



Utah Juvenile Justice Working Group

Charge to the Working Group

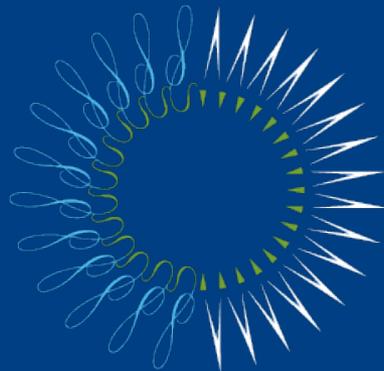
- Promote public safety and hold juvenile offenders accountable
- Control costs
- Improve recidivism and other outcomes for youth, families, and communities

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

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

Working Group Process and Timeline





THE
PEW
CHARITABLE TRUSTS

Utah Juvenile Justice Drivers
Analysis and System
Assessment, Part 1

Utah Juvenile Justice Working Group
Salt Lake City, Utah
July 14, 2016

System assessment and data analysis sources

System Assessment Sources

Interviews/Meetings

- Department of Human Services (DHS): Division of Juvenile Justice Services (JJS), Youth Parole Authority (YPA), Division of Child and Family Services (DCFS), Division of Substance Abuse and Mental Health (DSAMH)
- Trial Court Executives
- Judges, Prosecutors, Defense Attorneys
- Chief Probation Officers and Supervisors
- Department of Education
- Individual School Districts
- Working Group Members

Documents Reviewed

- State Statutes
- Court and Agency Rules
- JJS Policies
- Probation Policies
- School District Policies

Data Reviewed

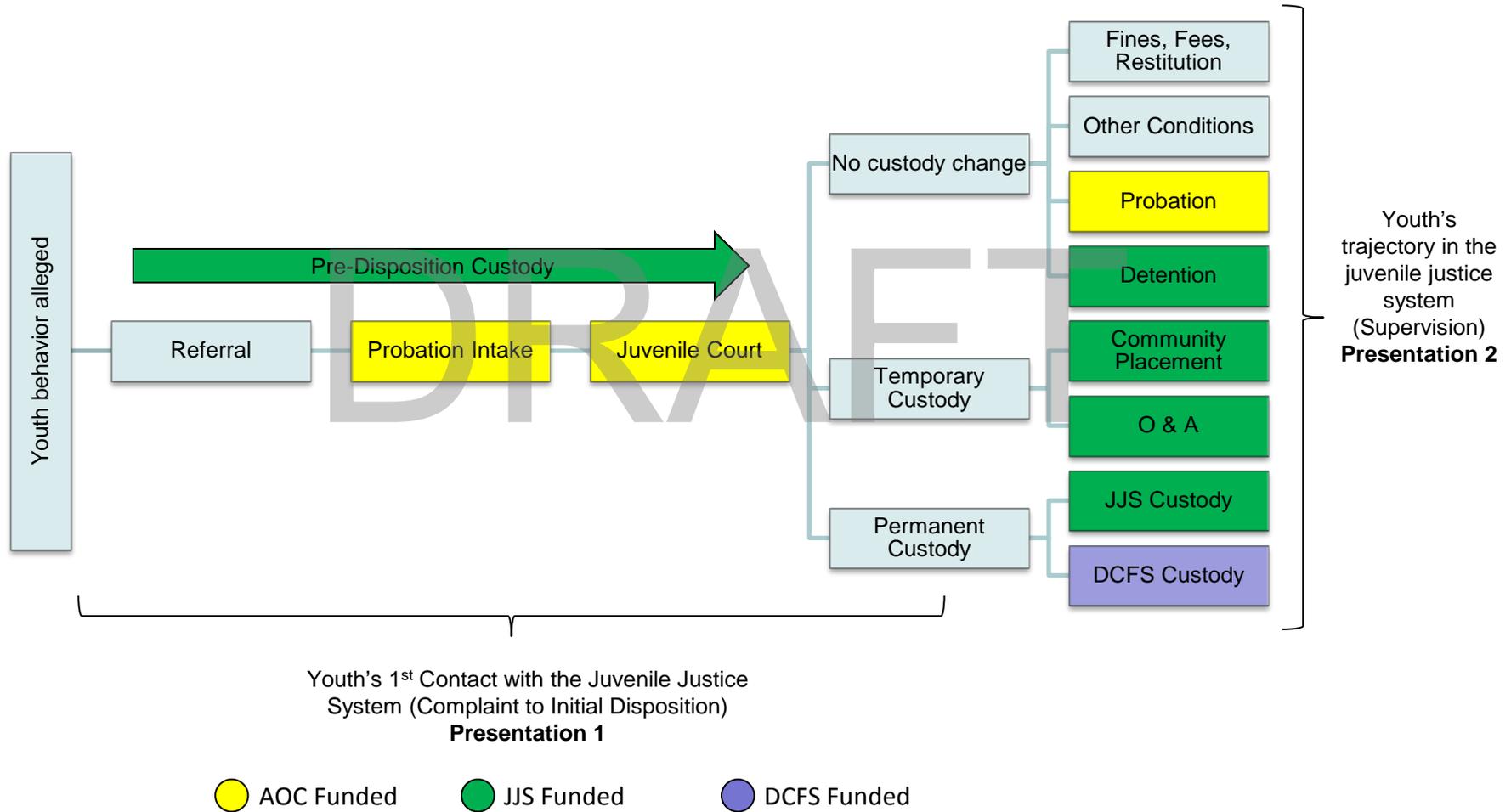
Agency and Court Data

- Court and Agencies Record Exchange (CARE) data system

Surveys

- 151 Probation Officer Respondents
 - ❖ Response Rate: 77%
 - ❖ 25% supervise both intake probation and formal probation
 - ❖ 38% supervise only intake probation
 - ❖ 37% supervise only formal probation
- 48 Case Manager Respondents
 - ❖ Response Rate: 77%
- 28 Judge Respondents
 - ❖ Response Rate: 97%
- Survey respondents represent all judicial districts

Juvenile Justice System Structure (Scope of Presentations)



Inter-branch Oversight of the Juvenile Justice System

Commission on Criminal and Juvenile Justice (CCJJ) and subsidiary, Utah Board of Juvenile Justice (UBJJ)

- Inter-branch coordination of statewide system
- Disseminates grant funds
- Judicial nominating committee
- UBJJ disburses and monitors funds related to the Juvenile Justice Delinquency Prevention Act

Utah Judicial Council and subsidiary, Board of Juvenile Court Judges

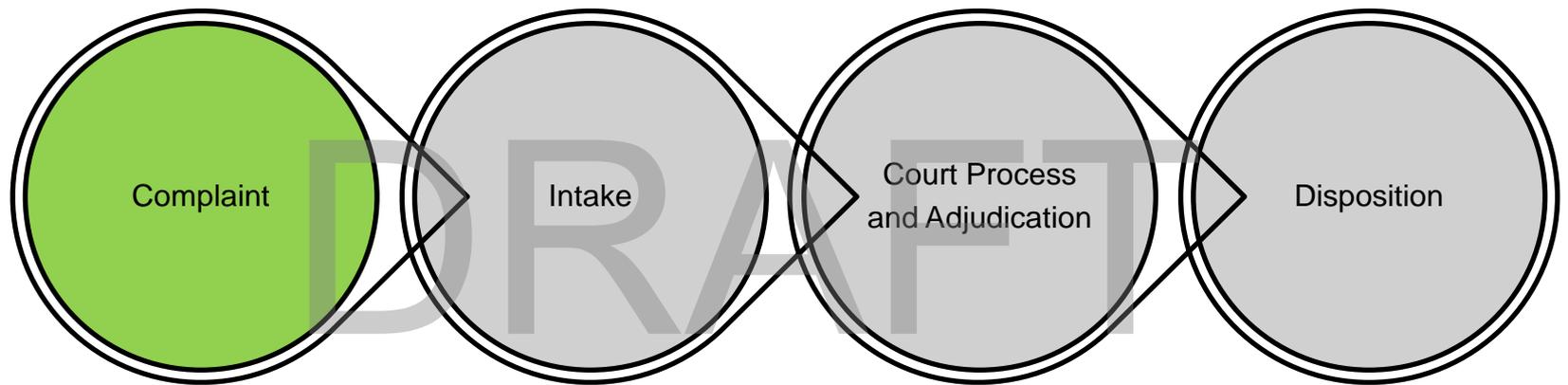
- Supervise juvenile courts
- Establish policies and rules
- Responsible for determining training opportunities

Sentencing Commission

- Advises on sentencing and release policies for adults and juvenile offenders
- Responsible for developing sentencing guidelines for adult and juvenile offenders

Board of Juvenile Justice Services

- Develops, modifies, and approves JJS policies



Complaint Alleged

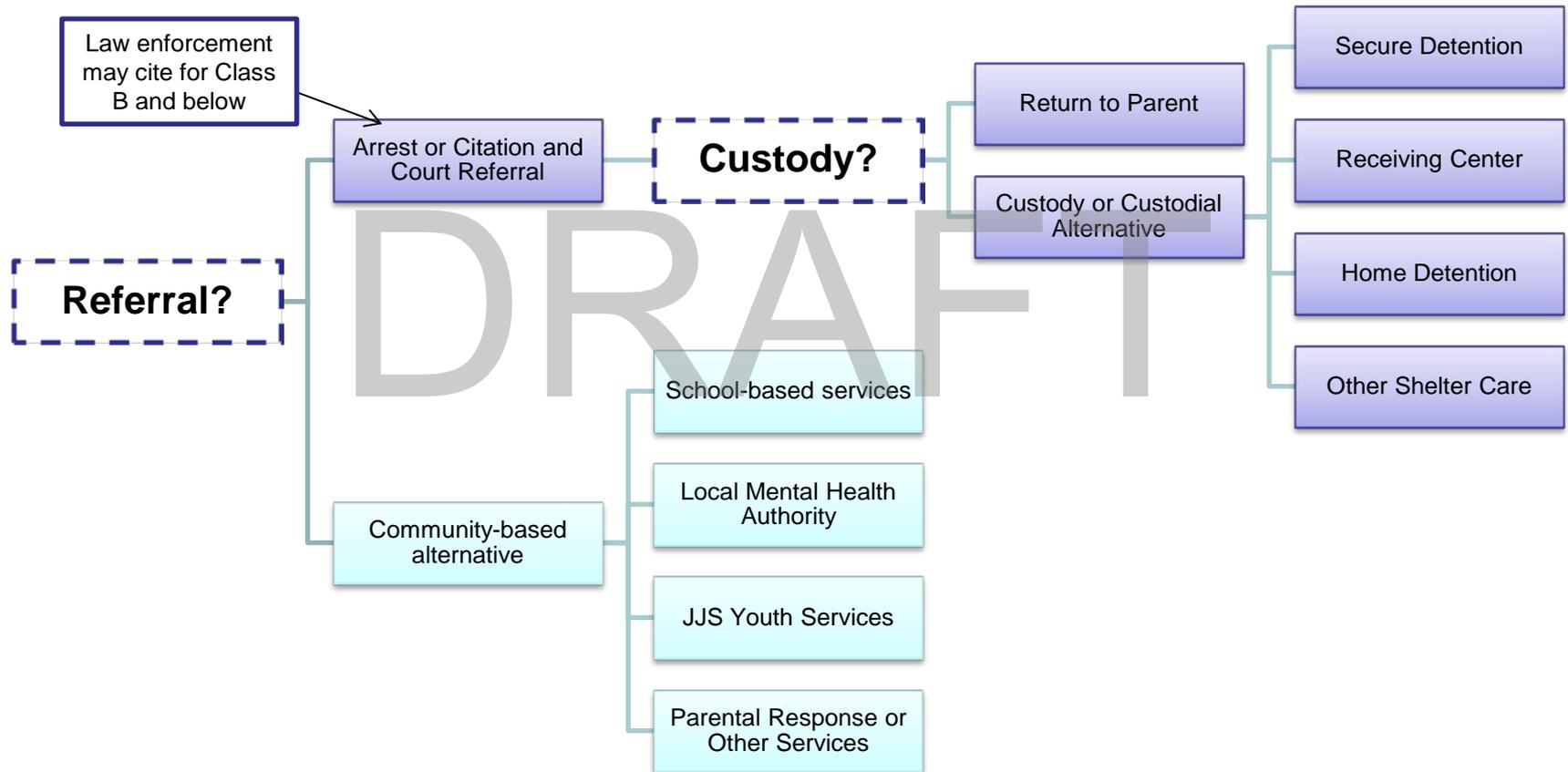
Youth under age 21 may be referred to the Juvenile Court for an array of alleged behaviors committed before age 18*

Misdemeanors (Classes A, B, C)	Felonies (Classes 1, 2, 3 and Capitol)	Infractions	Ordinance Violations	Abuse, Neglect & Dependency	Child Protective Orders
Guardianship	Habitual Truancy	Parental Rights	Intellectual Disability	Mental Health	Substance Abuse
Emancipation	Marriage	Interstate Compact	Competency	Appeals from agency informal adjudications	Adoptions
Ungovernable Behavior	Reckless Driving	DUI	Runaways	Adult Transfer	Restitution Compliance (no age of jurisdiction)

* No minimum age of prosecution

Categories = primary jurisdictional focus of Working Group

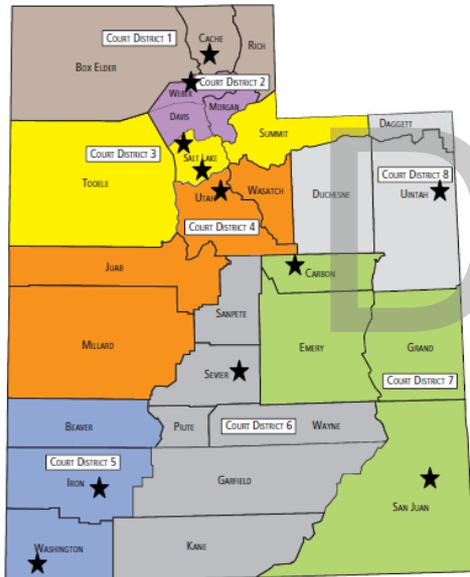
Community-based programs may provide an alternative to juvenile court referral for some youth



Alternatives to juvenile court referral vary by region

JJS Youth Services

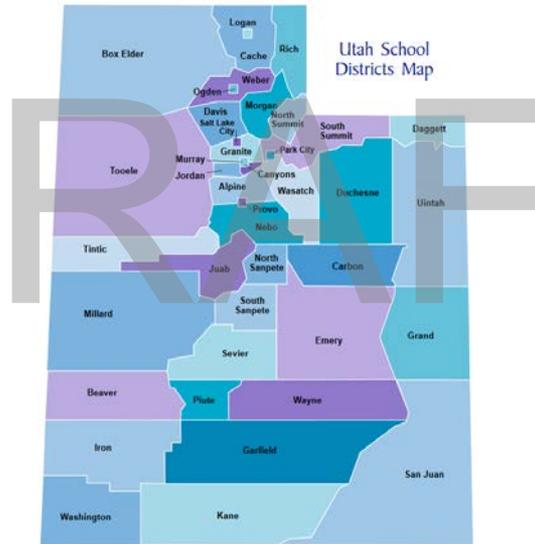
Operate in 10 cities, in all Judicial Districts



Ogden, Salt Lake (2), Provo, Cedar City, St. George, Logan, Vernal, Richfield, Blanding, Price

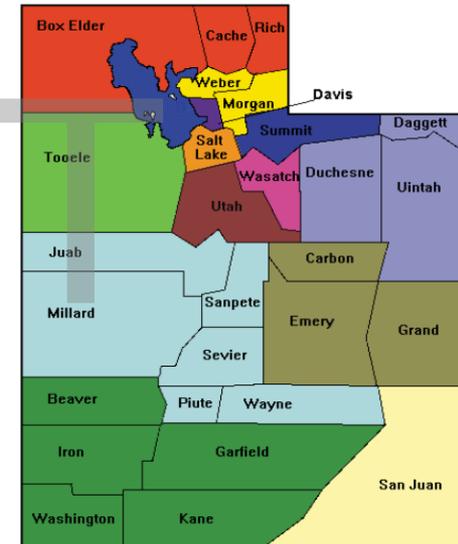
School-Based Services

41 public school districts, 160 total Local Education Authorities



Local Mental Health Authorities (LMHA)

Operate regionally in 13 counties

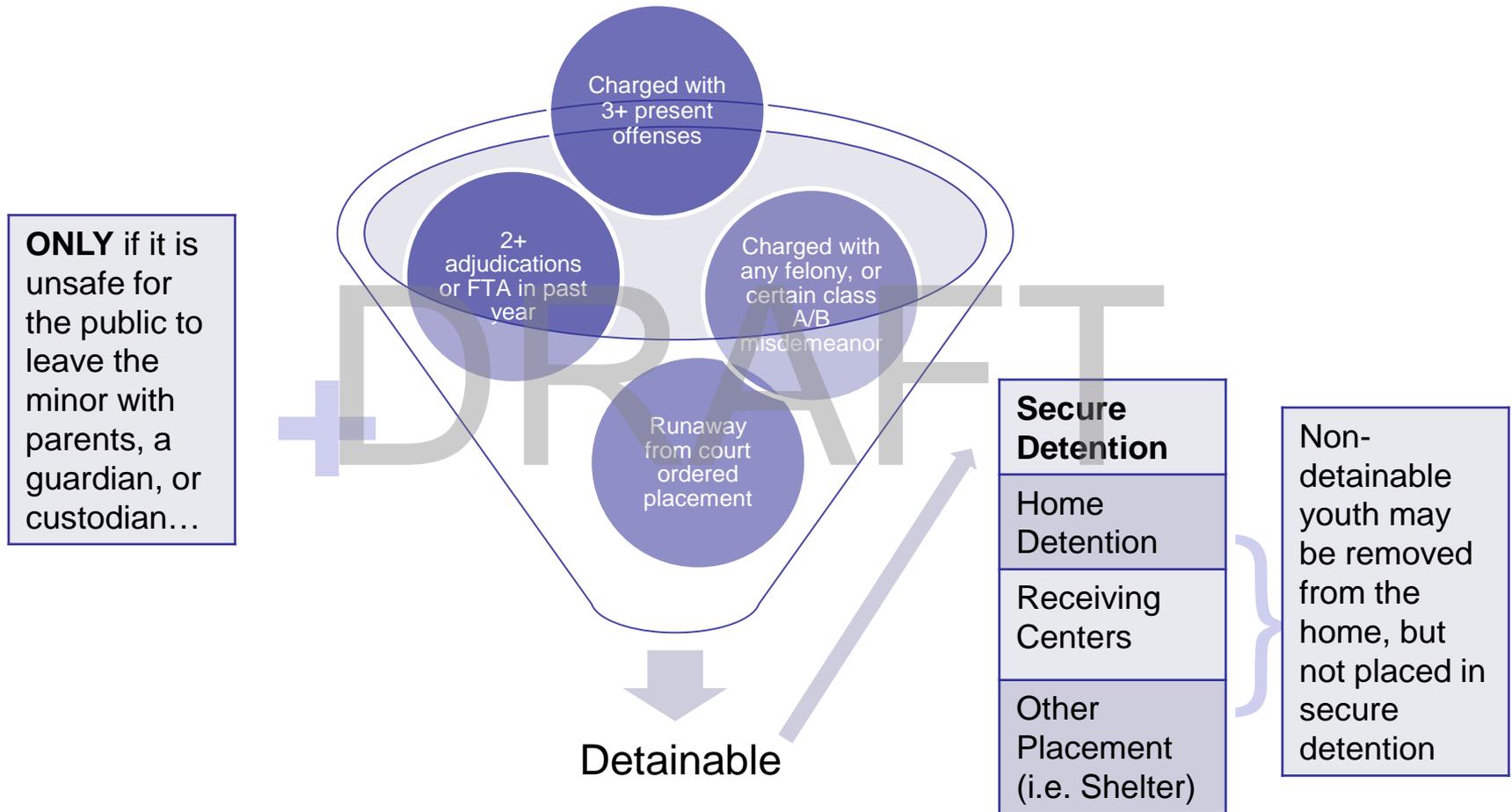


Bear River, Davis, Weber, Tooele, Salt Lake, Summit, Utah, Wasatch, Northeastern, Central, Four Corners, Southwest, San Juan

For school-based behavior, alternatives to court referral may vary by district or administrator

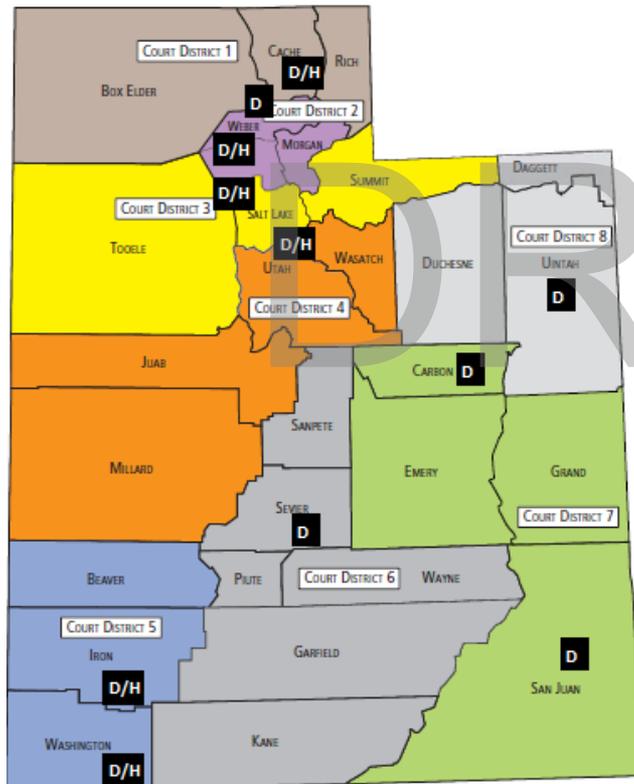
Behavior	Policy, Law or Rule	District Discretion/Variation
Disruptive Student Behavior	Citation <i>may</i> be issued for Habitual Disruptive Behavior when a student engages in disruptive behavior multiple times	What constitutes “ disruptive behavior ” may vary from school-to-school
Truancy	Habitual Truancy citations <i>must</i> be issued if a child is: <ul style="list-style-type: none"> • 12-17 years old, • absent without a “valid excuse” at least 10 times, and • “reasonable efforts” made to address truancy 	Definitions of: <ul style="list-style-type: none"> • “Valid excuse” and • “Reasonable efforts” Some schools make efforts to address truancy through: <ul style="list-style-type: none"> • Truancy Mediation • Truancy Courts • Truancy/Attendance Specialists
School Drug and Alcohol Use, Other acts on school grounds	<ul style="list-style-type: none"> • School officials may refer a complaint to an appropriate law enforcement agency, but are not compelled to do so (§ 53A-11-1301) • School Safety and Drug and Alcohol Policies outline criteria for suspension, expulsions, and law enforcement referrals • School Resource Officer/Administrator training now required 	<ul style="list-style-type: none"> • Policies may be tailored to individual school districts • Youth Court Act allows diversion process for first-time Class B offenses and below (5 out of 41 school districts run youth courts) • In some districts, local school resource officer MOUs may guide formal referral process

If arrested, certain youth may be securely detained, others must be returned home or placed in a detention alternative



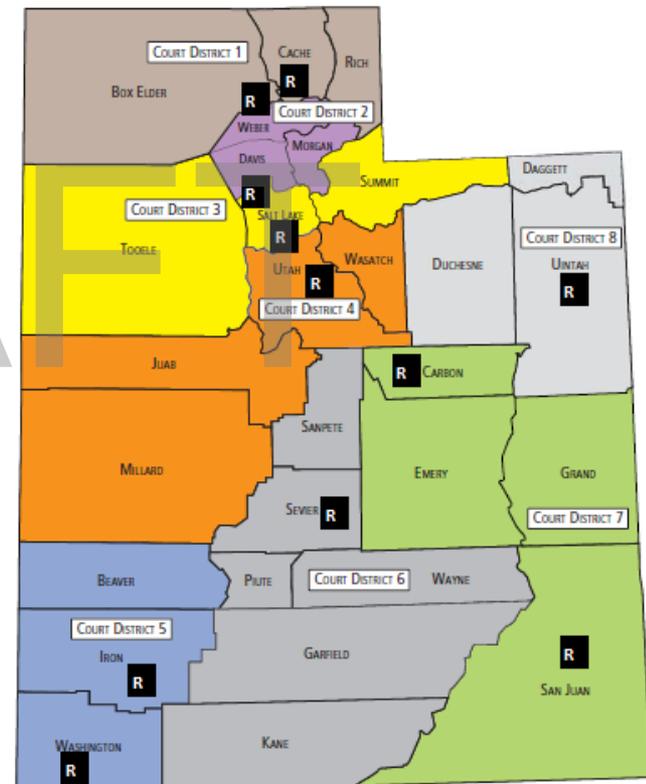
Availability of custodial alternatives varies by region

11 Secure Detention Facilities,
6 Home Detention Programs



D= Secure Detention, H= Home Detention

11 Receiving Centers



R= Receiving Center

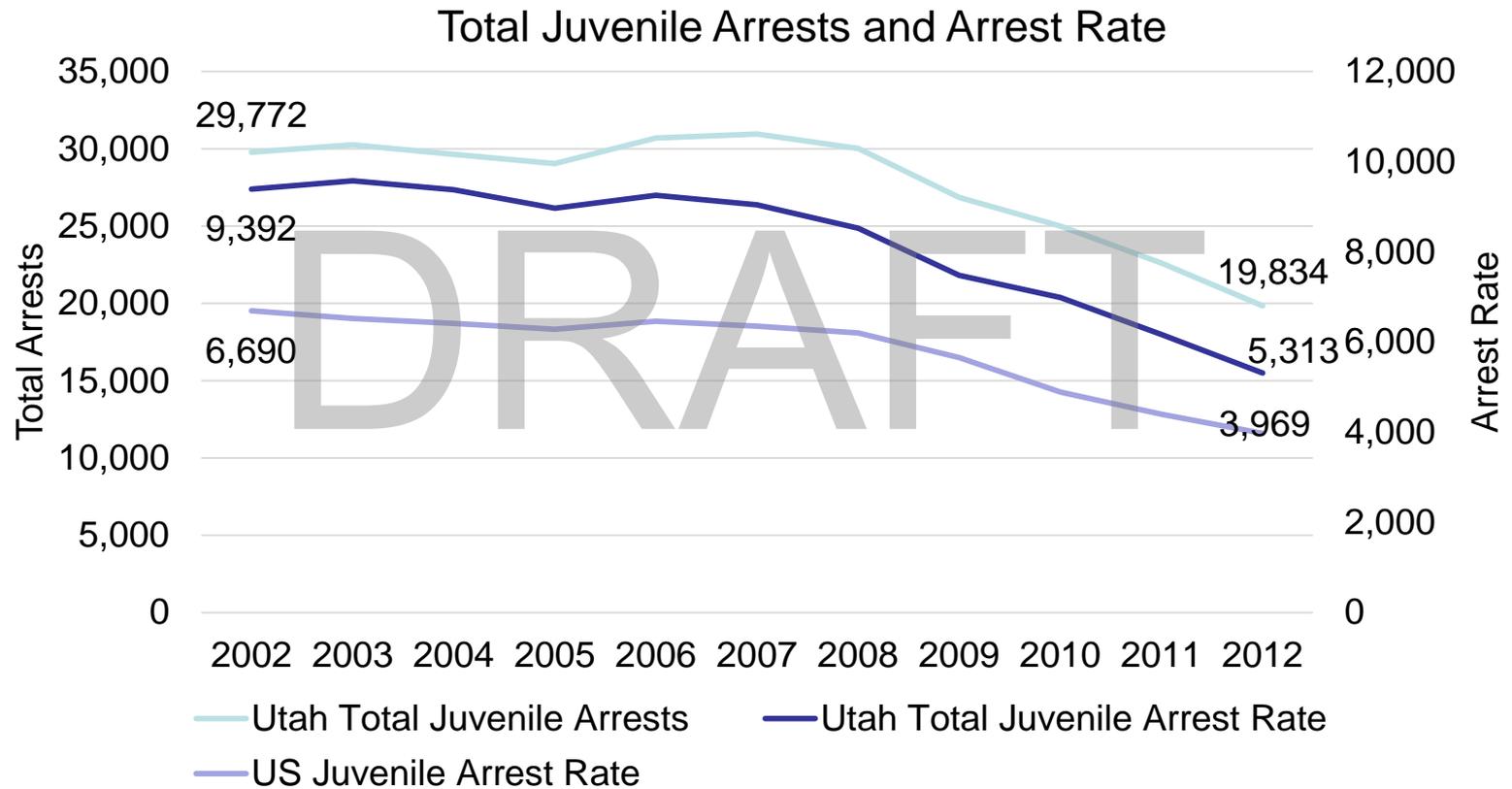
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Juvenile Arrests

Data

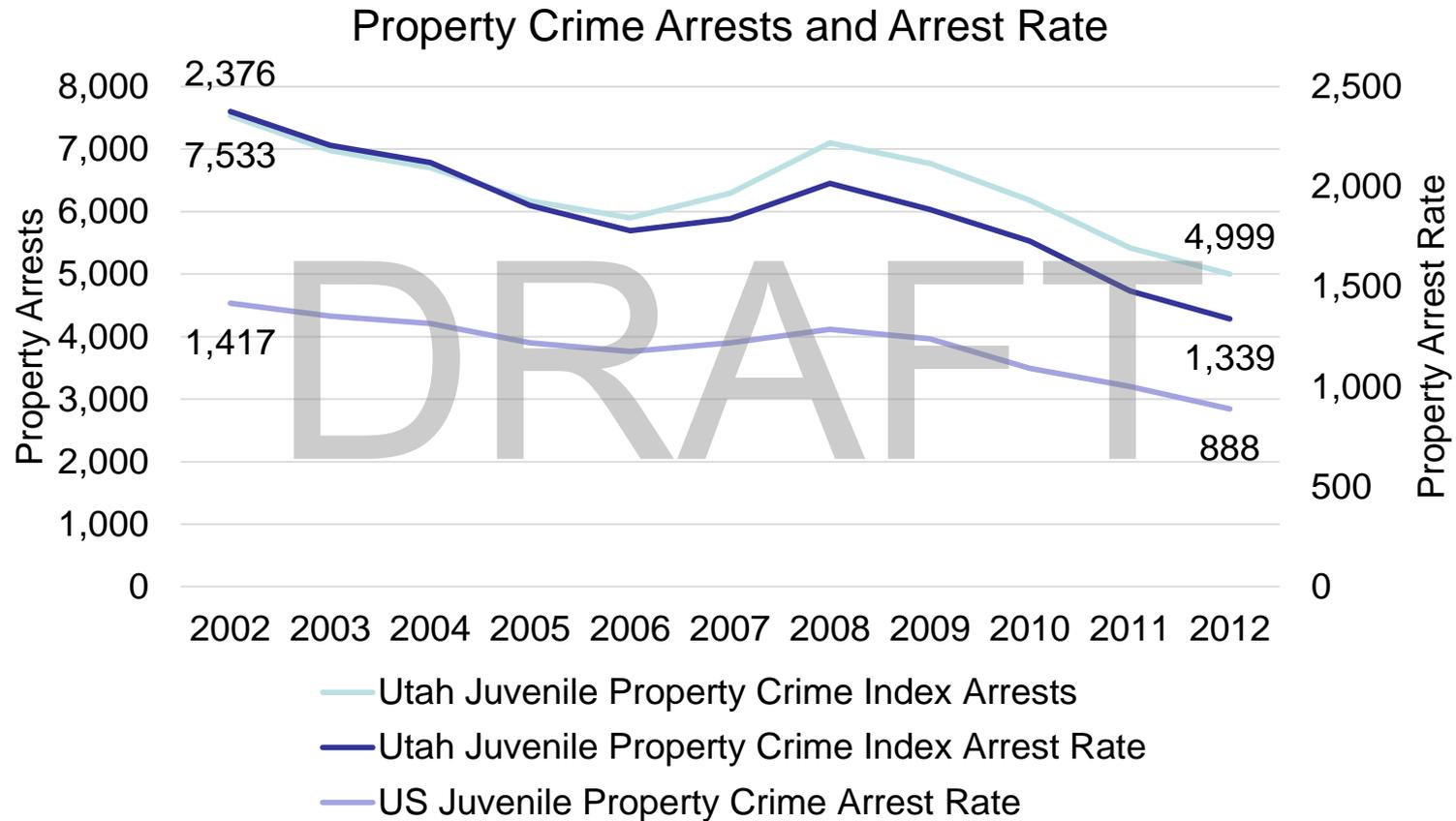


Utah juvenile arrests down 33%, arrest rate down 43% from 2002 to 2012 – rate is higher than national average



Source: FBI Juvenile Arrest Statistics

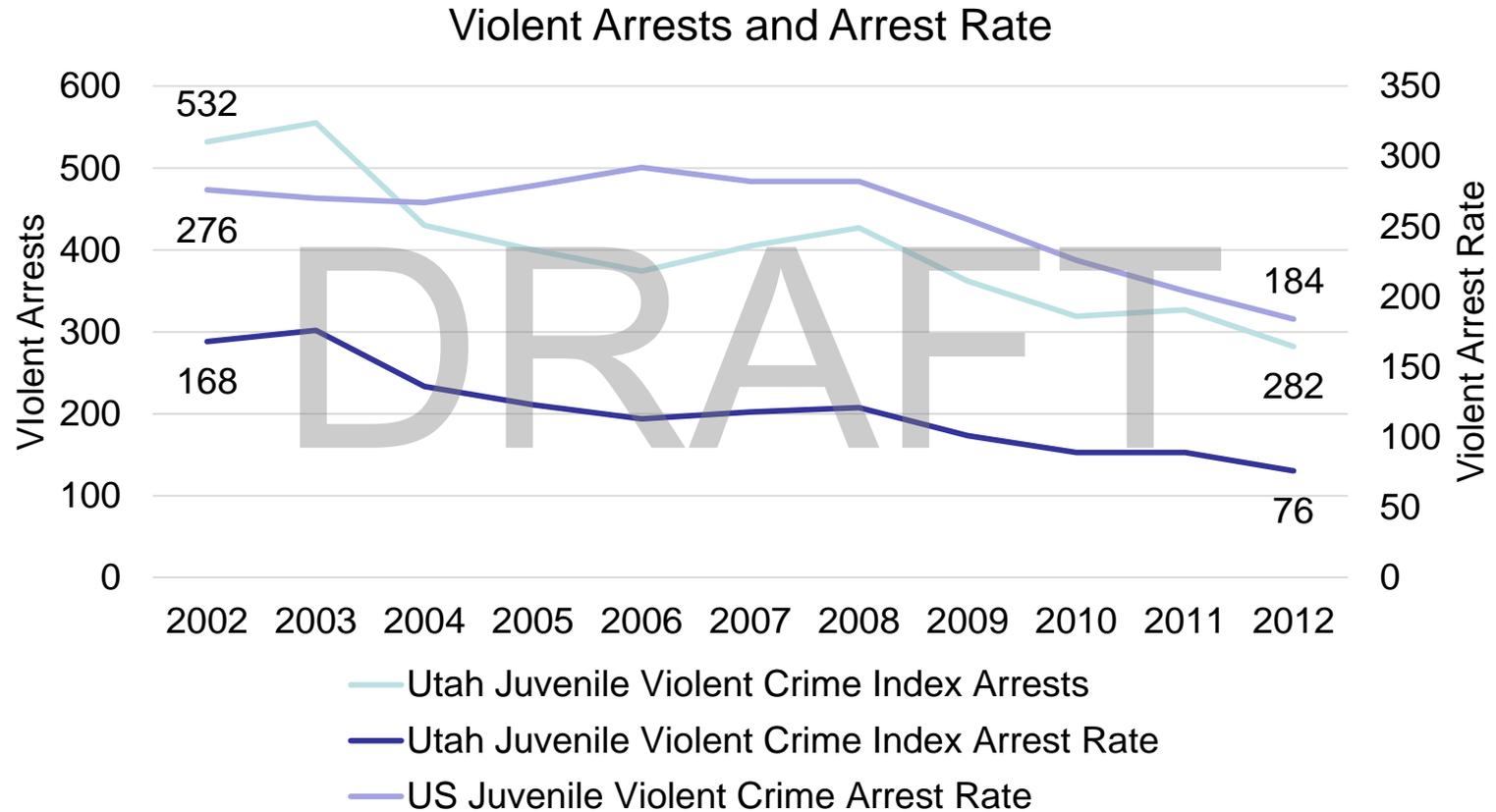
Utah juvenile property crime arrests down 34%, arrest rate down 44% – rate is higher than national average



Source: FBI Juvenile Arrest Statistics

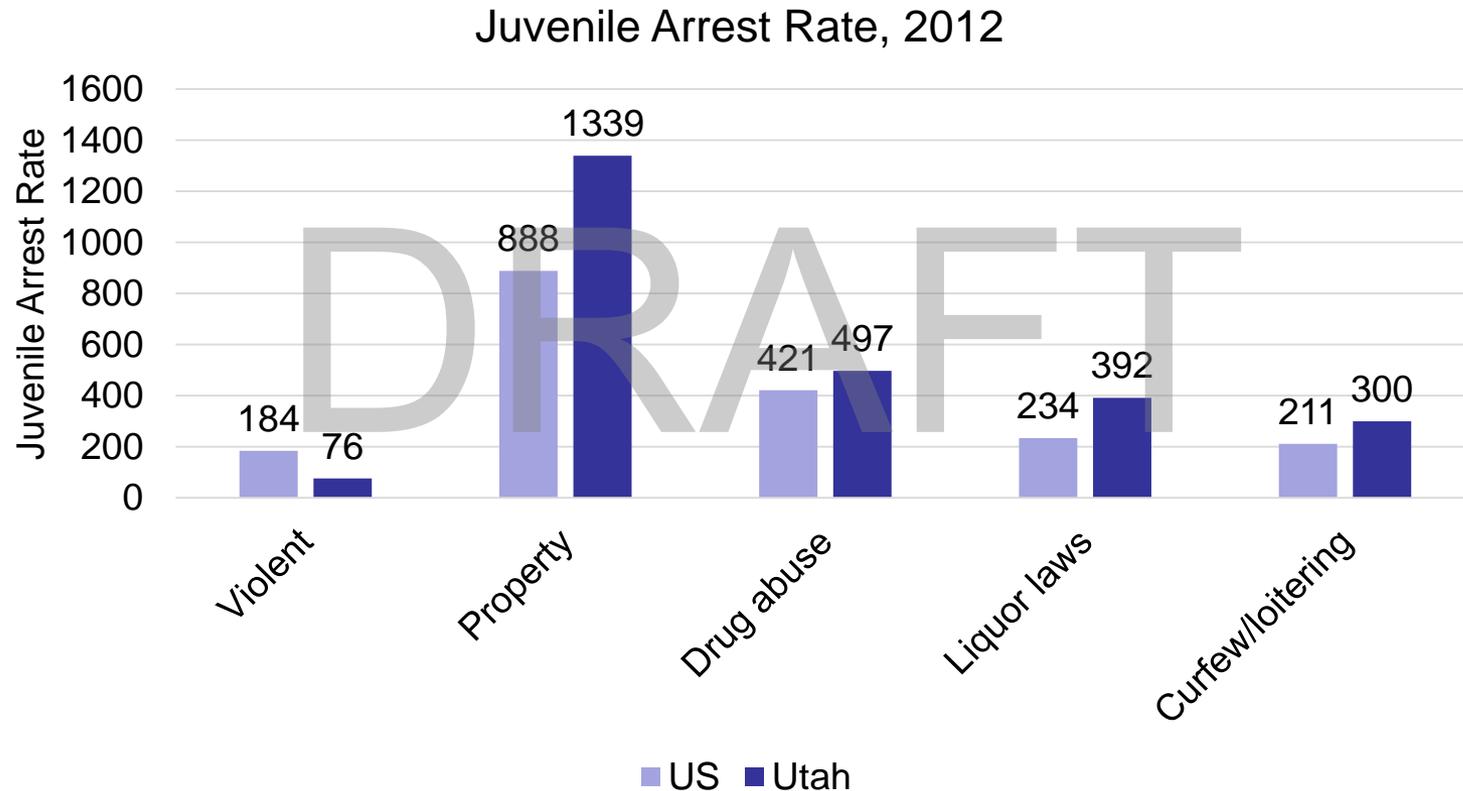


Utah juvenile violent crime arrests down 47%, arrest rate down 55% – rate is lower than national average



Source: FBI Juvenile Arrest Statistics

Property crime, drug offenses and status offenses drive difference between Utah and US arrest rate



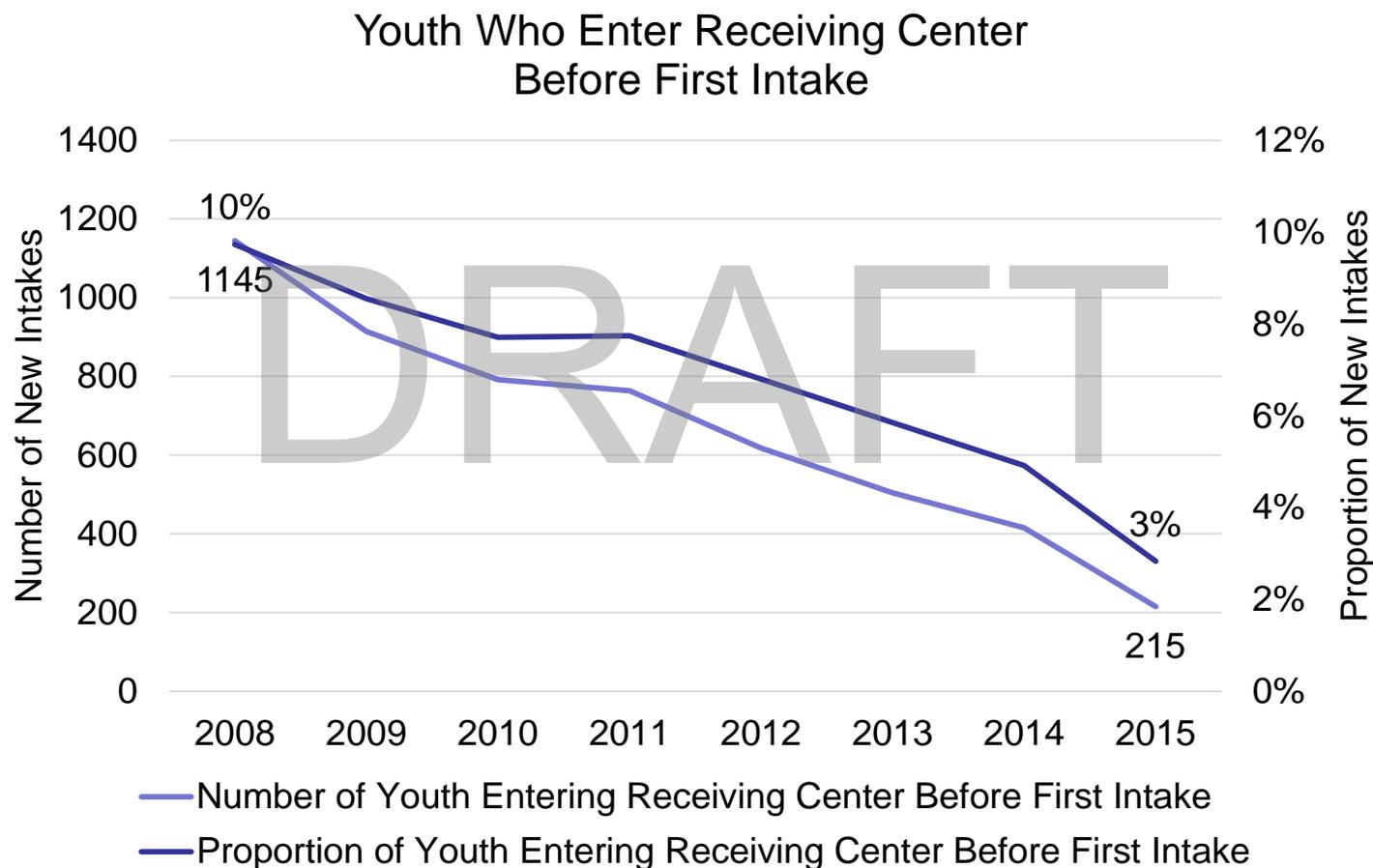
Source: FBI Juvenile Arrest Statistics

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Pre-Intake: Receiving Centers, Detention,
and Child Welfare Involvement

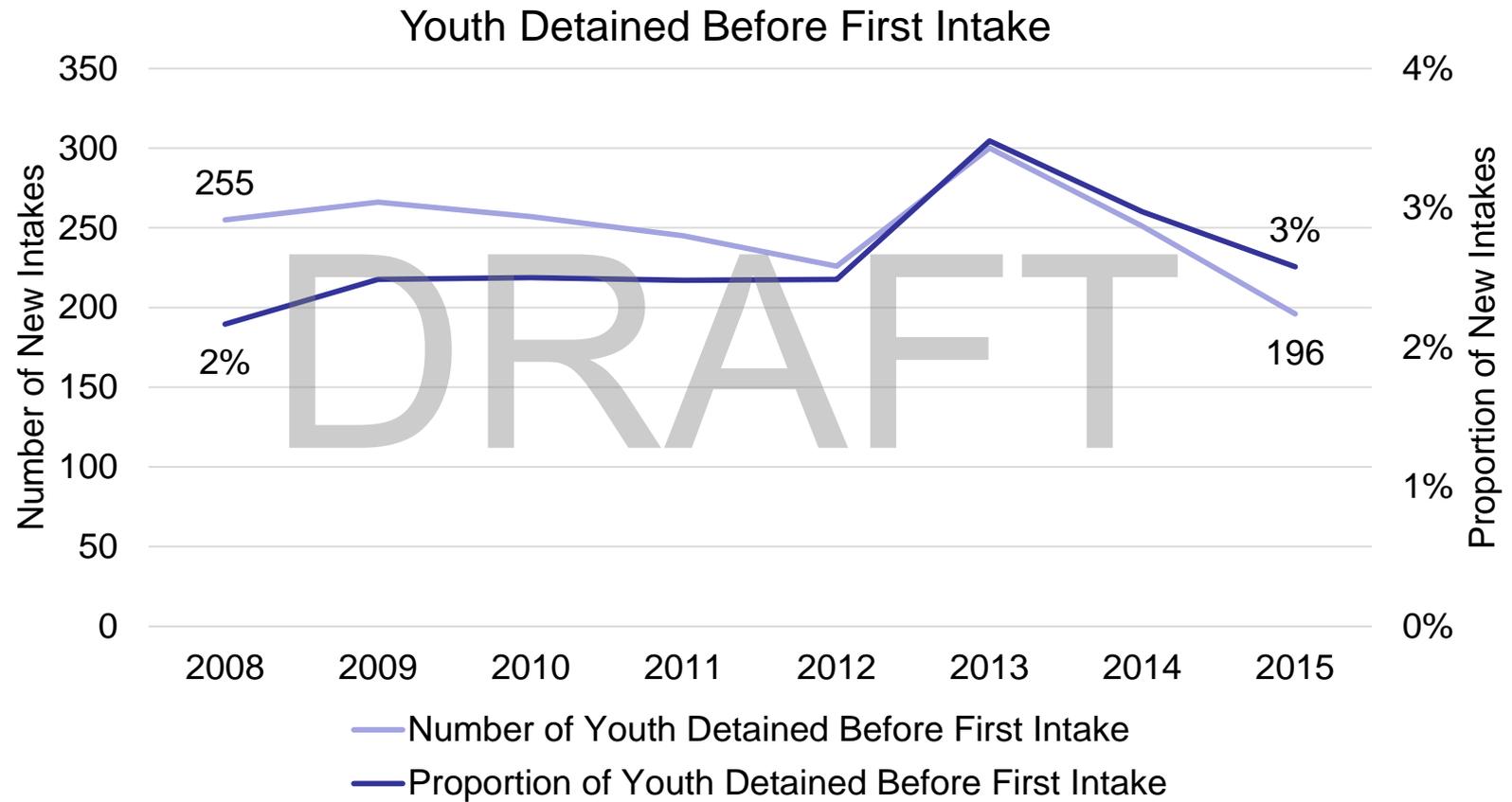
Data

81% decline in number of youth who enter a receiving center before their first intake; declining proportion as well



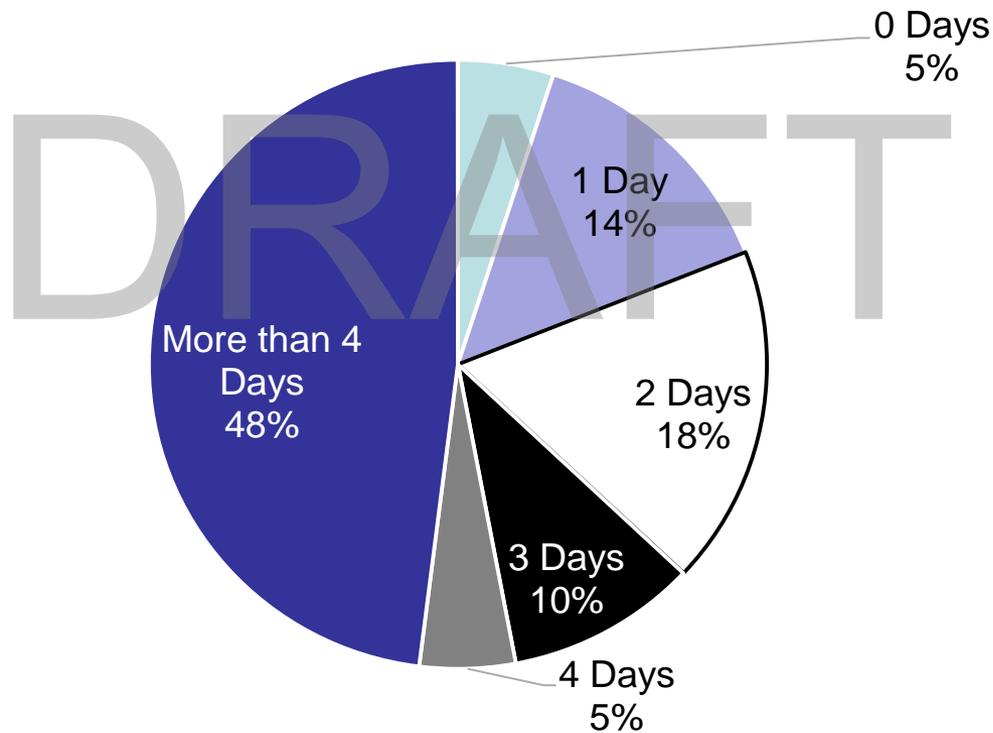


Nearly 200 youth detained before their first intake, down 23%



Nearly half of youth detained before their first intake are held in detention longer than 4 days

Length of Stay in Detention for Youth Detained Before First Intake, 2015

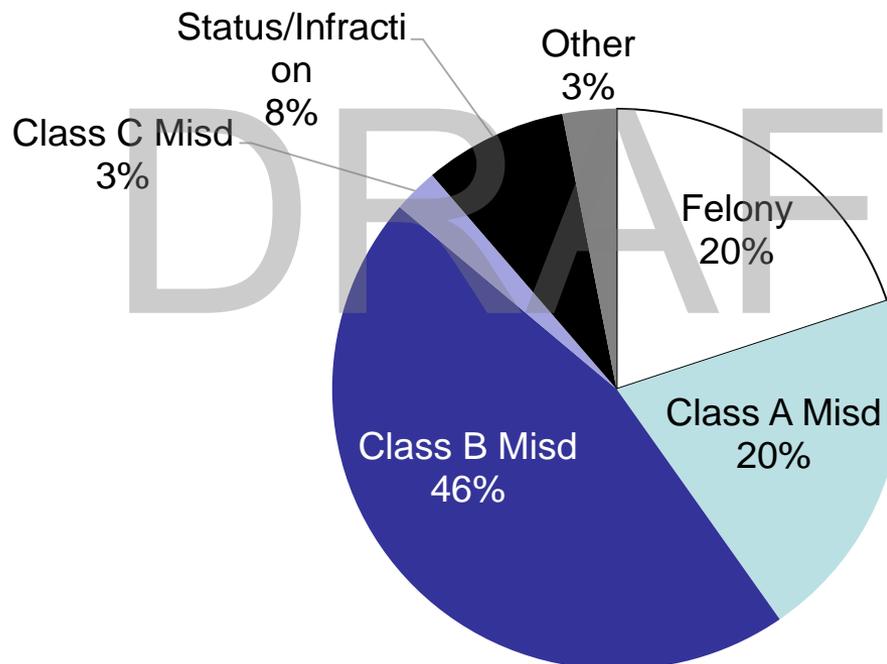


Length of stay in detention not associated with day of the week the youth is detained

Day of Detention Admission Youth Detained Before First Intake, 2015		
	Youth Held Less than 4 Days	Youth Held 4 Days or Longer
Mon	18%	15%
Tue	22%	18%
Wed	15%	18%
Thu	27%	30%
Fri	14%	11%
Sat	0%	2%
Sun	3%	6%

Largest offense category for youth detained before first intake is Class B misdemeanor

Most Serious Intake Offense for Youth Detained Before First Intake, 2015

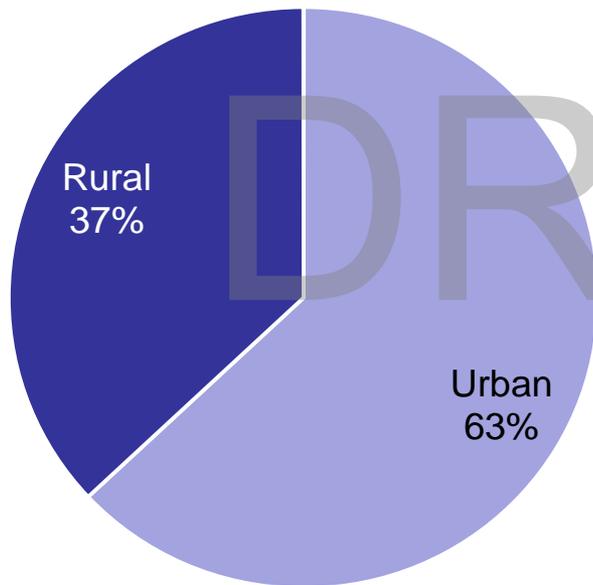


Misdemeanor assault and marijuana possession are the top offenses for youth detained before first intake

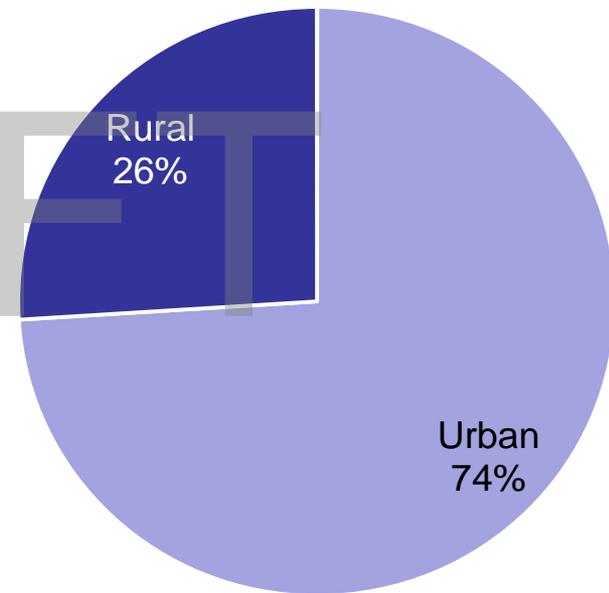
Top 8 Offenses for Youth Detained Before First Intake, 2015	# Youth	% Non-Felony
ASSAULT-SUB.RISK OF/BODILY INJ	17	100%
MARIJUANA POSSESSION OR USE	17	100%
RETAIL THEFT <\$500	12	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	9	0%
POSSESSION DRUG PARAPHERNALIA	7	100%
CRIMINAL MISCHIEF	7	100%
JOYRIDE DRIVER-RET.UNDER 24 HR	6	100%
HABITUAL TRUANT CITATION	6	100%

Rural youth make up larger proportion of youth detained before first intake, compared to proportion of all new intakes

Geography of Youth Detained Pre-First Intake, 2015



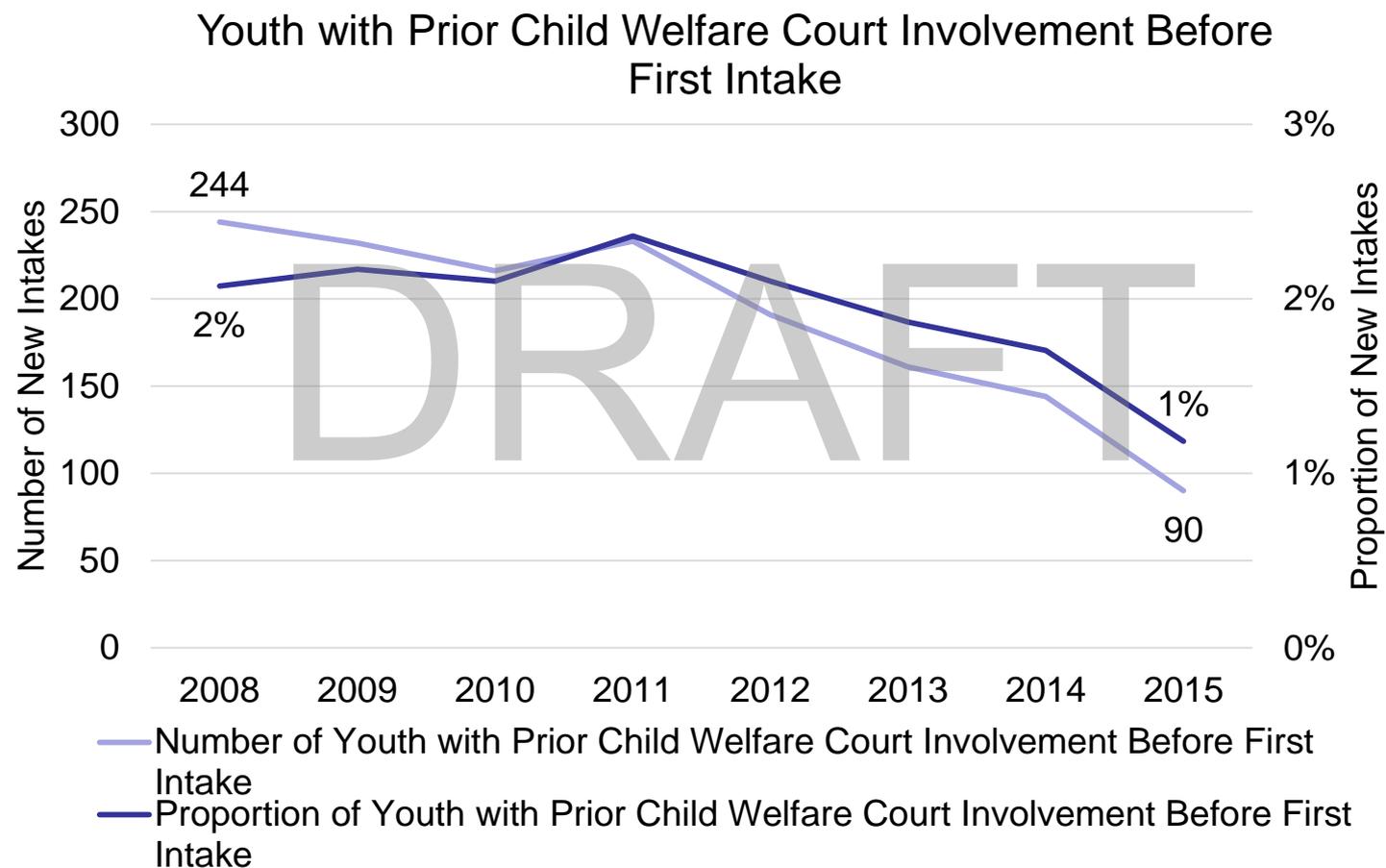
Geography of New Intakes, 2015



Some district variation in proportion of youth detained before first intake, compared to proportion of all new intakes

	% Statewide Pre-First Intake Detention from District, 2015	% Statewide New Intakes from District, 2015
First District	10%	7%
Second District	14%	18%
Third District	32%	36%
Fourth District	17%	20%
Fifth District	8%	8%
Sixth District	3%	3%
Seventh District	11%	3%
Eighth District	6%	4%

Less than 2% of youth have prior child welfare court involvement before their first intake in 2015



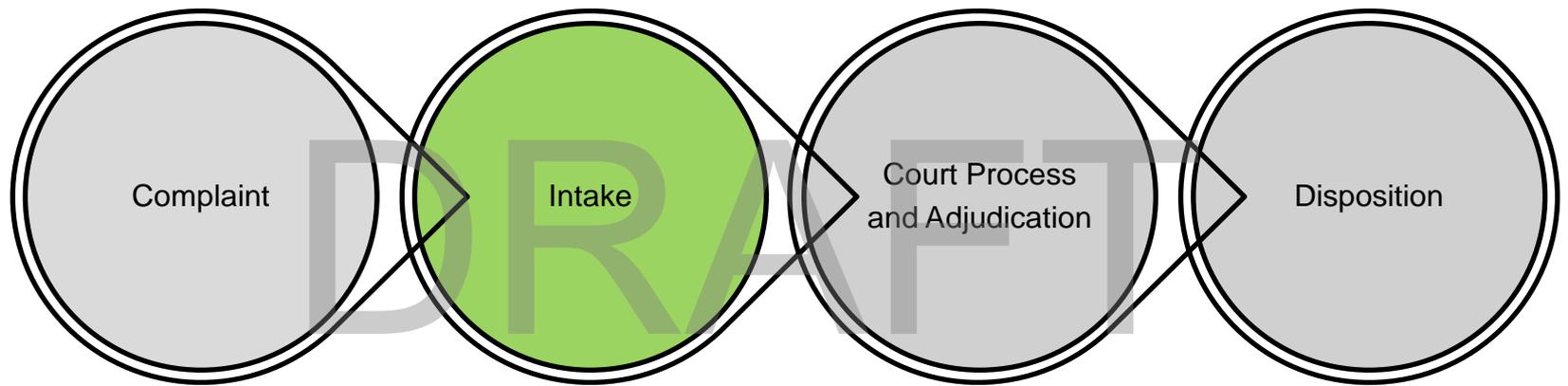
Complaint Key Takeaways

- **Decision Making**

- Minimal criteria guide whether referrals are made to the court system or other community services
 - For school-based behavior like truancy, schools have discretion to determine who meets the threshold for court referral
- Multiple options exist for providing services to youth in the community without a court referral, but not all options are available across the state
- Assessments are not used to determine whether a youth should be held in detention pre-court, and alternatives to secure detention are not available in all areas of the state

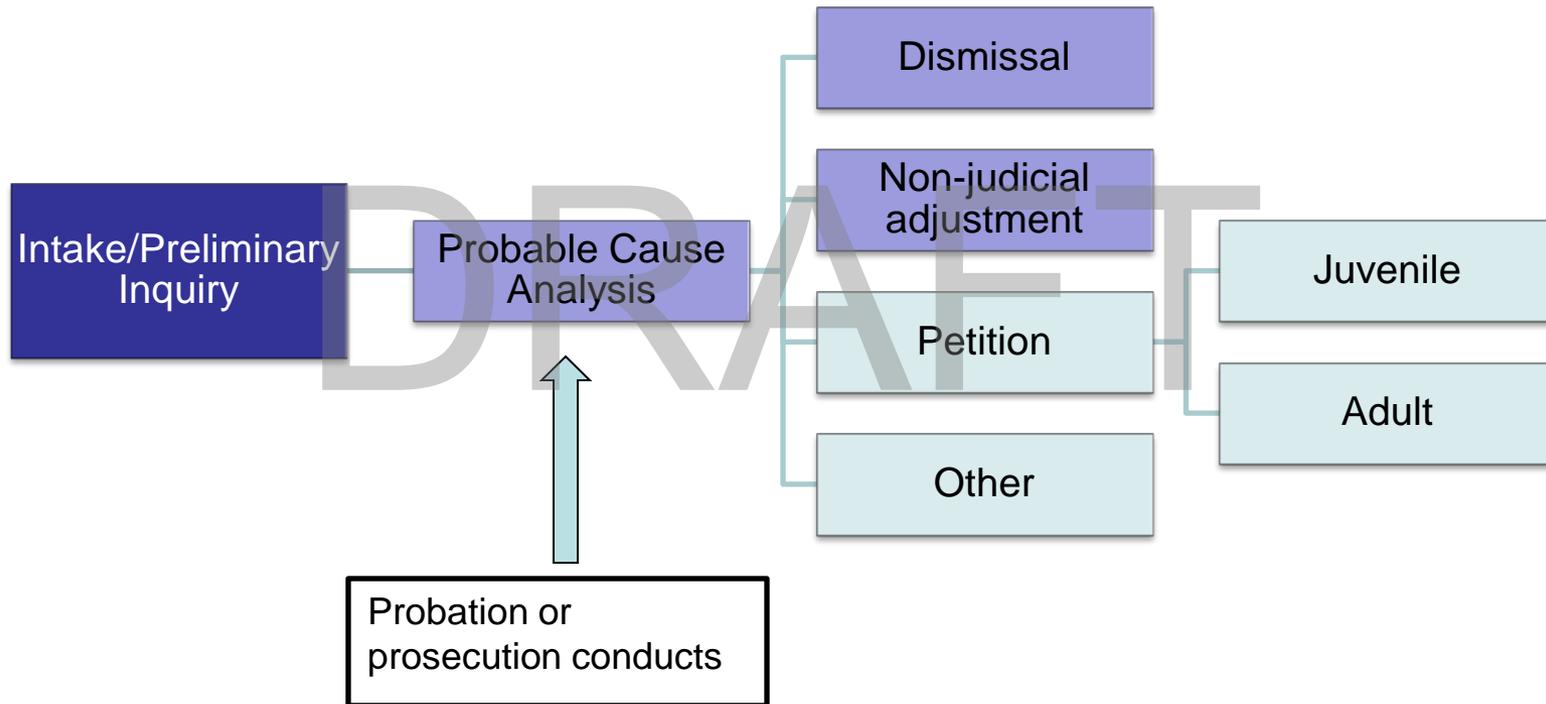
Complaint Key Takeaways

- **Youth Flow**
 - Utah's total arrest rate is higher than the national average due to low-level crime
 - Violent crime rates are lower than the national average and have declined faster
 - 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
 - Receiving Centers are used less for youth before first intake
 - Declining 81% between 2008 and 2015
 - The vast majority of youth do not have child welfare court involvement before their first juvenile intake
- **Other?**



Intake

Non-judicial adjustment allows some youth to avoid formal court processing



At intake, if a youth admits, probation may offer the youth the option to complete a non-judicial adjustment

FACTORS	NJ INELIGIBLE
No prima facie jurisdiction	X
Motor vehicle related offense involving alcohol or drugs	X
Minor denies the charge	X
3 or more prior NJs	X
Restitution cannot be resolved	X
Presently accused of a felony	X
Prior felony referral	X
>4 prior misdemeanors (2 episodes minimum) + repeat offense	X
Minor in DCFS custody	

CONDITIONS
<ul style="list-style-type: none"> Fines of no more than \$250 (payable to the court)
<ul style="list-style-type: none"> Restitution
<ul style="list-style-type: none"> Compensatory service
<ul style="list-style-type: none"> Counseling or treatment
<ul style="list-style-type: none"> Substance abuse programs or counseling
<ul style="list-style-type: none"> Restrictions on activities and associations
<ul style="list-style-type: none"> Other appropriate conditions

Agreement must be closed within 90 days
 (court may grant an additional 90 days in its discretion)

Duration, costs, conditions, and offense eligibility criteria for non-judicial adjustment vary by region

2nd District

- Fines only (based on local schedule)
- Resource guide for families

4th District

- Class required
- Fines (based on local schedule)
- Marijuana and drug paraphernalia pilot

5th District

- Presentation
- Fines (based on local schedule)
- Apology letter
- Work crew

← Offense Eligibility Restrictions Vary →

Probation officers conduct a Pre-Screen Risk Assessment (PSRA) to determine risk level and to inform disposition recommendations

PSRA Domains

Static Risk Factors

Characteristics related to recidivism that cannot change

Prior and Current Offenses

Detention Admissions

Out-of-home Placements

Runaways/Escapes

Failure to Appear Warrants

Victimization History

Mental Health History

Dynamic Risk Factors (Criminogenic Needs)

Characteristics related to recidivism that can change

Peers

Family/Household

Substance Use

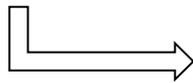
Education: Conduct, Grades, Attendance

Attitudes/Behaviors*

*Not scored: Low Risk score can be overridden by Attitudes/Behaviors

If a formal petition is filed, prosecutors may have discretion to determine whether to file in adult or juvenile court

Petition Options:



 ≤13 years old; **OR**
≤21 years old and charged with a non-felony offense or infraction committed before age 18

Juvenile

 ≥14 years old and charged with any felony offense

Either

 ≥ 21 years old and charged with committing any offense before age 18; **OR**
≥ 16 years old and charged with murder or aggravated murder; **OR**
≥ 16 years old, previously committed to a secure facility, and charged with a qualifying felony; **OR**
≥ 16 years old and charged with committing a felony with a dangerous weapon and previously adjudicated or convicted of an offense involving a dangerous weapon

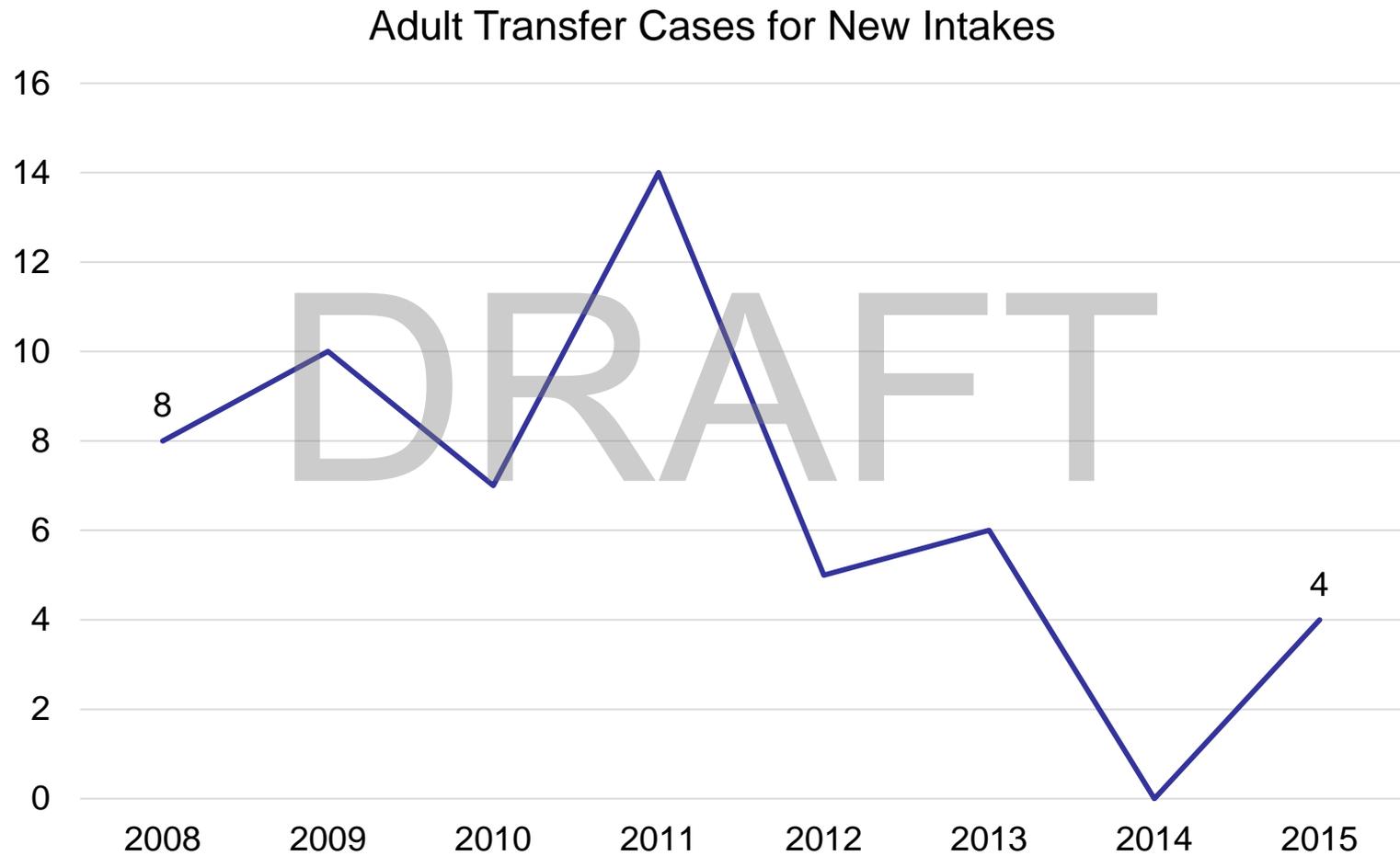
Adult

Qualifying felonies:

- | | |
|--------------------------------------|--|
| • <i>Aggravated arson</i> | • <i>Felony discharge of a firearm</i> |
| • <i>Aggravated assault with SBI</i> | • <i>Attempted aggravated murder</i> |
| • <i>Aggravated kidnapping</i> | • <i>Attempted murder</i> |
| • <i>Aggravated burglary</i> | • <i>Other felony offense involving use of a dangerous weapon + 1 prior felony offense with a dangerous weapon</i> |
| • <i>Aggravated robbery</i> | |
| • <i>Aggravated sex assault</i> | |



Few adult transfer cases tracked in juvenile data system

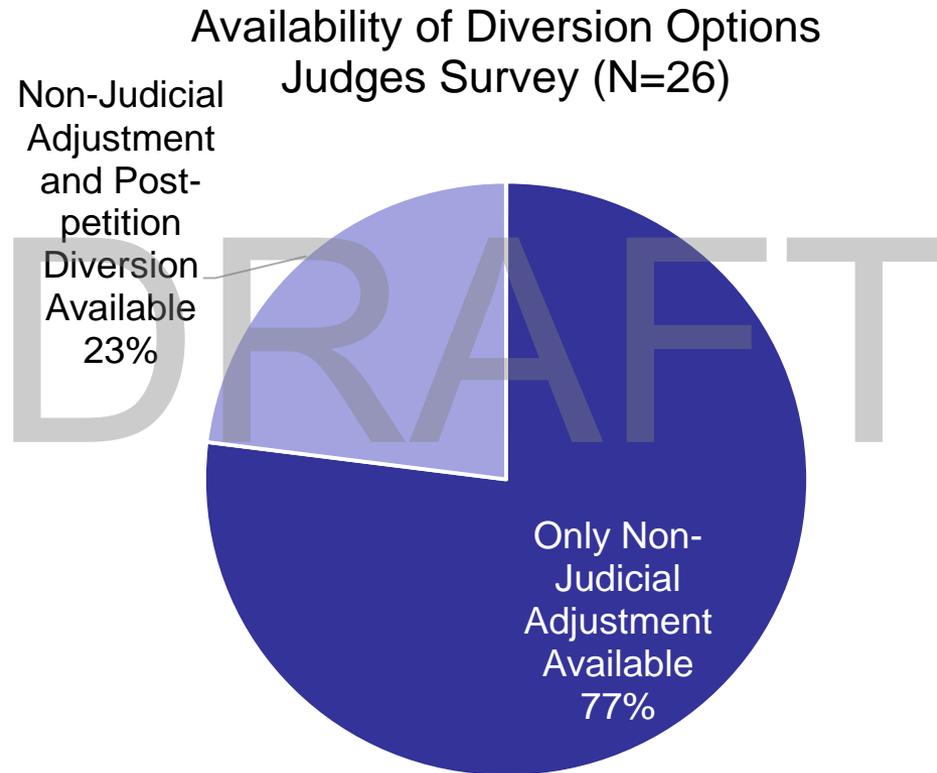


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Non-Judicial Adjustment and Petitions

Survey Data

Three-quarters of judges report that non-judicial adjustment is only diversion option available

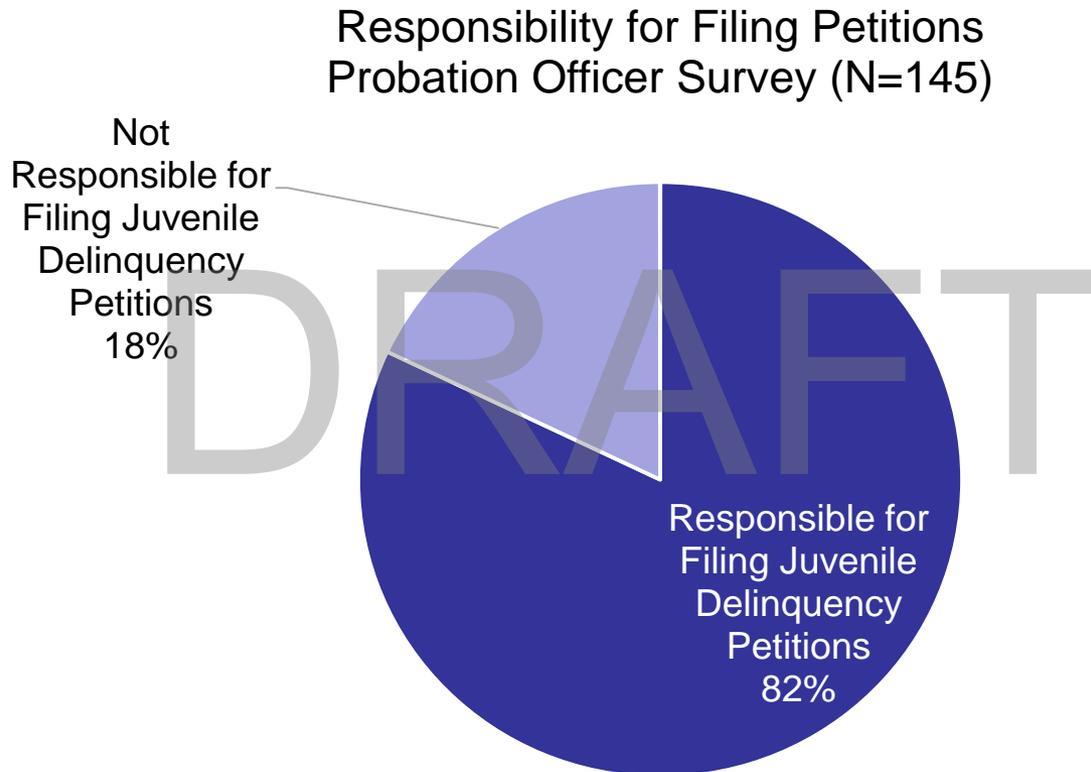


Judges report non-judicial adjustment is used for more offenses than probation officers report

Types of Offenses Where Non-Judicial Adjustment is Typically Used		
	Judges Survey (N=26)	Probation Officer Survey (N=138)
Status offenses	100%	96%
Class B Misdemeanors	88%	94%
Traffic offenses	77%	80%
Other drug possession offenses	31%	4%
Marijuana offenses	27%	7%
Other infractions	15%	12%
Class A Misdemeanors	8%	5%
Non-person felony offenses	8%	2%
Person felony offenses	4%	2%
All offense types	4%	2%

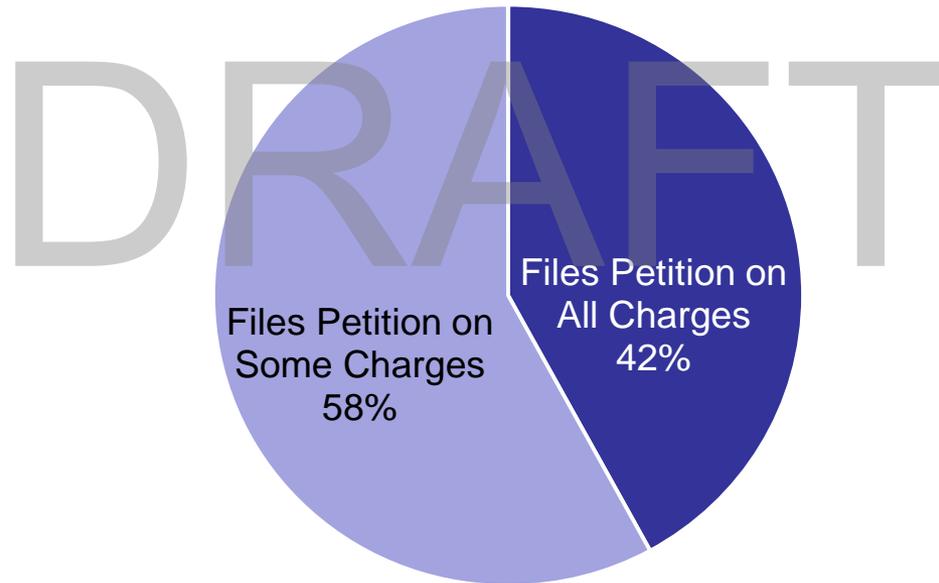
*Totals do not add to 100% because categories are not mutually exclusive

More than 80% of probation officers are responsible for filing petitions



Nearly half of the probation officers who are responsible for filing petitions file petitions for all charge types

Responsibility of Filing Petitions
Probation Officer Survey (N=119)



Intake probation officers monitor cases throughout the system, primarily pre-petition

Intake Caseload Composition Intake Probation Officer Survey (N=109)	
Pre-petition	92%
Post-petition, pre-adjudication	45%
Post-adjudication, pre-disposition	33%
Post-disposition	38%

*Totals do not add to 100% because categories are not mutually exclusive

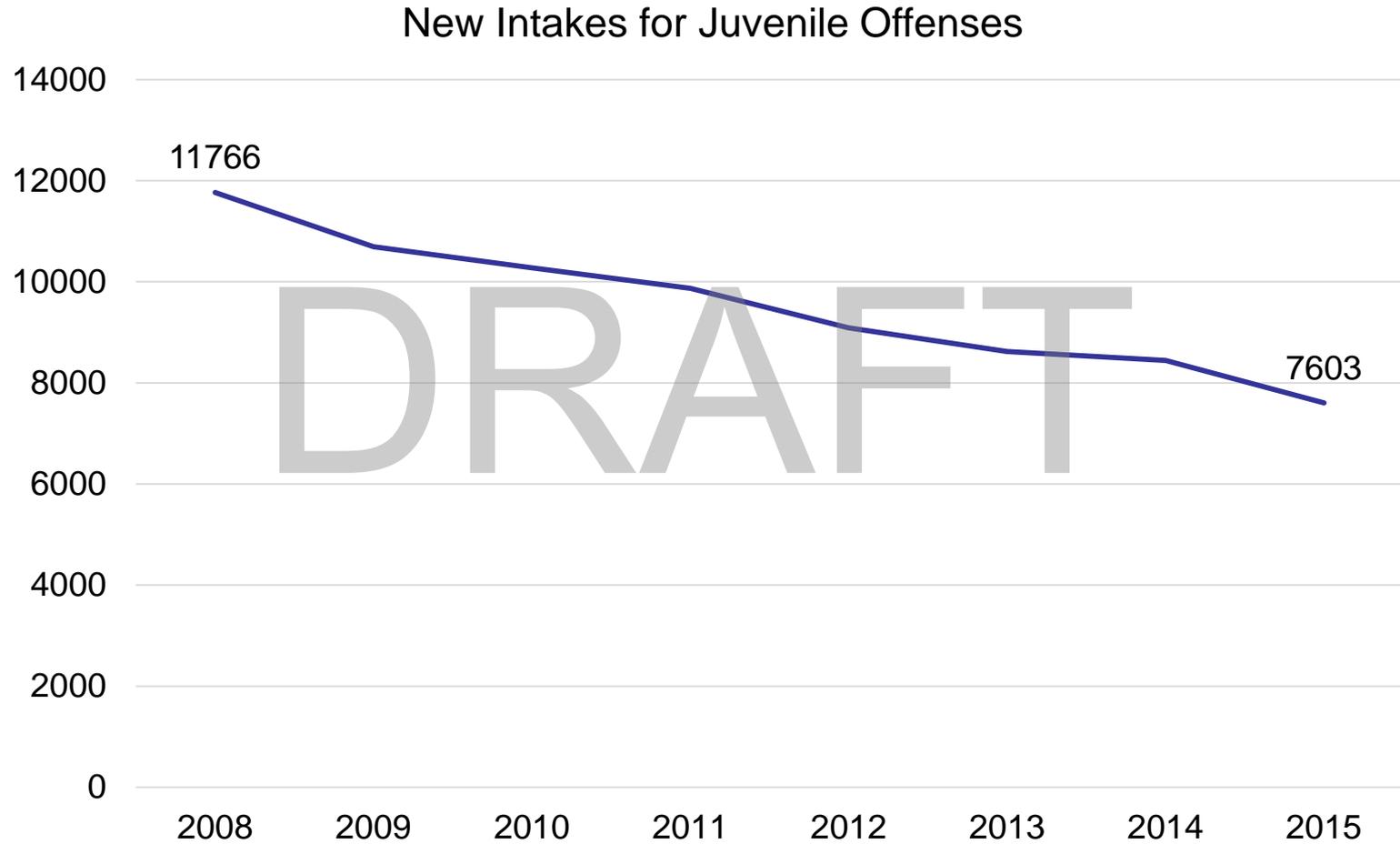
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First Juvenile Intake

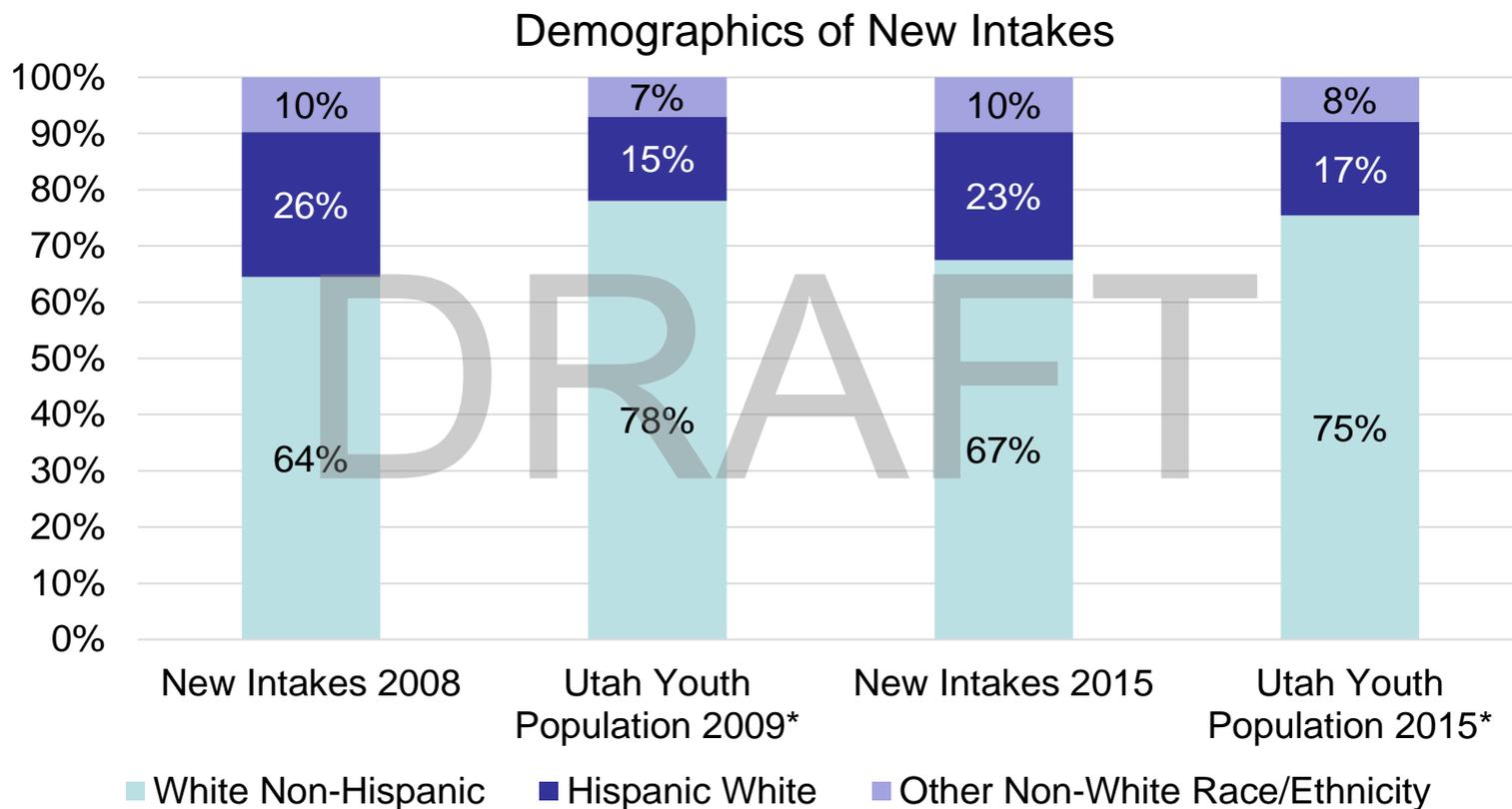
Data



35% decline in youth entering intake for first time



Larger proportion of Hispanic youth represented among new intakes than among the general youth population

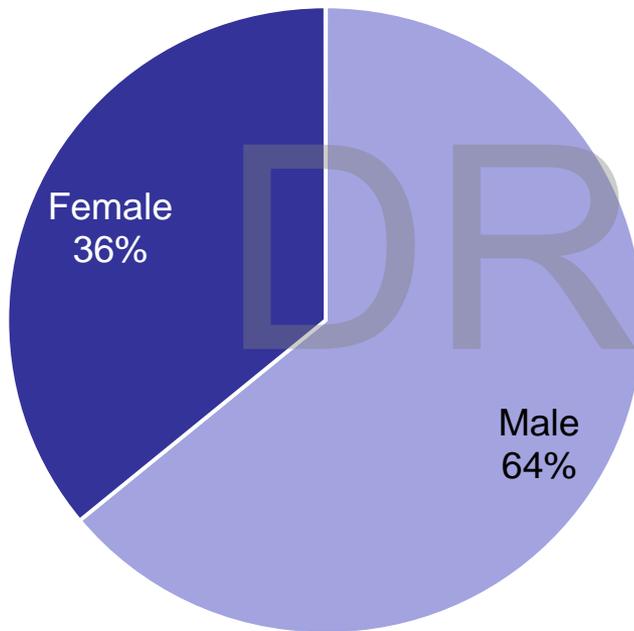


*State of Utah School Enrollment Demographics Data, 2009 and 2015

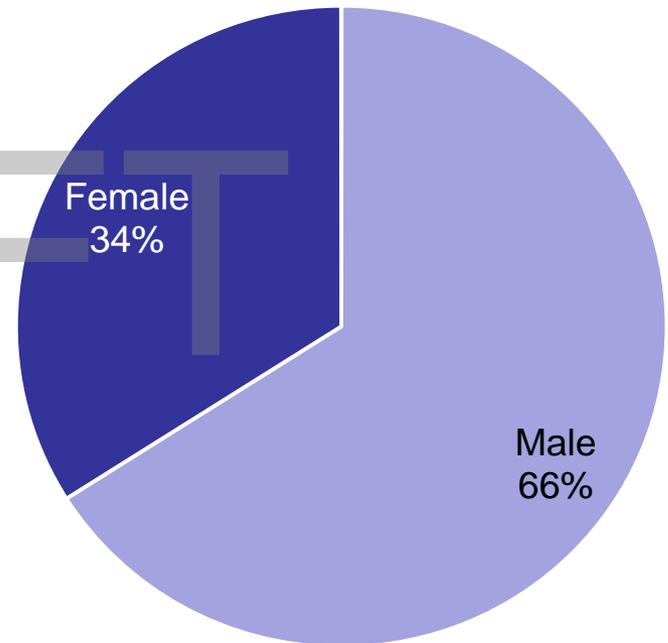


Two-thirds of new intakes are male, similar to 2008

Gender of New Intakes 2008

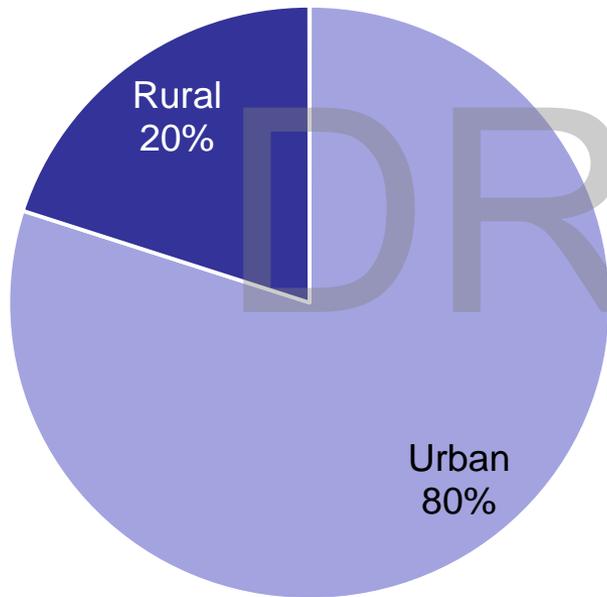


Gender of New Intakes 2015

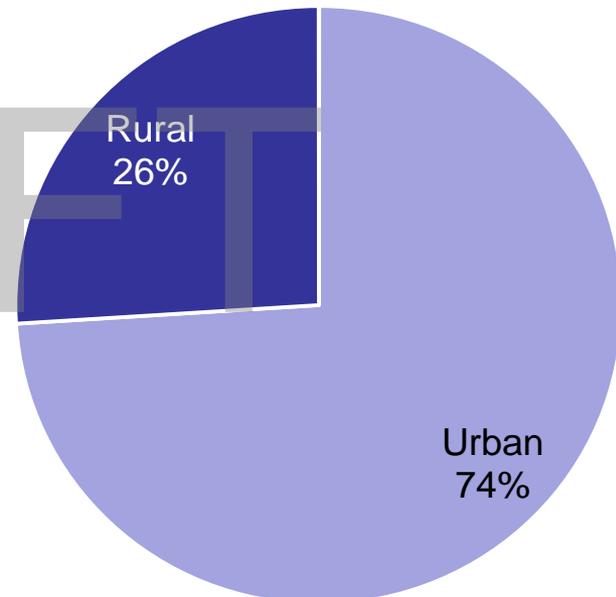


Three-quarters of new intakes are from urban areas, lower than in 2008

Geography of New Intakes 2008

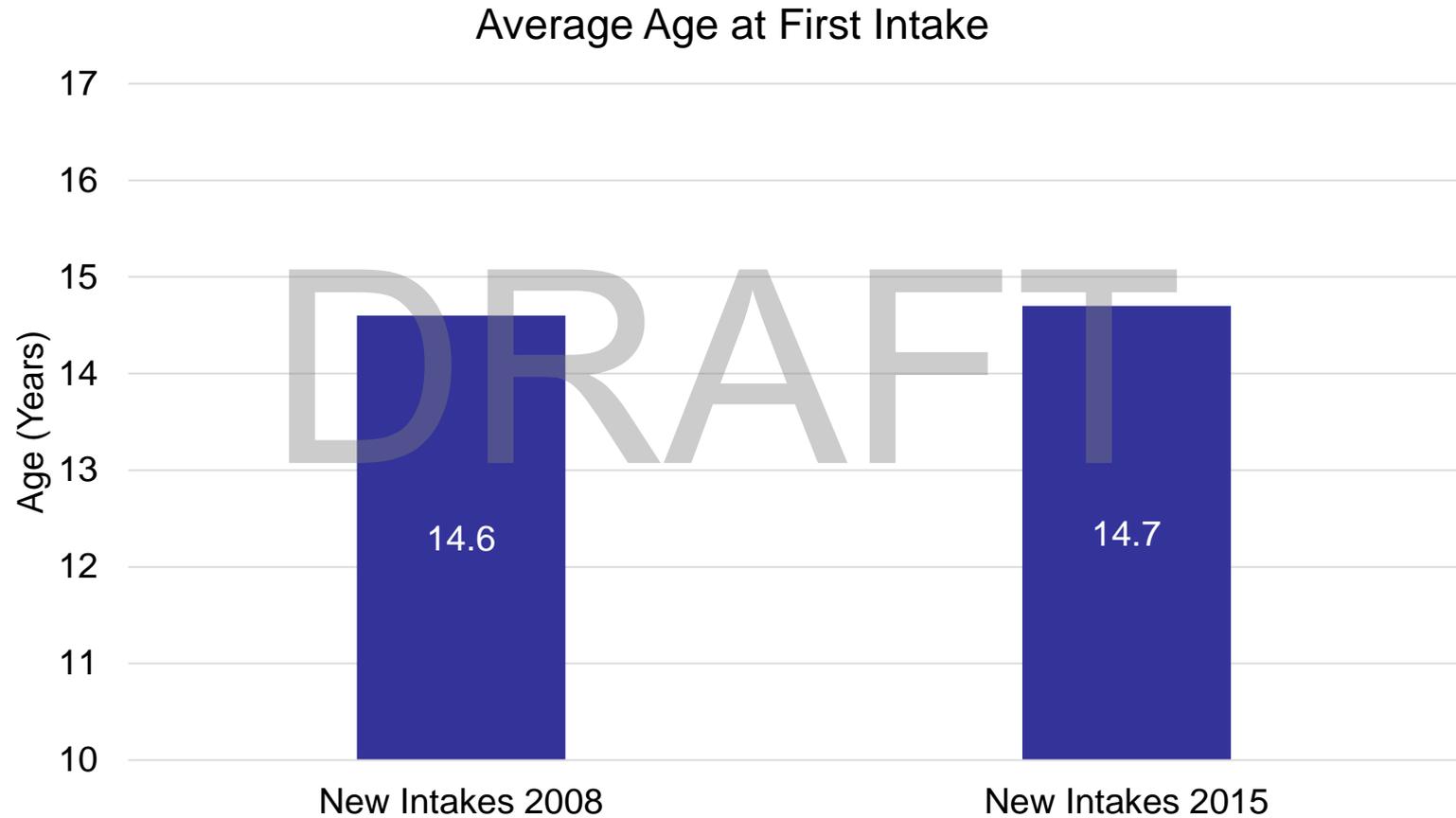


Geography of New Intakes 2015

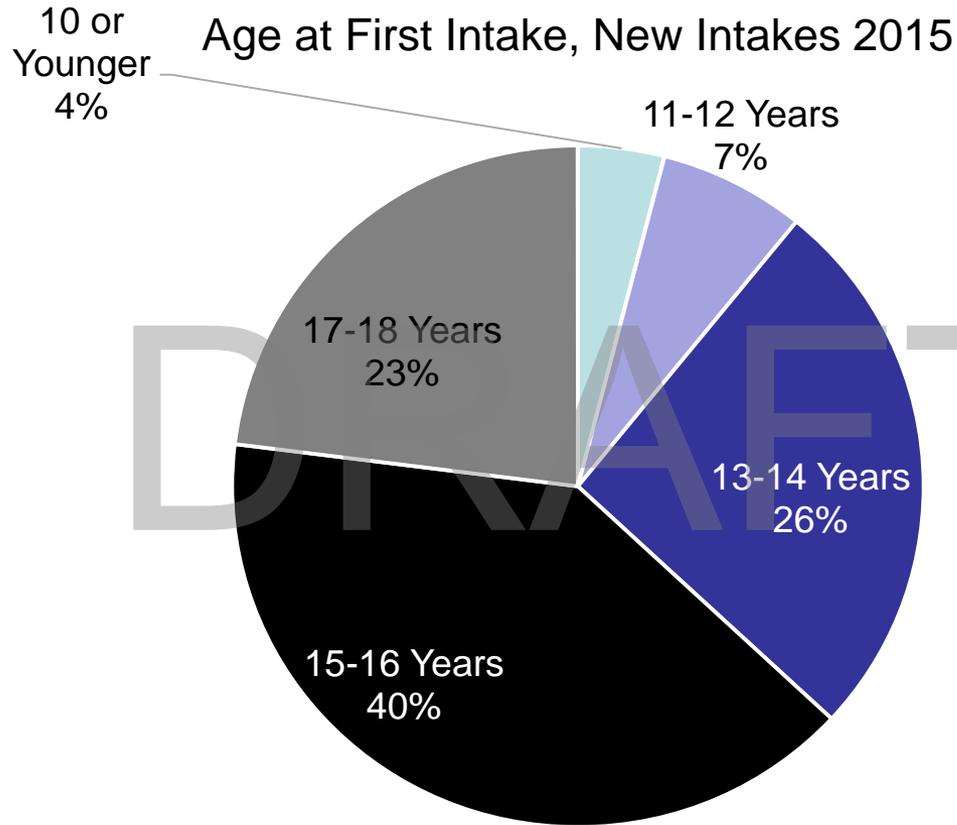




Average age at first intake is about 15, similar to 2008



Nearly one-quarter of youth are 17 or older at first intake



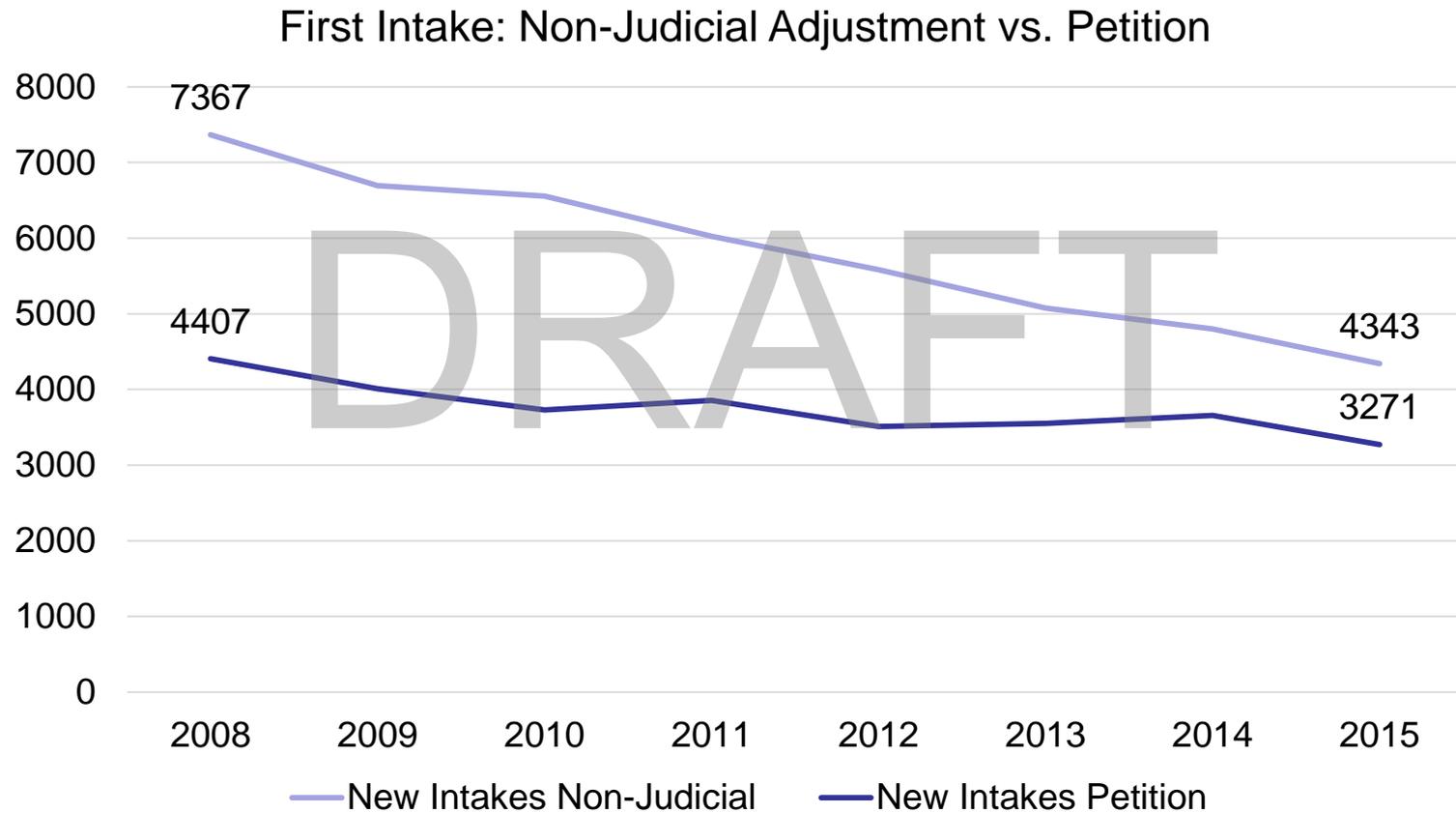
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Non-Judicial Adjustment and Petition Decisions at First Intake

Data

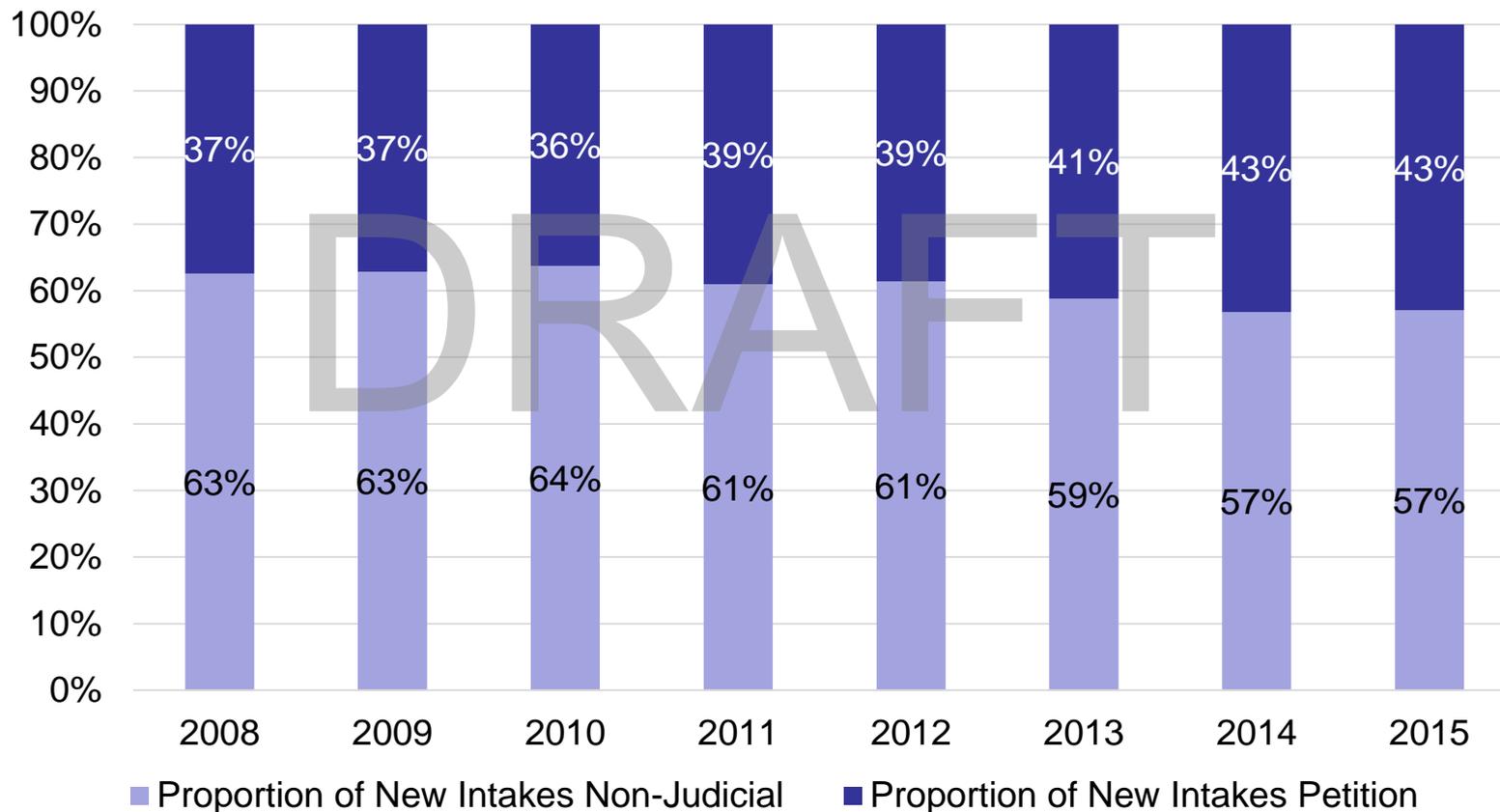


Number of youth with non-judicial at first intake declining faster than youth with petition at first intake (41% vs. 26%)

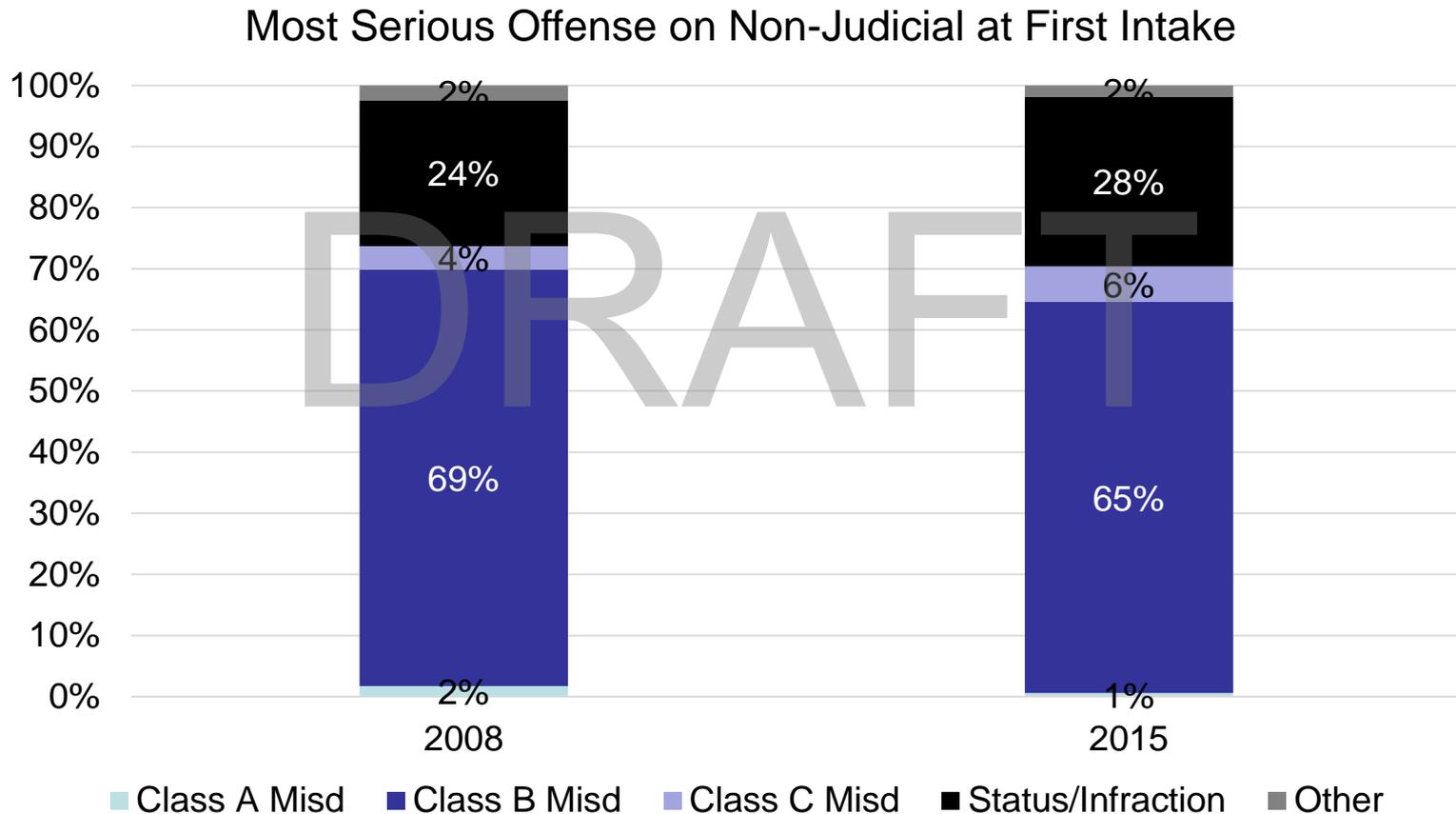


Lower proportion of new intakes result in non-judicial adjustment than in 2008

First Intake: Non-Judicial vs. Petition



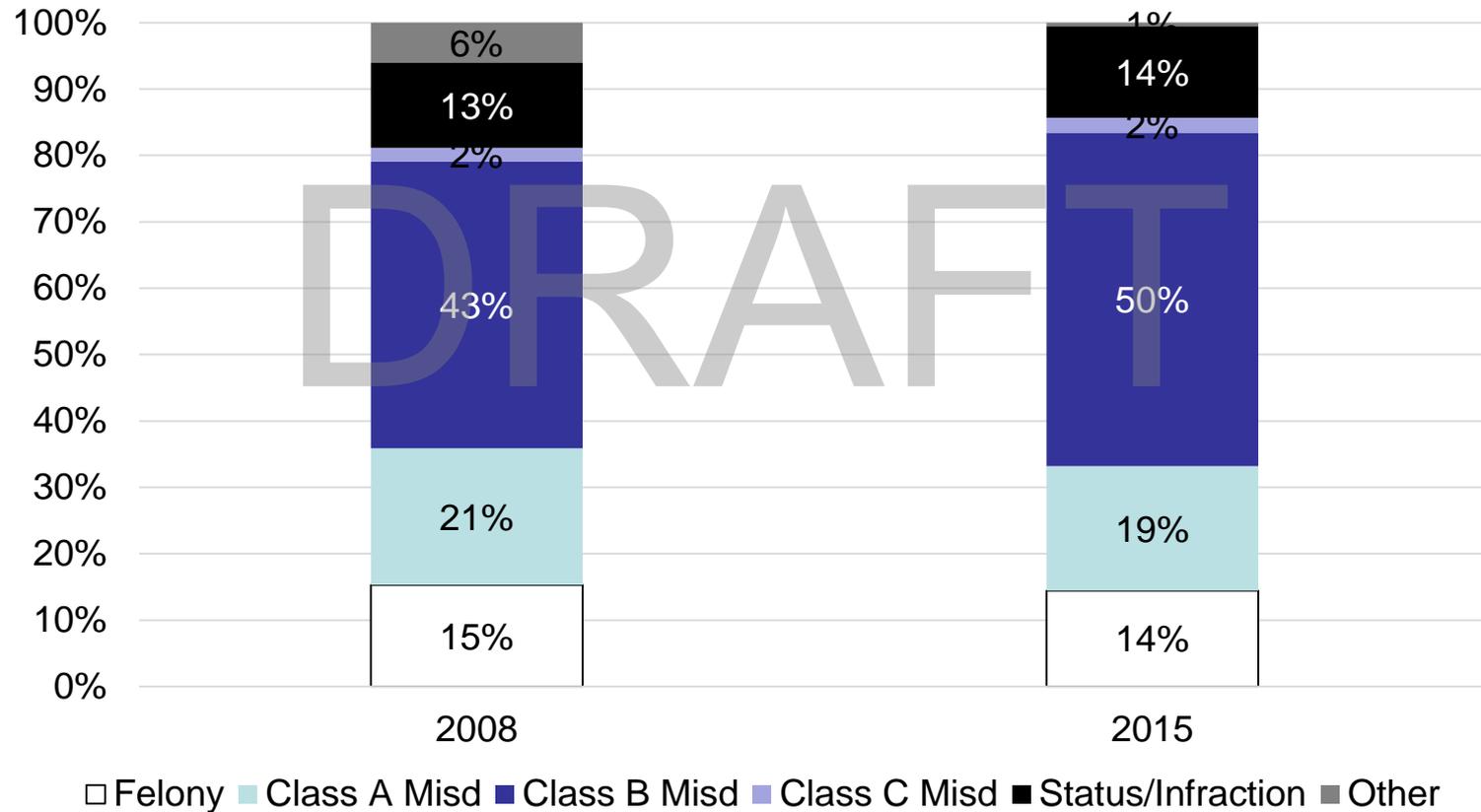
Majority of non-judicial adjustments at first intake are for Class B misdemeanors; higher proportion of status offenses since 2008





Half of petitions at first intake are also for Class B misdemeanors, higher proportion than in 2008

Most Serious Offense on Petition at First Intake



Similar top offenses for youth who get non-judicial and youth who get petition at first intake

Top 10 Offenses First Intake Non-Judicial 2015	# Youth	Top 10 Offenses First Intake Petition 2015	# Youth
RETAIL THEFT <\$500	1027	MARIJUANA POSSESSION OR USE	473
ALCOHOL POSSESSION OR CONSUMPTION	373	HABITUAL TRUANT CITATION	258
POSSESSION OF TOBACCO	365	POSSESSION DRUG PARAPHERNALIA	174
ASSAULT-SUB.RISK OF/BODILY INJ	283	RETAIL THEFT <\$500	172
CURFEW	247	ASSAULT-SUB.RISK OF/BODILY INJ	157
CRIMINAL MISCHIEF	223	CRIMINAL MISCHIEF	117
THEFT < \$500	221	SEXUAL ABUSE,CHILD-V.UNDER 14	100
CRIMINAL TRESPASS	219	ALCOHOL POSSESSION OR CONSUMPTION	84
CURFEW/TRUANCY	178	POS. DRUG PARAPHERNALIA - DFZ	82
HABITUAL TRUANT CITATION	138	POSSESSION OF TOBACCO	72

Similarities primarily in theft, status offenses

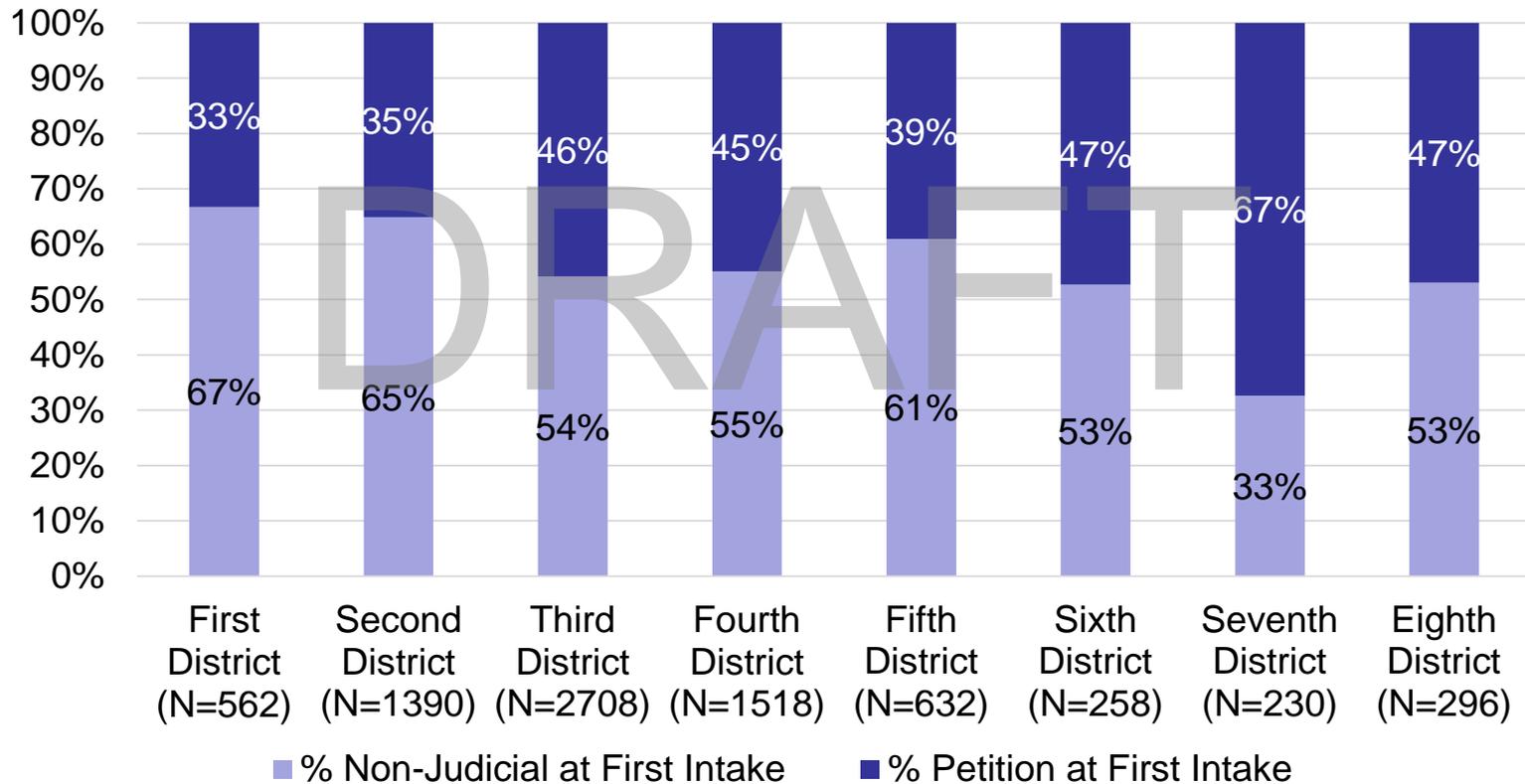
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CURFEW/TRUANCY	178	POS. DRUG PARAPHERNALIA - DFZ	82
HABITUAL TRUANT CITATION	138	POSSESSION OF TOBACCO	72

Differences primarily in drug offenses, curfew violations

Top 10 Offenses First Intake Non-Judicial 2015	# Youth	Top 10 Offenses First Intake Petition 2015	# Youth
RETAIL THEFT <\$500	1027	MARIJUANA POSSESSION OR USE	473
ALCOHOL POSSESSION OR CONSUMPTION	373	HABITUAL TRUANT CITATION	258
POSSESSION OF TOBACCO	365	POSSESSION DRUG PARAPHERNALIA	174
ASSAULT-SUB.RISK OF/BODILY INJ	283	RETAIL THEFT <\$500	172
CURFEW	247	ASSAULT-SUB.RISK OF/BODILY INJ	157
CRIMINAL MISCHIEF	223	CRIMINAL MISCHIEF	117
THEFT < \$500	221	SEXUAL ABUSE,CHILD-V.UNDER 14	100
CRIMINAL TRESPASS	219	ALCOHOL POSSESSION OR CONSUMPTION	84
CURFEW/TRUANCY	178	POS. DRUG PARAPHERNALIA - DFZ	82
HABITUAL TRUANT CITATION	138	POSSESSION OF TOBACCO	72

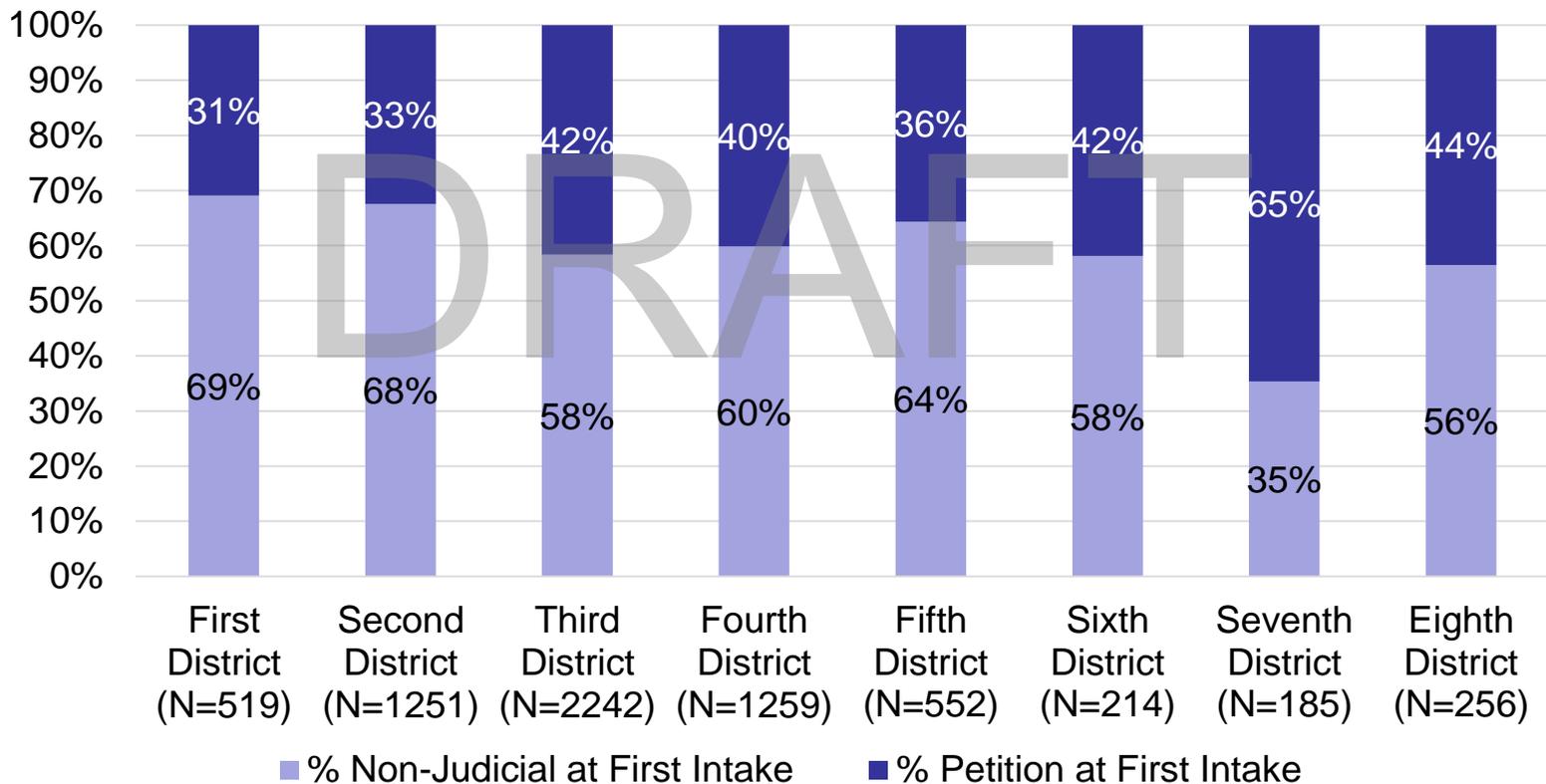
District-level variation in proportion of new intakes that result in non-judicial adjustment

First Intake Non-Judicial vs. First Intake Petition, 2015



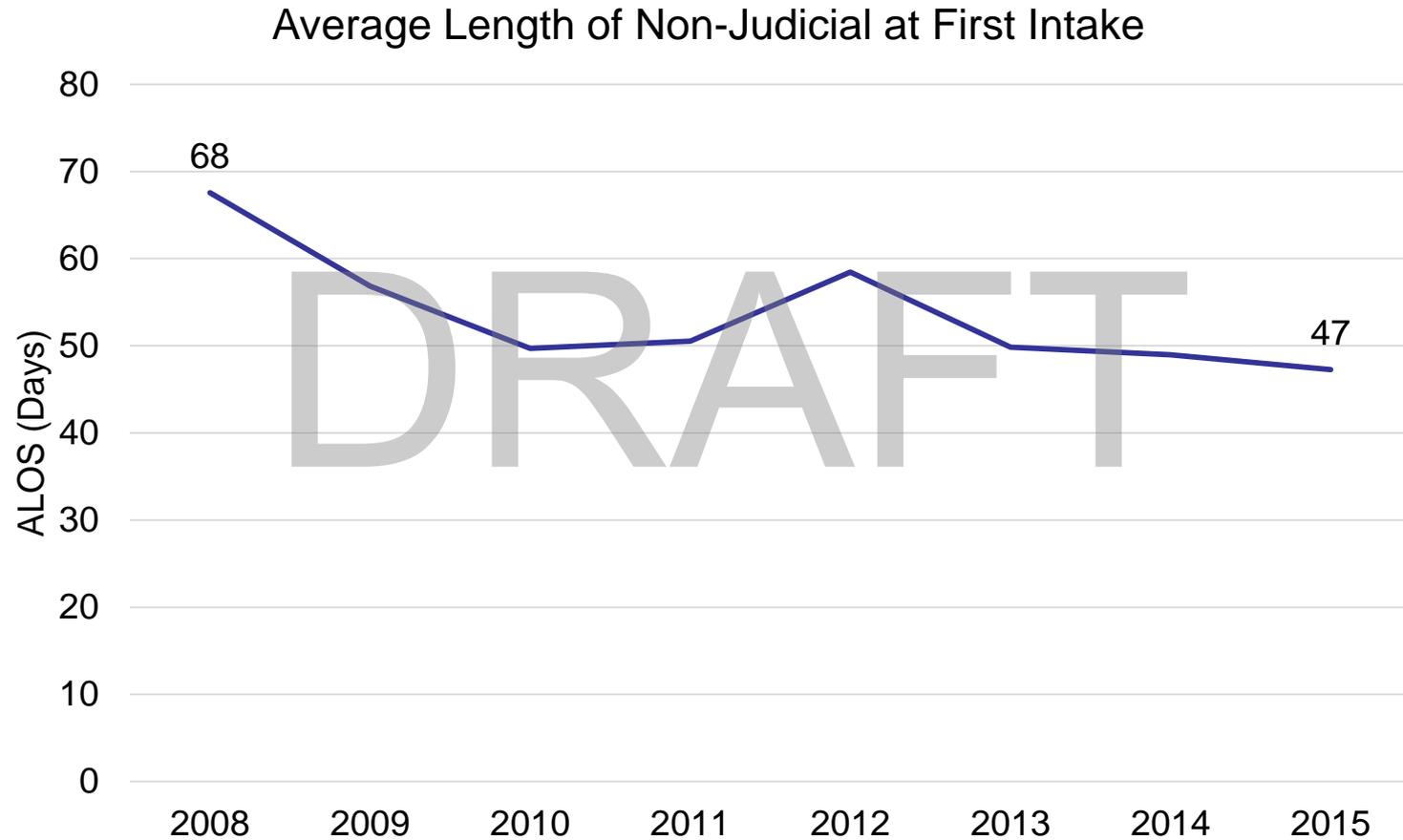
District-level variation in the use of non-judicial adjustment holds when only looking at lower-level offenses

Class B Misdemeanor or Below: First Intake Non-Judicial vs. First Intake Petition, 2015



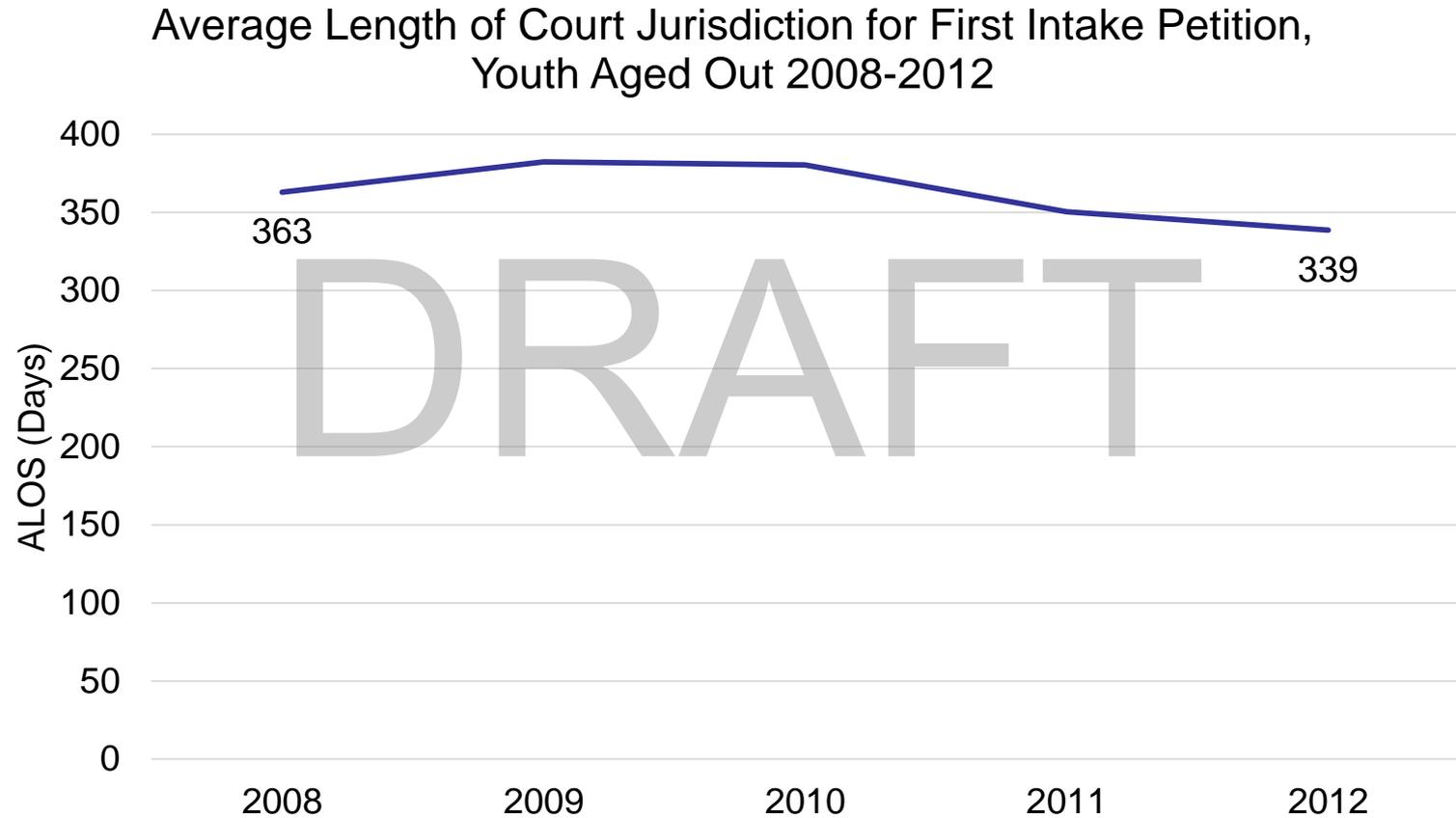


Average length of non-judicial adjustment at first intake is less than 2 months



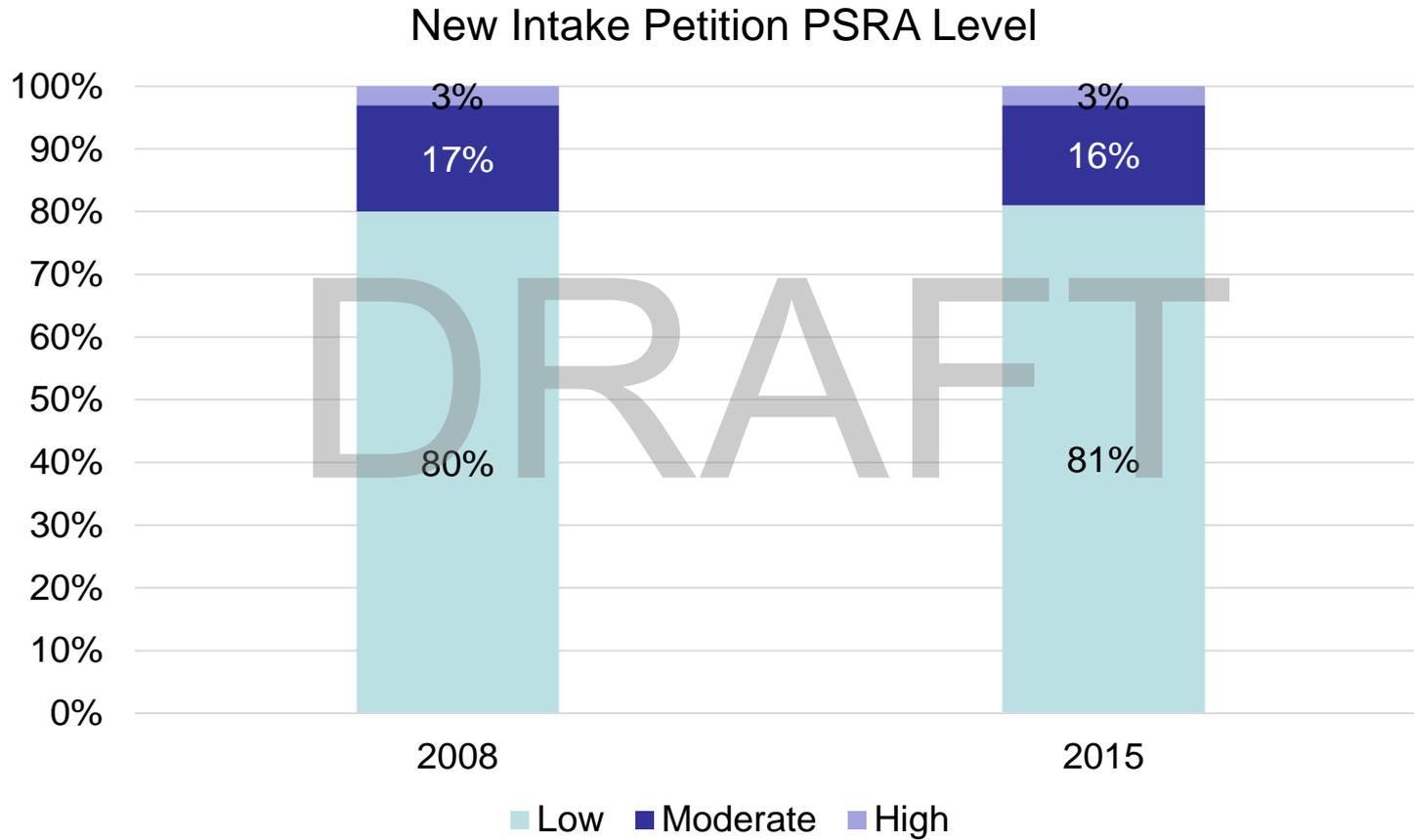


Youth who have a petition at first intake average 1 year under court jurisdiction





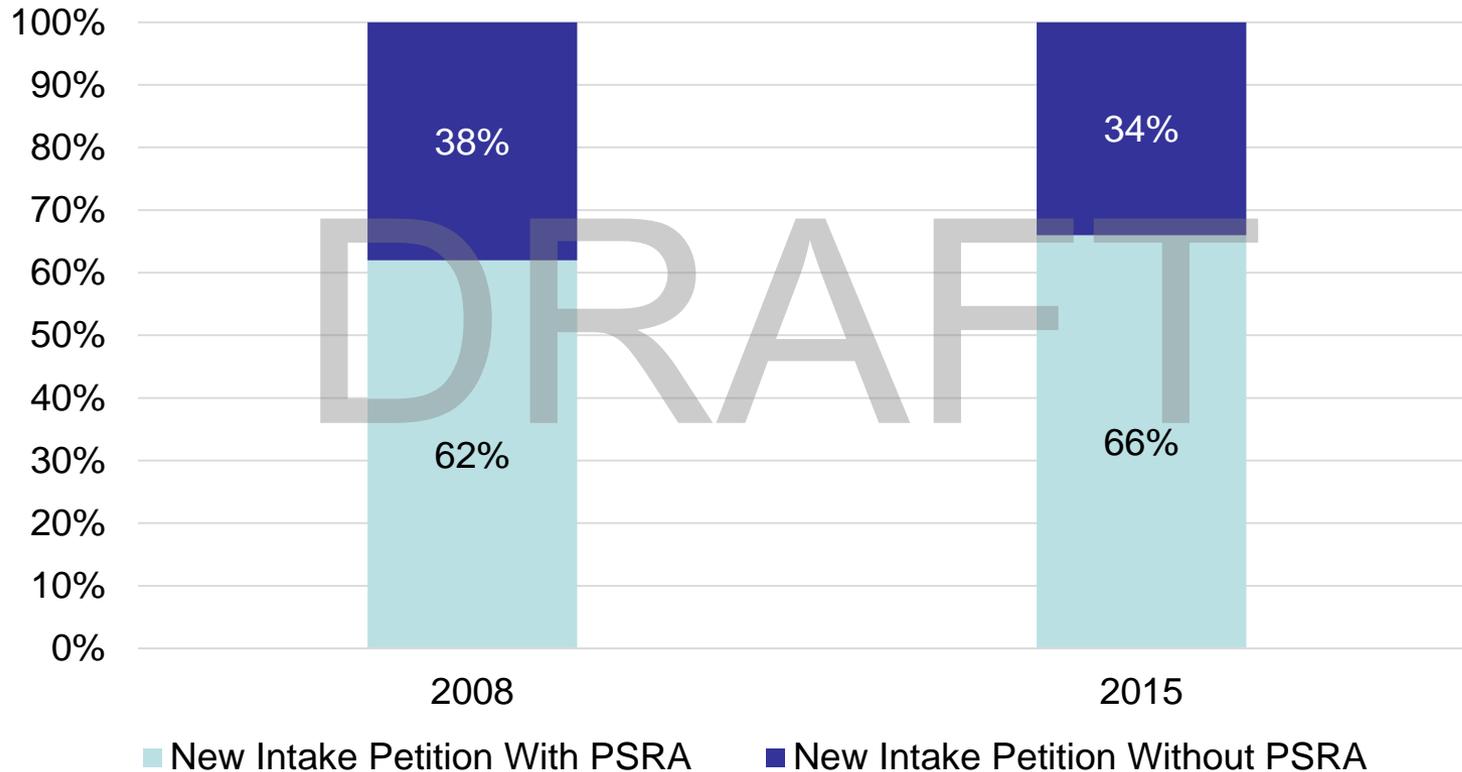
Majority of youth with petition at first intake are low risk



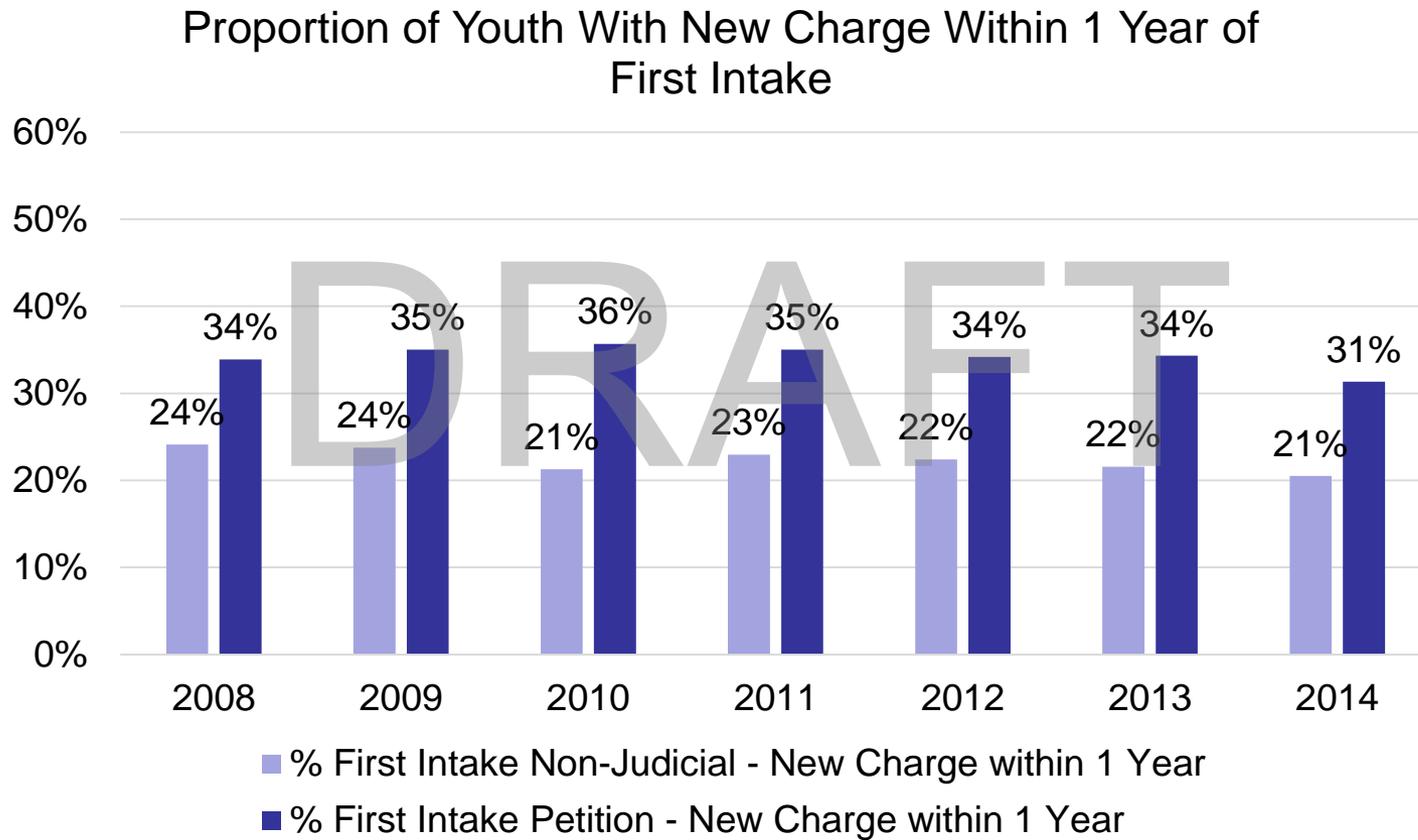


More than one-third of youth with petition at first intake do not have a PSRA completed

New Intake Petitions with PSRA Completed

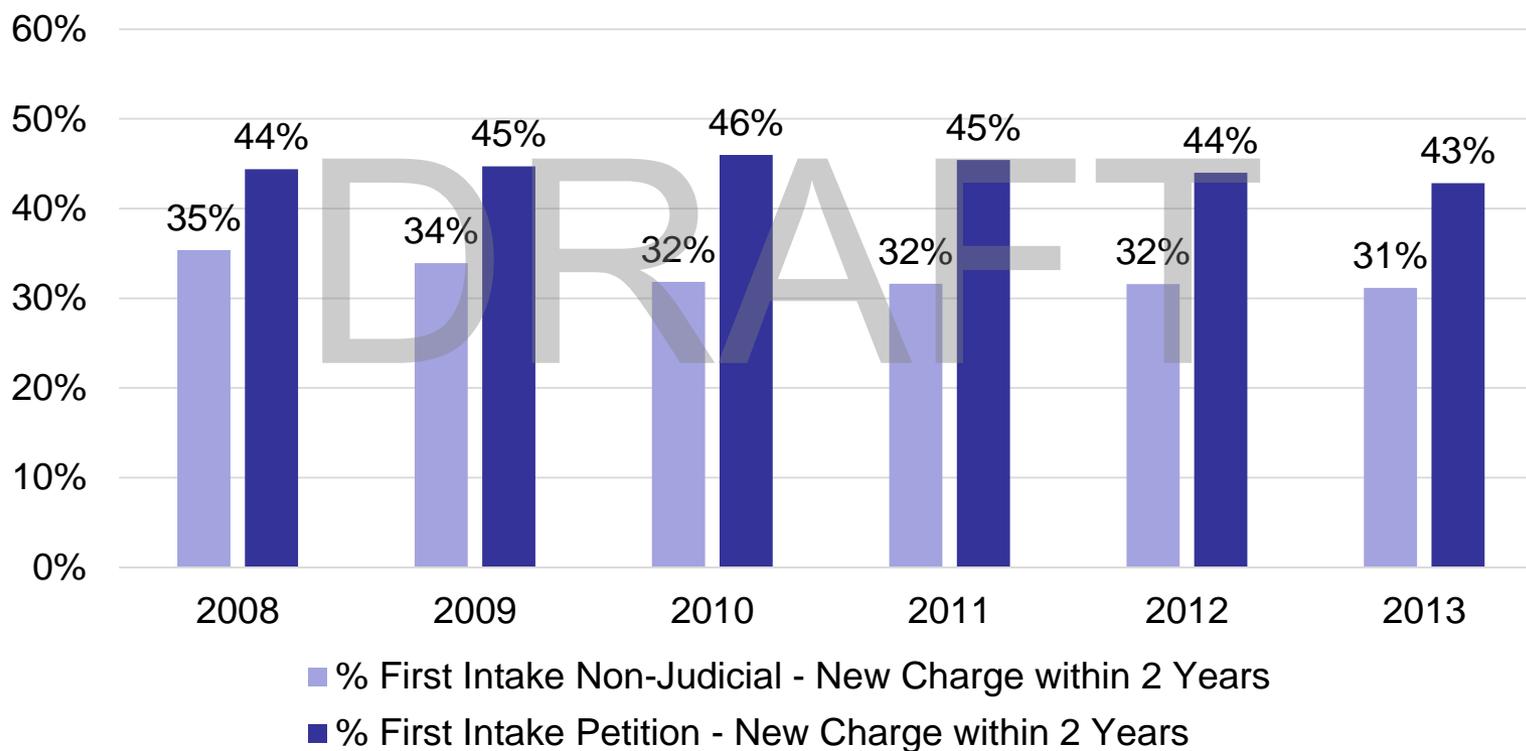


Lower proportion of youth with non-judicial adjustment at first intake have a subsequent charge within 1 year



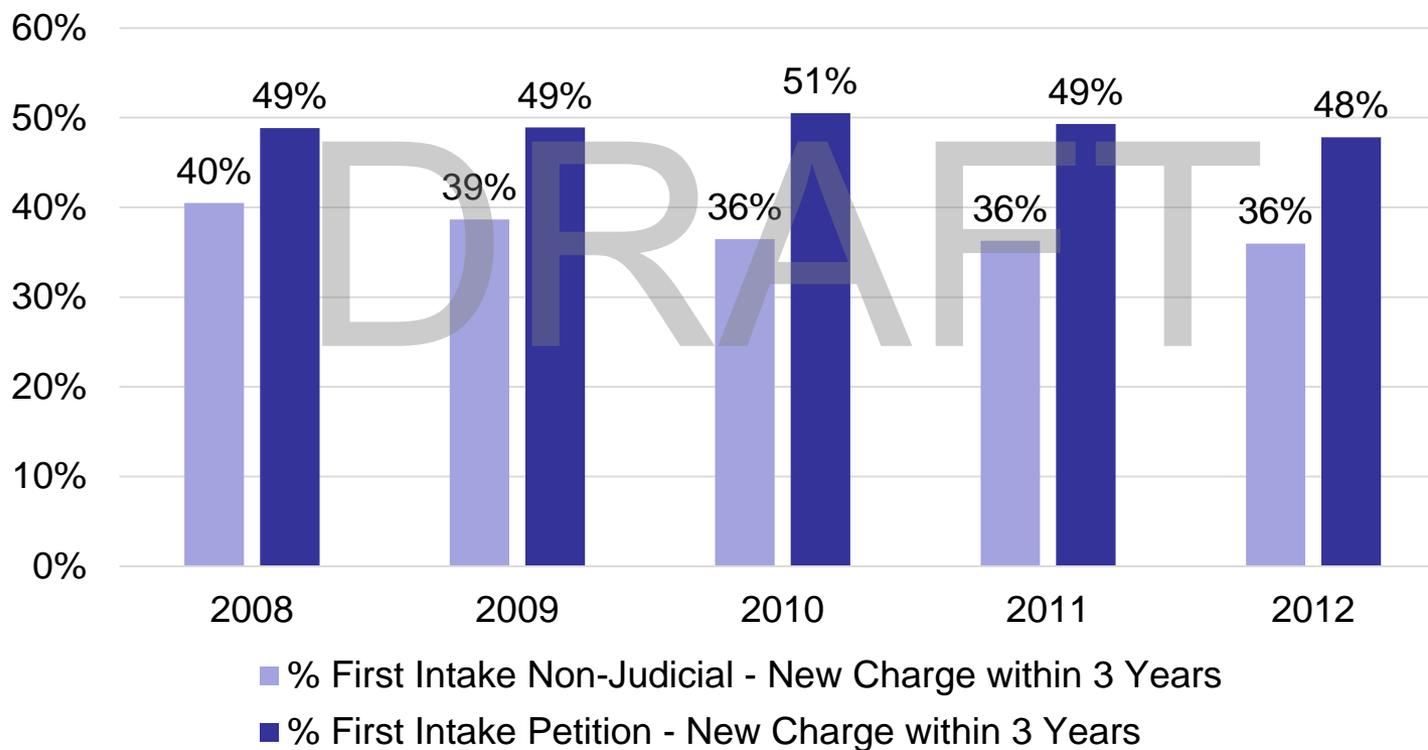
Lower proportion of youth with non-judicial adjustment at first intake have a subsequent charge within 2 years

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



Lower proportion of youth with non-judicial adjustment at first intake have a subsequent charge within 3 years

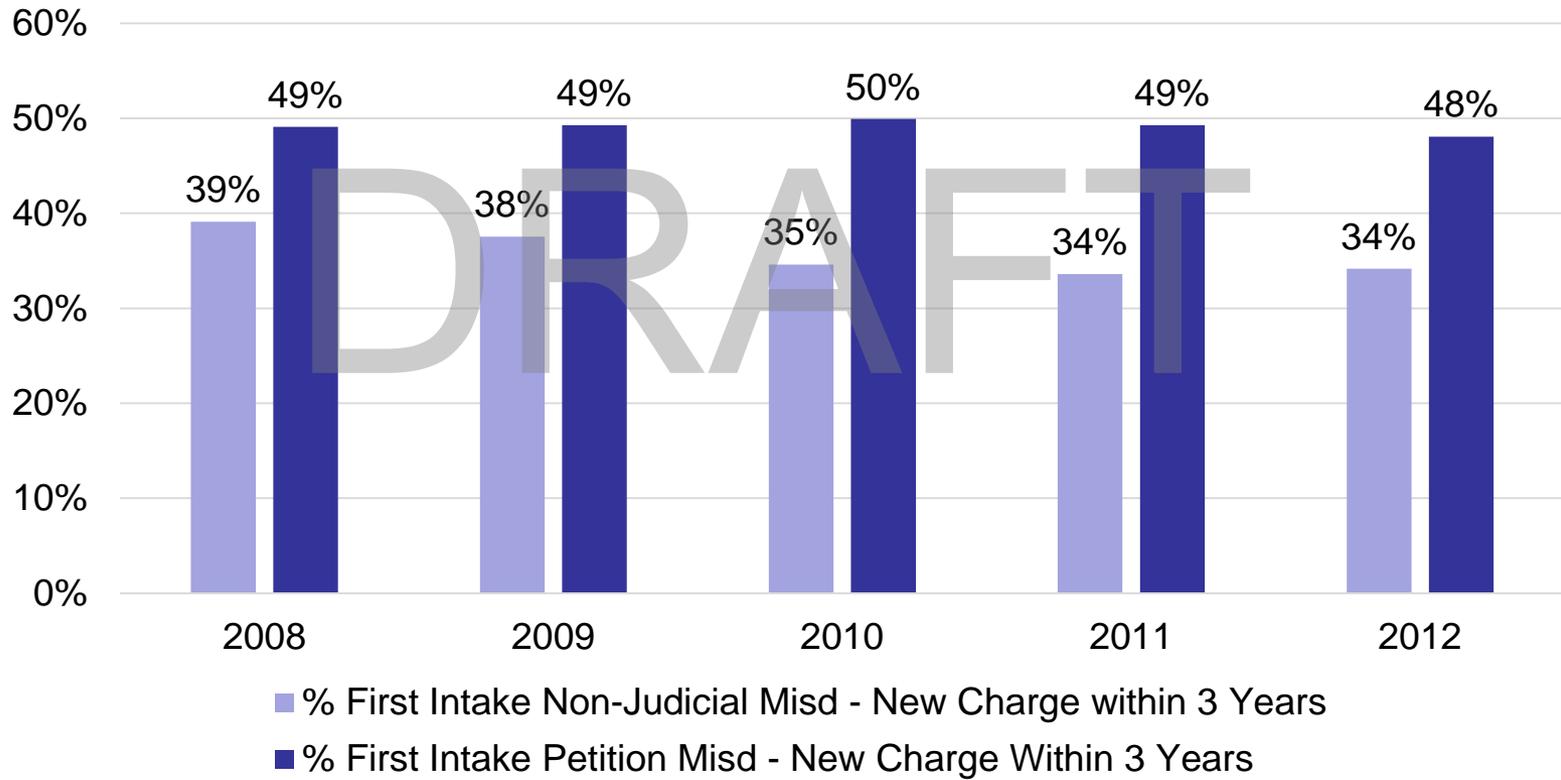
Proportion of Youth With New Charge Within 3 Years of First Intake





Lower proportion of misdemeanants with non-judicial adjustment at first intake have new charges

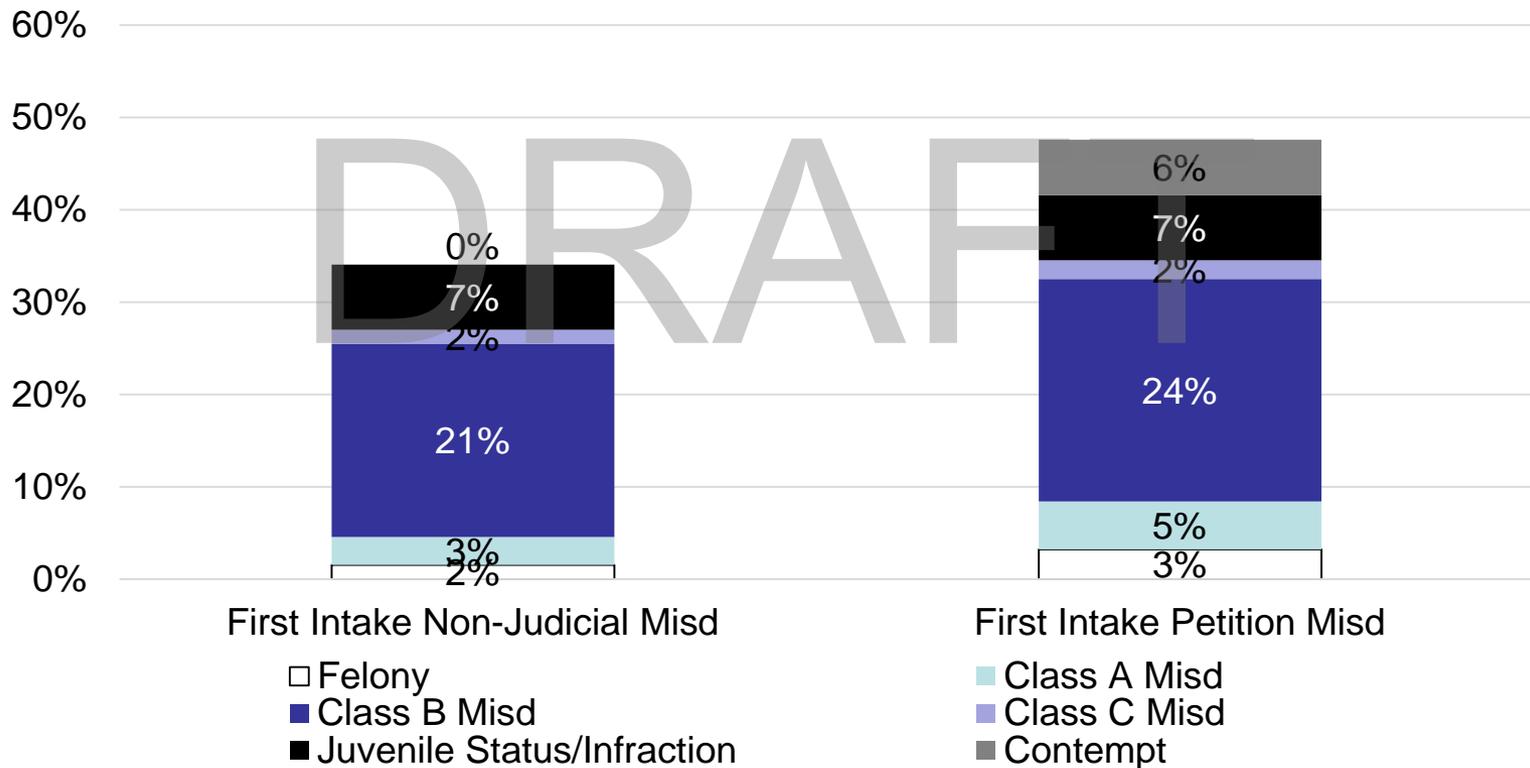
Proportion of Youth with First Offense Misdemeanor with New Charge Within 3 Years of First Intake





Misdemeanors and contempt charges drive difference in subsequent charges for misdemeanants with petition at first intake

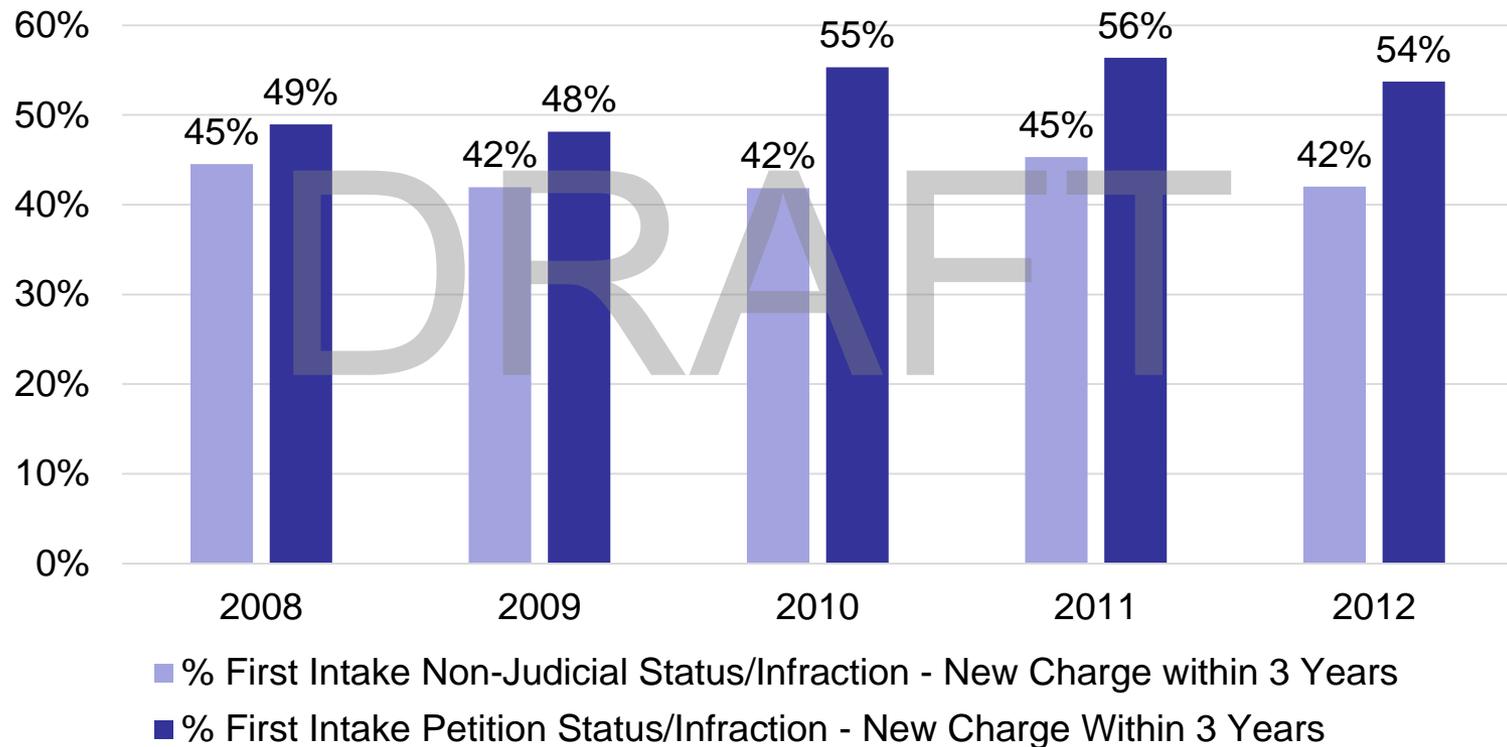
Most Serious Second Charge for Misdemeanor Youth with New Charge Within 3 Years, 2012





Lower proportion of status offenders with non-judicial adjustment at first intake have new charges

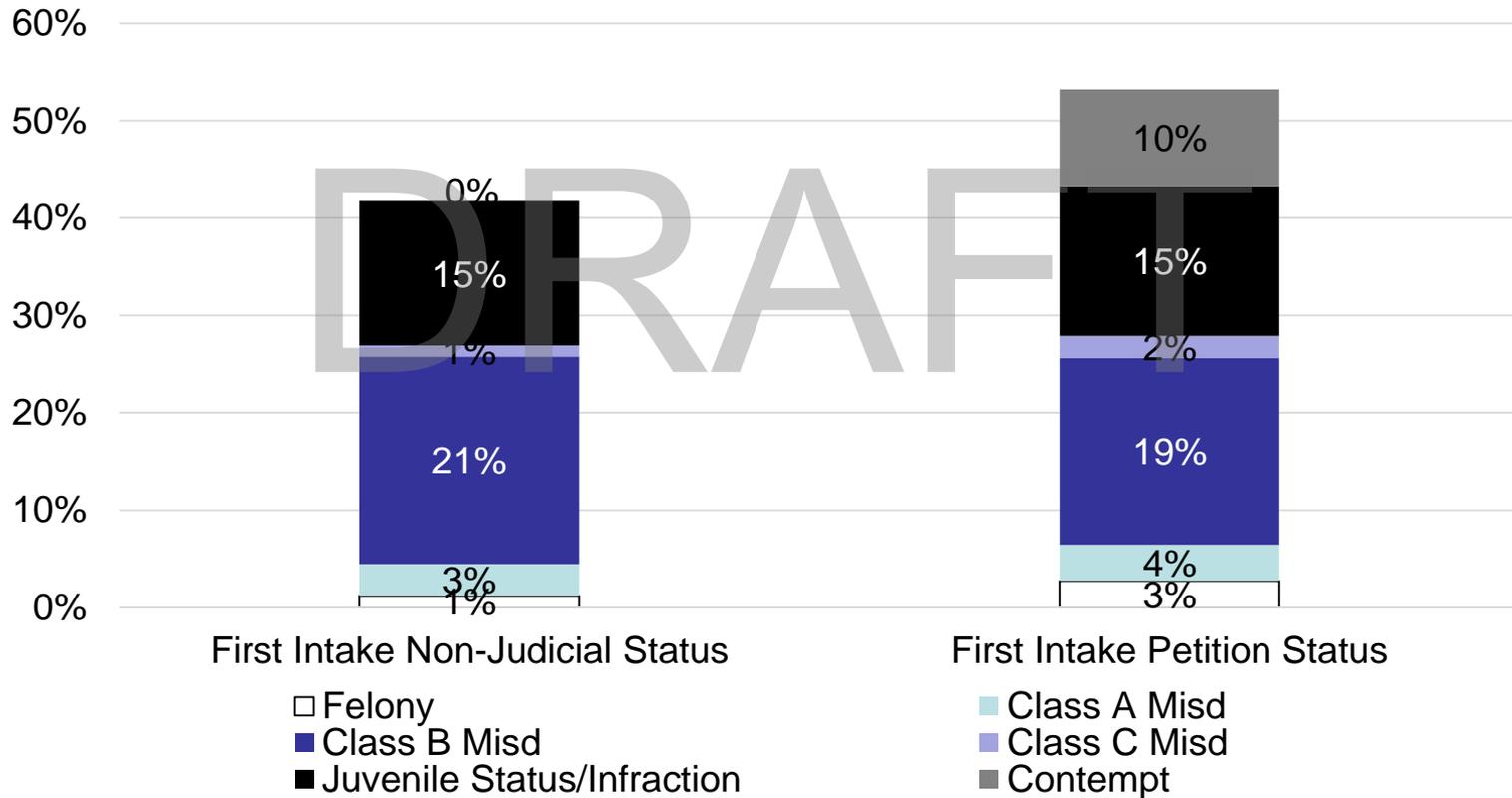
Proportion of Youth with First Offense Status/Infraction with New Charge Within 3 Years of First Intake



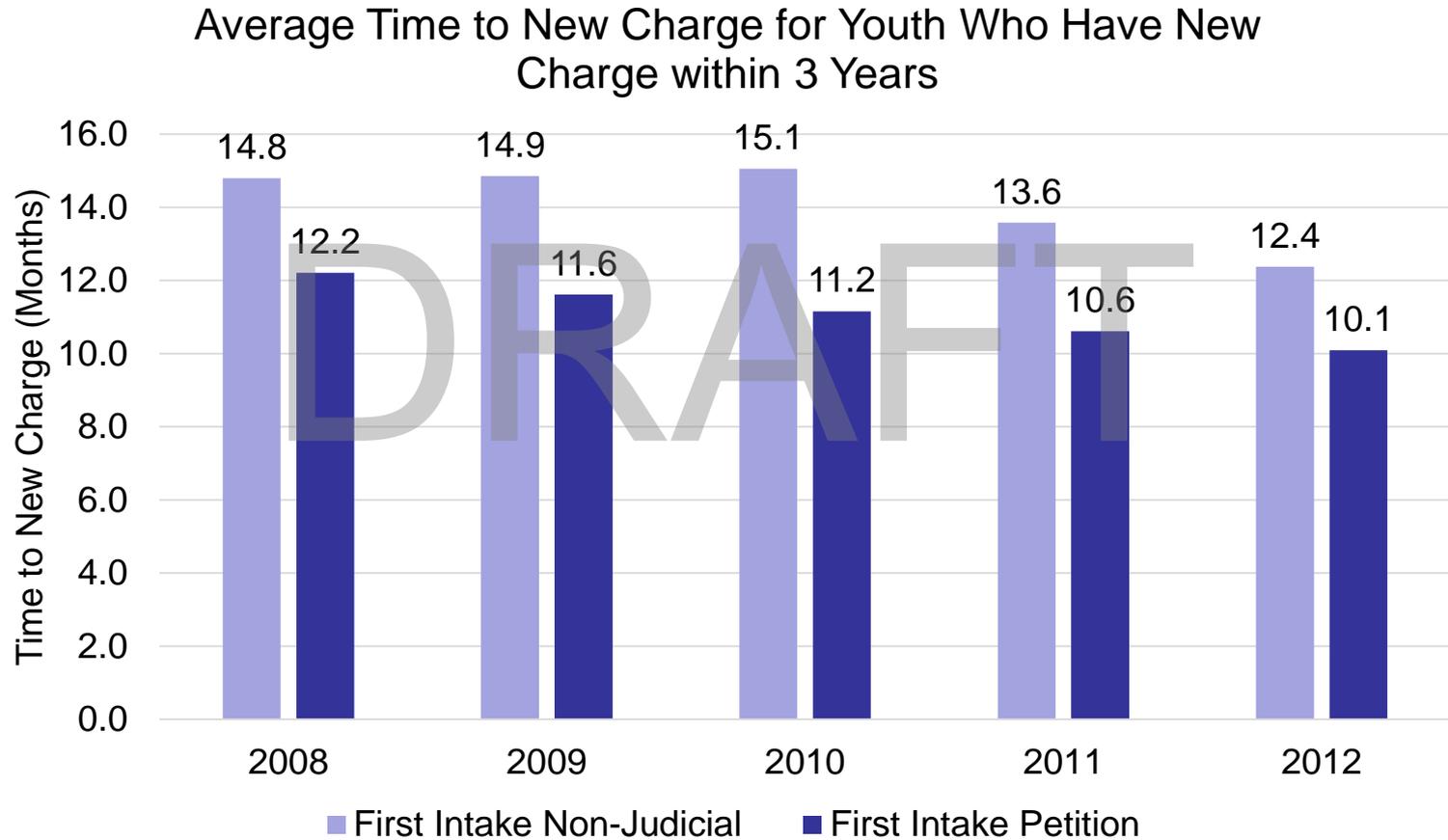


Contempt charges drive difference in subsequent charges for status youth with petition at first intake

Most Serious Second Charge for Status Youth with New Charge Within 3 Years, First Intake 2012



Youth with petition at first intake get new charges faster than youth with non-judicial adjustment at first intake



Intake Key Takeaways

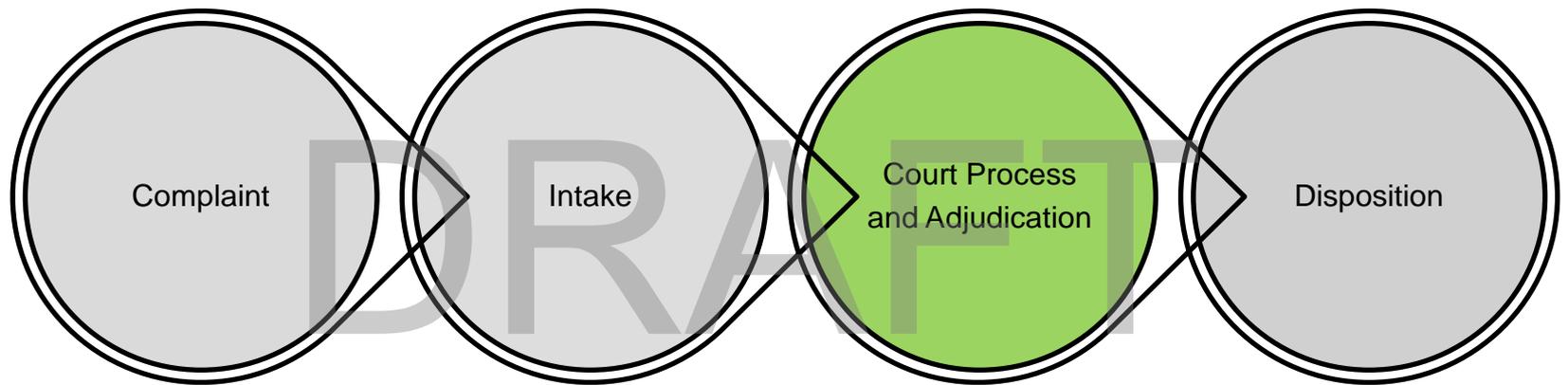
- **Decision Making**
 - Non-judicial adjustment may be offered as an alternative to court processing, but need not be offered in any case
 - In practice, non-judicial adjustment is limited to certain low-level offenses
 - Stakeholders have different perceptions about which cases are eligible and which cases receive non-judicial adjustment
 - In most districts, probation officers make probable cause determinations and decide whether to file petitions
 - Nearly half of those who do file petitions report being able to file for any type of charge

Intake Key Takeaways

- **Youth Flow**

- New intakes are down 35% since 2008
- More Hispanic youth enter the system than are represented in the Utah youth population
- The proportion of youth who receive a non-judicial adjustment on their first intake is declining
- There is district-level variation in the proportion of intakes that result in non-judicial adjustment
- The only major differences in offense types for youth who receive petition at first intake from those who receive non-judicial adjustments are drug offenses
- 80% of youth who receive a petition at first intake are low risk
- A higher proportion of misdemeanants and status offenders who receive a petition at first intake have subsequent charges, compared to youth who receive a non-judicial adjustment at first intake
 - Gap is driven primarily by contempt charges

- **Other?**



Court Process and Adjudication

Independent Juvenile Court led by dedicated juvenile court judges with dedicated juvenile court probation staff

Utah Juvenile Court

“One Family, One Judge”

Juvenile Commissioners
(1.5 positions)

3rd and 4th
districts only

Juvenile Court Judges
(29 sitting judges)

20+ years of service = 10%
10-19 years of service = 28%
5-9 years of service = 24%
0-4 years of service = 38%

Juvenile Court Probation
(192 positions)

159 Probation officers
20 Supervisors
13 Chief Probation Officers

Procedural considerations often guided by discretionary policy

Presence of Counsel	Prosecution Presence	← Required in felony cases
	Appointment of Defense Counsel	
	Parental Counsel	
	Guardian Ad Litem	
Custody/Release	Detention, Home Detention, Release	← If the court finds at a detention hearing that it is not safe to release the minor, the judge or commissioner may order the minor to be held
	Temporary Custody	
	DCFS Protective Services	
Preliminary Determinations	Adult Certification	← Prosecution must establish by a preponderance of the evidence that there is probable cause to believe that a crime was committed by the accused AND that it would be contrary to the best interests of the minor or of the public for the juvenile court to retain jurisdiction
	Competency and Other MH, Medical Evaluations	
	Courtroom Shackling	
	Presence of Abuse, Neglect, Dependency	
Finding of Delinquency	Mediation	
	Adjudication	
	Dismissal	
	Plea (Formal or In Abeyance)	

Pleas in abeyance offer comparative advantages for youth who successfully complete

	NJ	Plea In Abeyance	Juvenile Plea / Adjudication
Offered pre-court	X		
Standard duration	X		
Used in some felony cases		X	X
Stays on record unless expunged	X	(only charges at arrest)	X
Aggravator on Dispositional Matrix	X		X
Considered on PSRA	X		X

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Court Process and Adjudication

Survey Data

About one-third of judges report defense counsel is appointed for all cases; more judges report prosecutor is present for more types of cases

Types of Cases Where Attorneys are Appointed/Present Judges Survey (N=26)		
	Defense Counsel Appointed	Prosecutor Present
Status offenses	35%	77%
Misdemeanor offenses	73%	77%
Felony offenses	100%	81%
All offenses	38%	69%

*Totals do not add to 100% because categories are not mutually exclusive

Of the times when attorneys are present, they are often present at adjudication and disposition; not often present at detention hearings

Types of Proceedings Where Attorneys are Present Judges Survey (N=26)		
	Appointed Defense Attorney Present	Prosecutor Present
Detention Hearings	35%	12%
Arrest	88%	54%
Adjudication	100%	88%
Disposition	100%	88%

*Totals do not add to 100% because categories are not mutually exclusive

About one-third of judges report that plea in abeyance is used for all types of offenses; primarily used for status and misdemeanor cases

Types of Cases Where Plea in Abeyance Used Judges Survey (N=26)	
Status offenses	85%
Misdemeanor offenses	92%
Felony offenses	46%
All offenses	35%

*Totals do not add to 100% because categories are not mutually exclusive

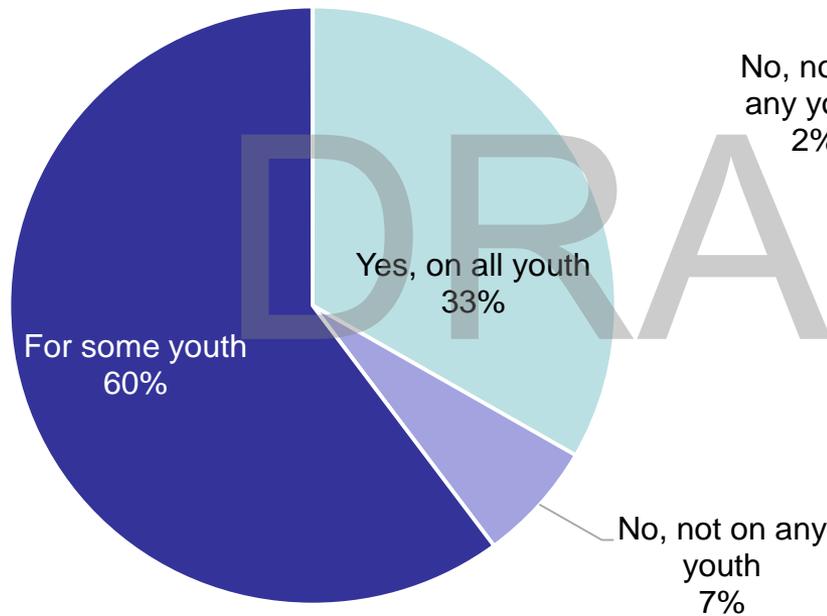
Child welfare considerations and lack of community alternatives may guide delinquency detention decisions

Factors Guiding Judges' Detention Decisions Judges Survey (N=26)	
Danger of youth to others	100%
Offense severity	92%
Prior history	85%
Danger of youth to self	73%
Risk the youth will fail to appear at next hearing	73%
Youth charged with holdable offense	54%
Family situation endangers youth	46%
Lack of other less restrictive placements	46%
Parent/guardian is unresponsive to court requirements	38%
Lack of community-based alternatives	38%
Other	15%

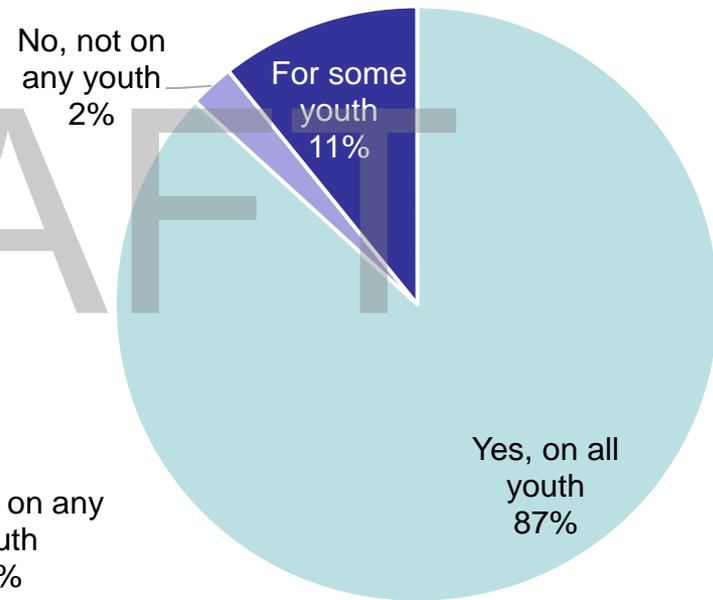
*Totals do not add to 100% because categories are not mutually exclusive

One-third of intake probation officers and 87% of formal probation officers always complete a risk assessment

Completion of Risk and Needs Assessment
Intake Probation Officer Survey (N=108)



Completion of Risk and Needs Assessment Formal
Probation Officer Survey (N=84)



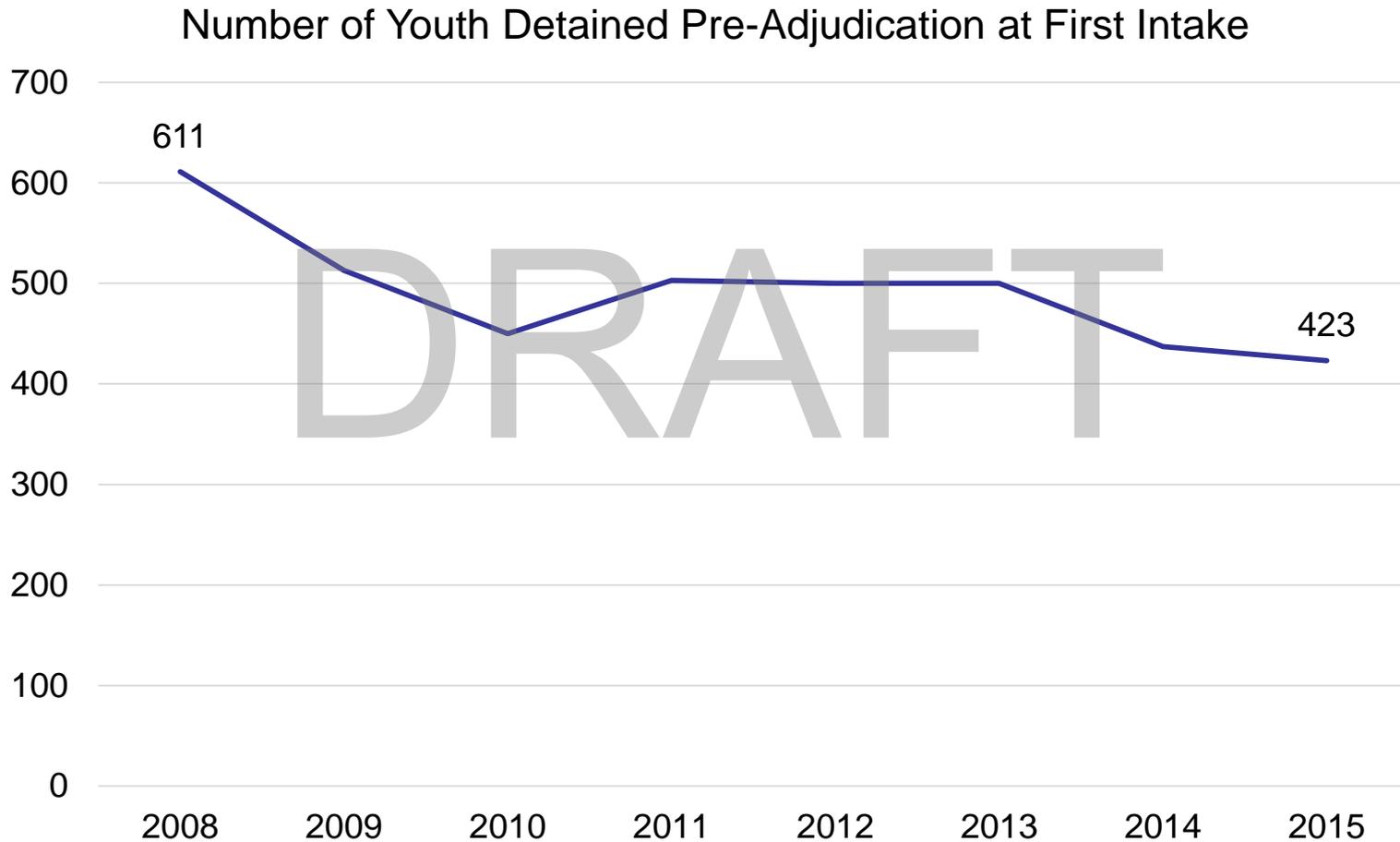
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Pre-Adjudication Detention
at First Intake

Data

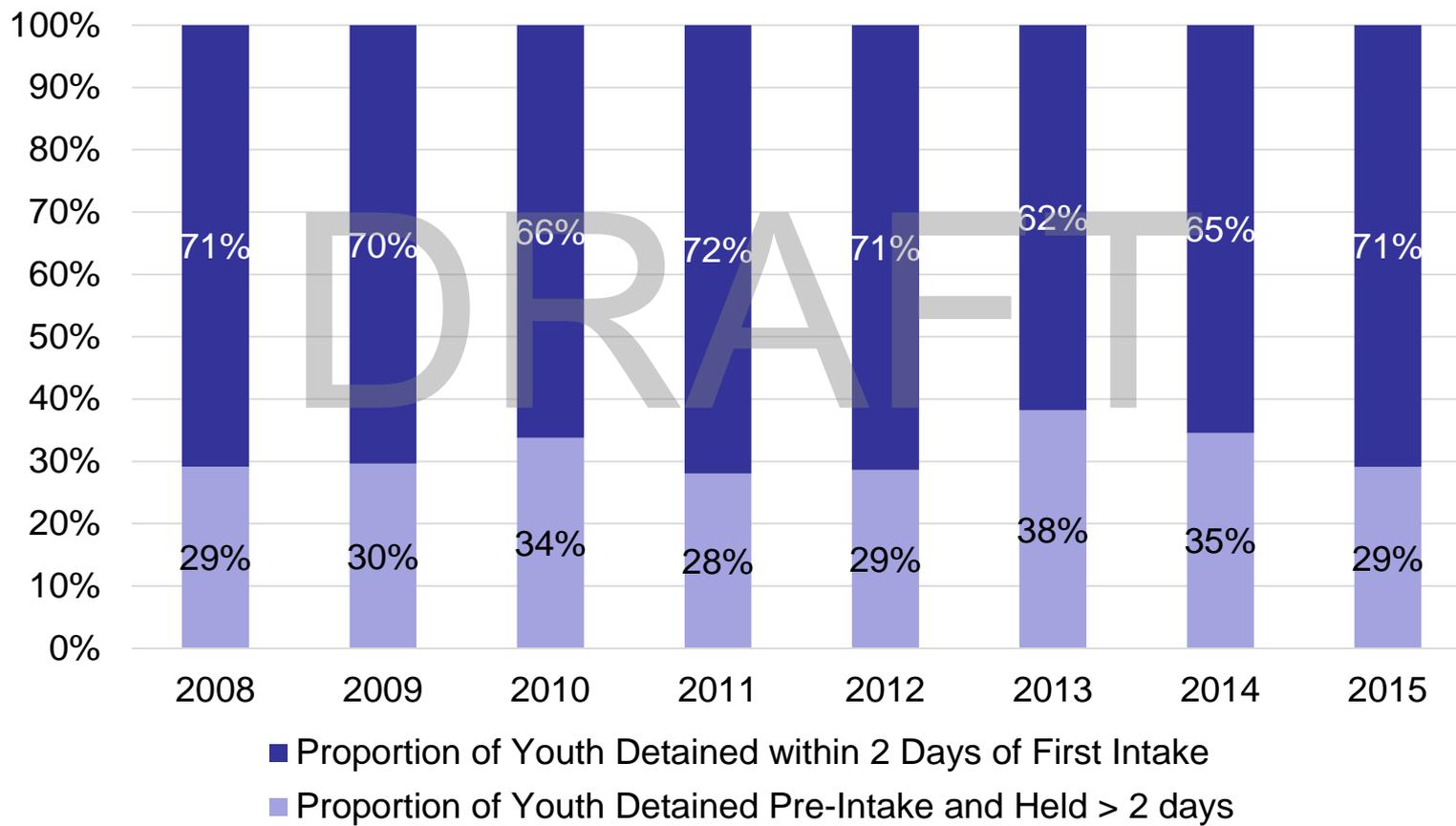


More than 400 youth detained pre-adjudication on first intake, down 31%



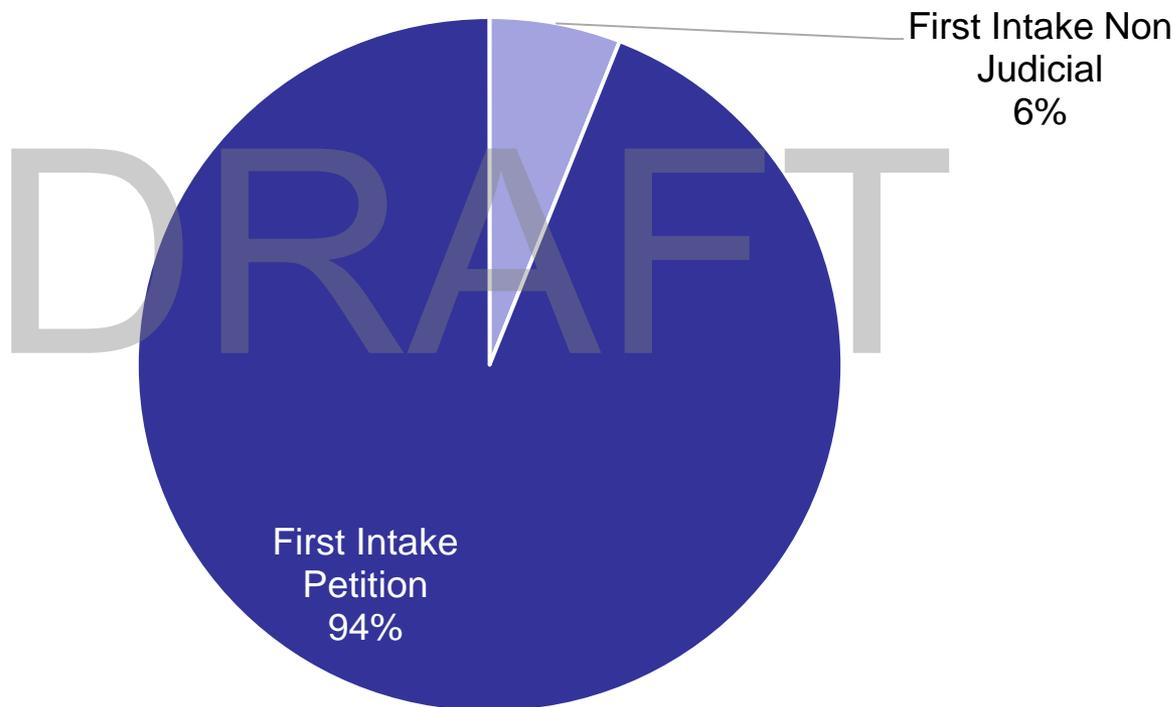
71% of youth detained pre-adjudication on first intake are detained through the court process

Youth Detained Pre-Adjudication at First Intake

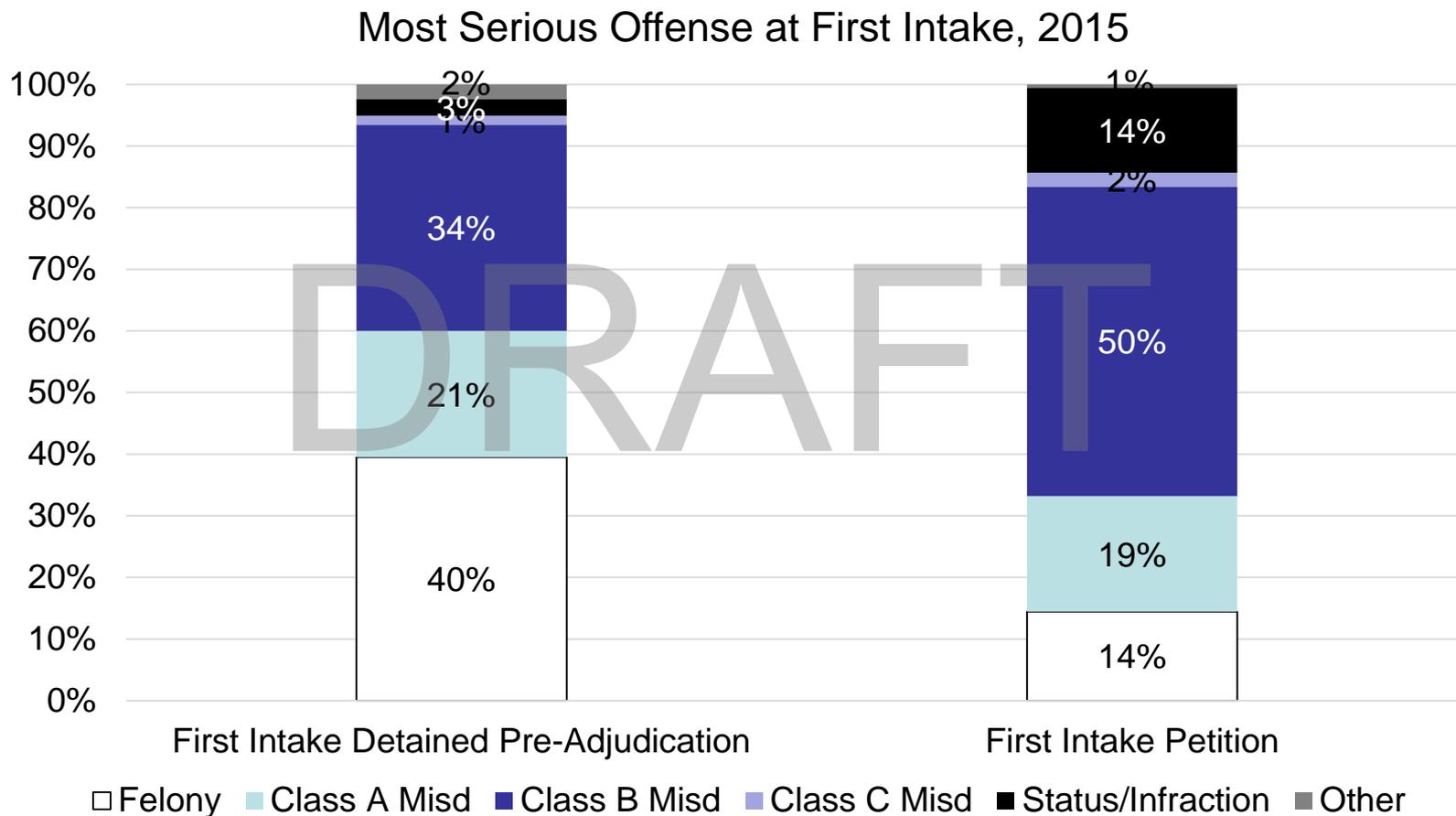


94% of youth held in detention pre-adjudication on their first intake get a petition

Youth Held in Detention Pre-Adjudication on First Intake, 2015



Larger share of felony offenses for youth detained pre-adjudication compared to all youth with petition at first intake



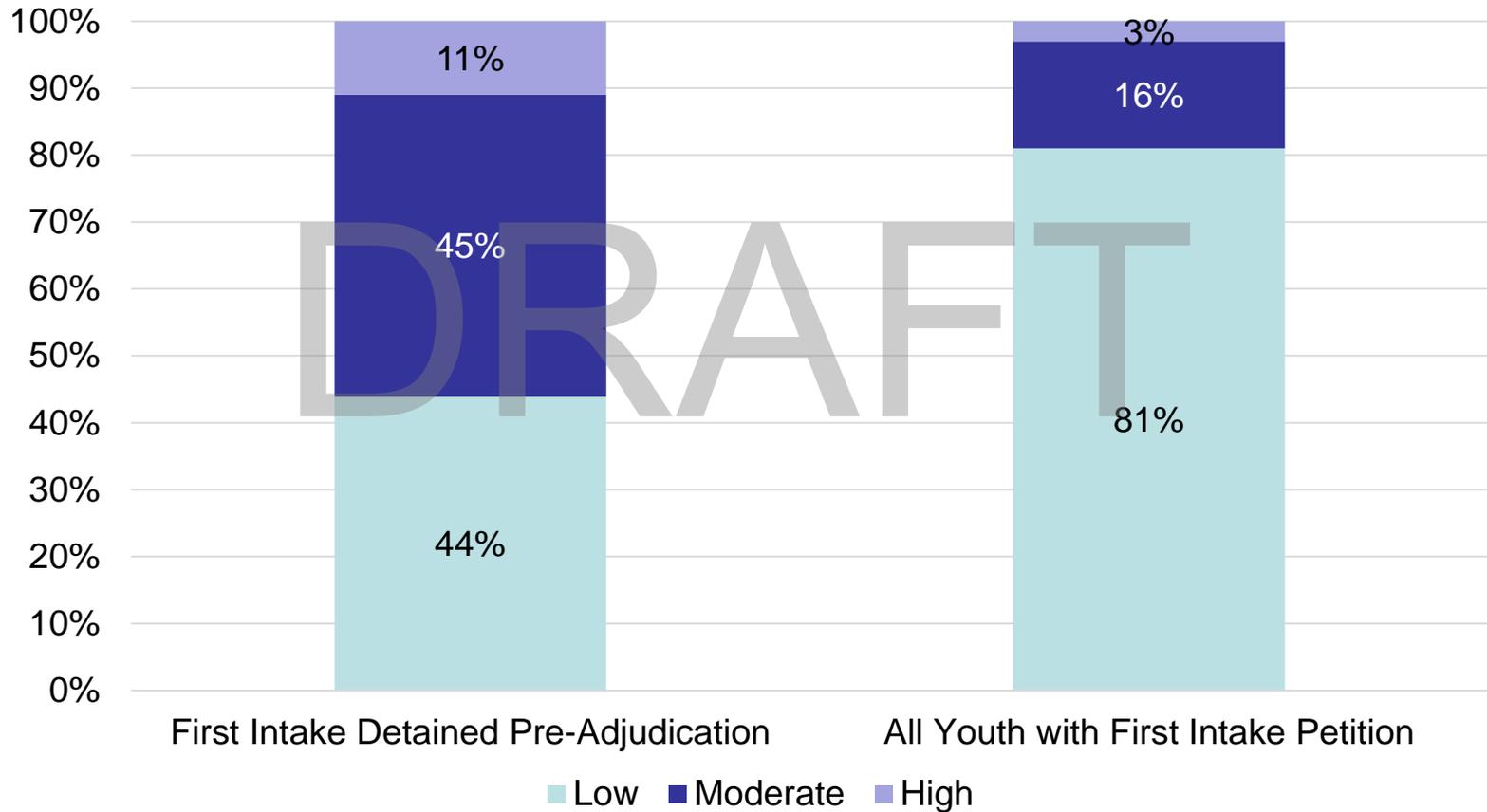
Three of top four offenses for pre-adjudication detention are non-felony offenses

Top 11 Offenses Youth Detained Pre-Adjudication on First Intake, 2015	# Youth	% Non-Felony
ASSAULT-SUB.RISK OF/BODILY INJ	41	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	26	0%
RETAIL THEFT <\$500	21	100%
MARIJUANA POSSESSION OR USE	18	100%
AGG. ASSAULT WITH WEAPON/FORCE	16	38%
ASSAULT AGAINST PEACE OFFICER	16	94%
POSSESSION OF STOLEN VEHICLE	15	0%
SODOMY UPON CHILD-VICT.UNDR 14	15	0%
DISTRIBUTE A CONTLD/CNTFIT SUB	13	0%
BURGLARY - DWELLING	12	8%
BURGLARY	12	0%



Higher proportion of moderate and high risk among youth detained pre-adjudication vs. all youth with first intake petition

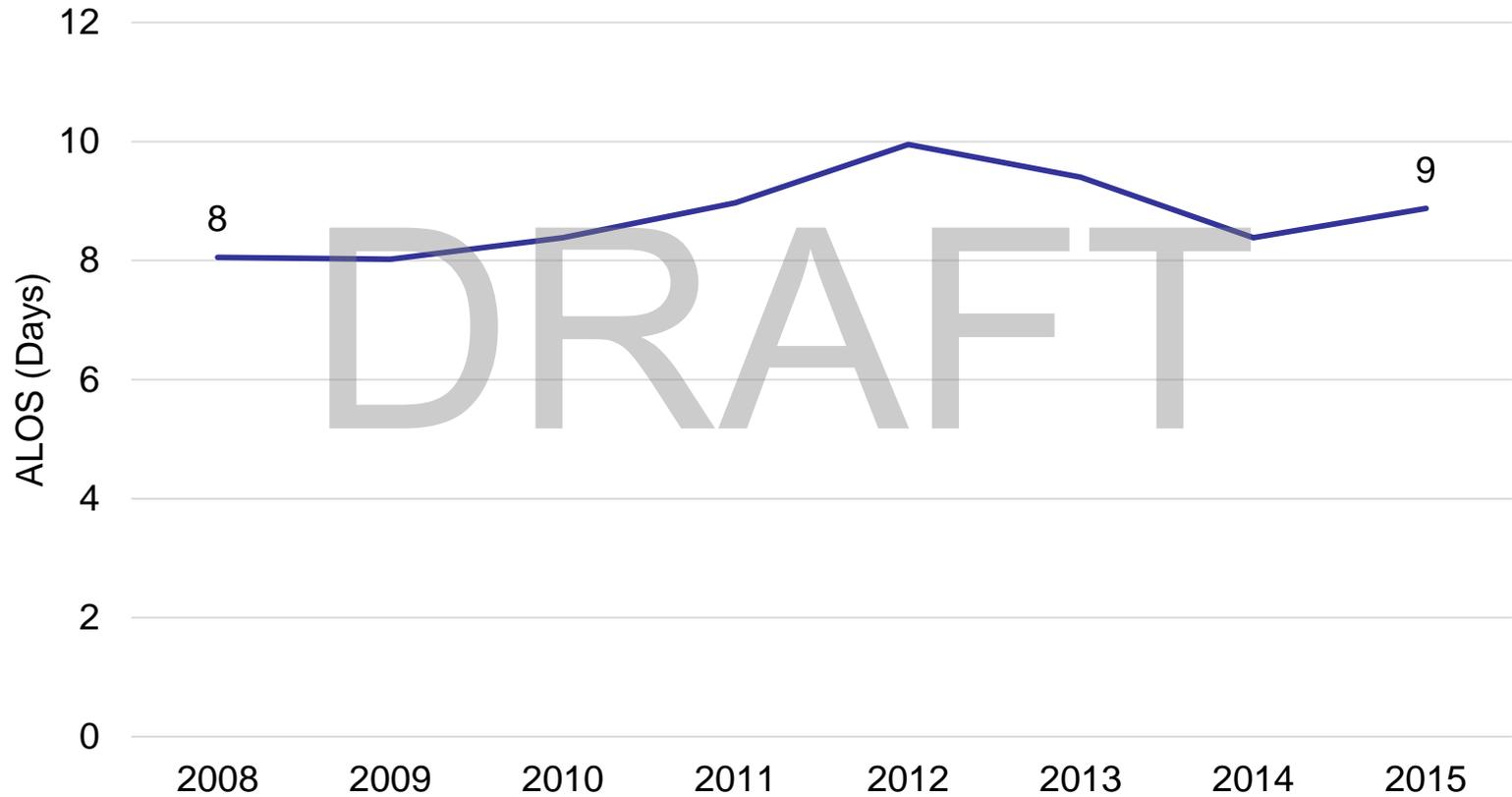
PSRA Level at First Intake, 2015





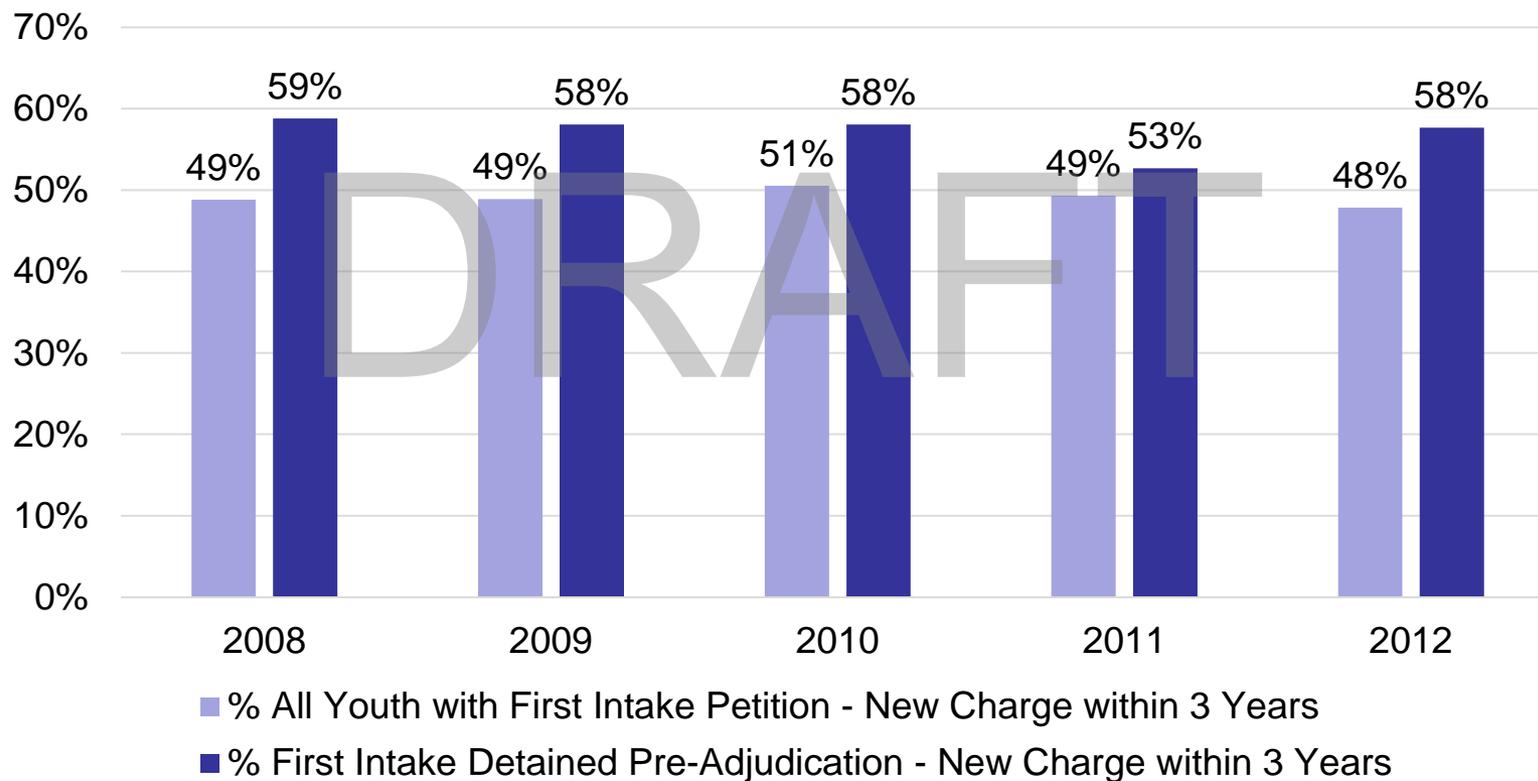
Youth detained pre-adjudication stay 9 days on average

Average Length of Detention Stay Youth Detained Pre-Adjudication at First Intake



Higher proportion of new charges for youth detained pre-adjudication vs. all youth with first intake petition

Proportion of New Charges for Youth Detained Pre-Adjudication



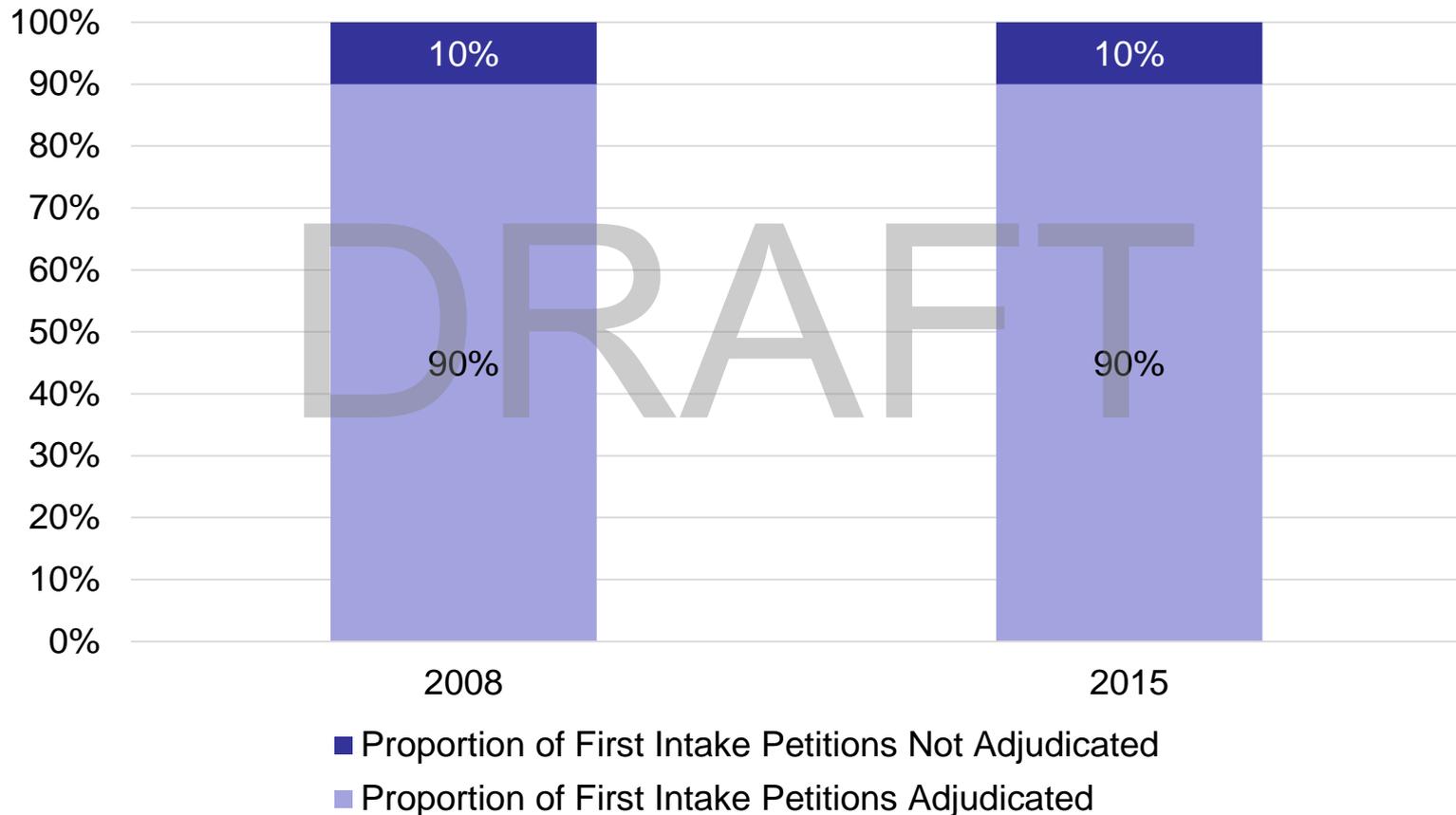
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Adjudications at First Intake

Data

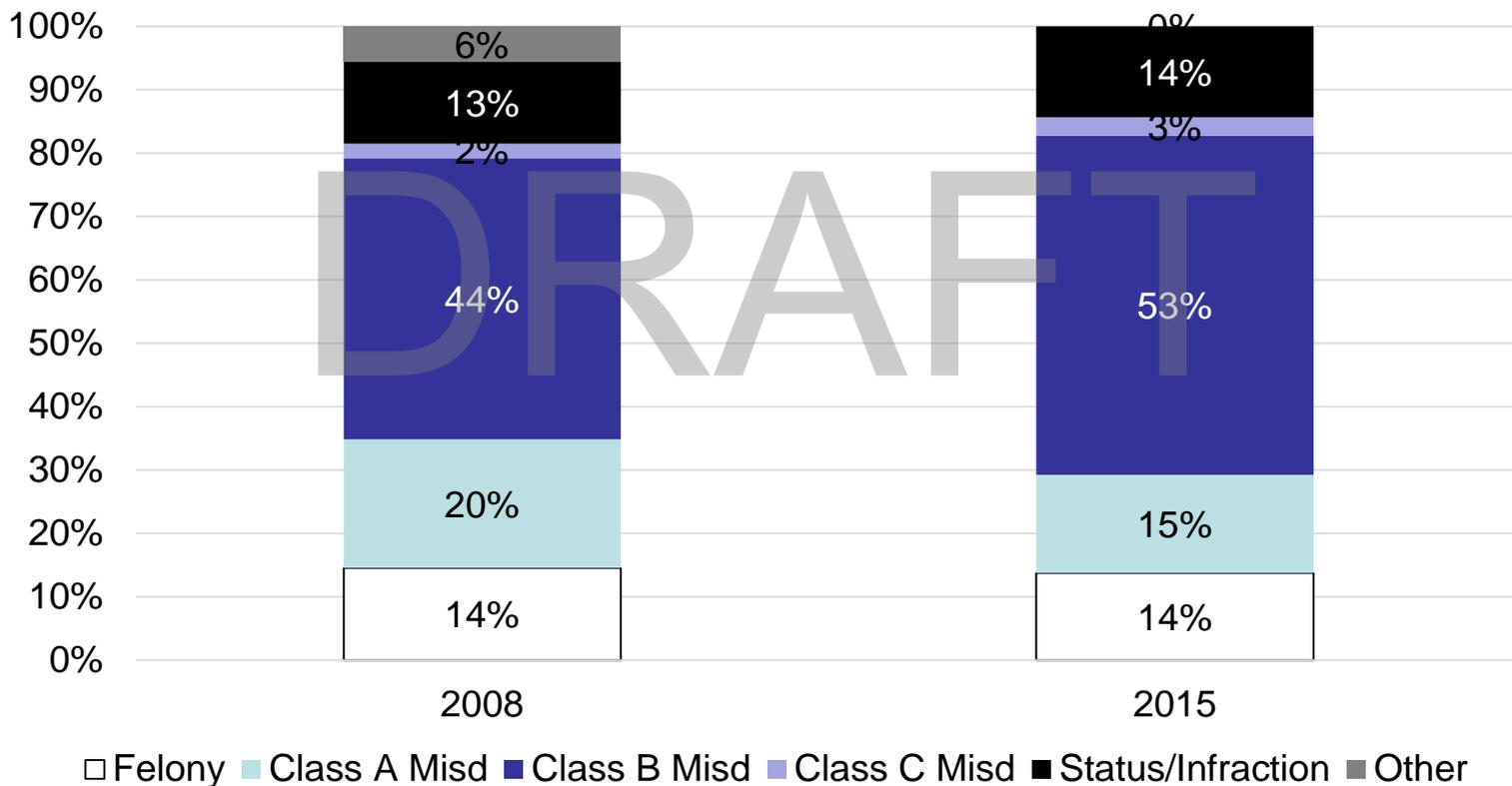
90% of youth with petition at first intake end up adjudicated on that offense

Youth Adjudicated on Petition at First Intake



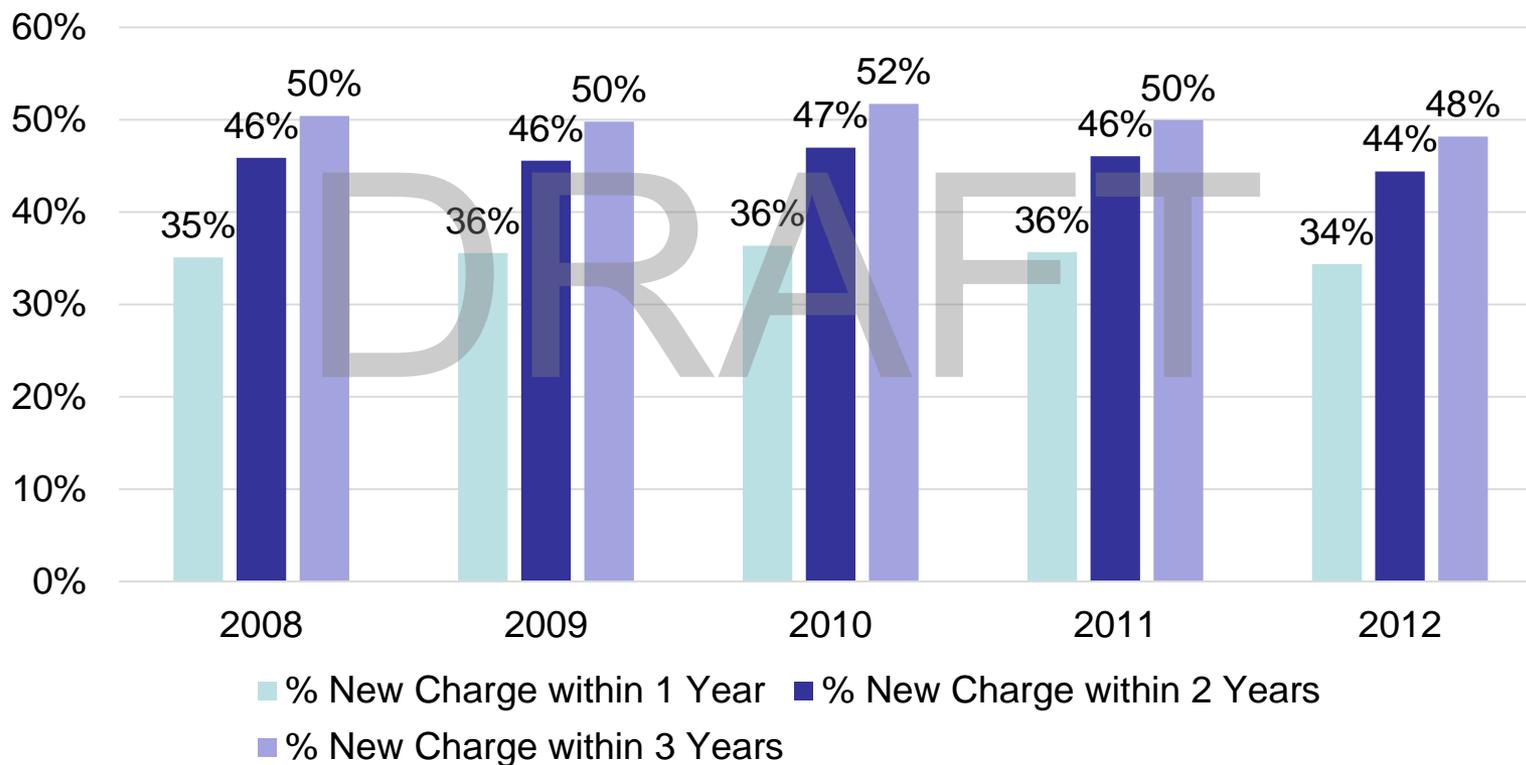
Majority of youth adjudicated at first intake for Class B misdemeanor; increasingly low-level since 2008

Most Serious Adjudicated Offense - First Intake Petition Adjudications



One-third of youth who are adjudicated on a petition at first intake have a new charge within 1 year

Proportion of Youth Adjudicated on First Intake with New Charge



Court Process and Adjudication Key Takeaways

- **Decision Making**

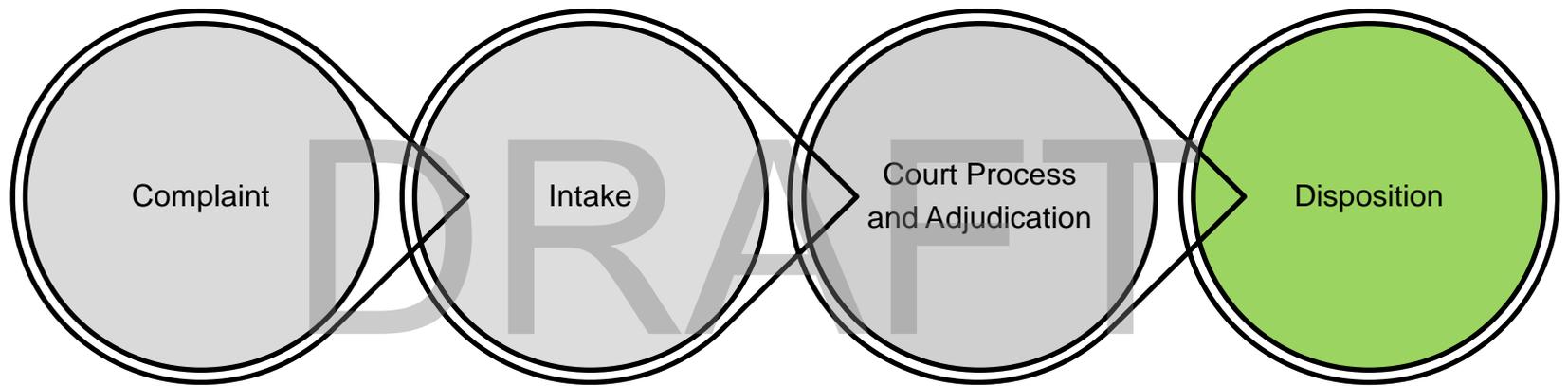
- Only one-third of judges report that defense counsel is appointed for all types of offenses
 - Of the times when attorneys are present, judges report they are often present at adjudication and disposition and not often present at detention hearings
- A plea in abeyance may offer youth an alternative to formal adjudication and could have some comparative advantages over non-judicial adjustments

Court Process and Adjudication Key Takeaways

- **Youth Flow**

- More than 400 youth are detained pre-adjudication on their first intake
 - Most are detained through the court process and stay 9 days on average
 - Misdemeanor assault, retail theft, and marijuana offenses are among the most common charges for youth detained pre-adjudication
- 44% of youth detained pre-adjudication on first intake are low risk, just 11% are high risk
- Higher proportion of youth detained pre-adjudication have new charges
- 90% of youth who receive a petition at first intake end up adjudicated
- One-third of youth adjudicated on a petition at their first intake have new charges within the first year

- **Other?**



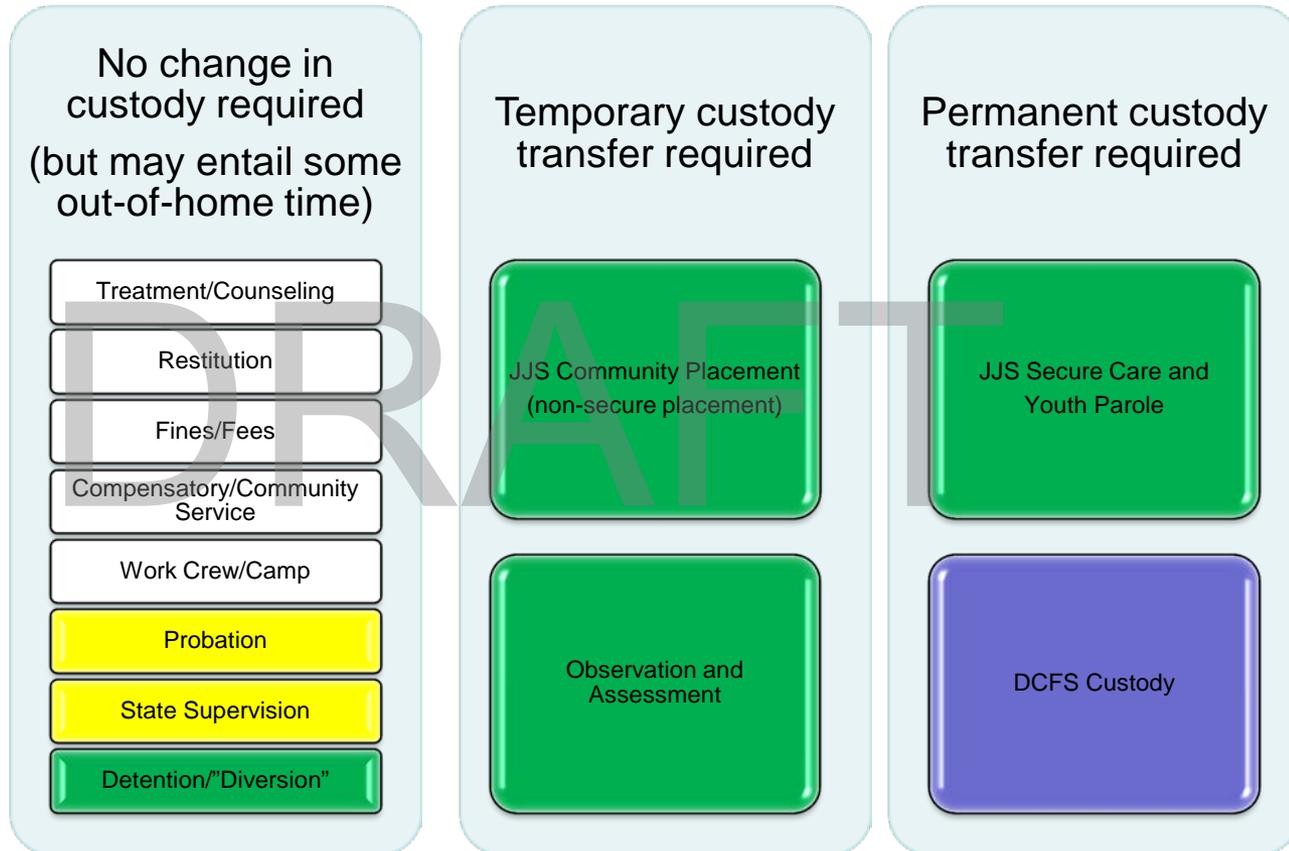
Disposition

Unlike the adult system, same juvenile dispositions available regardless of offense severity

	Adult Criminal	Juvenile
Infractions	Fine only	Any juvenile disposition
Status	N/A	Any juvenile disposition except secure detention, secure care
Class C Misdemeanor	90 days jail	Any juvenile disposition
Class B Misdemeanor	6 months in jail	Any juvenile disposition
Class A Misdemeanor	One year in jail	Any juvenile disposition
Felony 3	Zero to 5 years prison	Any juvenile dispositional option, transfer to the adult system for ages 14+
Felony 2	One to 15 years prison	Any juvenile dispositional option, transfer to the adult system for ages 14+
Felony 1	5 years to life in prison	Any juvenile dispositional option, transfer to the adult system for ages 14+

Both custodial and non-custodial dispositions available to judge for all adjudicated juveniles

Jurisdiction of the court until age 21 (and beyond to enforce payment of financial obligations)



● AOC Funded

● JJS Funded

● DCFS Funded

No criteria for overall length of supervision; extensive guidelines for notification, financial obligations, and community service

Duration of Supervision

- Jurisdiction of court until 21
- No other standards for duration of supervision except:
 - Observation and Assessment can't exceed 60 days (45 plus 15 extension)
 - Detention must not exceed 30 days

Notification (Schools, Law Enforcement, Department of Motor Vehicles)

- Mandatory notices are sent to the youth's school if youth has a violent felony or weapons offense
- Law Enforcement Notification for violent felony or weapons offense
- Suspension of license required for certain offenses

Financial Obligations

- Restitution mandatory
- Juvenile Court Fine Schedule (*handout*)
- Some offenses have minimum requirements for compensatory services
- Obligation to pay child support when legal custody of youth is transferred to another person or state institution

Community Service

- Variety of offenses have minimum community service hour requirements, including drug paraphernalia at 20-100 minimum community service hours

Disposition guidelines bind recommendations by probation officers, but they do not bind judicial orders

Pre-Dispositional Report and Recommendations

- Prepared by Probation Officer
- Includes PSRA assessment results
- Includes a recommendation for disposition based on Sentencing Guidelines: looks at current offense, criminal history, aggravating and mitigating factors
 - Probation violations, contempt, and non-judicial actions are aggravating factors
- Additional assessments may be conducted (JSORRAT II, SBRA, PRA)
- Judge may choose whether or not to follow the dispositional recommendation

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Disposition

Survey Data

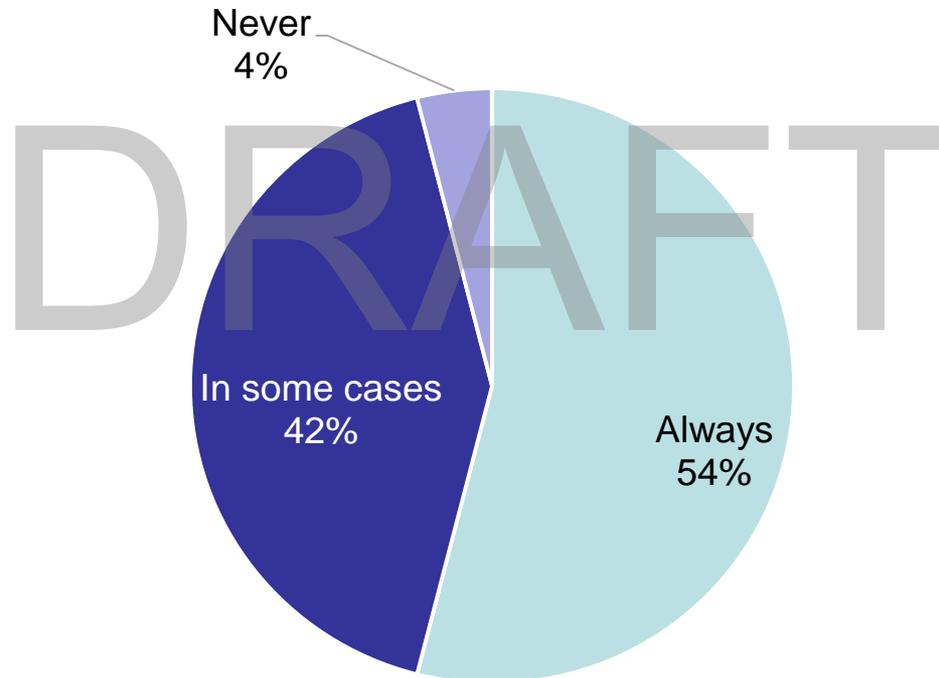
Intake and formal probation officers provide similar information to judges

	Intake Probation Officer Information Provided to Judge (N=108)	Formal Probation Officer Information Provided to Judge (N=81)
Disposition recommendation	88%	95%
Written social history report	85%	88%
Sentencing guideline recommendations	85%	86%
Risk and needs assessment results	77%	85%
Pre-disposition report	72%	77%
Verbal report	67%	70%
Other	13%	10%
None	3%	4%

*Totals do not add to 100% because categories are not mutually exclusive

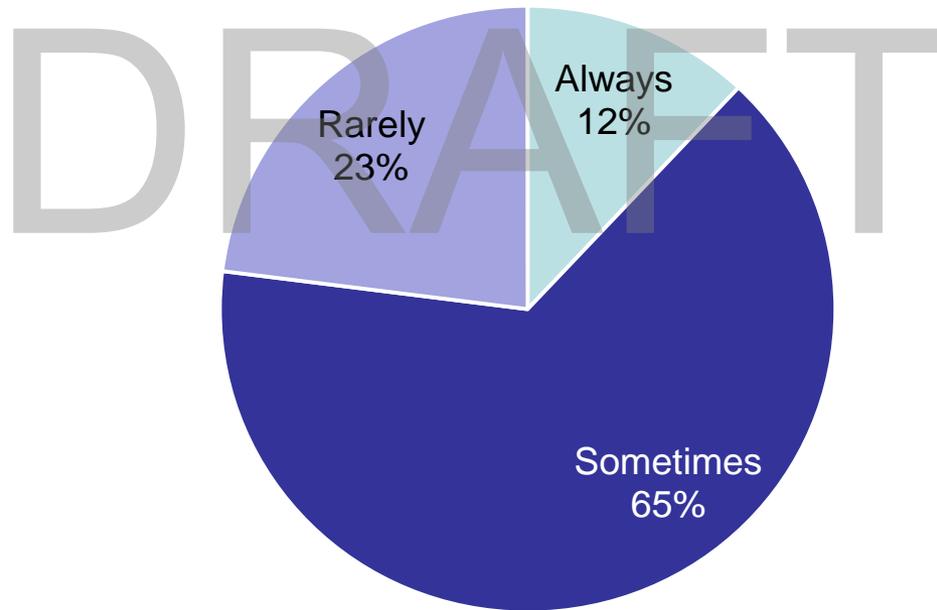
More than half of judges always utilize risk assessment results in disposition decision-making; additional 42% sometimes do

Utilize PSRA Results in Disposition Decision-Making
Judges Survey (N=26)



Three-quarters of judges always or sometimes depart from sentencing guidelines

Frequency of Departure from Juvenile Sentencing Guidelines
Judges Survey (N=26)



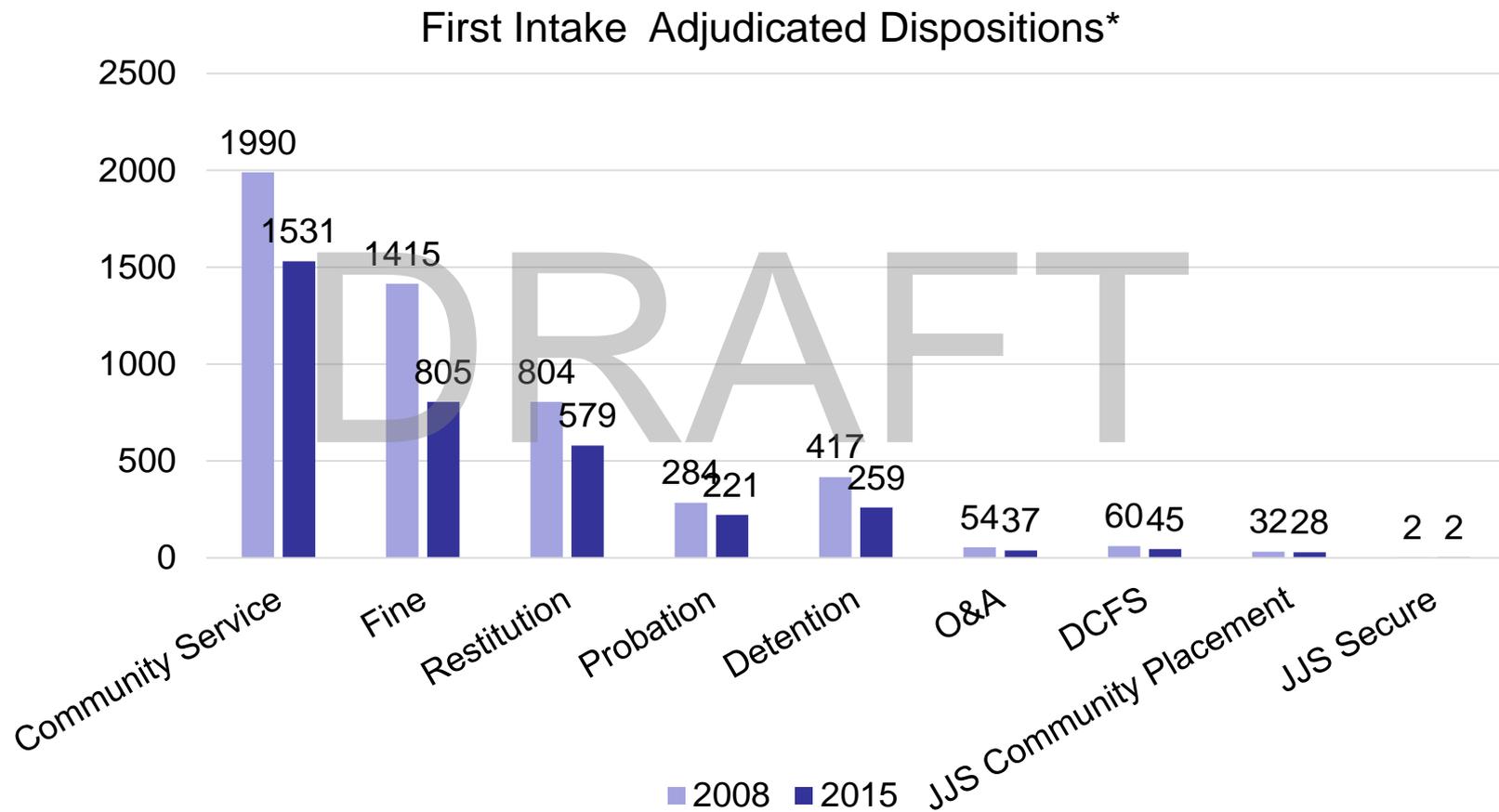


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Dispositions at First Intake

Data

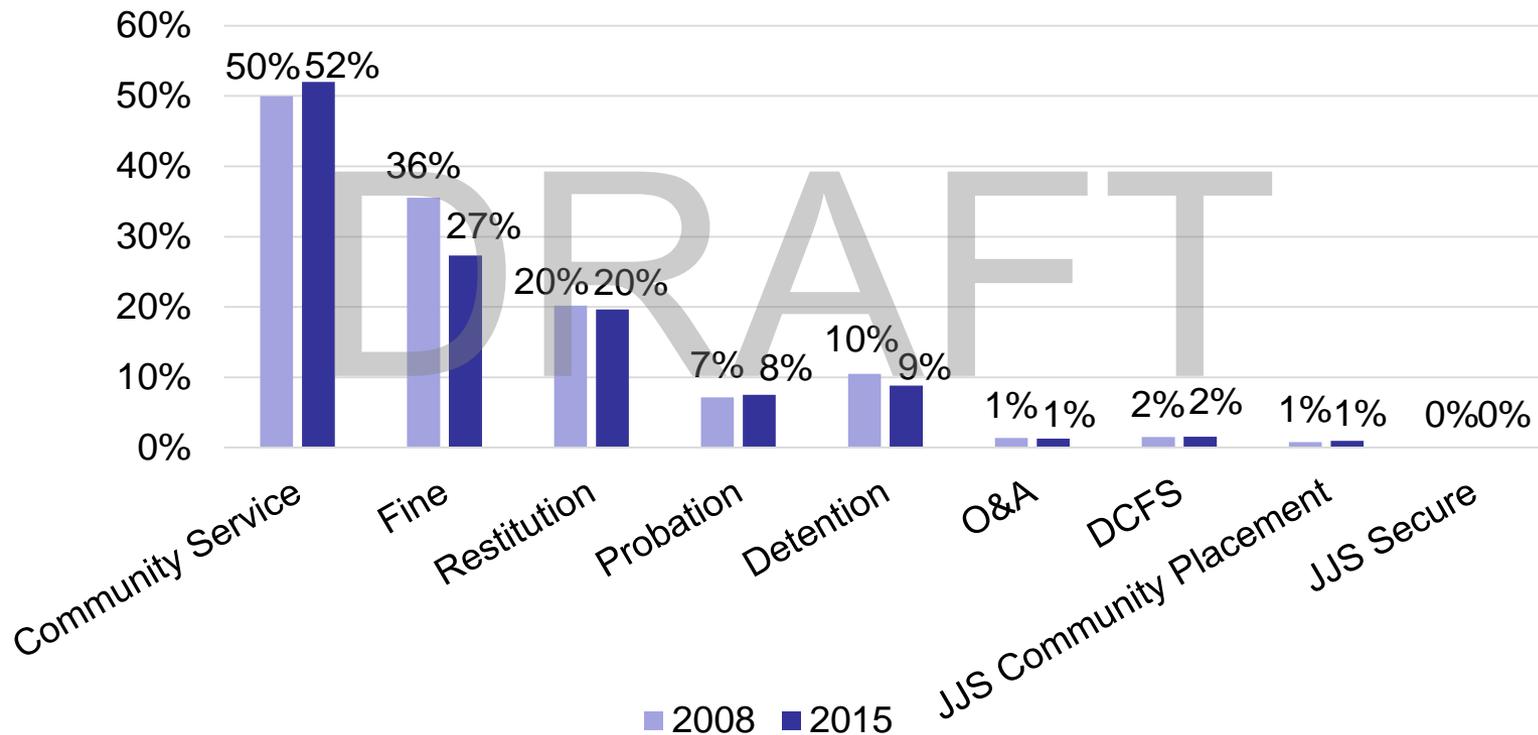
Majority of adjudications for youth at first intake result in community service, fines, or restitution



*Youth may get multiple dispositions on first intake adjudication

Only substantial change over time is lower proportion of youth ordered to pay fine at first intake disposition

Proportion of Adjudicated Youth Receiving Disposition at First Intake*



*Youth may get multiple dispositions on first intake adjudication

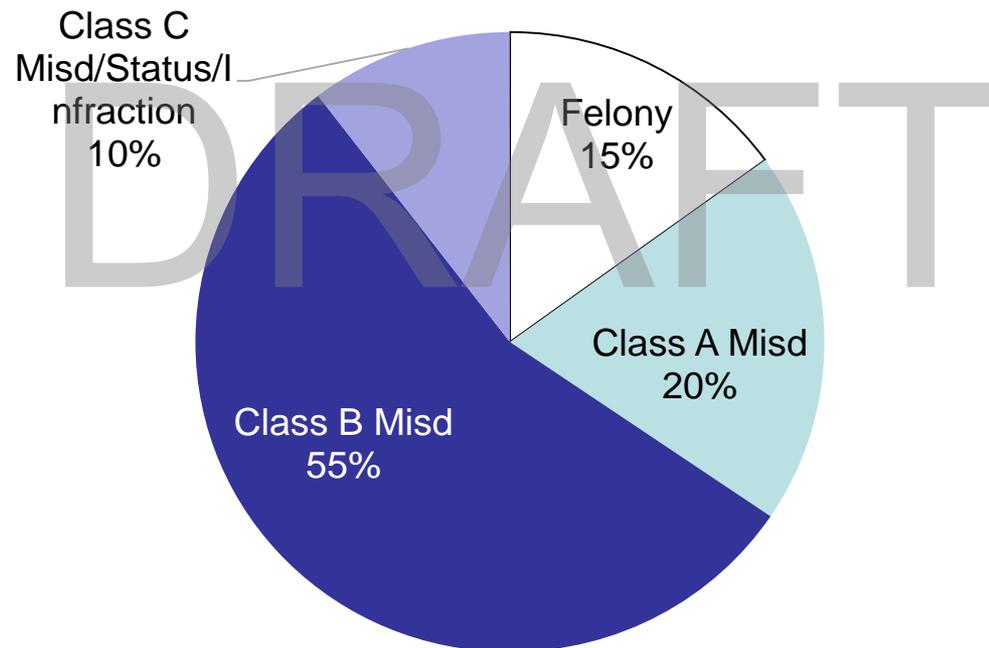
Fines and formal probation often also include community service order

**Overlapping Community Dispositions
First Intake Adjudicated Dispositions, 2015**

	Community Service	Fine	Restitution	Probation
Community Service	N/A	63%	28%	74%
Fine	15%	N/A	28%	24%
Restitution	24%	20%	N/A	39%
Probation	11%	7%	15%	N/A

Class B misdemeanor adjudications most common for community service dispositions at first intake

Most Serious Adjudicated Offense -
Community Service Disposition at First Intake,
2015



Misdemeanor drug, assault, theft adjudications most common community service dispositions at first intake

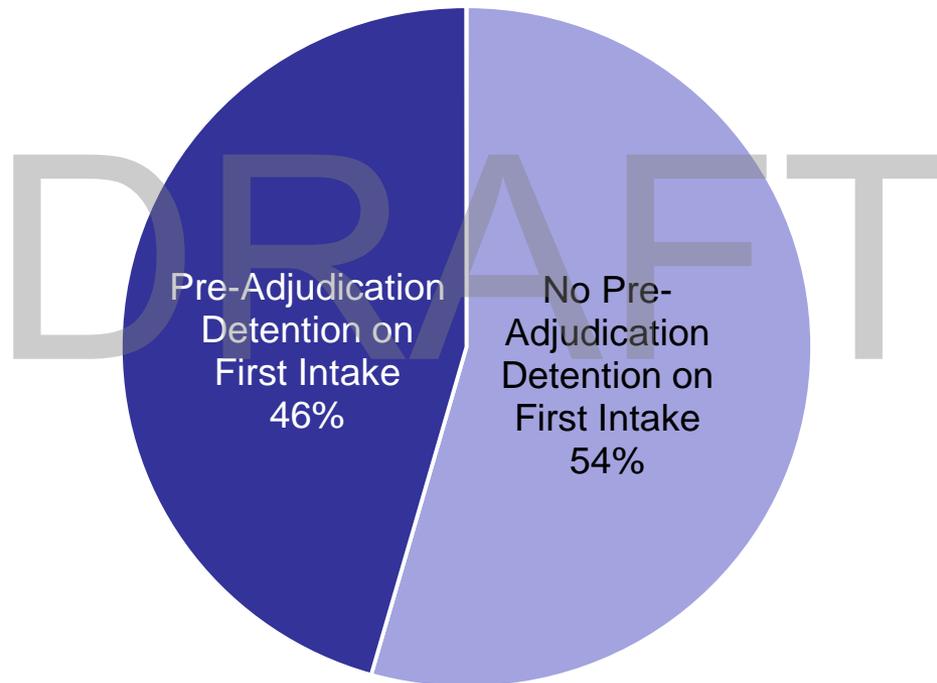
Top 10 Offenses Community Service Disposition at First Intake, 2015	# Youth	% Non-Felony
MARIJUANA POSSESSION OR USE	214	100%
ASSAULT-SUB.RISK OF/BODILY INJ	90	100%
RETAIL THEFT <\$500	79	100%
POSSESSION DRUG PARAPHERNALIA	70	100%
HABITUAL TRUANT CITATION	59	100%
CRIMINAL MISCHIEF	59	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	54	6%
POS. DRUG PARAPHERNALIA - DFZ	47	100%
THEFT <\$500	47	100%
JOYRIDE DRIVER-RET.UNDER 24 HR	45	98%

Most youth who have a detention disposition at first intake are also ordered to do community service

	Detention Disposition at First Intake, 2015
Community Service	61%
Fine	24%
Restitution	22%
Probation	23%
O&A	12%
DCFS	7%
JJS Community Placement	9%

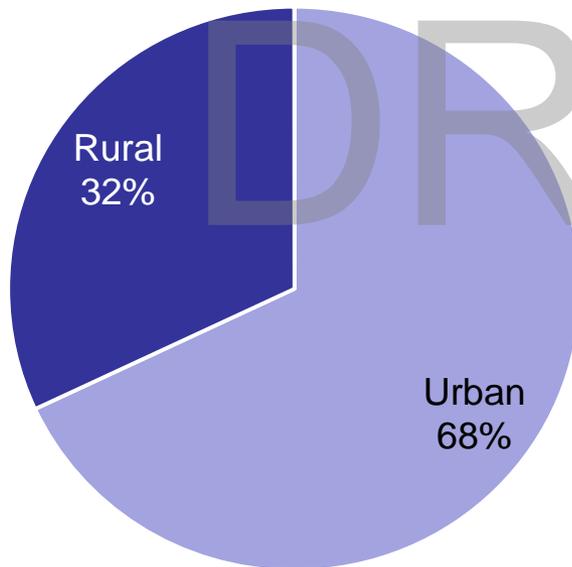
Nearly half of youth who receive detention disposition were detained pre-adjudication on first intake

Detention Disposition at First Intake, 2015

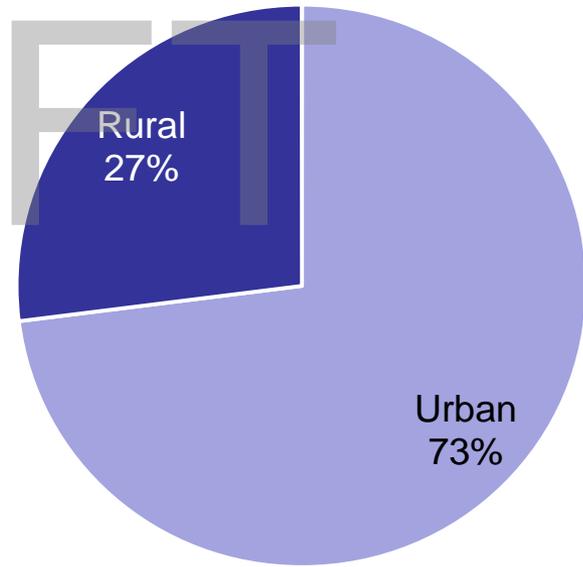


Higher proportion of youth with detention disposition are from rural areas, compared to youth adjudicated at first intake

Geography of Youth with Detention Disposition on First Intake, 2015



Geography of Proportion of Youth with Adjudicated Petition at First Intake, 2015

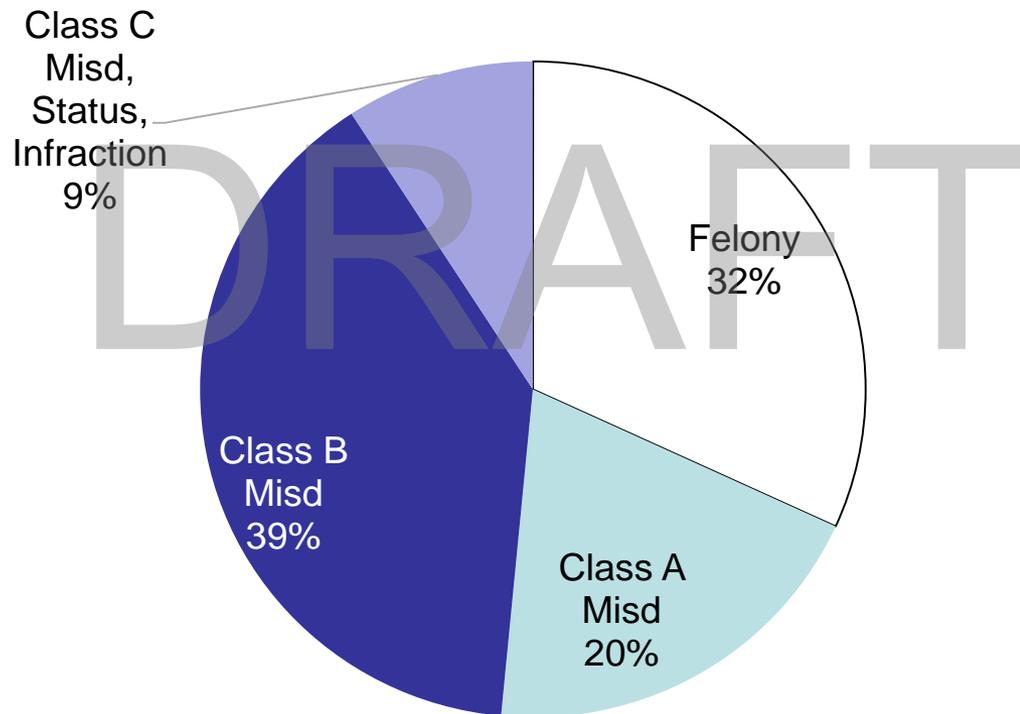


District-level variation in proportion of detention dispositions, compared to proportion of youth adjudicated on first intake

	% Statewide Detention Dispositions at First Intake	% Statewide Adjudicated Petitions at First Intake
First District	15%	6%
Second District	19%	13%
Third District	24%	38%
Fourth District	25%	21%
Fifth District	3%	8%
Sixth District	1%	4%
Seventh District	6%	5%
Eighth District	6%	5%

Two-thirds of youth ordered to detention on first intake are adjudicated on misdemeanor or status offense

Most Serious Adjudicated Offense -
Detention Disposition at First Intake, 2015



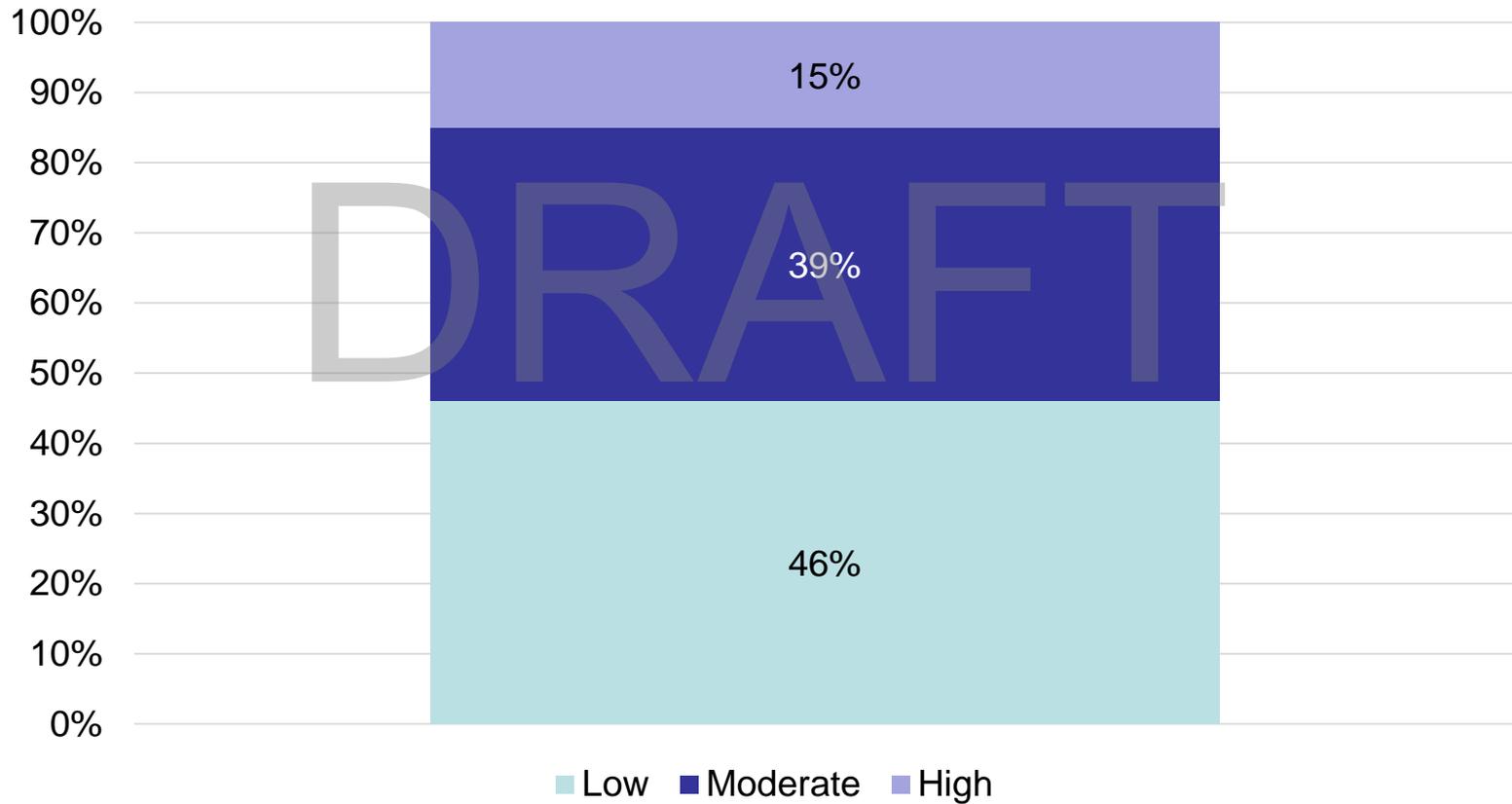
Marijuana, assault, and truancy offenses are 3 of top 4 most common detention dispositions at first intake

Top 9 Offenses Detention Disposition at First Intake, 2015	# Youth	% Non-Felony
MARIJUANA POSSESSION OR USE	22	100%
ASSAULT-SUB.RISK OF/BODILY INJ	18	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	18	0%
HABITUAL TRUANT CITATION	12	100%
SODOMY UPON CHILD-VICT.UNDR 14	9	0%
RETAIL THEFT <\$500	8	100%
CRIMINAL MISCHIEF	8	100%
AGG. ASSAULT WITH WEAPON/FORCE	7	29%
POSSESSION DRUG PARAPHERNALIA	7	100%



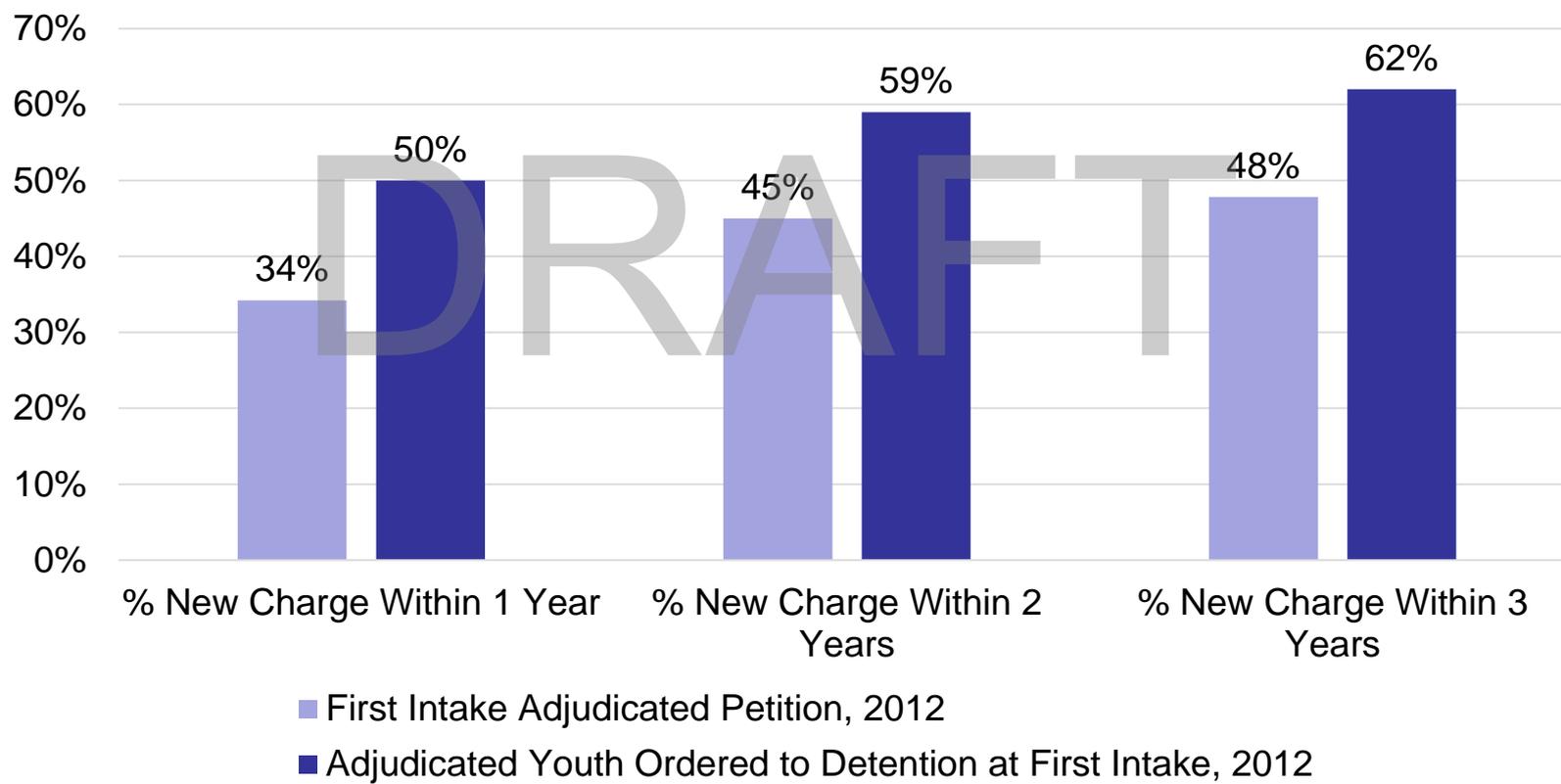
Nearly half of adjudicated youth ordered to detention at first intake are low risk, just 15% high risk

PSRA Level - Detention Disposition at First Intake, 2015



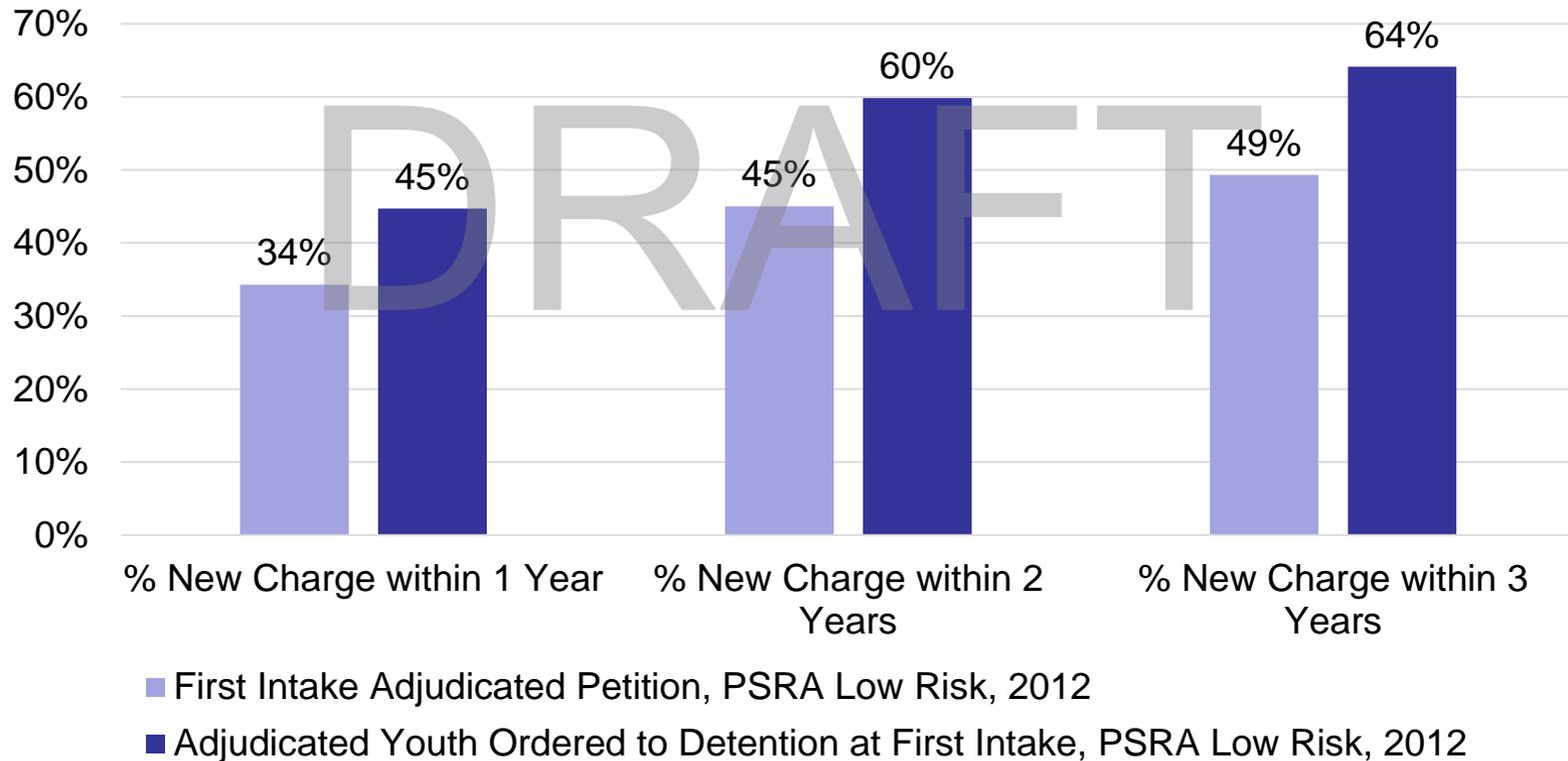
Nearly half of youth with detention disposition at first intake have new charges within 1 year

Proportion of New Charges for Youth Ordered to Detention at First Intake, 2012



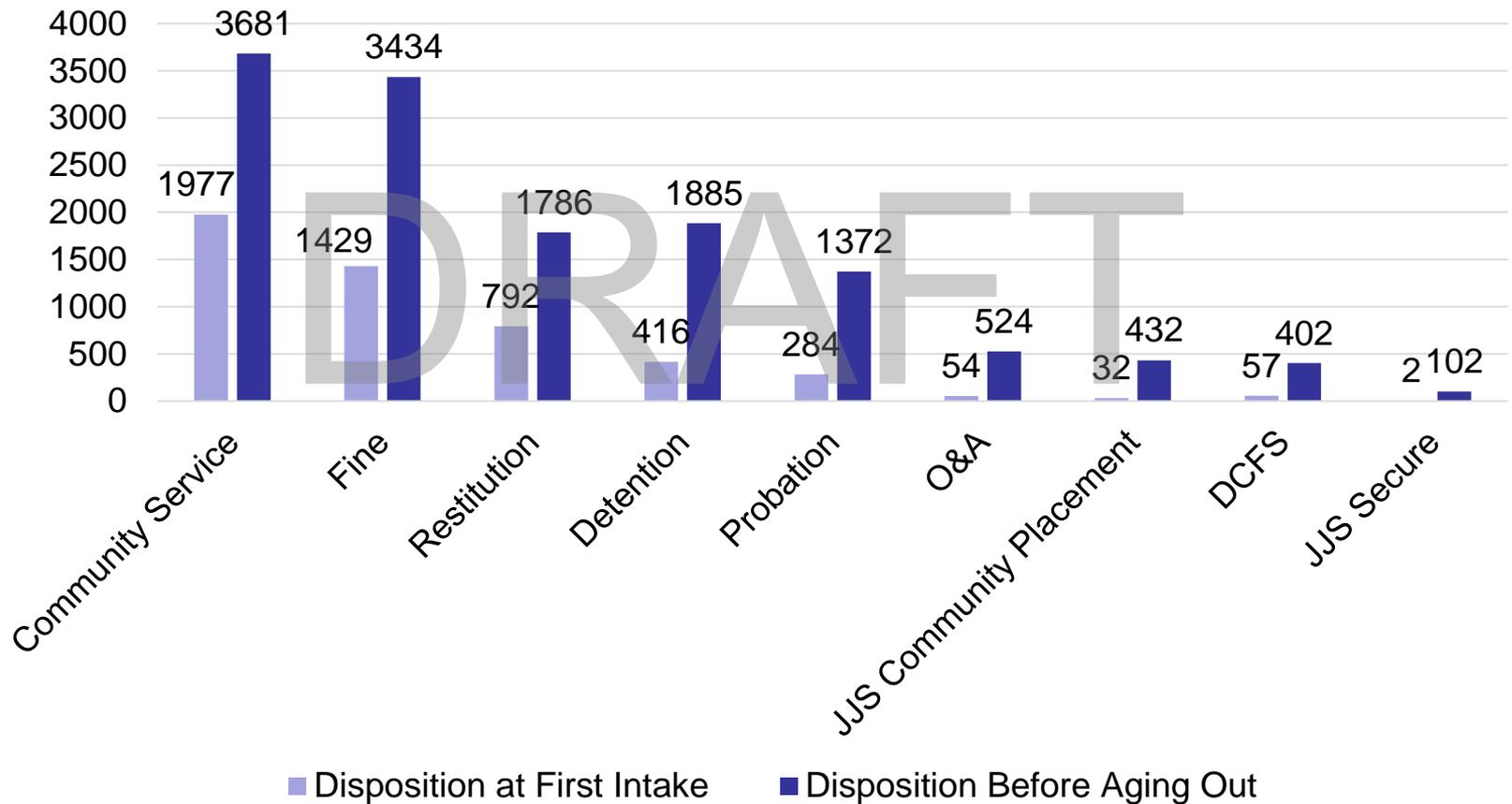
Higher proportion of low-risk youth ordered to detention have new charges compared to overall population of adjudicated low-risk youth

Proportion of New Charges for PSRA Low-Risk Youth Ordered to Detention at First Intake, 2012



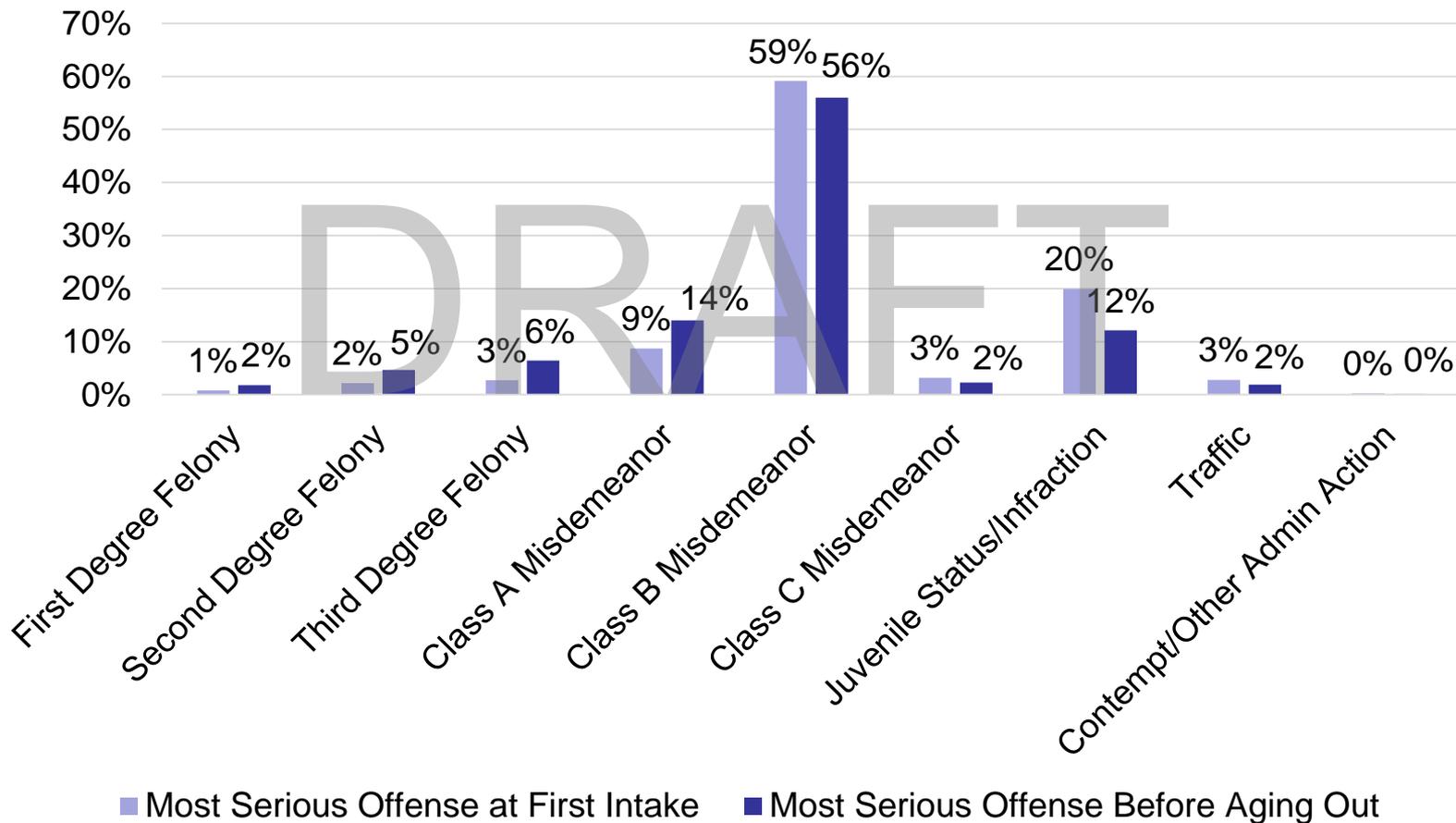
Youth have more subsequent dispositions and more serious subsequent dispositions before aging out

Youth Who Aged Out, First Intake 2008



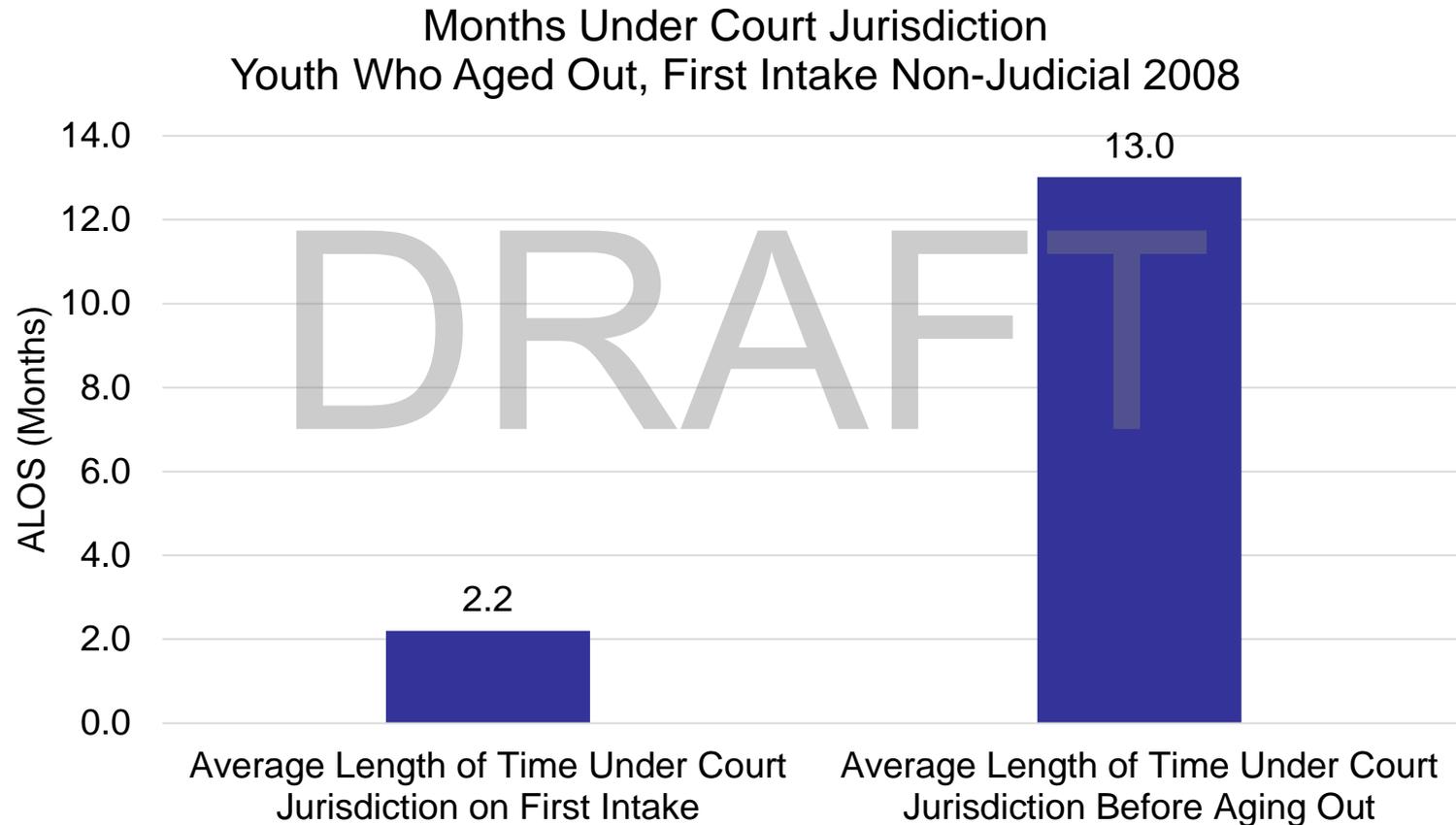
Little change in the severity of offenses youth commit before aging out

Most Serious Offense, Youth Who Aged Out, First Intake 2008



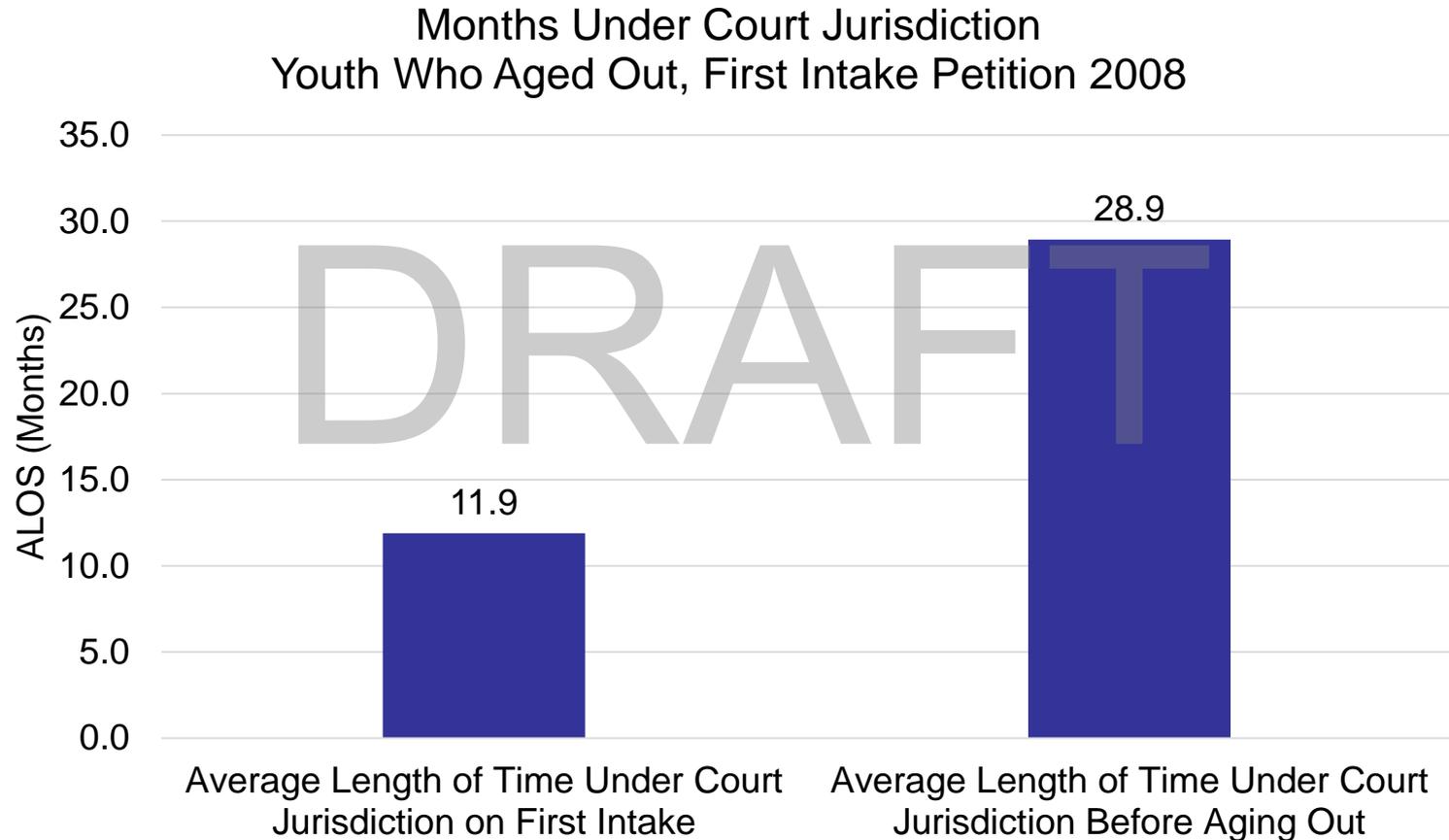


Youth who get non-judicial on first intake spend 11 months more on average under court jurisdiction before aging out





Youth who get petition on first intake spend 17 months more on average under court jurisdiction before aging out



Disposition Key Takeaways

- **Decision Making**

- Assessment information, current offense, and criminal history may be considered at disposition by the judge but need not inform the actual disposition
- Disposition guidelines and statutes regarding disposition are non-binding for the court
 - Judges retain discretion in disposition decisions to determine whether youth remain at home, receive supervision, or are sent to state custody
 - Three-quarters of judges always or sometimes depart from sentencing guidelines
- No standard case length limits apart from age of jurisdiction

Disposition Key Takeaways

- **Youth Flow**

- Community service, fine, and/or restitution dispositions are most common for youth adjudicated at first intake
- Two-thirds of youth receiving a detention disposition on first adjudication have misdemeanor or status offense; a higher proportion from rural areas
 - Marijuana, assault, and truancy are 3 of top 4 offenses
- Nearly half of youth ordered to detention at first disposition are low risk
- There is district-level variation in the proportion of detention dispositions compared to the proportion of youth adjudicated at first intake
- Nearly half of youth ordered to detention on their first adjudication have new charges within 1 year
 - A higher proportion of low-risk youth ordered to detention have new charges, compared to youth overall population of adjudicated 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 over time

- **Other?**



Overall Key Takeaways

- **Decision Making**

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

Overall Key Takeaways

- **Youth Flow**

- Utah's total arrest rate is higher than the national average due to low-level crime
 - Violent crime rates are lower than the national average and have declined faster
- The proportion of youth who receive a non-judicial adjustment on their first intake is declining
- There is district variation in the proportion of youth who receive a non-judicial adjustment at first intake
- A higher proportion of misdemeanants and status offenders who receive a petition at first intake have subsequent charges, compared to those who receive non-judicial adjustment at first intake
 - Contempt charges primarily drive the difference
- 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

Overall Key Takeaways

- **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
 - Marijuana, assault, and truancy are 3 of top 4 offenses that receive a detention disposition
 - Community service, fine, and/or restitution are most common dispositions for youth adjudicated at first intake
 - Half of youth ordered to detention on first adjudication have new charges within 1 year
 - Many youth have more serious subsequent dispositions and spend more time under court jurisdiction before aging out even though offenses are not getting more serious over time
- **Other?**

Future Meetings

- August 4
- September 1
- October 6
- November 3

Next Steps

- Data analysis and system assessment: Part 2
 - What happens once a youth is placed under system supervision?
 - Are we getting the returns we expect?
 - Is our system aligned with our goals?
- Stakeholder outreach
 - Roundtables
 - Individual Meetings