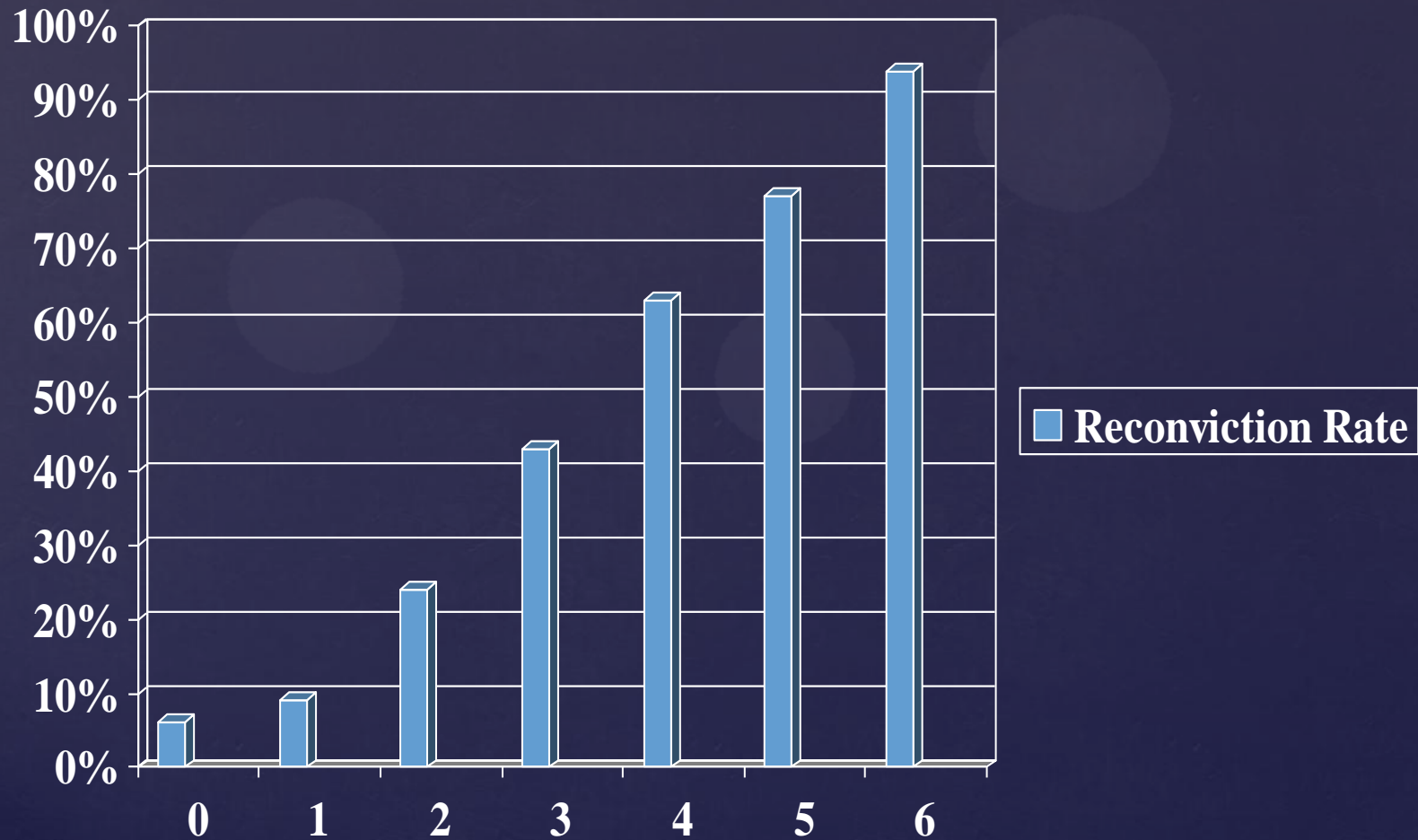
- Probable cause exists;
- Clear and convincing evidence that such child's freedom should be restrained, there are no less restrictive alternatives, AND
- The child presents a likelihood that he or she may inflict serious bodily harm to others pending the next hearing;
- The child has demonstrated a pattern of theft or destruction of property that would require detention for the protection of other people's property;
- To secure attendance at court—risk of flight;
- Prior order of detention was made.

Arrest and detention: 15-11-503

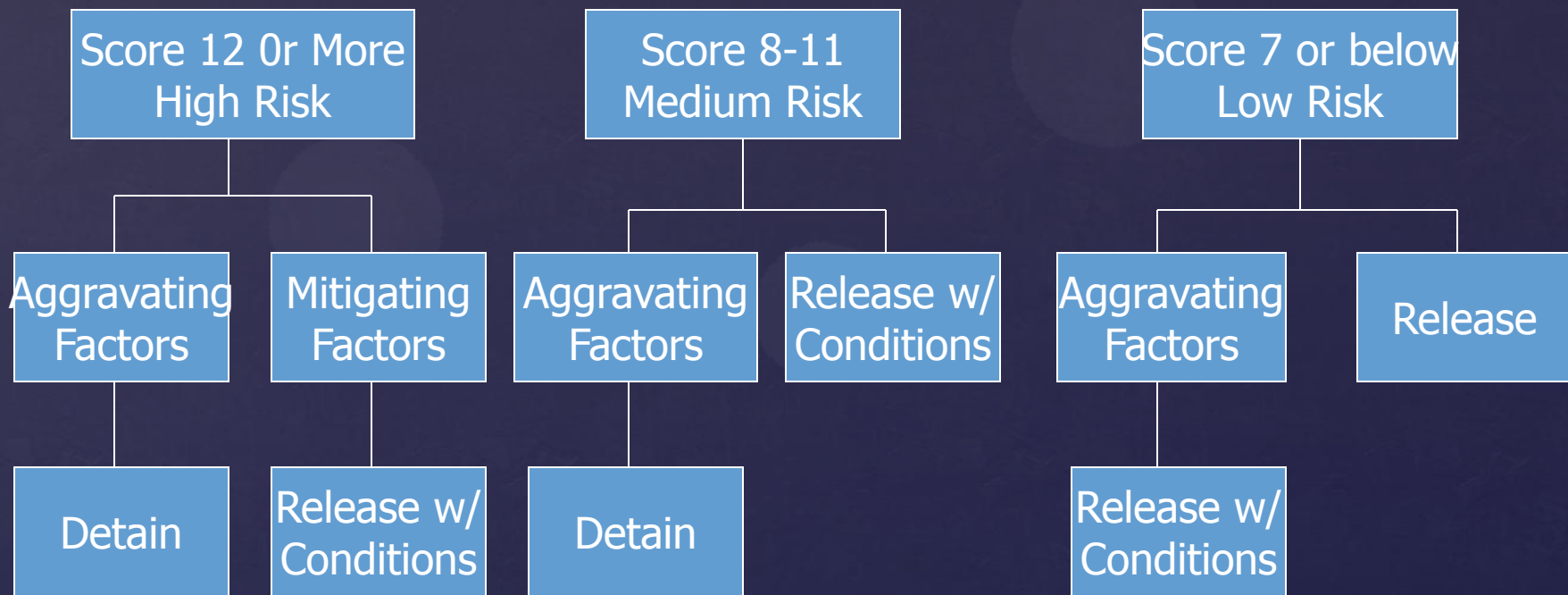
Detention assessment instrument: 15-11-502 & 49-4A-1

- Court shall consider an individual detention assessment of the child in determining whether child should be detained;
- Detention assessment means an actuarial tool validated on a targeted population that identifies and calculates specific factors that are likely to indicate a child's risk to public safety pending adjudication and the likelihood the child will appear in for court.
- DAI developed in consultation with GOCF and CJCJ and re-validated every 5 years.

Predicting Risk



DETENTION DECISION TREE



DEVELOP STRATEGIC PLAN AROUND DETENTION DECISION POINTS



- & Streets
- & Schools
- & Intake
- & Detention Hearings
- & Adjudication
- & Disposition
- & Probation Violations

TYPES OF DETENTION ALTERNATIVE PROGRAMS

DAY REPORTING

SHELTER CARE

TRACKING SERVICES

WRAP AROUND SERVICES

MULTI-SYSTEMIC THERAPY

SHERIFF'S WORK ALTERNATIVE PROGRAM

EVENING REPORTING CENTER

ELECTRONIC MONITORING

HOME CONFINEMENT WITH SURVEILLANCE

COMMUNITY DETENTION ORDER/BAIL

FAST PANEL MEMBERS



- & School Social Worker
- & School Psychologist
- & Mental Health Counselor
- & DFCS Caseworker
- & DJJ Expeditor
- & Victim Assistance
- & Defense Bar
- & Prosecutor
- & Non-Profit Agencies
- & Citizen Volunteers

- ⌘ New code provides for informal adjustment or “other non-adjudicatory procedure (Examples: abeyance, diversion, suspended order of probation, etc)

Informal adjustment plus:
15-11-510

1. Parents—failure to appear or wilfull; failure to bring child to proceeding may result in rule nisi to parent to appear and show cause why he or she should not be held in contempt.
 - Parent who fails to appear at rule nisi the court may issue a bench warrant.
2. Child 16 and over who fails to appear the court may issue a bench warrant.
3. Child 14 years but not yet 16 who fails to appear that court may issue a bench warrant provided there is sworn testimony that the child willfully refuses to appear.

Failure to appear: 15-11-
532

⌘ Court officers designated during arraignment to make contact with parent's of youth who failed to appear to court.

FTA Locators

- A court contemplating commitment shall apply a risk assessment ;
- Court shall enter the “least restrictive” disposition;
- All disposition options remain the same except as follows:
 - ❑ Order placing child on unsupervised probation (administrative caseload);
 - ❑ Cannot commit a child on a misdemeanor offense unless four prior adjudicated offenses of which one shall be a felony;
 - ❑ Cannot commit a status offender

Risk assessment: 15-11-601

- Class A—deemed more serious than Class B and provides for restrictive custody up to 5 years or age 21 whichever first occurs. No minimum.
- Class B—less serious and provides for commitment up to 3 years with restrictive custody up to 18 months. No minimum.
- DJJ has authority to transfer DF child classified as moderate or high risk to non-secure facility after serving half the period of time;
- DJJ may place child classified as low risk in a non-secure facility for the entire period set forth in the order;
- Any child in restrictive custody regardless of risk level diagnosed with a developmental disability and is not amenable to treatment in a secure facility may be transferred to a non-secure facility provided the court and prosecuting attorney are notified.

Designated felonies: 15-
11-602

Mandatory mh evalutaions for df cases: 15-11-477

- The court may order a behavioral health evaluation of a child, but it is mandatory before ordering a child placed in restrictive custody on a DF case unless an evaluation has been performed 6 months preceding the disposition.
- The court must “give consideration” to the results of the evaluation. Presenter recommendation: include in order that consideration was given.

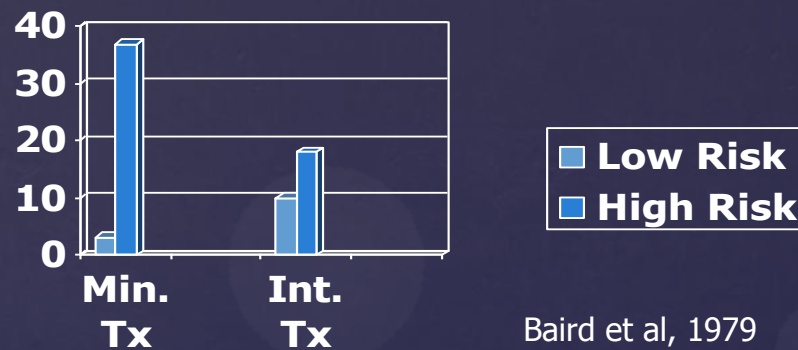
- Developed by Funding Committee and recommended by Criminal Justice reform Commission;
- Courts in utilizing re-directed monies shall use them for evidence based programs and practices. 49-4A-1 (7), 49-4A-3

Grant incentive program

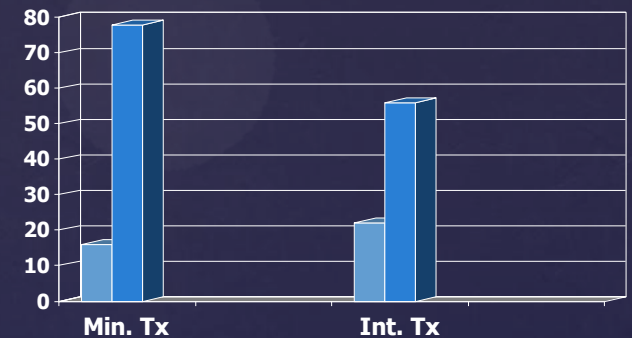
Effective Program Characteristics

Risk Classification Instruments	Target Criminogenic Factors
Behavioral Approaches	Treat Based on Needs
Disrupt Criminal Networks	Provide Aftercare
Dosage: Occupy 40-70% of Juvenile's Time	Programs Last 3-9 months
Family Members Trained to Provide Support	Rewards & Punishers Used Effectively

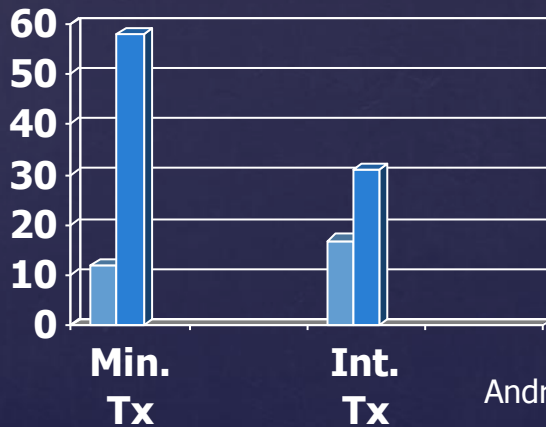
Match Levels of Treatment to the Risk Level of the Youth



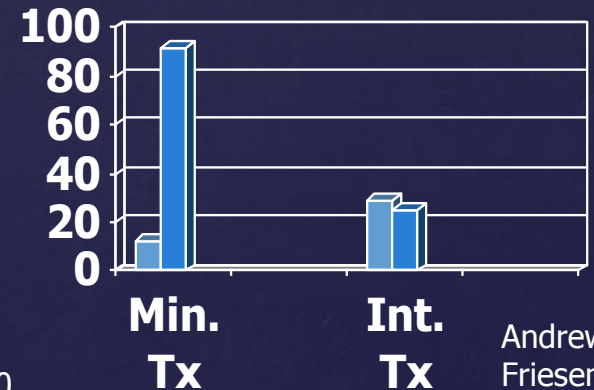
Baird et al, 1979



O'Donnell et al, 1971



Andrews & Kiessling, 1980

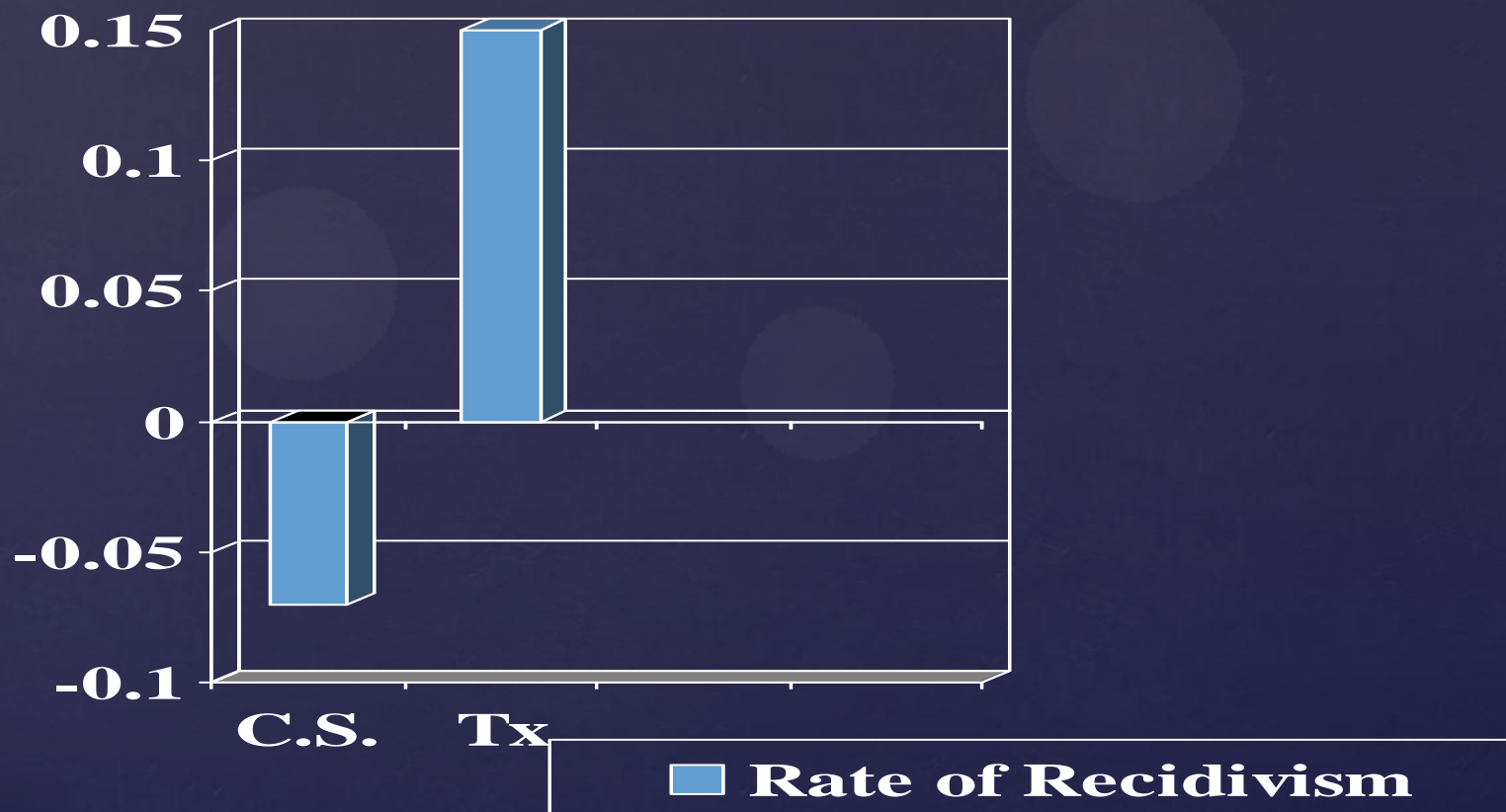


Andrews & Friesen, 1987

Ineffective Program Characteristics

Client Centered Counseling	Freudian Approaches	Programs that Bond Delinquents	Intense Group Interactions
Vague Unstructured Programs	Good Relationship with Offender	Fostering Positive Self-Regard	Self-Actualization
Medical Model	Targeting Low Risk Offenders	Punishing Smarter	No Concrete Assistance in Realizing Ambitions
Increasing Self-Esteem	Focus on Personal Complaints	Improve Neighborhood Wide Conditions	Intense Supervision w/o Tx

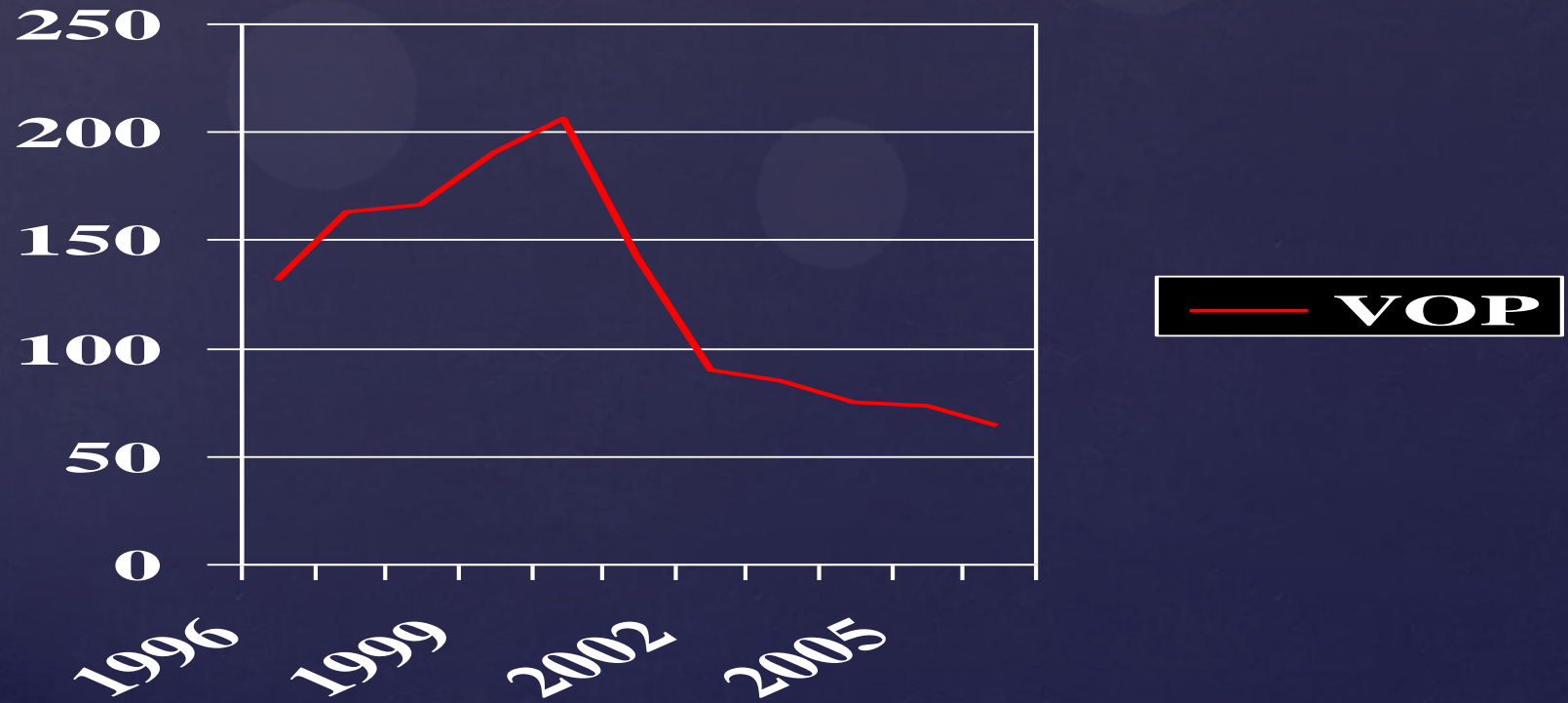
Punishment vs. Treatment



GRADUATED SANCTION GRID

LOW-LEVEL VIOLATIONS	LOW-LEVEL SANCTION
<ul style="list-style-type: none">• Failure to Report• Curfew Violation• Associate with Probationers• Failure to pay Fee/Restitution• Other Non-Compliance (essay, failure to attend program, etc.)	<ul style="list-style-type: none">• Oral Reprimand• Written Reprimand• Increased Reporting• Restricted Curfew• Added Program Attendance• Administrative Hearing
HIGH-LEVEL VIOLATIONS	HIGH-LEVEL SANCTIONS
<ul style="list-style-type: none">• Multiple Low Level Violations• Failure to Attend Counseling• Substance Abuse• Non-Violent Misdemeanor	<ul style="list-style-type: none">• Multiple Low-Level Sanctions• Home Confinement• Electronic Monitor• Administrative Hearing• Weekend Sanction/STP

GRADUATED SANCTIONS PROGRAM REDUCES RATE OF VOP WARRANTS



- ⌘ School Referral Reduction Protocol
- ⌘ School Based Probation Protocol
- ⌘ FAST Panel Protocol
- ⌘ Quad C-ST Protocol
- ⌘ System of Care Protocol

Community Based Risk Reduction Programs