



# H.B. 239 JUVENILE JUSTICE AMENDMENTS ANNUAL REPORT

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The Utah Commission on Criminal and Juvenile Justice coordinates criminal and juvenile justice policy among the various branches and levels of government. Commission policy is developed and honed by leveraging the expertise of stakeholders in the criminal and juvenile justice systems to ensure that all voices are heard and the best policies are implemented. In addition, the Commission conducts on-going research and seeks to implement justice programming using evidence-based practices. Where possible, the Commission funds these initiatives using grant resources.

## Report Highlights

- Statewide expansion of new evidence-based programs for youth in every judicial district through reinvestment of savings from the reduction and closure of residential programs without the need for new appropriations.
- Community outreach to 500+ law enforcement and educators across the state on the changes in H.B. 239.
- Implementation of policies to standardize access to effective pre-court interventions, including requiring non-judicial adjustments for most lower-level offenses.
- Ongoing cross-agency and inter-branch collaboration to strengthen youth and families in Utah.

## Background

House Bill 239 (H.B. 239) – Juvenile Justice Amendments was passed during the 2017 General Session and signed by Governor Herbert on March 24, 2017. The provisions in H.B. 239 are based on recommendations from the Utah Juvenile Justice Working Group, which was comprised of 19 stakeholders representing all areas of the juvenile justice system.

H.B. 239 is a package of policies designed to promote public safety, hold juvenile offenders accountable, control costs, and improve outcomes. H.B. 239 seeks to improve Utah's juvenile justice system by expanding and strengthening effective early intervention and diversion, standardizing responses to reduce disparities based on race, ethnicity and geography, and reserving system resources for those youth who pose the highest risk to public safety. H.B. 239 is designed to reallocate resources currently being spent on out-of-home placement towards evidence-based programs for youth residing at home.

The effective dates for policy changes under H.B.239 are staggered over 15 months beginning on May 9, 2017 at which time the Commission on Criminal and Juvenile Justice formed an Oversight Committee representing all branches of government and juvenile justice system stakeholders. August 1, 2017 is the effective date for certain policy provisions and July 1, 2018 is the effective date for the majority of the policies in the bill. It is anticipated that the enactment of H.B.239 will yield an estimated \$58 million in averted costs over five years. Juveniles will be served in lower cost services, be held accountable, and have reduced recidivism. A bill summary with effective dates can be found in Appendix A.

## Juvenile Justice Oversight Committee (JJOC)

The Commission on Criminal and Juvenile Justice (CCJJ) is responsible for overseeing the implementation of H.B. 239 and for gathering and analyzing data that measures the impact of the policy changes. To assist with overseeing implementation and data collection, the CCJJ has established the Juvenile Justice Oversight Committee (JJOC) with 24 appointed members, representing stakeholders across the system and juvenile justice professionals impacted by policy changes in the bill. The JJOC held its inaugural meeting on May 22, 2017 and has met monthly since and will continue to do so through December 2018, at which time the JJOC will evaluate meeting frequency for the 2019 calendar year. The committee meetings are generally used for agency representatives to provide updates on implementation of policies in H.B. 239; plan ahead for upcoming policy and practice changes required in H.B. 239; and, to address questions and concerns raised by members and the communities they represent related to changes in the bill. Summaries of all the JJOC meetings can be found in Appendix B.

In an effort to be responsive to questions and concerns raised about policies in the bill, the JJOC has developed and distributed several materials for system stakeholders and the general public. The intention of these documents is to provide additional clarity and information on the juvenile justice amendments in H.B. 239. Specifically, the following documents were developed (attached as Appendix C and available online at <https://justice.utah.gov/Juvenile/hb239.htm>):

- **House Bill 239 FAQs** – a list of “frequently asked questions (FAQs)” and answers about why the bill was enacted and about specific changes in the bill.
- **Juvenile Offense Database** – a searchable list of all juvenile offenses (felony, misdemeanor, status, and infractions) included in Utah state statute and whether or not each offense can be referred to court by schools (*not attached due to file size*).
- **School Offense Referral Guide** – consists of a table that lists frequent offenses occurring on school property and whether law enforcement can charge or make a referral to juvenile court for youth who commit the offense on school property and are enrolled in the school; the guide also includes school-related FAQs and information on resources for alternative services for youth
- **Prosecutor Review Memo** – provides clarification that there is no mandate for prosecutors to review all juvenile referrals and outlines statutory provisions for when those reviews are and are not required
- **Service Catalog Options by Judicial District** - in collaboration with stakeholders who provide youth services, a Service Catalog Options is made available online by judicial districts with short description of the programs and contact information. The information is user-friendly designed for educators, law enforcements, and community to use. Due to continuous service expansion requiring ongoing updates information is made available online.

## JJOC Working Groups

As an outgrowth of the JJOC, several working groups have formed to address specific policy and/or topic areas including: data, communications, education/educator community, juvenile justice system mapping, and non-judicial sliding scale fees. The following sections provide summaries of each of the working groups and their various activities related to H.B. 239 implementation.

### Data Working Group

The Data Working Group was formed in June 2017 and charged with identifying performance and outcome measures for policies in H.B. 239. Membership includes representatives from the Administrative Office of the Courts (AOC),

### JJOC Members

<b>Rep. V. Lowry Snow</b> , Chair House of Representative
<b>Krista Airam</b> , Assistant Juvenile Court Administrator Utah Administrative Office of the Courts
<b>Susan Burke</b> , Director Utah Division of Juvenile Justice Services
<b>Patricia S. Cassell</b> , Chief Prosecutor Summit County Attorney's Office
<b>Doug Diamond</b> , Chief West Jordan Police Department
<b>Ron Gordon</b> , Executive Director Utah Commission on Criminal and Juvenile Justice
<b>Carolyn Hansen</b> , Director SL Co. Division of Youth Services
<b>Sam Jarman</b> , Superintendent Alpine School District
<b>Catherine M. Johnson</b> , Director Wasatch Mental Health Child and Family Services Division
<b>Nindy Le</b> , Youth Member Utah Board of Juvenile Justice
<b>Tonya Myrup</b> , Acting Director Utah Division of Child and Family Services
<b>Lincoln Nehring</b> , Director Voices for Utah Children
<b>Heidi Nestel</b> Utah Crime Victims Legal Clinic
<b>Mary T. Noonan</b> , Judge Fourth District Juvenile Court
<b>Patty Norman</b> , Deputy Superintendent Utah State Board of Education
<b>Clay Pearce</b> , Associate Director of Prevention & Student Placement, Granite School District
<b>Aaron Peterson</b> , Director of Special Education South Sanpete School District
<b>Kayley Richards</b> , Program Director Salt Lake Peer Court
<b>Dawn Marie Rubio</b> Utah Juvenile Court Administrator
<b>Shirlee Silversmith</b> , Director Utah Indian Affairs Office
<b>Doug Thomas</b> , Director Utah Division of Substance Abuse and Mental Health
<b>Pamela L. Vickrey</b> , Executive Director Utah Juvenile Defender Attorneys
<b>Debbie Whitlock</b> , Deputy Director Utah Division of Juvenile Justice Services
<b>Ann Silverberg Williamson</b> , Executive Director Utah Department of Human Service
<b>Staff</b>
<b>Cuong Nguyen</b> , Juvenile Justice Specialist Utah Commission on Criminal and Juvenile Justice
<b>Benjamin Peterson</b> , Director of Research and Data Utah Commission on Criminal and Juvenile Justice
<b>Tessa Upin</b> , Deputy Director of Juvenile Justice Initiatives, Crime and Justice Institute

Juvenile Justice Services (JJS), Utah State Board of Education (USBE), Division of Child and Family Services (DCFS), and Peer Courts. The working group is chaired by Benjamin Peterson, Director of Research and Data at CJJ. The working group identified nearly 200 different data points across all agencies to monitor internal quality assurance for implementation of the policy changes, and outcomes for youth in the system. A summary of key performance measures has been approved by the JJOC and is attached here as Appendix D. The data subcommittee will routinely share analysis of these key measures with the JJOC and will be included in future H.B. 239 reports. At this early stage in implementation and data collection, no data are available at this time.

### **Education Working Group**

The Education Working Group was formed in June 2017 to address policy changes that impact educators and school personnel. The working group is chaired by Patty Norman, Deputy Superintendent at the Utah State Board of Education and membership includes local school representatives including from Granite and Sanpete Counties. The working group is charged with identifying common concerns of the education community, needed materials related to school-based offenses, and opportunities for outreach. The working group helped in the development of the School Offense Referral Guide (Appendix C) as well as presentation materials developed for statewide roadshows that took place from August through November (a copy of the presentation is attached as Appendix E). The working group is working towards identifying alternatives to juvenile court that are evidence-based and will provide recommendations to school districts and charter schools on these alternative programs.

### **Communications Working Group**

The Communications Working Group was formed in July 2017 makeup of Public Information Officer (PIOs) to coordinate timely response to public inquiries, to identify opportunities for targeted outreach and to review and help in the distribution of H.B. 239 materials developed by the JJOC (listed above). PIO from AOC, JJS, USBE, and Governor's Office are represented on the working and is chaired by Jackie Chamberlain of JJS. Additionally, the communications working group, in coordination with the Education Working Group, is involved in the planning and publicizing of "roadshows" for members of the JJOC and local representatives from the AOC, JJS, USBE, and law enforcement to engage with school officials and law enforcement in local communities on the bill changes. At the time of this report, 18 roadshows have been completed across all judicial districts with over 540 in attendance. Roadshows have been held at the following locations:

- West Jordan City, August 23, 2017
- Ogden City, August 30, 2017
- Logan City, August 31, 2017
- Salt Lake City, August 31, 2017
- Provo City, September 6, 2017
- Cedar City, September 19, 2017
- St. George, September 20, 2017
- St. George, September 25, 2017
- Vernal, September 26, 2017
- Blanding, September 27, 2017
- Richfield, September 28, 2017
- Ogden City (Northern Utah Gang Conf.) October 5, 2017
- Provo City (Utah School Counselor Association Conf.), October 13, 2017
- Salt Lake City (Utah State Board of Education – Charter School Board), October 30, 2017
- Sandy, Utah (Chief of Police mid-Winter Conference), November 9, 2017
- Salt Lake City (Utah School Counselor Association – Legislative Outreach Committee), November 15, 2017
- Salt Lake City (Utah Tribal Leaders Council), November 17, 2017
- Sandy (Canyon School District – School Resource Officers Meeting), December 1, 2017

### **Nonjudicial Sliding Scale Fees Ad-Hoc Committee**

H.B. 239 requires the development and implementation of a statewide sliding scale to determine the fine, fee or restitution amount a minor's family should pay as part of a nonjudicial adjustment. This ad-hoc committee was formed by the JJOC to provide assistance to the AOC with the development of the sliding fee scale. The committee's first meeting will occur in December 2017.

### **Juvenile Justice System Mapping**

The Juvenile Justice System Mapping Working Group was formed in mid-August 2017 with members of the JJOC and other system stakeholders. The working group, with leadership and assistance from the Governor's Office of

Management and Budget, is developing a process to map the juvenile justice system. The process will identify what an ideal juvenile justice system looks like and how to use effective methodologies to implement policy changes. By creating a map of the juvenile justice system, the JJOC plans to use it as a tool to align effective services available for youth and to reduce, and ultimately eliminate, redundancy where it exists in the system.

### **Services Working Group**

At the November 2017 meeting, JJOC has determined there is a need to form a Services Working Group and will be chaired by juvenile court judge. The charge is for the working group to assess the available service and identify gap. The working group will inform JJOC the result of the work with recommendations for JJOC to take appropriate actions

### **State Agency Implementation Progress**

In addition to the implementation efforts being overseen and executed by the JJOC and its working groups, state agencies have also been working towards implementation of policies in H.B. 239.

### **Commission on Criminal and Juvenile Justice**

Beginning in May 2017, CCJJ established the JJOC and has been coordinating meetings – including the roadshow presentations, publishing informational materials about H.B. 239, and establishing the H.B. 239 website ([justice.utah.gov/juvenile](http://justice.utah.gov/juvenile)) to disseminate and share information with juvenile justice system stakeholders and the public. CCJJ also participates in the various JJOC working groups and regularly communicates with all JJOC members, in particular regarding coordination of responses to community and stakeholder inquiries about H.B. 239. Additionally, CCJJ has:

- Collaborated with the Utah State Board of Education to develop the School Administrators and School Resource Officers (SROs) training manual. The purpose of the manual is to describe the roles of SROs and School Administrators in addressing school-based behaviors. The manual is in the final stages of revisions and will be distributed statewide and incorporated into training sessions.
- Actively worked with stakeholders to identify and address the disproportionate representation of minority youth in the juvenile justice system using data to assess and determine contributing factors that causes the phenomenon. CCJJ through its subcommittee will continue to collect and review data to address the issues as appropriate.
- Developed and published the proposed rule R356-4 that establishes standards and certification procedures for the detention of juveniles in adult jails and secure law enforcement facilities. It is intended to replace rules R547-3 Juvenile Jail Standards and R547-7 Juvenile Holding Room Standards.

## **DEPARTMENT OF HUMAN SERVICES**

### **Juvenile Justice Services**

Since passage of the bill, Juvenile Justice Services (JJS) made numerous changes to implement policies pertaining to the agency, and has been involved in the JJOC and its various working groups. The changes implemented by JJS have been achieved through reinvestment of savings from the reduction and closure of residential programs; no new appropriations were required. JJS has focused reinvestment efforts on the expansion of community-based interventions, which prior to H.B. 239 were only available in three judicial districts. Now these services are available in all eight judicial districts. More specifically, JJS has:

- Expanded new evidence-based programs for youth in every judicial district, including brief community intervention, school-based outreach, and substance use treatment programs; these services may be accessed by schools and law enforcement<sup>1</sup>. For referral process to JJS services, visit [jjs.utah.gov/referral](http://jjs.utah.gov/referral) for more information
- Opened a new receiving center in Moab, and prepared to open additional receiving centers in Tooele and Davis County
- Developed and implemented new detention admission guidelines in accordance with new statutory requirements in H.B. 239, after receiving input at several public hearings held in July 2017
- Closed residential Observation and Assessment programs and closed residential work camps
- Made changes to the Youth Parole Authority (YPA), which now conducts all initial parole hearings within 45 days of commitment, and instituted a pre-rescission hearing process modeled after the pre-revocation process

<sup>1</sup> More information on JJS programs can be found under the "Service Catalog By Judicial District" here: <https://justice.utah.gov/Juvenile/hb239.html> and here: [jjs.utah.gov](http://jjs.utah.gov)

Additionally, JJS has made progress towards implementation of policies that will become effective on July 1, 2018, including development of a statewide detention risk assessment and establishing performance-based contracts for private providers.

### **Division of Substance Abuse and Mental Health**

Since passage of H.B. 239 the Division of Substance Abuse and Mental Health (DSAMH) has been involved in the JJOC and its various working groups. DSAMH has also and worked closely with JJS, DCFS, the Juvenile Court and other partners to clarify the availability of Youth Mobile Crisis Outreach Teams (MCOTs) funded by DSAMH and run by Local Mental Health Authorities. Informational pamphlets have been created and distributed to partner organizations including those previously listed, the USBE and Local Education Authorities about how to access these services. In addition, multiple stakeholder groups and commissions have been meeting and discussing how best to expand MCOTs to areas that currently do not have them and how to increase the capacity and expertise of those that currently exist. A more robust MCOT is being piloted in the southwest area (Washington, Kane, Iron, Beaver and Garfield Counties) of the state partnering with the Department of Human Services' Systems of Care, part of a nationally recognized, evidence-based approach to "wraparound" services for families and children with emotional and/or behavioral health needs.<sup>2</sup>

### **Division of Child and Family Services**

Effective August 1, 2017, pursuant to H.B. 239 policy changes, the Division of Child and Family Services (DCFS) began using the Court Ordered Determination Assessment (CODA) in response to new state law. If the court finds that a child is at risk of being removed from the home or that the family is in crisis, the court may order DCFS to complete a CODA to determine if DCFS in-home services are appropriate. The CODA aligns with best practices and replaces the current 5-day notice assessment and Home and Family Risk Assessments.

Evidence-based assessment tools are being used to help inform information gathering for the CODA. These tools include the Structured Decision Making (SDM) Safety Assessment, the SDM Risk Assessment, and the Utah Family and Children Engagement Tool (UFACET). The CODA also includes a thorough history of services provided to the child and/or family by DCFS, schools, community resources, and treatment providers, as well as interviews with the youth, parents, and other key collateral contacts.

If abuse, neglect or dependency issues arise during completion of the CODA, a referral will be made to DCFS Intake. Any ongoing DCFS services that result from a child protective services investigation due to abuse, neglect or dependency will be initiated through a DCFS petition with the court or DCFS voluntary services.

Efforts are underway to across all DHS to expand access to resources and services targeted at serving delinquent youth in their home. Areas of focus include rehabilitative services and therapeutic behavioral services. DCFS also continues to collaborate with DHS Systems of Care and JJS to develop shared contracting for youth served as a result of a CODA.

The DCFS Acting Director and Program Administrators have been attending Table of Six meetings throughout the state as part of the ongoing effort to inform legal partners of the changes and respond to questions regarding the implementation of the CODA. Additionally, training for DCFS staff regarding HB239 has been completed statewide.

The Table of Six (Eight, Ten, Sixteen in some districts, informally referred to as "Tables") are Juvenile Court convened multi-agency meetings to discuss system improvement. The presiding judge & TCE convene the meeting and set the agenda. Participants may include: DCFS, AGs, GALs, parent defenders, prosecutors, probation, JJS, youth defenders, education, SA/MH agencies, law enforcement, and other agencies depending upon the county or district.

### **Administrative Office of the Courts**

In addition to being involved in the JJOC and its various working groups, the Administrative Office of the Courts (AOC) has made progress on implementation to meet the August 1, 2017 effective date for relevant policy requirements in H.B. 239:

- Changed policies and trained probation staff on new requirements for offering mandatory nonjudicial adjustments for certain types of offenses
- Started work on the statewide sliding scale to determine fines and fees for nonjudicial adjustments and accompanying policy; currently chairing the ad-hoc committee described above to finalize the sliding scale
- Created a warrant option in CARE, the database used by the courts, to reflect H.B. 239 provisions

<sup>2</sup> More information on System of Care can be found at the program's website, <https://systemofcare.utah.gov/>

In addition to the above, the AOC drafted response matrices to address compliant and non-compliant behavior of youth on probation using sanctions and incentives.

### **Utah State Board of Education**

The Utah State Board of Education (USBE) has engaged in multiple educational and outreach efforts to administrators and educators regarding the implementation of H.B. 239. Specifically, USBE has led:

- Informational meetings and panel discussions for educators and law enforcement officers in ten communities - West Jordan, Ogden, Logan, Provo, Cedar City, St. George, Vernal, Blanding, Richfield, Salt Lake City.
- Additional Informational Meetings & Panel Discussions at the State District Superintendents Meeting (August), State Student Services Director Meeting (August), Utah Fall Substance Abuse Conference (September), Northern Utah Gang Conference (October), and the Utah School Counselor Association Fall Conference (October).
- Development and distribution of the USBE Juvenile Justice Amendments Reference Summary.
- The JJOC Education Working Group to support the needs of the education community related to H.B. 239
- Consultation and planning meetings with local school administrators and staff from JJS regarding School-Based Outreach and Brief Community Interventions Services (BCI).
- Planning meetings with USBE and JJS staff to develop and standardize the form and referral process for students being referred to JJS for School-Based Outreach and BCI services.

### **Next Steps**

The JJOC will continue meeting in 2018 to monitor implementation and the impact of policy changes in H.B. 239. This will include ongoing engagement with community and system stakeholders; monitoring the sustainability of changes implemented as of August 1, 2017; overseeing ongoing implementation of policies taking effect July 1, 2018; and reviewing data on performance and outcome measures. For H.B. 239 updates visit <https://justice.utah.gov/Juvenile/hb239.html>