Promoting JDAI to Law Enforcement

What is Juvenile Detention Reform?

Using eight interconnected core strategies, Juvenile Detention Alternative Initiative (JDAI) seeks to help participating jurisdictions safely reduce reliance on secure detention for youth charged with delinquent offenses.

The Teen Brain

Explaining how youth are developmentally different than adults, how adolescents respond to authority and the effect of trauma on their behavior.

Why Detention Reform Is Necessary

Asking about and addressing law enforcement concerns and soliciting law enforcement input on issues that directly affect officers can provide a starting point for fruitful dialogue.

Objective Screening Tool for Detention Decisions: Its Impact on Law Enforcement

Describing the rationale and evidence behind the use of objective screening, the process used to develop detention screening instruments in JDAI sites, and the effect of risk screening for law enforcement officers.

Focus on Combatting Racial & Ethnic Disparities

Explaining the reasons for JDAI's intensive focus on pursuing racial and ethnic equity in juvenile justice decision-making, and describing the key strategies employed by JDAI sites to address disparities.

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What is Juvenile Detention Reform?

Purpose of Juvenile Detention Reform

Using eight interconnected core strategies, Juvenile Detention Alternative Initiative (JDAI) seeks to help participating jurisdictions safely reduce reliance on secure detention for youth charged with delinquent offenses.

Juvenile Detention Reform Objectives

1. Eliminate inappropriate or unnecessary use of secure detention.
2. Minimize delinquent behavior by youth in the period between arrest and adjudication, and ensure young people's appearance in court.
3. Redirect public finances saved through the reduced use of detention to support effective alternatives to detention and other proven strategies to minimize future offending and promote youth success.
4. Reduce racial and ethnic disparities in the use of detention.
5. Ensure safety and appropriate care for youth confined in secure detention facilities.

Eight Core Strategies

- **Collaboration**
  Establish an inter-agency collaborative to plan and assess reform strategies.
- **Data-Driven Decisions**
  Compile and make effective use of accurate, timely data to guide policy, program and practice decisions.
- **Objective Admissions**
  Develop and utilize objective criteria and screening instruments to guide detention admission decisions.
- **Alternatives to Detention**
  Expand the use of new or enhanced programs offering non-secure alternatives to detention.
- **Expedited Case Processing**
  Introduce case processing changes to reduce length of stay and expedite the resolution of cases.
- **Special Detention Cases**
  Develop strategies to minimize the use of detention in warrant, violation of probation and "awaiting placement" cases.
- **Reducing Racial and Ethnic Disparities**
  Identify causes and develop solutions to reduce racial and ethnic disparities in the use of secure detention.
- **Conditions of Confinement**
  Monitor and improve conditions of confinement to ensure safety and enhance services for youth confined in detention facilities.

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Juvenile Detetion Reform 101: the Model and Core Strategies

Juvenile Detention Alternative Initiative (JDAI) does not seek to eliminate the use of detention. Rather, JDAI seeks to ***detain only the right kids for the right reasons for the right amount of time.*** Explaining how youth are developmentally different than adults, how adolescents respond to authority and the effect of trauma on their behavior. Holding youth accountable for their actions while keeping them on track for long-term success.

Ensure high-risk youth are detained

The key to good detention practices is an objective decision-making process ensures that high-risk youth are indeed detained.

- The use of a rigorously tested, validated screening tool typically requires detention for any youth accused of a serious violent felony, and it uses a point system to detain any young person who—based on empirical evidence—poses a high likelihood to harm public safety or fail to appear in court.
- This screening instrument is developed through a collaborative process involving state and/or local judges, prosecutors, probation chiefs, public defenders, and other community stakeholders... **and law enforcement.**

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Alternatives for moderate-risk youth

Alternative to detention programs for moderate-risk youth provide meaningful supervision and lead to better outcomes at lower cost.

- For instance, among the 18 New Jersey Counties participating in JDAI in 2014 and 2015, just 4% of youth placed in detention alternatives were arrested on new delinquency charges during the period they might have been detained.
- In 2019, aggregated data reported from Indiana's 32 JDAI counties showed success in use of Alternative to Detention (ATD) programs. Of the almost 4,500 completed ATDs, 89% of the exits occurred without new referral for an offense or failure to appear for a court hearing.

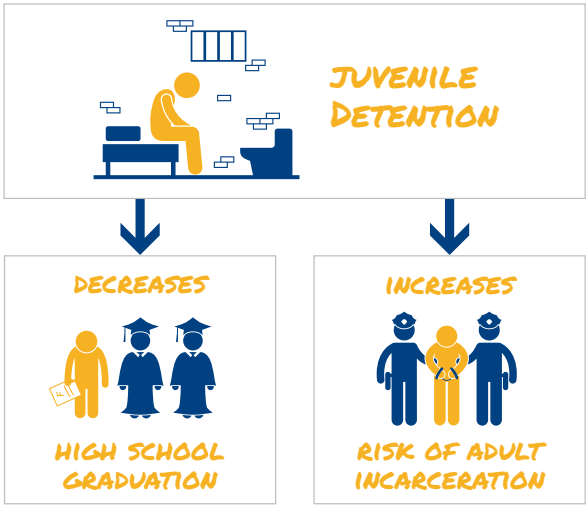
Protect Public Safety

JDAI sites report impressive results in protecting public safety. Compared to their levels prior to sites joining JDAI,

- total arrests are down 44% in sites that track them,
- total delinquency petitions are down 35%, and
- felony petitions are down 57%.

Detention and incarceration are especially damaging to young people's odds of success.

- A recent study involving tens of thousands of youths in Chicago found that, controlling for offending history and a wide range of background variables, ***being placed in detention during adolescence "results in large decreases in the likelihood of high school completion and large increases in the likelihood of adult incarceration."***



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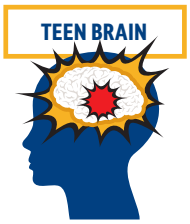
Why Detention Reform Is Necessary

YOUTH ARE DIFFERENT FROM ADULTS (AND REQUIRE A DIFFERENT APPROACH).

The human brain does not fully develop until the age of 25.



Adolescent brain development and behavior research shows that:

- **Adolescents lack adult capacity** for controlling impulses, weighing risks and consequences, regulating emotions, and resisting peer pressure.
- Meanwhile, adolescents' **affinities for thrill-seeking and risk-taking are heightened.**
- As a result, **law-breaking and other risky behaviors are common, even normal**, during adolescence.
- But **in the vast majority of cases, youth will grow out of their law-breaking** without any intervention from the justice or mental health systems.

Arresting low-risk youth for low-level offenses damages young people's futures and undermines public safety.

- Controlling for conduct and a wide-range of background factors, studies find that getting arrested during adolescence nearly **doubles the odds that the young person will drop out of school.**
- **Being formally processed in court tends to further harm young people's long-term success** (and increase their likelihood of future involvement in the justice system).
- Getting arrested and adjudicated as a juvenile can have lasting **collateral consequences** for young people's ability to pursue higher education, obtain employment or housing, or join the military.

In the absence of detention reform, detention practices are often problematic.

- **Excessive.** More youth are detained than necessary or beneficial for public safety or youth success.
- **Inconsistent.** Detention decisions are often based on subjective preferences or seat-of-the pants judgements, leading to very different treatment of youth with similar offending histories.
- **Inappropriate.** Youth may be detained following arrest (even before they've had their day in court) as a consequence for their behavior or to "teach them a lesson," contradicting the legal purposes of detention.
- **Counterproductive.** Placement in detention often traumatizes youth, disrupts their schooling, and damages their long-term success while increasing their odds of further involvement in the justice system.

> **"Detention is one of the most frequently studied decision points in the juvenile system. It is also the point at which race effects unexplained by offense-related variables are most often found. Studies that have included Native American and Hispanic youth report significant disadvantages to these groups as well."**
>
> *— DONNA M. BISHOP AND MICHAEL J. LIEBER*
>
> *"RACIAL AND ETHNIC DIFFERENCE IN DELINQUENCY AND JUSTICE SYSTEM RESPONSES," CHAPTER IN OXFORD HANDBOOK OF JUVENILE CRIME AND JUVENILE JUSTICE, 2011.*

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Why Detention Reform Is Necessary

- **Inequitable.** Research overwhelmingly shows that youth of color, and especially African American youth, are far more likely to be detained than white youth, even when they have similar backgrounds and offending histories.
- **Wasteful.** Given the very high costs of secure confinement, the excessive use of detention squanders vast sums of money.

JDAI offers a solid recipe for correcting these problems.

- The **objective screening process** ensures that detention decisions are consistent and informed by the best available evidence;
- Helps keep youth on track for success by expanding the availability of **effective alternatives to detention;**
- Connects youth (and their families) to **needed services and supports.**
- **Streamlines the court process** to ensure that youth do not spend more time in pre-trial confinement than necessary to protect the public and ensure attendance in court;
- Mobilizes communities to **address racial and ethnic disparities,** which are as pervasive in juvenile justice as they are in the adult justice system.

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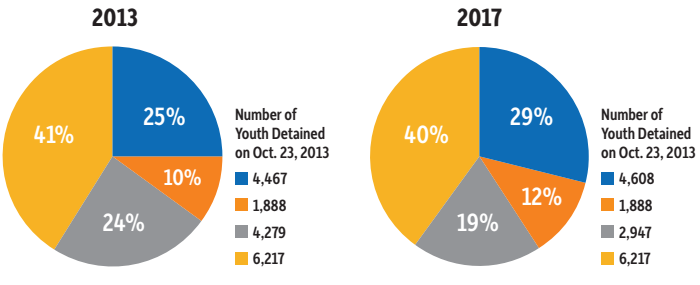
Charged Offenses for Youth in Detentions in 2013 and 2017

These numbers are one-day snapshots of the population under age 21 placed in residential facilities for youth with a legal status of "detained," according to the Census of Juveniles in Residential Placement. Census dates were Oct 23, 2013 and Oct 25, 2017. A census was conducted in October 2019, but the data haven't been published yet.

Percentage of U.S. Youth in Detention (by type of offense)



- Violent Crime Index offenses
- Simple assault and other person offenses
- Technical violations
- All other offenses (property, public order, drugs, and status offenses)

Change in Number of Youth Detentions, 2013- 2017

Person Offenses ↑
223 more youth detained

Technical Violations ↓
1,313 fewer youth detained

Violent Crimes ↑
141 more youth detained

All Other Offenses ↓
1,053 fewer youth detained

Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzzanchera, C. (2019). "Easy Access to the Census of Juveniles in Residential Placement." Downloaded on Nov 2, 2020 from https://www.ojjdp.gov/ojstatbb/ezacjrp/

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Objective Screening Tool for Detention Decisions: Its Impact on Law Enforcement

How does it impact officers?

How does the objective screening process impact law enforcement officers when they apprehend youth for delinquent conduct?

The use of an objective screening process has **significant implications for patrol officers in their dealings with youth.** Some of the resulting changes make the process easier and more efficient for officers, but other changes will limit their discretion.

- **New procedures and protocols.** The objective screening process to guide detention decisions will require officers to learn and follow new procedures and protocols whenever they arrest a young person.
- **Altered relationship with youth.** Reliance on a detention screening tool may limit the discretion officers may have enjoyed previously to place youth in detention, or to threaten detention as a consequence for continued misconduct.
- **Reducing uncertainty and wasted time.** Objective screening can make the detention process more predictable for officers, and save officers time they would otherwise spend transporting youth who pose few risks to detention.

Lower detentions frees up public funds

Taken together, participating jurisdictions have reaped enormous benefits from their involvement with JDAI.

- Altogether, youth residing in **participating sites spent 1.4 million fewer nights in secure detention** in the 2015-16 fiscal year than in the baseline years before each site entered JDAI.
- By lowering detention populations, juvenile detetion reform has **enabled at least 56 participating jurisdictions to close housing units** within their detention facilities or close facilities entirely. These jurisdictions reduced the capacity of their detention facilities by more than 2,000 beds.
- These bed reductions have **freed up more than $100 million per year** in public funds that would otherwise have been spent on construction or operations of these jurisdictions' detention facilities.

> **"When we rolled out the risk screening tool, we did a training for our officers, and it really brought the officers on board. They liked the clear policies and procedures, and they appreciated that law enforcement had a say in formulating the tool."**
>
> *—JIM DOMVILLE, DEPUTY CHIEF*
> *CRESSKILL POLICE DEPARTMENT, BERGEN COUNTY, NJ*

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Focus on Combatting Racial & Ethnic Disparities

A hallmark of juvenile detention reform is the expanded use of alternative to detention programs that allow youth to remain in the community pending their adjudication hearings.

Reducing disparities is a top priority

Perhaps the most troubling feature of the juvenile justice system is the persistence of unequal treatment of youth from different racial and ethnic backgrounds. One of detention reform's core values is that juvenile justice stakeholders—including law enforcement—have an affirmative obligation to ensure that all youth, regardless of race or ethnicity, are treated similarly.

Disparities cannot be explained by youth behavior.

The vast racial and ethnic disparities plaguing juvenile justice cannot be explained by differences in offending rates. In the most comprehensive review of recent scientific research on the effects of race and ethnicity on juvenile case processing, the vast majority of studies identified (63 of 79) significant disparities in the treatment of youth at one or more of the decision points.

> **"With few exceptions, data consistently show that youth of color have been overrepresented at every stage of the juvenile justice system, that race/ethnicity are associated with court outcomes, and that racial/ethnic differences increase and become more pronounced with further penetration into the system through the various decision points."**
>
> *— NATIONAL ACADEMIES OF SCIENCE*

Disparities in the juvenile system are most extreme at the point of arrest

And these disparities at arrest continue to widen over time. For instance, in 2003 black youth were 85% more likely to be arrested than white youth; by 2013, black youth were 129% more likely than whites to be arrested.

While juvenile arrests have fallen dramatically and are at their lowest level since arrest data was first collected nationwide in 1974, racial disparities have not similarly declined. Juvenile arrest data, for instance indicates that arrests of black youth in 2019 increased dramatically and represent 33% of all youth arrested. Similarly, the results of the 2015 Bureau of Justice Services survey on police contact found that the highest rates of police-initiated contact, was for black and Hispanic youth aged 16-18, up 68% since 2011.

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Focus on Combatting Racial & Ethnic Disparities

Law enforcement practices can contribute disparities

Law enforcement practices sometimes perpetuate or exacerbate racial and ethnic disparities in juvenile arrests.

- Youth of color are more likely to attend schools where law enforcement officers are permanently stationed.
- Strategies such as hot spot policing, gang suppression, drug enforcement, and stop and frisk tend to be concentrated in communities populated overwhelmingly by people of color.
- As in other arms of the justice system, law enforcement officers may unknowingly treat youth (and adults) of color more severely than their white peers due to unconscious bias.

> **"While disparities pervade the juvenile justice system, it is at the front of the system —arrests—where disparities are largest and the point at the system at which disparities grew between 2003 and 2013."**
>
> *— THE SENTENCING PROJECT, 2016*

Examples of innovative actions by law enforcement to reduce disparities

In several JDAI sites, and some non-JDAI jurisdictions, law enforcement leaders have taken innovative action to reduce disparities.

- **Minimizing school arrests:** Law enforcement leaders in JDAI jurisdictions like Philadelphia; Clayton County, GA; Ramsey County (St. Paul), MN; and Omaha, NE; have taken a leadership role in reducing the number of students of color arrested for low-level offenses at school.
- **Data analysis and strategic action to identify and address points of disparity.** Likewise, law enforcement leaders in JDAI sites like Pima County (Tucson), AZ and Tippecanoe County (Lafayette), IN have used data analyses to uncover enforcement practices that were unnecessarily exacerbating disparities in arrests, and have taken action to correct those practices and reduce disparities.

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Sources: National Research Council. (2013). Reforming Juvenile Justice: A Developmental Approach. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, available at https://www.nap.edu/catalog/14685/reforming-juvenile-justice-a-developmental-approach; "Disproportionate Minority Contact (DMC) Webinar Part 2: What the Data and Research Tell Us," OJJDP State Training and Technical Assistance Center, October 24, 2012; and Joshua Rovner, Racial Disparities in Youth Commitments and Arrests, April 1, 2016, available at http://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests.

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