

## Research Findings and Utah Key Takeaways

1. **Use objective structured assessment and decision-making tools to reduce reoffending**
2. **Match placement, supervision, and treatment to youth's risk and needs**
  - a. For a given program type, service must be delivered in adequate amounts (dose) and quality
3. **Invest in evidence-based programs monitored for quality, ensuring appropriate intensity to lower recidivism and improve outcomes**
  - a. Community-based services can reduce reoffending and improve other outcomes
    - i. Many with identifiable problems (e.g., substance abuse problems) linked to their offending do not receive services
  - b. Higher quality program implementation is strongly and consistently associated with bigger effects on recidivism
  - c. Programs must be implemented with fidelity to meet recidivism reduction goals
4. **Target supervision and services to offenders at the highest risk to public safety**
  - a. Adolescents who have committed serious offenses are not necessarily on track for adult criminal careers
  - b. Over-involvement with the juvenile system can make things worse for low-risk youth
5. **Do no harm to the youth at low risk to public safety**
  - a. A high proportion of the youth who come into the juvenile justice system (70-80%) are not on a path to adult crime
  - b. Over-involvement with the JJ system can make things worse for those juveniles
6. **Out-of-home placements do not improve outcomes for most youth**
  - a. Residential placements do not necessarily reduce juvenile reoffending and may increase recidivism for certain youth
  - b. It is possible to reduce the rate and duration of institutional placements for certain offenders and increase the level of community-based services while protecting public safety
7. **No convincing evidence that longer lengths of stay in out-of-home placements reduce recidivism**
  - a. A recent study showed no change in re-arrest rates for youth staying more than 3 months out of home
8. **Do not rely on predominately punitive policies to promote public safety**
  - a. Predominantly punitive policies and programs do not foster prosocial development or reduce recidivism
  - b. Specific programs and interventions that emphasize only control or deterrence point to poor outcomes for juvenile offenders
9. **Fairness (perceived or real) promotes positive outcomes for youth**
  - a. Holding youth accountable for wrongdoing and encouraging them to accept responsibility in a fair process (perceived and real) promotes healthy moral development and legal socialization
    - i. Conversely, holding them accountable and punishing youth in an unfair process (perceived or real) reinforces social disaffection and antisocial behavior

## Research Findings and Utah Key Takeaways

### 1. Use objective structured assessment and decision-making tools to reduce reoffending

#### *Related Utah Findings*

- **Decision Making**
  - No detention decisions (pre-court, pre-adjudication, or post-disposition) are informed by an assessment of risk of flight or failure to appear in court
    - Assessments are not used to determine whether a youth should be held in detention pre-court, pre-adjudication, or when a youth is on probation or in state custody
  - Assessment information, current offense, and criminal history may be considered at disposition by the judge but need not inform the actual disposition
    - PSRA risk assessments are only completed for about 2/3 of youth who get petitioned at their first intake
  - Nearly half of probation officers do not use written guidelines when determining how to sanction technical violations
- **Youth Flow**
  - More than 200 youth are detained before their first intake
    - Most are charged with low-level offenses and a higher portion of these youth are from rural areas
  - 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 youth detained pre-adjudication
    - 44% are low risk
  - 80% of youth who receive a petition at first intake 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
  - Contempt charges are the largest driver of O&A, detention, JJS community placement, and DCFS dispositions
    - For the youth's first placement, the majority of youth placed in DCFS or JJS community placement on contempt did not have a prior felony
  - 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
    - 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

## Research Findings and Utah Key Takeaways

### 2. Match placement, supervision, and treatment to youth's risk and needs

- a. For a given program type, service must be delivered in adequate amounts (dose) and quality

#### *Related Utah Findings*

- **Decision Making**

- Assessment information, current offense, and criminal history may be considered at disposition but need not inform the actual disposition
- All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
- JJS and Probation offer similar types of contracted services and report similar top needs among the youth they supervise
- 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
  - Nearly three-quarters of JJS Case Managers report needs not being met in the community as a factor guiding the decision to place a youth in non-secure out-of-home placement
- Stakeholders report that lower-risk youth are often placed in facilities with higher-risk youth because they have high needs that have not been addressed in the community

- **Youth Flow**

- 80% of youth who receive a petition at first intake are low risk
- PSRA assessments show that low proportions of youth entering the juvenile justice system have criminogenic needs
- Even though a lower proportion of youth who receive a non-judicial at their first intake have subsequent charges, 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 adjudicated youth who receive a detention disposition have subsequent charges compared to overall adjudicated youth
  - Gap holds for specifically low risk youth
- 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
  - 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
- Overall recidivism rates are similar for youth released from probation and JJS custody – about 50% are re-adjudicated in the juvenile justice system or re-convicted in the adult system within 2 years of release

## Research Findings and Utah Key Takeaways

3. **Invest in evidence-based programs monitored for quality, ensuring appropriate intensity to lower recidivism and improve outcomes**
  - a. Community-based services can reduce reoffending and improve other outcomes
    - i. Many with identifiable problems (e.g., substance abuse problems) linked to their offending do not receive services
  - b. Higher quality program implementation is strongly and consistently associated with bigger effects on recidivism
  - c. Programs must be implemented with fidelity to meet recidivism reduction goals

### *Related Utah Findings*

- **Decision Making**
  - Options and availability of services for youth residing at home vary regionally, and a majority of probation officers and JJS Case Managers report barriers to service access, including cost to families and lack of transportation
  - Judges, probation officers, JJS staff, DCFS staff, youth, families, and other stakeholders report a lack of evidence-based services for youth residing at home, especially services that work with families, which stakeholders report are effective at reducing reoffending
- **Youth Flow**
  - PSRA assessments show that low proportions of youth entering the juvenile justice system have criminogenic needs
  - Overall recidivism rates are similar for youth released from probation and JJS custody – about 50% are re-adjudicated in the juvenile justice system or re-convicted in the adult system within 2 years of release
  - 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

## Research Findings and Utah Key Takeaways

4. **Target supervision and services to offenders at the highest risk to public safety**
  - a. Adolescents who have committed serious offenses are not necessarily on track for adult criminal careers
  - b. Over-involvement with the juvenile system can make things worse for low-risk youth

### *Related Utah Findings*

- **Decision Making**
  - Judges, probation officers, JJS staff, DCFS staff, and other stakeholders report that services for youth residing at home are sparse or nonexistent in many areas of the state, and services that are available are not necessarily evidence-based to reduce reoffending
  - No assessment tools are used to inform detention decisions
  - Statute allows secure detention to be used at the court’s discretion for all types of cases except status offenses
  - Assessment information, current offense, and criminal history may be considered at disposition but need not inform the actual disposition
  - No statutory requirements regarding overall supervision length or custody disposition options, and judges often depart from sentencing guidelines
  - All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
- **Youth Flow**
  - Utah’s total arrest rate is higher than the national average due to low-level crime
  - More than 400 youth are detained pre-adjudication on first intake; 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
  - 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
  - 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 did not have a prior felony their history
  - Contempt charges are the largest driver of O&A, detention, JJS community placement, and DCFS dispositions
    - For the youth’s first placement, the majority of youth placed in DCFS or JJS community placement on contempt did not have a prior felony
  - The majority of youth have 2 or fewer prior delinquency cases before their first probation or DCFS custody disposition
    - Youth placed in JJS custody have more substantial delinquency history
  - 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
    - While 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 prior to their last assessment before aging out
  - 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

## Research Findings and Utah Key Takeaways

### 5. Do no harm to the youth at low risk to public safety

- a. A high proportion of the youth who come into the juvenile justice system (70-80%) are not on a path to adult crime
- b. Over-involvement with the JJ system can make things worse for those juveniles

#### *Related Utah Findings*

- **Decision Making**
  - Minimal criteria guide whether referrals are made to the court system or other community services
  - 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 in practice to certain low-level offenses, is not required in any case, and may be an aggravating factor in future cases
  - All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
  - Statute allows secure detention to be used at the court's discretion for all types of cases except status offenses
  - No statutory requirements regarding overall supervision length or custody disposition options, and judges often depart from sentencing guidelines
- **Youth Flow**
  - 80% of youth who receive a petition at first intake are low risk
  - The proportion of youth who receive a non-judicial adjustment on their first intake is declining, and there is district variation in this proportion
  - The only major differences in offense types for youth who receive petitions at first intake from those who receive non-judicial adjustments are drug offenses
  - 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
  - Most youth who were 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
  - More than 400 youth are detained pre-adjudication on first intake; 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
  - The majority of probationers and DCFS custody youth, and nearly half of JJS community placement youth, have 2 or fewer prior delinquency cases before their first placement
  - 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

## Research Findings and Utah Key Takeaways

### 6. Out-of-home placements do not improve outcomes for most youth

- a. Residential placements do not necessarily reduce juvenile reoffending and may increase recidivism for certain youth
- b. It is possible to reduce the rate and duration of institutional placements for certain offenders and increase the level of community-based services while protecting public safety

#### *Related Utah Findings*

##### • Decision Making

- No assessment tools are used to inform detention decisions
- Statute allows secure detention to be used at the court's discretion for all types of cases except status offenses
- Although sentencing guidelines intend O&A to be used as a diagnostic tool and not as a disposition in and of itself, statute does not limit placement
- Assessment information, current offense, and criminal history may be considered at disposition but need not inform the actual disposition
- No statutory requirements exist regarding overall supervision length or custody disposition options, and judges often depart from sentencing guidelines

##### • Youth Flow

- 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
- The majority of out-of-home dispositions are for non-felony cases
- More than 200 youth were admitted to JJS work camps, an 8% decline since 2008 that has not kept pace with the decline in new intakes
- Contempt charges are the largest driver of O&A, detention, JJS community placement, and DCFS dispositions
  - For the youth's first placement, the majority of youth placed in DCFS or JJS community placement on contempt did not have a prior felony
- 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
- The vast majority of DCFS custody youth, and nearly half of JJS community placement youth, have 2 or fewer prior delinquency cases before their first placement
- 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 did not have a prior felony their history
- While very few of the youth who are put on probation or in custody started as high risk when they entered the court system, most leave the system high risk
  - While 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 prior to their last assessment before aging out

## Research Findings and Utah Key Takeaways

7. **No convincing evidence that longer lengths of stay in out-of-home placements reduce recidivism**
  - a. A recent study showed no change in re-arrest rates for youth staying more than 3 months out of home

### *Related Utah Findings*

- **Decision Making**
  - There is no clear statutory guidance on probation length, probation termination, or responses to technical violations
  - No statutory requirements exist regarding overall supervision length or custody disposition options, and judges often depart from sentencing guidelines
  - 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
  - Youth in DCFS custody may remain there indeterminately until aging out
    - Statutory processes and protections enacted for abused and neglected youth, like permanency planning reviews, do not apply to this cohort of youth
  - Stakeholders report youth are unable to work their way out of the system once they enter it and that expectations and incentives for release are unclear at every stage
- **Youth Flow**
  - The average length of a non-judicial adjustment at first intake is less than 2 months, while youth who have a petition at first intake average 1 year under court jurisdiction for that offense
    - A lower proportion of youth who get a non-judicial adjustment on their first intake have subsequent charges than youth who receive a petition; the difference is primarily driven by contempt charges
  - DCFS custody dispositions are longer than JJS community placement or secure care dispositions
    - The average length of a DCFS custody disposition is more than 19 months, and the longest is for contempt dispositions
    - The average length of a JJS community placement disposition is about 12 months, with youth spending nearly 9 months out of home on average
    - The average secure care disposition is 14 months; 14 months is spent out of home on average, up 26% since 2009
  - Youth often stay out of home longer for contempt charges than misdemeanors on average
  - 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



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8. **Do not rely on predominately punitive policies to promote public safety**
  - a. Predominantly punitive policies and programs do not foster prosocial development or reduce recidivism
  - b. Specific programs and interventions that emphasize only control or deterrence point to poor outcomes for juvenile offenders

### *Related Utah Findings*

- **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
  - All youth have 18 required standard probation conditions, and many have additional special conditions, regardless of risk level or offense type
  - Although sentencing guidelines intend O&A to be used 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
  - 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
    - Nearly three-quarters of JJS Case Managers report needs not being met in the community as a factor guiding the placement of youth in non-secure out-of-home placement
  - There is no clear statutory guidance on responses to technical violations
    - Judges may dispose a youth to any originally available disposition upon violation, and any disposition other than secure care upon finding contempt
- **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 youth detained pre-adjudication; 44% are low risk
  - Detention dispositions are the most frequently utilized out-of-home placement
  - There is substantial variation in whether judicial districts’ use of detention is consistent with their proportion of new intakes
  - More than half of judges report using O&A for contempt charges
  - Contempt charges are the largest driver of O&A, detention, JJS community placement, and DCFS dispositions
    - For the youth’s first placement, the majority of youth placed in DCFS or JJS community placement on contempt did not have a prior felony
  - More than 200 youth were admitted to JJS work camps, an 8% decline since 2008 that has not kept pace with the decline in new intakes

## Research Findings and Utah Key Takeaways

### 9. Fairness (perceived or real) promotes positive outcomes for youth

- a. Holding youth accountable for wrongdoing and encouraging them to accept responsibility in a fair process (perceived and real) promotes healthy moral development and legal socialization
  - i. Conversely, holding them accountable and punishing youth in an unfair process (perceived or real) reinforces social disaffection and antisocial behavior

#### *Related Utah Findings*

- **Decision Making**
  - Stakeholders have different perceptions about which cases are eligible and which cases receive non-judicial adjustment
  - Across judicial districts, there is variation in whether probation officers or prosecutors make probable cause determinations and decide whether to file petitions
  - 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, particularly in rural areas
  - Only one-third of judges report that defense counsel is appointed for all types of offenses
    - Of the times when attorneys are present, judges report they are often present at adjudication and disposition and not often present at detention hearings
  - Youth and families report that the expectations and requirements of the system are often unclear
- **Youth Flow**
  - There is district variation in the proportion of youth who receive a non-judicial adjustment at first intake
  - 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
  - Racial disparities are present for all types of probation and custody dispositions, compared to the demographics of new intakes or the youth population
    - Racial disparities increase as youth get deeper in the juvenile justice system, and the size of the disparity varies by judicial district and offense level