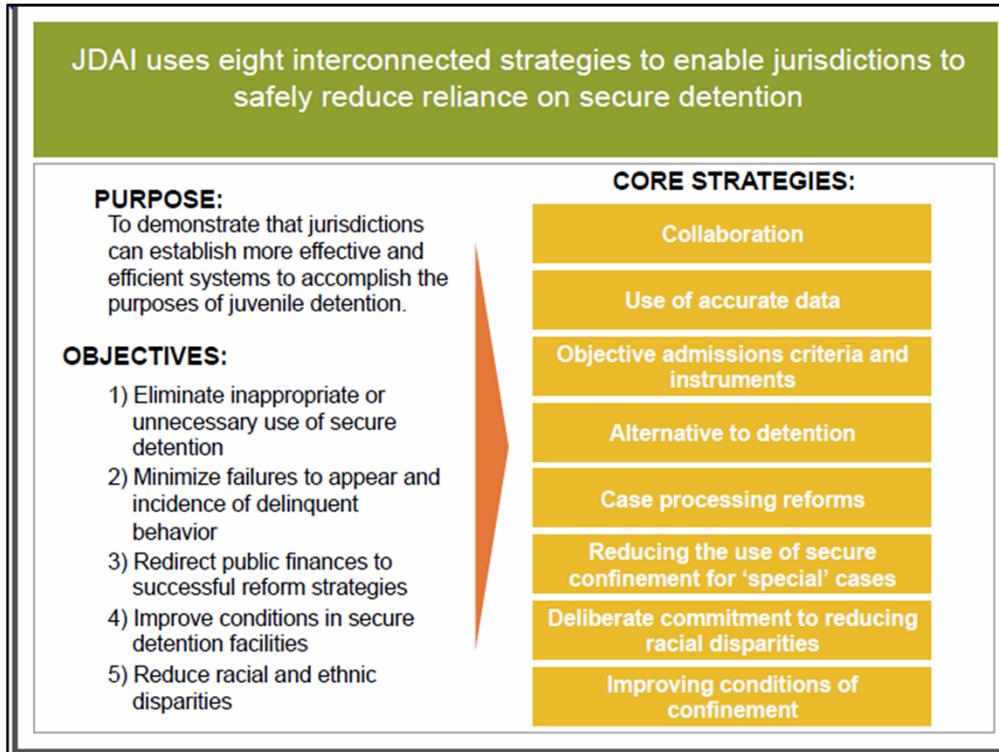


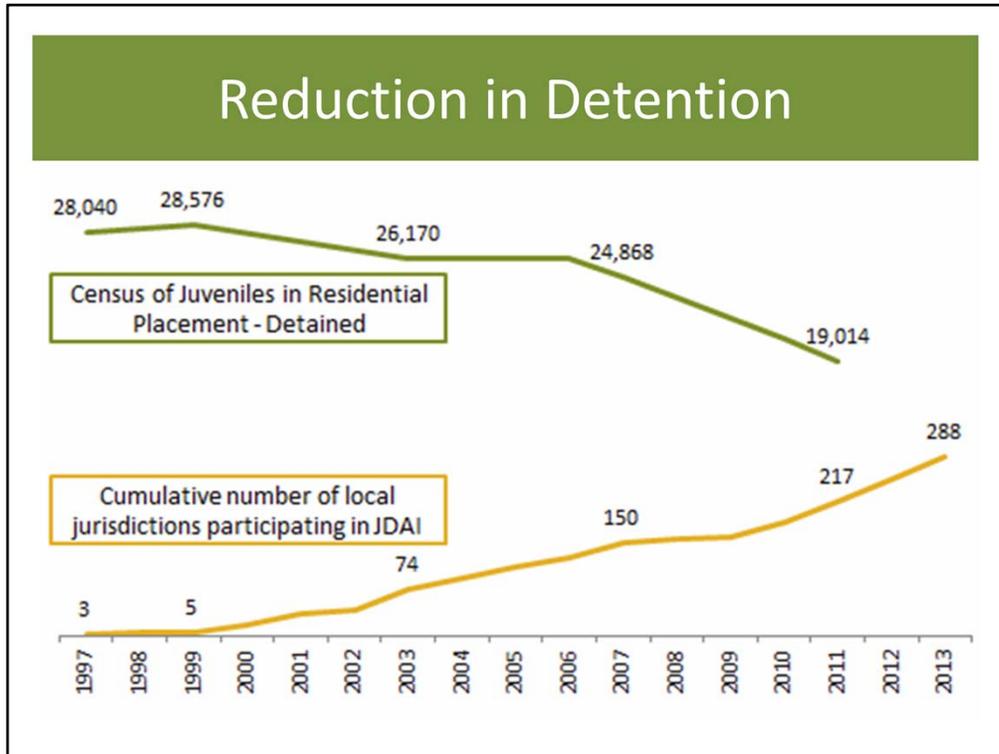
JDAI

Juvenile Detention Alternative Initiative Philosophy

Cil Robinson, Montana JDAI Coordinator
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Dusten Hollist, Ph.D. and Patrick McKay, M. A. of the
University of Montana Criminology Research Group

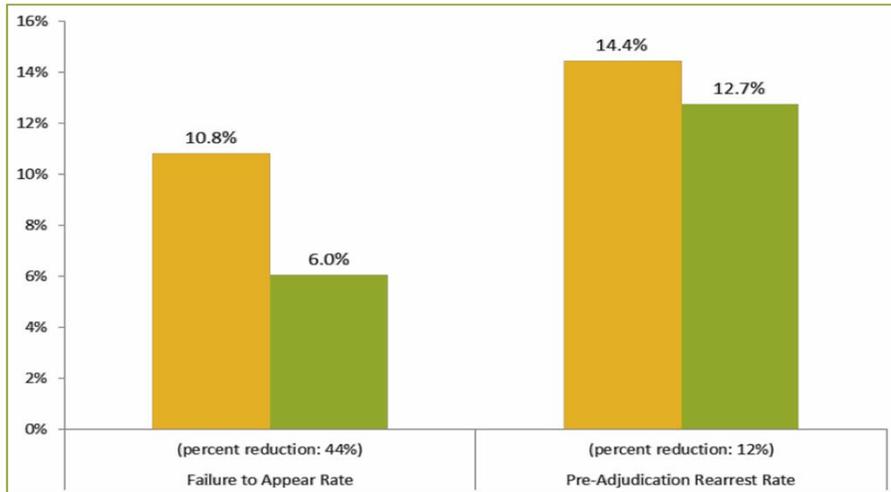


The Juvenile Detention Alternative Initiative (JDAI) was developed by the AECF to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative relies on 8 inter-related core strategies to accomplish 5 objectives.



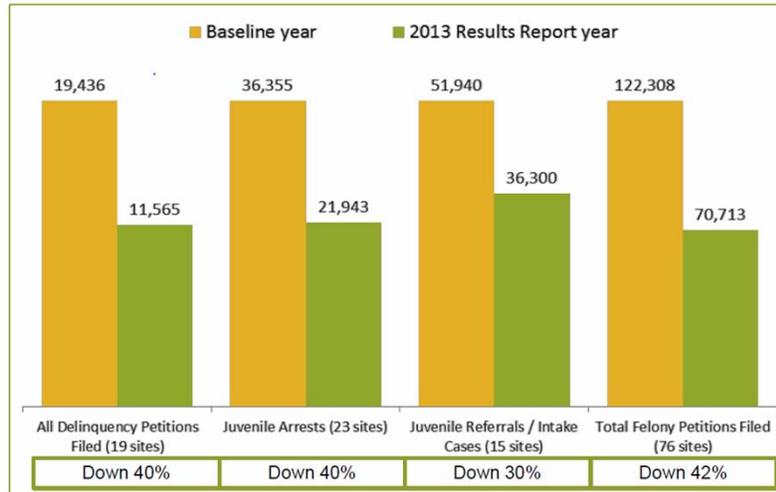
The first objective is to eliminate inappropriate and unnecessary use of. Since introducing the initiative with 3 participating jurisdictions in 1997, it has grown to include 288 jurisdictions nationwide in 2013 as demonstrated by the lower gold line. The upper green line shows the reduction in detentions from 28,040 in 1997 to 19,014 in 2011.

Baseline and 2013 FTA and Re-arrest Rates, Aggregated



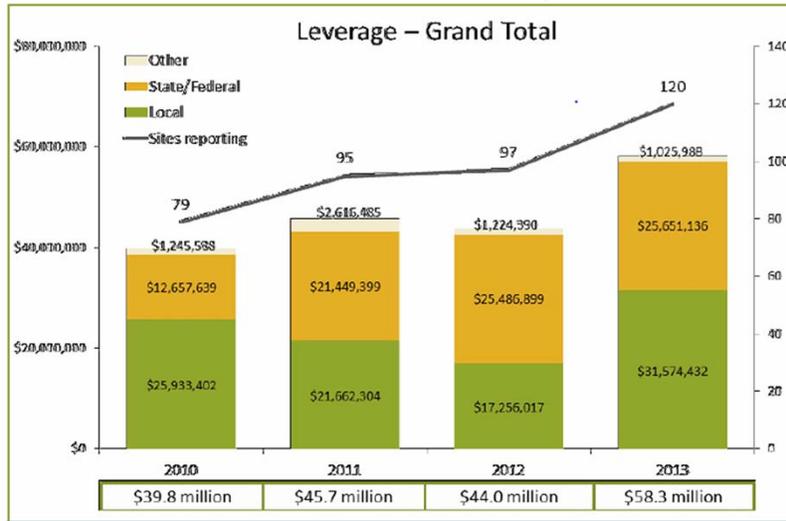
The second objective is to minimize failures to appear and incidence of delinquent behavior. The chart on the left demonstrates a 44% drop in failures to appear between the baseline and 2013. The chart on the right represents a 12% decline in the pre-adjudicated detention re-arrest rates. All numbers are aggregated across all JDAI sites.

Public Safety: Juvenile Crime



The reductions in detention utilization have come without sacrificing public safety in JDAI sites. Sites use a variety of different indicators to measure the rate of juvenile crime, but regardless of the type of indicator they use, sites reported lower overall levels of juvenile crime in 2013 than in their baseline years.

Redirect Public Finances



The third objective is to redirect public finances to successful reform strategies. This chart shows how sites have leveraged the AECF grant funds with local (green), state/federal (gold), and other (light beige) funds to implement reform strategies.

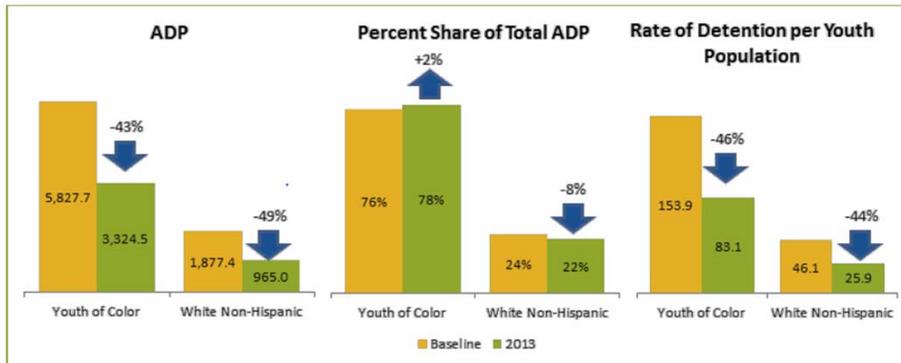


JDAI Conditions of Confinement Standards

STANDARD	Comply	Not Comply
1. Written policies, procedures, and practices govern what to do when the institutional population approaches or reaches its rated capacity, including policies for releasing or "stepping down" appropriate youth to non-secure settings.		
1. Written policies, procedures, and practices insure that staff review the institutional population on a daily basis to make sure youth who no longer need secure confinement are promptly released, "stepped down" to less restrictive settings, or transferred to other settings.		
1. The agency responsible for detention regularly collects and reviews data on the risk assessment process, including admissions to detention, admissions to alternatives to detention, re-arrest, and nonappearance. The agency reviews the data for consistency, accuracy, outcomes, and to inform ongoing refinement of the risk criteria and scoring.		

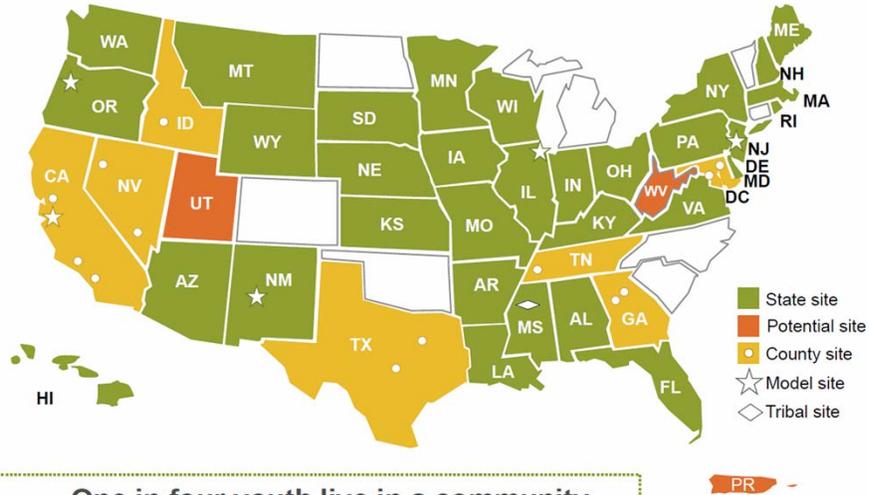
The 4th objective is to improve conditions of confinement. What we've seen nationally in engaging in discussions with other jurisdictions is that as the use of detention declines, overcrowding is eliminated and funding is freed up for improving conditions of confinement.

Summary of Changes in Racial/Ethnic Disparities in Detention



The 5th objective of JDAI is to Reduce Racial and Ethnic Disparities (RED). Here you see several measures of RED. Looking solely at percentage of change in average daily population it appears that detention has declined 49% for White non-Hispanic youth but only 43% for Youth of Color. Looking at percent share of total ADP it appears that youth of color has increased by 2% while White Non-Hispanic youth as declined 8%. But when you look at the rate of detention per Youth population which takes into account growth in the number of minority youth in the population and any declines in non-Hispanic White youth population, we see that youth of color has declined by 46% while White non-Hispanic Youth has declined only -44%.

By the end of 2014, JDAI will be active in more than 200 counties, spanning 41 states plus the District of Columbia and one Native American Tribe

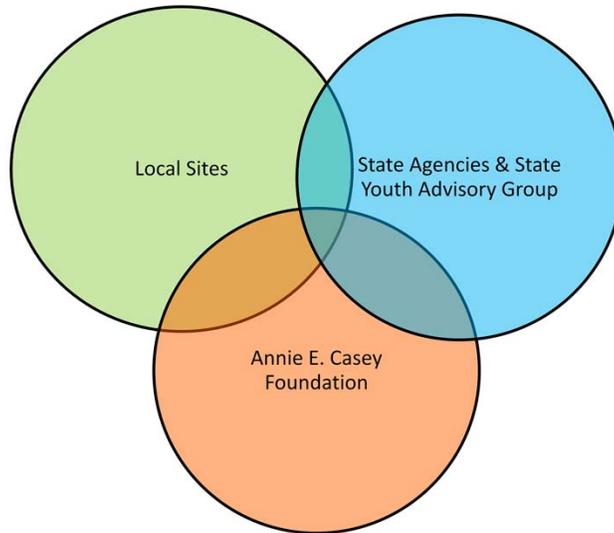


One in four youth live in a community that participates in JDAI.

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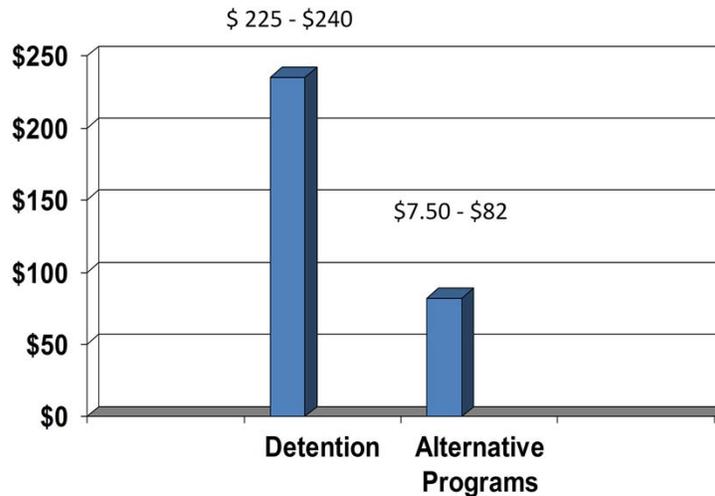
From this map you can see that by the end of this year JDAI will be a presence in Puerto Rico, on one reservation in Mississippi, and all but 9 states in the union

JDAI Partnership



One of the keys to JDAI's success is the partnership between the local sites, the state agencies and state youth advisory group (SAG) and the Annie E. Casey Foundation.

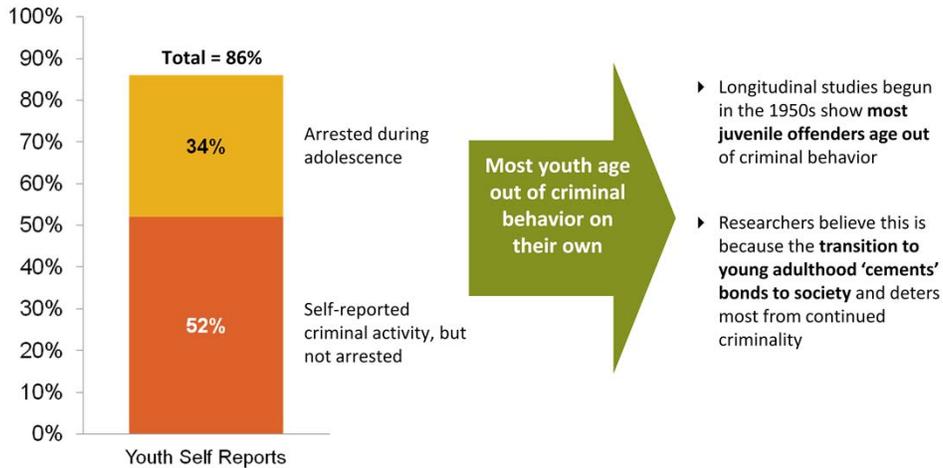
Comparison of Daily Rates



Grant dollars from the AECF is minimal. The real fuel for JDAI is savings from using alternatives to detention to develop and sustain less expensive in community alternative programs. The chart shows that in Montana current daily detention rates range from \$225 - \$240 and daily rates for alternatives range from \$7.50 for electronic monitoring to \$82 for staff secure shelter care. So even the most expensive alternative is just a little over one third the cost of the most expensive detention.

Research shows that most juveniles engage in criminal behavior, but don't continue into adulthood

Youth Self Reporting Criminal Activity

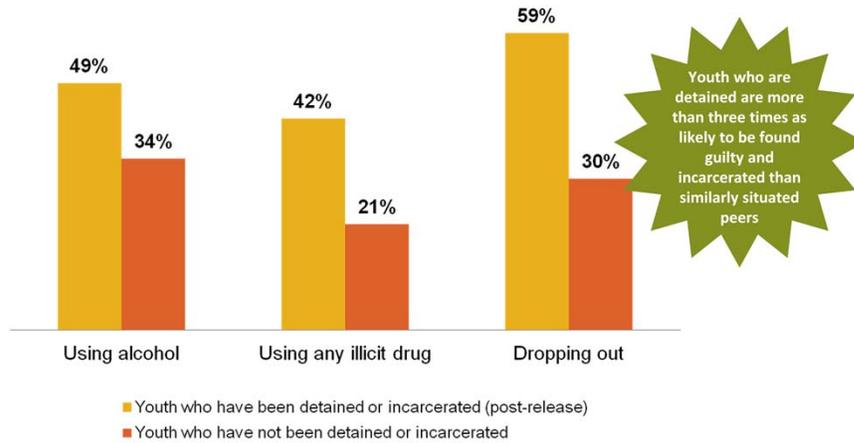


SOURCE: Data from National Youth Survey analyzed by Hawkins, D., Smith, B. and Catalano, R. "Delinquent Behavior," in *Pediatrics in Review* (2002: 23: 382-392); "Unraveling Juvenile Delinquency" (Glueck, 1963), with followup in "Crime in the Making" (Sampson and Laub, 1993)

Longitudinal studies begun in the 1950s show most juvenile offenders age out of criminal behavior. So let's take a quick poll to test this theory. How many here engaged in behavior as a youth, that if you had been caught would have landed you in the juvenile justice system? As Canadian author Spider Robinson once said, "Never attribute to malice, that which can be reasonably explained by stupidity."

Detention leads to worse outcomes. After release, detained youth are far more likely to drop out of school and use drugs and alcohol

Likelihood of Behavior: Incarcerated vs. Non-incarcerated Youth



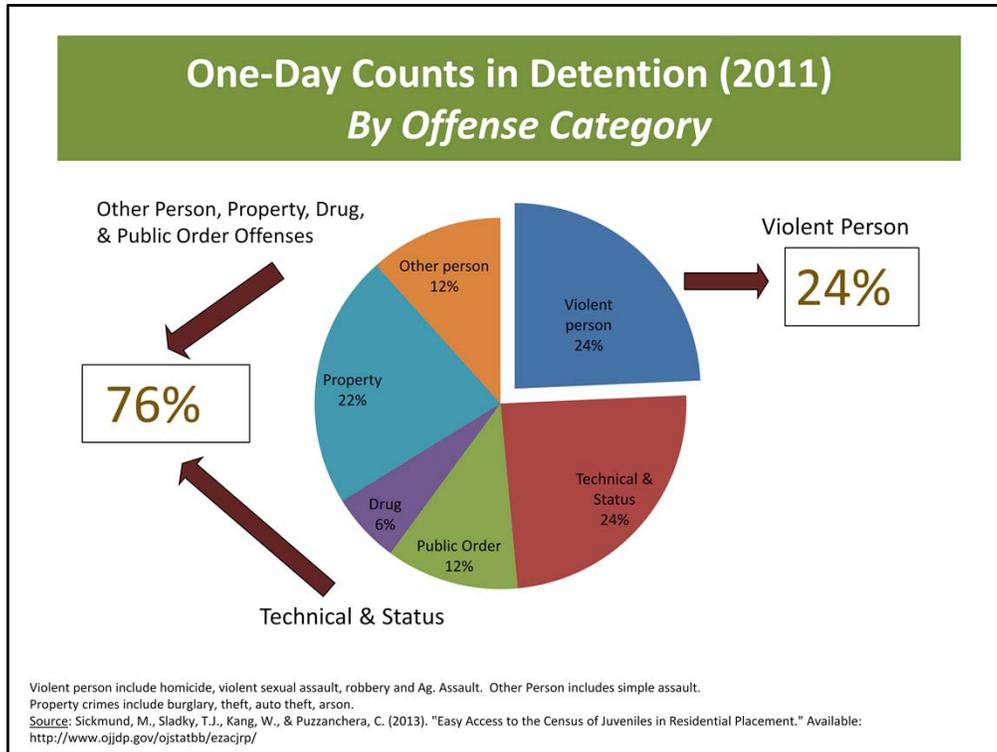
SOURCE: Office of State Courts Administrator, Florida Juvenile Delinquency Court Assessment (2003); LeBlanc, (1991), "Unlocking Learning" in Correctional Facilities, Washington, D.C.; Substance use, abuse, and dependence among youths who have been in jail or a detention center: The NSDUH report, The National Center on Addiction and Substance Abuse (CASA) at Columbia University, (2004); America's Promise report on national rates of high school dropouts: www.msnbc.msn.com/id/23889321/.

Youth who are detained are more than three times as likely to be found guilty and incarcerated than similarly situated peers.

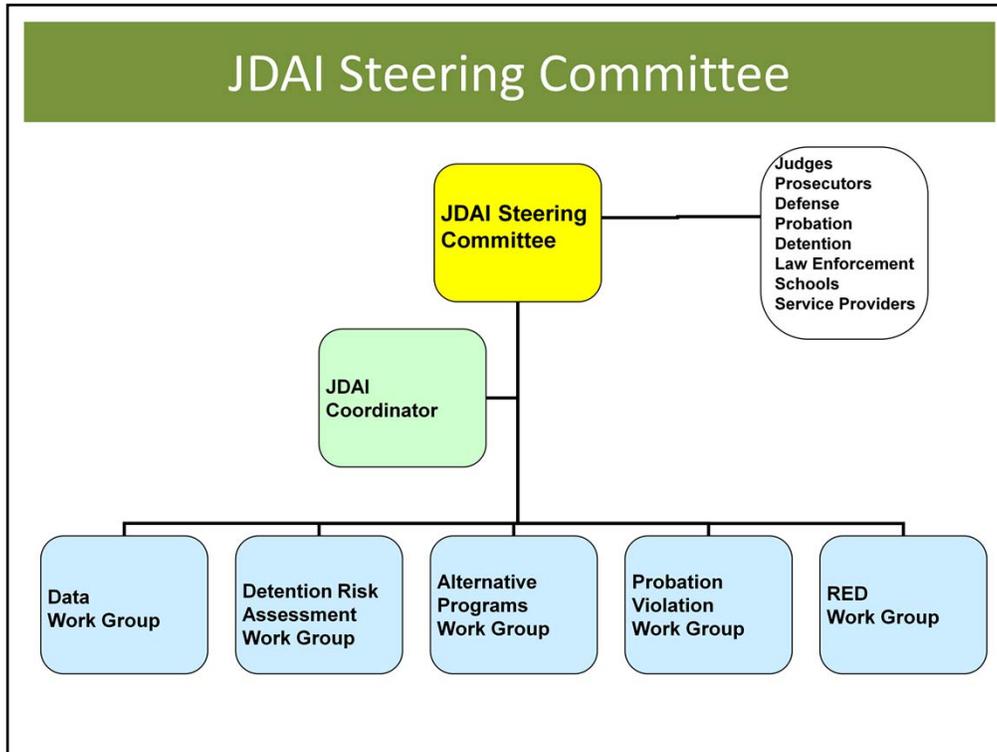
Mentoring Works!



Stated another way – mentoring works! Low level offenders shouldn't be mixed with high level delinquent offenders who can intimidate, victimize or mentor low level offenders to be more delinquent.



JDAI focuses on reducing detention among non-violent offenders. In this 2011 one day account of detention by offense category, non-violent offenders represent 76% of the youth in detention.



JDAI is accomplished through implementation of 8 inter-related core strategies. The first strategy, Collaboration, brings together Judges, Prosecutors, Defenders, Juvenile Probation, Detention, Law Enforcement, Schools, and service providers into a Steering Committee, facilitated by a JDAI Coordinator who develop work groups that focus on:

- Collecting and analyzing data
- Selecting/implementing/evaluating a detention risk assessment instrument
- Inventorying existing alternatives to detention and identifying and filling gaps
- Analyzing Technical Violations data and developing and evaluating graduated sanctions/incentives grids
- Analyzing racial and ethnic disparities data and developing and evaluating strategies to reduce them.

Frequently Cited Impact Indicators

Indicator	Pre-JDAI Baseline	2013 Results	Numerical change	Percent change	Sites (grantees) included in analysis
Average Daily Population (ADP)	8,081.3	4,489.4	-3,591.9	-44%	131 (42)
Annual Admissions	175,010	107,088	-67,922	-39%	131 (42)
Avg. Length of Stay (ALOS) in days *	16.7	15.0	-1.7	-10%	131 (42)
Youth of Color (YOC) ADP	5,827.7	3,324.5	-2,503.2	-43%	122 (40)
YOC Annual Admissions	117,298	75,575	-41,723	-36%	122 (40)
YOC ALOS in days *	17.8	15.9	-1.9	-11%	122 (40)
Commitments Total	13,984	7,633	-6,351	-45%	131 (42)
YOC Commitments	9,881	5,297	-4,584	-46%	122 (40)
Juvenile Crime Indicator:					
Delinquency Petitions Filed	19,436	11,565	-7,871	-40%	19
Felony Petitions Filed	122,308	70,713	-51,595	-42%	76
Juvenile Arrests	36,355	21,943	-14,412	-40%	23
Juvenile Intakes	51,940	36,300	-15,640	-30%	15

The second strategy, data driven decisions, requires that sites collect, compile and analyze a lot of data on a quarterly basis.

- All data is disaggregated by race, ethnicity, and gender.
- Sites are coached in a process of analyzing the data and digging deeper to determine why?
 - Why are average lengths of stay so long?
 - Why are youth of color detained disproportionately to White non-Hispanic youth?
 - Why are so many youth detained for failures to appear or other technical violations?
 - Why, after implementing a RAI, have detentions increased instead of decreased?

Detention Risk Assessment Instrument (DRAI)

- **Risk Assessment Instruments (RAIs):**
 - Standardize detention admission decisions
 - Identifies youth appropriate for:
 - Release to Parents
 - Alternatives to Detention
 - Promotes fairness & racial/gender equity
 - May save Law Enforcement unnecessary transportation time
- **Success is dependent on evaluation of the selected instrument**

11/13/2014

18

The third strategy is to make objective detention decisions. This is accomplished by selecting and implementing a detention risk assessment instrument (RAI). Listed here are the reasons for using a RAI. Success is dependent on evaluation of the selected instrument to ensure that it is performing as expected. We will hear more about Montana's experience with their RAI later in this presentation.

Why Expedite Case Processing?

- **Improves system efficiency**
- **Reduces lengths of stay**
- **Expands capacity of alternatives to detention programs**
- **Reduces risk of future detention**
- **Reduces racial/ethnic disparities in the use of detention**

11/13/2014

19

The fourth strategy is to improve case processing times. The goal is to get youth out of detention and connected with their families/the community, build on their existing strengths and provide them with new competencies to keep them out of the system.

Key Processes to Improve Case Processing Times

- Weekly review of detention cases
- Revised “speedy trial” rules
- Case expeditor role to minimize delays
- Protocol for targeting “stuck cases” that are lingering in detention

Some of the best methods for improving case processing are listed here. The JDAI Helpdesk provides toolkits, literature, and examples of what worked in other JDAI sites. Sites can also request technical assistance from the site coordinator, state coordinator, and/or the Technical Assistance Consultant.

Reduce Racial and Ethnic Disparities (RED)

- Formal mandate to identify and address racial/ethnic disparities
- Implement community engagement strategies
- Consistently disaggregate report data by race/ethnicity
- Develop a plan to intentionally address racial and ethnic disparities
- Prioritize case processing reforms that target drivers of disparity

The fifth strategy is to reduce racial and ethnic disparities (RED) also known as addressing disproportionate minority contact (DMC). Sites that have been successful share these traits:

- A formal mandate to identify and address RED
- Implemented community engagement strategies
- Consistently disaggregate report data by race/ethnicity
- Developed a plan to intentionally address racial and ethnic disparities
- Prioritize case processing reforms that target drivers of disparity

Improving Conditions of Confinement

- **C**lassification and separation issues
- **H**ealth and mental health care
- **A**ccess to counsel, the courts, and family
- **P**rogramming, education, exercise, and recreation
- **T**raining and supervision of institutional staff
- **E**nvironment, sanitation, overcrowding, and privacy
- **R**estraints, isolation, punishment, and due process
- **S**afety issues for staff and confined children.

The 6th strategy is to improve Conditions of Confinement. The first letter of each of the focus areas in this strategy spell out CHAPTERS. I won't read them to you. The idea is to move away from the adult "corrections" model of retribution/punishment and towards a juvenile strength based model geared to provide youth safety, accountability, and build youth competence.

Detention Facility Inspections

- **Self-Inspection process against JDAI Standards (Industry “best practices”)**
- **Develop plan for improvement based on findings, if needed.**
- **Conduct inspections every 2 years**
- **Reduces liability exposure for County**

Key to the strategy is implementing a self inspection process, whereby the detention facility used by the jurisdiction is inspected by the stakeholders against JDAI Standards which are industry best practices. There is no expectation that jurisdictions will be able to meet all these standards. It is an aspiration to do the best that is possible.

Cook County Juvenile Detention Alternatives (Chicago)

*Circuit Court of Cook County
Juvenile Justice Division
Juvenile Detention Alternatives Continuum
April 2009*

*Court Notification
Community Outreach Supervision
Home Confinement
Evening Reporting Center
S.W.A.P.
Electronic Monitoring
Staff Secure Shelter*

11/13/2014

24

The 7th strategy develops Alternatives to Detention for Moderate Risk Youth; reserving detention for youth at a high risk for flight or threat to public safety. Cook County's Circuit Court Juvenile Division developed this Juvenile Detention Alternatives Continuum.

- Low risk youth are not candidates for alternatives, the court is notified that they were released to parents/guardian with a promise to appear in court. Youth and parents then receive a reminder of when and where they are expected to appear in court.
 - Research has shown that mixing low level offenders with medium to high level offenders even in alternative programs is more detrimental than if nothing were done with the youth. This effect is called net-widening and is to be avoided
 - Sites inventory existing ATODs and classify them to develop their own continuum. Developing ATODs to fill any gaps. This information will also be used for the 8th strategy that focuses on reducing detention for special cases.
- S. W. A. P. as used in Cook County's continuum stands for Sheriff's Work Alternative Program

Reducing Detention for Special Cases

- Implement a court date notification system
- Change the role of the Juvenile Probation Officer from one of Adult “corrections” model to a Juvenile “strength based” model
- Develop a sanctions/incentives grid for youth on probation
- Provide differential warrant policies to avoid detention of low-risk youth

The 8th and final strategy is to reduce the use of secure confinement for special cases such as status offenders, criminal contempt, warrants and technical violations. Here are common steps taken to implement this strategy. As with all the strategies, data drives the decision in selecting which step(s) make the most sense for a particular jurisdiction’s situation. Tomorrow, we are going to talk a little bit more about the third bullet with current JDAI sites based on their site’s data.

Sample Response Grid

Probation Violation	Risk Level	Risk Level - Low	Risk Level - Medium	Risk Level - High
Minor Violation				
Moderate Violation				
Serious Violation				

11/13/2014

26

Here is an example of a graduated probation sanctions grid. It sets forth the type of response needed based on the severity of the violation and the number of violations. Sites develop the grid with the ATODs available in their community. Remember I said we would get back to that ATOD inventory? The next step is to dig deeper into the special detention data to determine if there are gaps in the available ATODs. If so which gaps need to be filled first?

First Year JDAI Activities

- Assemble the key stakeholders
- Hire & train JDAI Coordinator
- Provide JDAI philosophy & strategies orientation
- Agree on purpose & use of detention
- Establish Executive Committee & Work Groups
- Develop annual JDAI Plan
- Collect, report & analyze baseline data
- Implement Detention Risk Assessment Instrument
- Inventory existing alternatives & identify gaps
- Review & modify probation sanctioning practices
- Analyze racial, ethnic and gender disparities
- Prepare for Detention Self-Inspection

Here is a list of typical first year JDAI Activities. So why was JDAI brought to Montana?

JDAI, a Good Fit for Montana

41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

- (1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;
- (2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:
 - (a) immediate, consistent, enforceable, and avoidable consequences of youths' actions;
 - (b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders;
 - (c) in appropriate cases, restitution as ordered by the youth court; and
 - (d) that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, or religious heritage whenever appropriate;
- (3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;
- (4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.

The JDAI philosophy is a very good fit with the declared legislative purpose of Montana's Youth Court Act as set forth in Montana Code Annotated 41-5-102.

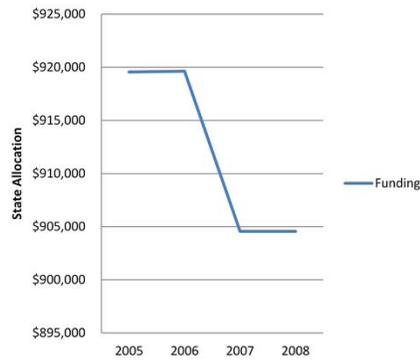
Disproportionate Minority Contact (DMC)

- Statewide, in 2005, when the YJC began looking at JDAI, AI/AN youth were being securely detained at over twice the rate of White non-Hispanic youth.
- JDAI was the only strategy showing promise to reduce DMC at detention

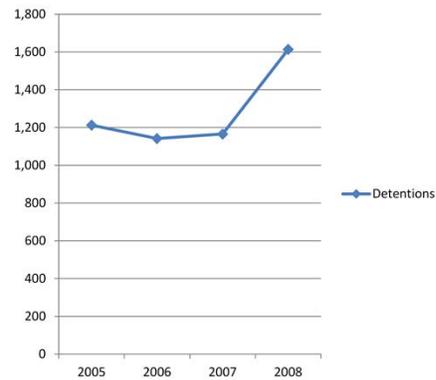
When the Youth Justice Advisory Council began looking at JDAI in 2005, American Indian/Alaskan Native youth were being securely detained at over twice the rate of White non-Hispanic youth. JDAI was the only best or promising practice with success in reducing DMC.

Funding Dilemma

State Allocation for Regional Detention/ATOD/Transportation

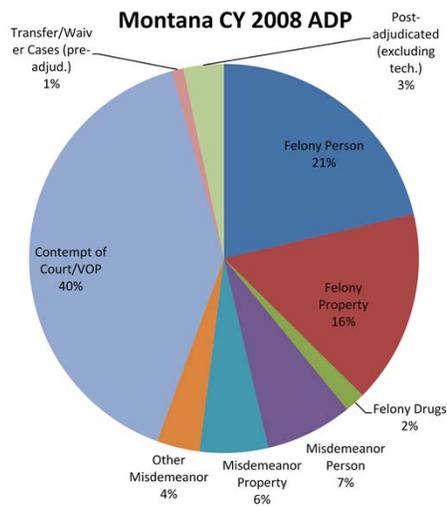


Detentions



Between 2005 when the YJC began looking at JDAI and 2008 when JDAI was kicked off in the state, the state share of detention funding was declining and the use of detention was increasing.

Montana ADP in 2008



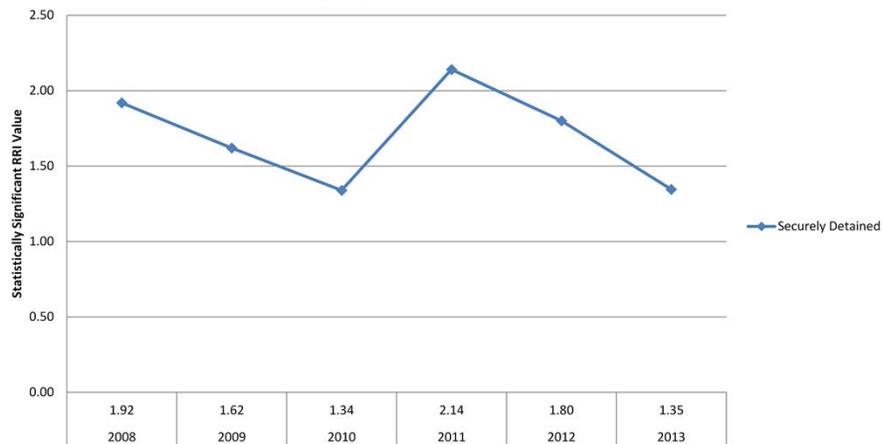
- JDAI strategies were known to be successful in reducing detention for:
 - Technical violations and
 - Misdemeanors

A pie chart of the detention population in Montana in 2008 showed a picture similar to the rest of the nation:

- 25% of youth were in detention because they needed to be there. (pink, light green and dark blue)
- 75% were in detention for offenses that JDAI had shown to be successful in reducing without further risk to public safety.

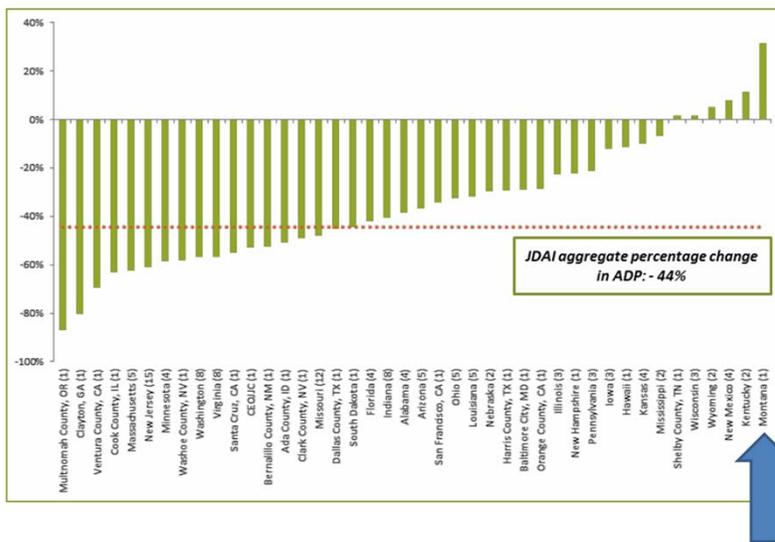
Montana Reduction in DMC

MT 's Statistically Significant RRI Trends for AI/AN Youth



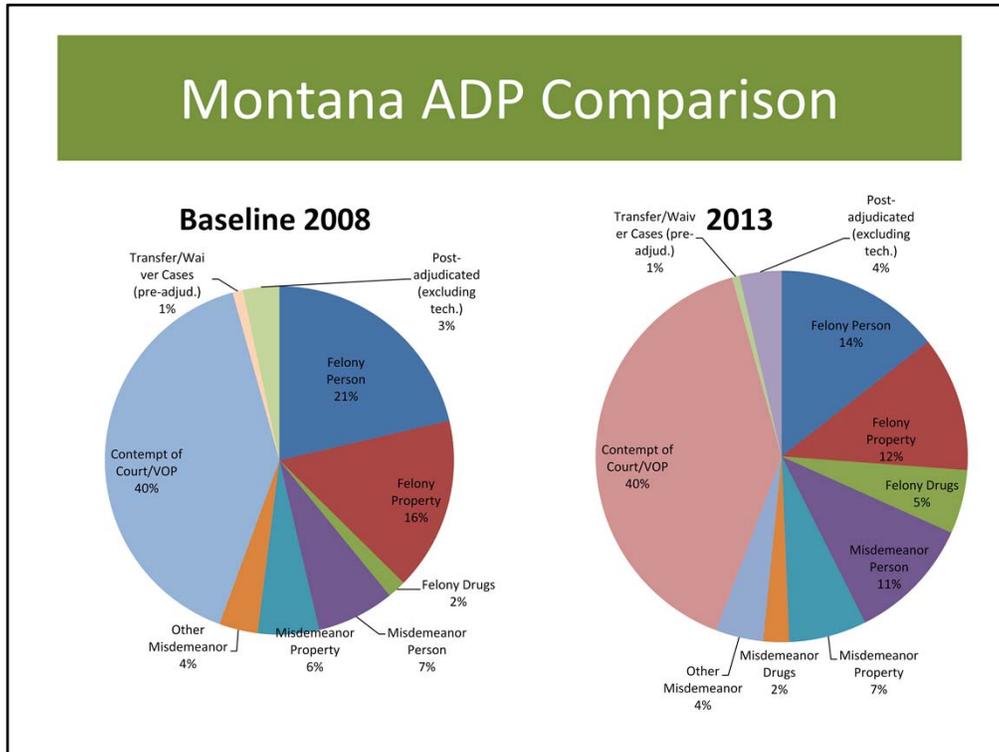
So how are we doing? Since JDAI kicked off in Montana in 2008 DMC steadily declined statewide at the point of secure detention. Rather than assume the decline was the result of implementing JDAI, the Youth Justice Council used a Statistical Analysis Center (SAC) grant to contract with the University of Montana Criminology Research Group (UMCRG) to assess the reasons for disproportionate minority contact (DMC) in Montana. Shortly, Dr. Dusten Hollist, Ph.D. who heads up the UMCRG, will discuss the findings of that study as they relate to DMC in detention in Montana.

Percent Change in ADP from Baseline to 2013, by Grantee



Montana has shown an increase in average daily detention populations. In line with the data driven decisions strategy, a Statistical Analysis Center Grant was used to contract with the University of Montana Criminology Research Group to evaluate the risk assessment instrument (RAI) selected by the sites and implemented in January 2009 in the hopes it would shed some light on this situation. That study was completed in 2012. Dr. Hollist and his associate Patrick McKay from the UMCRCG will discuss what they found that may explain this situation.

Montana ADP Comparison



Interestingly:

Transfer cases remained steady at 1%

Post adjudicated pending placements increased by 1% (3% to 4%)

Felonies against persons declined 7% (from 21% to 14%)

Felony property offenses declined 4% (from 16% to 12%)

Felony drug offenses increased 3% (from 2% to 5%)

Misdemeanor Person offenses increased 4% (from 7% to 11%)

Misdemeanor Property offenses increased 1% (from 6% to 7%)

Misdemeanor Drug offenses increased 2% (from none in 2008 to 2% in 2013)

There were no change in Other misdemeanor offenses or contempt/VOPs

So what happened? Perhaps the results of the DMC Assessment and the RAI evaluation can shed some light on this matter.

An Important MT JDAI Partner

- **University of Montana Criminology Research Group**
 - Assessments of DMC in 2012 and 2014
 - Evaluation of the Risk Assessment Instrument (RAI)
 - Developing the Detention Risk Assessment Instrument (DRAI)
 - Automation of the DRAI
 - Next steps
 - <http://mbcc.mt.gov/Data/SAC/RAI/DMCAssessRep.pdf>
 - http://mbcc.mt.gov/Data/SAC/RAI/2014RAI_DRAI_Com.pdf

We will now hear from Dr. Dusten Hollist and Patrick McKay of the University of Montana Criminology Research Group to see if the Assessment of DMC and evaluation of the risk assessment instrument shed some light on the results of implementing JDAI in MT, some actions currently underway to resolve the situation, and some insights into our next steps.

JDAI Websites

- **Link to information and resources for JDAI in Montana**
 - <http://www.mbcc.mt.gov/JuvenileJustice/JDAI/JDAI.asp>
 - How to become a JDAI site in Montana
 - Montana DMC Assessment and RAI Evaluation
 - Pages for each JDAI site in Montana are currently under construction
 - Crime Prevention Conference JDAI Post Session Materials
- **Link to JDAI Help Desk**
 - <http://www.jdaihelpdesk.org/default.aspx>
 - Starter Kit
 - Pathway Series
 - Practice Guides
 - Policy and Program Briefs
 - Communication Tools and Tips
 - National Conference Materials
 - News/Newsletters