

Utah Juvenile Justice Working Group Final Report: Executive Summary

WORKING GROUP OVERVIEW

At the request of Governor Gary Herbert, Chief Justice Matthew Durrant, House Speaker Gregory Hughes, and Senate President Wayne Niederhauser, in June 2016, the Utah Juvenile Justice Working Group undertook a data-driven, research-based assessment of the state's juvenile justice system. This assessment included an extensive review of court and juvenile services data, an examination of current research on reducing recidivism, and feedback from 32 stakeholder roundtables held across the state. The inter-branch Working Group—which consisted of 19 members representing judges, prosecutors, defense attorneys, law enforcement, the Administrative Office of the Courts, the Department of Human Services' Divisions of Juvenile Justice Services (JJS), Child and Family Services (DCFS), and Substance Abuse and Mental Health, legislators from both chambers, and other juvenile justice stakeholders—came to consensus on 55 policy recommendations, which, if adopted, would:

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

The policies were subsequently approved by the Utah Commission on Criminal and Juvenile Justice.

WORKING GROUP KEY FINDINGS

1. **A lack of statewide standards leads to inconsistent responses and disparate outcomes.** Disparities by race and geography persist at every stage of the system and are most pronounced for youth removed from their homes.
2. **Most youth who enter the system are low-level offenders.** The majority of referrals into the juvenile justice system are for misdemeanor offenses, and more than 80 percent of youth entering the court system for the first time present a low risk to reoffend.
3. **Lower-level offenses drive most first-time, out-of-home placements.** A high proportion of youth removed from the home for the first time only have misdemeanor or status offense charges in their histories. Research shows that out-of-home placement does not reduce recidivism for most youth and may increase it for youth at a low risk to public safety.
4. **Youth remain stalled in the system for long periods of time due to court-ordered conditions such as financial obligations.** Youth placed on probation or in custody spend approximately three years on average monitored by the court. Stakeholders report that youth face excessive financial obligations despite research showing that such obligations can extend length of stay, increase recidivism, and contribute to racial disparities.
5. **Affordable, accessible services that keep families intact and effectively hold youth accountable are largely unavailable to the courts across the state.** Judges, probation officers, and other stakeholders reported that high-quality, affordable services for youth living at home that reduce reoffending and strengthen families are not available or accessible across the state.
6. **Out-of-home placement costs up to 17 times more than community supervision, but results in similar rates of re-offending.** Community supervision costs up to \$7,500 per youth per year compared to as much as \$127,750 per year for some JJS out-of-home placements. But the rates of re-offense are very similar—more than 50% are convicted of another crime within two years.
7. **Youth often do not have defense representation when their liberty is at stake.** Judges reported that most youth in the court system do not have legal representation through every stage of the court process.

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WORKING GROUP POLICY RECOMMENDATIONS

Prevent deeper involvement in the juvenile justice system for lower-level youth

Expand effective early interventions to strengthen families and improve outcomes

- Increase options for schools and law enforcement by investing in pre-court interventions
- Establish standards and criteria for pre-court diversions to ensure youth are held accountable through consistent and proportionate responses

Target pre-adjudication detention to higher risk youth and develop local alternatives statewide

- Focus the use of secure detention on youth who pose the highest risk to public safety and incentivize the development and use of local alternatives for youth living at home

Ensure all youth receive legal counsel at every stage of the court process

Protect public safety by focusing system resources

Focus state custody beds on youth who pose the highest risk to public safety

- Tailor eligibility for removal from the home and establish presumptions to limit the length of time youth may spend both out of home and under the court's jurisdiction
- Remove mandatory control-oriented probation conditions and allow courts to order special probation conditions in accordance with youths' individualized risk and needs

Strengthen community supervision to keep families united and hold youth accountable at home

- Expand access in every judicial district to evidence-based practices shown to strengthen families and reduce reoffending
- Increase the use of structured decision making to ensure the right youth receive the right level of supervision and services for the right amount of time

Sustain improved outcomes through reinvestment and increased accountability

Adopt performance-based contracting

- Establish a system to incentivize evidence-based programs and timelines, including incentives for programming in rural areas

Increase effective training and ensure greater system accountability

- Expand training to increase consistency and reduce racial disparities across the system
- Enhance data collection and streamline reporting of appropriate performance measures
- Establish an inter-branch oversight entity to monitor policy implementation, develop performance measures, and review and report performance data to state leadership

Reinvest in evidence-based alternatives to strengthen families and improve public safety outcomes

IMPACT OF WORKING GROUP POLICY RECOMMENDATIONS

If enacted, the policies will yield an estimated \$58 million in averted costs from JJS and DCFS over five years for reinvestment into a continuum of evidence-based options that will enable the courts to effectively hold youth accountable without separating them from their families. The Working Group recommends that all of the averted costs from reductions in out-of-home placement be reinvested into evidence-based practices to reduce victimization, make Utah families stronger, and help youth become law-abiding, productive citizens.