

ADVANCES in Juvenile Justice Reform: 2009 – 2011

JULY 2012

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INTRODUCTION

We at the National Juvenile Justice Network (NJJN) are very pleased to present this compendium of significant advances and reforms in juvenile justice from across the country from 2009 to 2011. This collection speaks both to the tremendous movement forward toward the fair treatment of youth in trouble with the law, as well as to the depth of the need for change.

Change, of course, does not appear out of thin air. Rather, system reform requires a complex combination of hard work, considered partnerships, adequate resources, time, and strategic action. Behind each one of these entries in this document is a story—a story that would take volumes to fully explain. Yet, we know that for most of these changes, advocacy groups, including many NJJN members, played a significant role.

Why is advocacy such a powerful tool for reform? Advocates are ideal change agents because they are mission-driven. They focus on good outcomes for youth and their communities regardless of shifting political winds, staffing changes, and resource fluctuations. They do this in several ways. Advocates:

- **Build awareness.** Savvy advocates know how to frame the debate and for whom, when to push stakeholders and when to partner with them, and when to go public versus fly under the radar.
- **Are experts who get things done.** Advocates develop sophisticated skill sets that include detailed knowledge about both the promise and flaws in their state's juvenile justice system; the ability to assess the best strategy for reform, be it legislative, administrative or through litigation; and the know-how to build critical partnerships with like-minded stakeholders—and would-be opponents.
- **Amplify the voices of those most affected.** Youth and families, who are too often sidelined by the systems that seek to serve them, frequently provide the most urgent, salient and informed voices for reform. Advocacy groups that are led by, partner with, or are inclusive of youth and families can be extremely effective change agents.
- **Monitor outcomes.** Finally, after the legislation has been signed or the final memo written, advocates stay on duty, helping systems implement change through training, collaboration and knowledge sharing. This helps ensure that reforms yield the intended outcomes for youth, their families, and the community at large.

But advocates do not work in isolation. Their victories are a team effort. As already mentioned, advocates work every day with policymakers, practitioners, and other stakeholders. Yet their impact is dramatically magnified by their many philanthropic partners, who believe in the power of advocacy to improve outcomes for youth in trouble with the law. And for that, we must all be deeply grateful.

Still, advocates are too often overlooked when it comes time to take stock of how far we have come and how we got here. So, on behalf of the National Juvenile Justice Network, we express our profound appreciation for the advocates across the country who have played such an important role in juvenile justice reform.

We commend your hard work, your enduring commitment, and your vision for change—and look forward to a future full of even more remarkable advances in juvenile justice reform.



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P.S. We encourage you to view the NJJN member listing at the back of this booklet, and to learn more about each of our members at www.njjn.org/our-members/.

ABOUT *ADVANCES IN JUVENILE JUSTICE REFORM*

The National Juvenile Justice Network (NJJN) is pleased to present this compilation from across the country of advances in juvenile justice reform made between 2009 and 2011. In it, we have gathered together significant laws, administrative rule and practice changes, positive court decisions, and promising commissions and studies. The breadth and scope of its contents are a testament to the great number of positive changes that have occurred over the course of the past few years.

While it may sometimes feel that progress toward reform is slow to non-existent, this compendium shows that, in fact, thanks to the tireless work of advocates, stakeholders, and policymakers, reform victories are won on a regular basis, every year, in nearly every state.

That being said, we would be remiss if we did not also note that the news is not all good. There are many states and localities where juvenile justice reform is badly needed—where youths’ due process rights are routinely violated; where schools funnel youth into juvenile court; where youth of color are unfairly and disproportionately punished; where youth in confinement are abused and beaten. Reformers have a lot to celebrate, but there is also much to be done.

What Reforms Are Included?

It would be nearly impossible to create a truly comprehensive catalog of advances in juvenile justice reform. Countless people—advocates, system officials, policymakers, and others—work in myriad ways to achieve change on a number of fronts. Some change happens on a large scale, and impacts thousands of youth statewide. Other changes happen more locally, and while they may affect fewer youth overall, the results are still monumentally important to the youth and families involved.

The advances in this document are primarily culled from the National Conference of State Legislatures’ Juvenile Justice Bill Tracking Database and from NJJN members, partners, and allies. We have made every effort to conduct both a broad and deep search for the most meaningful reforms—those that truly result in better outcomes for youth and families. Each individual item in this booklet has been reviewed by an expert in the state who helped us understand the actual effects of the change for youth in the justice system.

Unfortunately, there are undoubtedly significant reforms that are not included in this booklet. Due to space limitations, we were also unable to include

a large number of reforms that focused primarily on prevention—a crucial piece of fixing the system and serving youth appropriately. Lastly, our organization of the document is certainly not meant to indicate that each reform only impacts one subject area; indeed, the best reforms change the system and improve outcomes for youth and communities on a number of levels.

We welcome your feedback, and encourage you to contact us at info@njjn.org if you notice any omissions or have suggestions for future publications.

How to Learn More About a Specific Reform

- We have made every effort to include the legislation, policies, judicial decisions, and reports mentioned in this booklet on our website. Please visit www.njjn.org to view the list of resources or search for a specific item.
- If you are interested in the work of a specific state, view NJJN’s membership directory at www.njjn.org/our-members/, and contact an NJJN member. If you need assistance reaching out to a particular state, email us at info@njjn.org.

Using this Document

Whether you are an advocate, policymaker, legislator, educator, or anyone else interested in juvenile justice reform, we hope this guide will help you in a variety of ways. *Advances in Juvenile Justice Reform* is a rich resource for generating ideas for reform based on successes in other states. It is a platform for collaboration; use the member listing at the back of this document or visit NJJN’s website at www.njjn.org/our-members/ to reach out to a member in your state, develop new partnerships, and strategize around specific reform ideas.

The document provides a broad view of the primary issues of concern in the reform field, as well as a snapshot of those areas that are gaining the most traction; we hope the publication will serve as an educational tool for individuals less familiar with specific reform efforts, and inspire those already dedicated to change. Lastly, this publication is meant to serve as a concrete representation of how far the movement for juvenile justice reform has come, and act as incontrovertible evidence that progress is indeed being made.

For more assistance with using *Advances in Juvenile Justice Reform* as an advocacy and education tool, contact info@njjn.org.

Download additional copies of *Advances in Juvenile Justice Reform* and related resources from our website at www.njjn.org.

ADVANCES, BY SUBJECT

ADJUDICATION AND SENTENCING

2011

MAINE

Courts Gain Option of Deferred Disposition

Courts in Maine may now impose a deferred disposition in juvenile cases where a youth admits to committing a delinquent act. If the youth complies with the conditions of the deferred disposition, the court may impose an alternative disposition or dismiss the petition with prejudice, upon motion by the state's attorney. S.P. 402/L.D. 1299/Public Law 384, signed into law June 20, 2011.

OHIO

Legislature Passes Sentencing Reform Bill

Ohio's new sentencing reform bill includes a range of positive changes for youth. It explicitly supports research-informed, outcome-based programs and services; allows judges to consider early release opportunities throughout a youth's commitment, including youth serving mandatory sentences; revises mandatory sentencing guidelines for youth to allow for judicial discretion in instances where the youth was not the main actor; adopts uniform competency standards for all delinquency proceedings; establishes a reverse waiver provision that makes it possible for young people automatically transferred to adult court to return to juvenile court at the discretion of the judge; and creates a temporary interagency task force to make recommendations to the legislature for addressing the needs of delinquent youth with significant mental health issues. H.B. 86, signed into law June 29, 2011; effective September 30, 2011.

PENNSYLVANIA

Supreme Court Issues Rule Mandating Least Restrictive Disposition for Youth

When out-of-home placement is deemed to be necessary for a youth, courts in Pennsylvania must now explain why they are placing the youth outside of the home and why the placement is the least restrictive type of placement that is consistent with the protection of the public and the rehabilitation needs of the child. The rule reflects Pennsylvania law that requires the least restrictive placement of youth (42 Pa.C.S. § 6352), and further requires courts to explain in their dispositional orders why there are no less restrictive alternatives available. Rules 512, 1240, 1242, and 1512, adopted April 29, 2011; effective July 1, 2011.

ALTERNATIVES TO DETENTION AND YOUTH PRISONS

2009

ALABAMA

State Establishes New Grant Program for Community-Based Alternatives to Incarceration

In 2009, the Alabama Department of Youth Services (DYS) set aside more than \$1 million to fund a new competitive grant program that encourages Alabama courts to develop non-residential alternatives to incarceration that are tailored to local needs. The grant program is funded by savings realized by recent reductions in the number of youth committed to DHS. The grants are expected to fuel further reductions, creating additional cost savings that will be used to increase funding for grants in future years. Applicants must clearly define outcome measures that will determine effectiveness and they must prove that the program they propose addresses children's most pressing needs.

DISTRICT OF COLUMBIA

D.C. Launches Lead Entities Services Coalition

During the fall of 2009, D.C.'s Department of Youth Rehabilitation Services (DYRS) launched the Lead Entities Services Coalition to provide wraparound positive youth development services to DYRS youth placed in the community. The purpose of the initiative is to provide and coordinate a wide range of services, supports, and opportunities identified for each youth through team meetings that actively involve all of the stakeholders in a young person's life. During the first quarter after the launch of the service coalition, only 19 percent of youth

placed in the community received services through the service coalition. As of the last quarter of FY 2011, over 85 percent of youth were receiving two or more services in the community. The coalition is now called D.C. Youthlink.

ILLINOIS

Redeploy Illinois Becomes Permanent Initiative and Expands Across State

In April 2009, the Illinois General Assembly passed a law to convert Redeploy Illinois from a pilot program to a permanent initiative that will be accessible to approximately 70 counties that were previously excluded because of their low numbers of delinquent youth. Redeploy Illinois reallocates state funds from juvenile correctional confinement to local jurisdictions in order to establish a continuum of local, community-based sanctions and treatment alternatives for youth offenders. Redeploy Illinois provides funding to counties to deliver individualized services such as therapy, substance abuse treatment, and life skills education. The legislation also encourages the use of restorative measures such as victim offender panels, teen courts, competency building, and community service. The law promotes the belief that youth should be treated in the least restrictive manner possible while maintaining the safety of the public. During the first three years of the pilot program, the four pilot sites sent approximately 400 fewer youth to the Department of Juvenile Justice, a reduction of 51 percent in these sites. On average, the eight Redeploy sites in Illinois reduced their commitments in 2010 by 53 percent from their baseline levels. According to the per capita cost of incarcerating one youth in the Department of Juvenile Justice, this decrease in commitments translates to a cost avoidance of over \$9 million for the state of Illinois. S.B. 1013/ Public Act 95-1050, signed into law April 7, 2009; effective January 1, 2010.

KANSAS

Sedgwick County Allows Non-Custodial Bench Warrants

Sedgwick County implemented a two-tier warrant procedure to reduce bench warrants resulting in admissions to secure detention. The procedure permits judges to issue non-custodial orders in addition to custodial orders.

LOUISIANA

Legislation Encourages Establishment of Evidence-Based Programs

New legislation in Louisiana specifically authorizes commissioners of juvenile justice districts to enter into agreements to establish and maintain evidence-based programs for youth. This marks the first time in Louisiana's history that the state has included the terminology and vision of evidence-based services for youth in legislation. The law, which was informed by the research and policies of the MacArthur Foundation's Models for Change initiative, additionally authorizes spending for the programs. H.B. 701/Act 100, signed into law June 18, 2009; effective August 15, 2009.

MISSISSIPPI

Legislation Authorizes Community-Based Services

A Mississippi law now specifically authorizes the Department of Human Services to develop regional and community-based juvenile residential facilities and specialized therapeutic programs and facilities. Before the law was passed, there were very few community-based services for youth. Instead, youth were sent to juvenile facilities and specialized therapeutic facilities regardless of how far the facilities were from the youths' home communities. H.B. 471/Ch. 408, signed into law March 18, 2009; effective July 1, 2009.

NORTH DAKOTA

North Dakota Improves Services for Transition-Aged Youth

Legislation now requires the North Dakota Department of Human Services to use a wraparound planning process to develop a program for services to transition-aged youth at risk. The legislation applies to youth who have been involved in the juvenile justice or foster care systems, youth with serious mental illness or serious disability, and youth with suicidal tendencies. Services under the program must include an individualized assessment, a single plan of care for each youth, enhanced or extended vocational training, in-home support, and a statewide independent living skills curriculum for youth and families. While no money was appropriated for the program in 2009, in 2011, officials established a statewide Transition to Independence Program at North Dakota's eight regional human service centers. Each regional center has a designated staff person assigned to provide case management services to those individuals who do not meet criteria for participation in other programs. These staff people also serve as the regional experts in transition-related issues and resources, and facilitate regional subcommittees. Each center has established a transition flex fund to be used for services no other resource can fund. H.B. 1044/Ch. 415, signed into law April 21, 2009; effective July 1, 2009.

OREGON

Oregon Develops Wraparound Initiative to Provide Youth Services

New legislation requires the Oregon Department of Education, Oregon Youth Authority, Department of Human Services, State Commission on Children and Families, and other agencies to participate in a wraparound initiative to support the family and youth they serve. Agencies are expected to implement the initiative by 2015 through local governance structures and systems of care, support of the expansion of community-based services, and provision of strengths-based services for individual youth and families. Agencies must also ensure cultural competence in the services they provide. H.B. 2144/Ch. 540, signed into law June 25, 2009; effective January 1, 2010.

TEXAS

Legislature Creates Task Force for Children with Special Needs in Order to Address Service Delivery in Juvenile Justice System

The Texas Legislature created the Interagency Task Force for Children with Special Needs in order to improve the coordination and quality of services for children and youth with special needs. The task force submitted a report in 2011 that included a five-year plan (2011-2016) focused on collaboration among youth service providers to enhance services for children and their families. The report includes several objectives related to juvenile justice, including diversion and minimization of youth involvement in the juvenile justice system; improved assessment of youth entering the system; and improved services for youth with special needs, both within the system and upon reentry to their communities. S.B. 1824, signed into law June 19, 2009; effective September 1, 2009.

WASHINGTON

State Uses Data to Inform Practice

Working with the MacArthur Foundation's Models for Change initiative, the Washington State Center for Court Research (WSCCR) constructed an Assessments Research Database, which compiles detailed information on all youth adjudicated delinquent who are screened as medium- to high-risk for future offending. The purpose of the assessment is to assign youth to appropriate evidence-based treatment, and to track the effects of treatment on attitudes and behavior. The center will develop a series of reports analyzing responsiveness to treatment and recidivism that will assist with the day-to-day management of juvenile probation, inform treatment provision, and help evaluate the effectiveness of program modifications and promising practices. Also in partnership with Models for Change, WSCCR developed the Court Contact and Recidivism Database to track recidivism outcomes and examine overlap between types of court contact, as well as the Education Research Database to evaluate Washington's truancy process.

2010

LOUISIANA

Jefferson Parish Increases Reliance on Evidence-Based Programs

As part of their work with the MacArthur Foundation's Models for Change initiative, Jefferson Parish Department of Juvenile Services officials committed to developing a wide array of evidence-based programs in their jurisdiction. Because of that effort, 95 percent of juvenile justice-involved youth were referred for evidence-based programs in 2010, compared with just seven percent in 2007. Additionally, the parish devoted 95 percent of its treatment budget in 2010 to evidence-based programs, compared with just nine percent in 2007.

2011

ARKANSAS

One-Cent Sales Tax Provides an Additional \$3 Million for Community-Based Youth Programming in Little Rock

On September 6, 2011, the city of Little Rock passed a one-cent sales tax increase that included, in the public safety section of the proposal, \$3 million in additional revenue for prevention, intervention and treatment (PIT) programs to reduce juvenile crime. This brings the city's annual investment in after-school and summer programs, gang intervention, youth development programs, and other treatment programs to \$6 million a year. The funded programs are targeted to areas of the city with the highest concentration of at-risk youth and families. Many are operated under the auspices of local churches or non-profits with a long history of service to those neighborhoods. Funds are set aside to help build organizational capacity, program quality, and accountability. These programs have been part of the city's annual budget for over 17 years, and have widespread support

among voters because of their success at reducing youth crime. Special attention was given during the recent tax campaign to providing more job training and support for those coming out of correctional programs.

FLORIDA

Legislature Expands Juvenile Civil Citation Program

Based on the success of Miami-Dade's civil citation program for youth, the Florida Legislature required that other jurisdictions in the state create juvenile civil citation programs or similar diversion programs. The Department of Juvenile Justice (DJJ) must "encourage and assist in the implementation and improvement of civil citation or similar diversion programs around the state." Miami-Dade's model civil citation program offers diversion services for hundreds of youth each year who have committed nonviolent misdemeanors. The program encourages police not to arrest such youth, but instead refer them for appropriate assessments, evidence-based services, and/or sanctions. H.B. 997/Ch. 124, signed into law July 2, 2011; effective July 1, 2011.

ILLINOIS

Legislation Requires Consideration of Community Alternatives to Incarceration in All Juvenile Cases

Legislation now requires juvenile court judges in Illinois to review additional factors before sentencing youth, with the goal of ensuring incarceration is the last resort. The law states that the court may commit a youth to the Department of Juvenile Justice (DJJ) only if such commitment is the least restrictive alternative appropriate for the youth. Before finding that secure confinement is necessary, judges must review the youth's criminal record; any results of behavioral assessments using a standardized assessment tool; the youth's educational background, including any assessment of learning disabilities; the physical, mental and emotional health of the youth; and other factors, including whether services in DJJ will meet the individualized needs of the youth. H.B. 83/Public Act 97-362, signed into law August 15, 2011; effective January 1, 2012.

MISSISSIPPI

State Creates Intensive Supervision Program as Alternative to Incarceration

Mississippi's new intensive supervision program creates community-based alternatives to imprisonment for youth throughout the state. The legislation creates slots for 75 youth in each county to participate in the program. Any youth ordered into the intensive home-based supervision program will receive a comprehensive strength-based needs assessment. Based on the assessment, a multi-disciplinary team—to include the youth's family whenever possible—will develop an individualized treatment plan defining the supervision and programming. H.B. 420/Ch. 459, signed into law March 20, 2011; effective July 1, 2011.

NEBRASKA

Legislature Funds Diversion Programming

The Nebraska Legislature ordered the transfer of \$100,000 to the Supreme Court Education Fund to assist the juvenile justice system in providing pre-filing and diversion programming designed to reduce excessive absenteeism from school and unnecessary involvement with the juvenile justice system. L.B. 463, signed into law and effective May 11, 2011.

NEW YORK

State Funds Detention Alternatives and Requires Use of Pre-Trial Risk Assessment Instrument

Through the 2011-12 adopted state budget, New York lawmakers agreed to allow local jurisdictions the option to use state detention funds for detention alternatives, such as community-based supervision and treatment programs. In the past, the state has not reimbursed for such programs, although it reimbursed counties for detention use; now the state will reimburse the community-based supervision programs at a higher rate than for detention. These funds will be available in addition to approximately \$8.3 million specifically set aside for counties for community-based programs. The adopted budget invests an additional \$20 million in staffing enhancements in state facilities in order to improve the delivery of health, mental health, substance abuse treatment, and educational services for incarcerated youth. The budget also requires all local jurisdictions to begin using a pre-trial detention risk assessment instrument to make better decisions about whom to detain pre-trial, and to report to the state on who is being detained.

UTAH

State Agencies, Courts Create Alternative to Detention for Runaway Foster Youth

Stakeholders in Utah undertook a collaborative effort to prevent youth who leave their child welfare placement without authorization from being placed in detention. A joint effort between child welfare agencies, juvenile justice agencies, and the courts resulted in the creation of a mechanism that allows judges and law enforcement

to make use of an alternative to detention called Youth Services. The mechanism—available statewide—is currently in use in Salt Lake County and has resulted in a decline in the use of valid court orders to detain status offenders. Juvenile court judges may now sign an order for law enforcement to take the youth to a Youth Service Center instead of signing a warrant for detention. Youth Service Centers provide services such as counseling in a non-locked, non-punitive environment.

NATIONAL

Juvenile Detention Alternatives Initiative Leads to Nationwide Progress in Reducing Use of Detention

Since its launch in the 1990s, the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation has grown to become the most widely replicated juvenile justice system reform in the nation: by the end of 2012, JDAI will be operating in more than 200 local jurisdictions in 39 states and the District of Columbia. As of 2010, 86 JDAI sites had collectively reduced their average daily population of youth in secure detention by 42 percent. These reductions were notably broad-based, with over 60 percent of sites achieving reductions of one third or more. Much of the reduction in detention has been among youth of color: JDAI sites detained 1,489 fewer youth of color on an average day in 2010 than they did prior to JDAI, a decrease of 39 percent. Sites have achieved these reductions while improving public safety, reporting decreases in indicators of delinquency that average more than 29 percent. JDAI sites also placed 37 percent fewer adjudicated youth into state custody in 2010 than they did prior to implementing JDAI. JDAI sites have achieved significant cost savings by closing detention facilities and avoiding the construction of new or expanded facilities.

COMPETENCY

2010

CALIFORNIA

Minors with Questionable Mental Competency Receive Right to Hearing

California law now requires the court to suspend proceedings if doubt is expressed as to a youth's sufficient present ability to rationally and factually understand the nature of the proceedings or assist his or her attorney in mounting a defense. The court must then order a hearing to determine the youth's competency. The court must appoint an expert in the field of juvenile adjudicative competency to evaluate whether the youth suffers from a mental disorder, developmental disability, or developmental immaturity and, if so, whether the condition impairs the youth's competency. Lastly, if the youth is found to be incompetent by a preponderance of the evidence, all proceedings must remain suspended until the youth becomes competent or the court no longer retains jurisdiction. A.B. 2212/Ch. 671, signed into law September 30, 2010; effective January 1, 2011.

2011

IDAHO

Legislature Establishes Standards for Competency Evaluations

Prior to new legislation in Idaho, youth who were believed to be incompetent to stand trial were evaluated and treated based on the state's adult competency statute. New legislation acknowledges the inappropriateness of applying the adult standard to youth, noting unique issues related to youth's developmental, mental, and emotional maturity. Additionally, the law recognizes that costly restrictive confinement is often unnecessary for youth in such a situation; however, commitment is mandated in Idaho for adults determined to be incompetent. Under the legislation, if the juvenile court determines that there is good cause to believe that a youth is incompetent to proceed, it must stay all proceedings and appoint a psychiatrist or psychologist to evaluate the youth's mental condition and report to the court. The law outlines indicators of competency, factors to be considered in the evaluation, items to be included in the report, and how the court should proceed depending on the conclusion of the report, allowing for community-based services when appropriate. H.B. 140/Ch. 178, signed into law April 5, 2011; effective July 1, 2011.

MAINE

Law Provides for Evaluation of Juvenile Competency

Recognizing the urgent need for a means to assess juvenile competency, a new Maine law provides for an evaluation of competency in juvenile cases and allows for suspension of proceedings in order to conduct a competency evaluation. The law requires the State Forensic Examiner to address the youth's capacity and ability to

understand the allegations and proceedings and to effectively engage with counsel. Any statements made by the youth during the competency evaluation may not be used as evidence during an adjudicatory hearing. If the evaluation finds that there is no substantial probability that the youth will be competent in the foreseeable future, the juvenile court petition must be dismissed or the adjudication vacated, and the youth must then be served through the Department of Health and Human Services, rather than the Division of Juvenile Services. H.P. 1039/L.D. 1413/Public Law 282, signed into law and effective June 9, 2011.

CONDITIONS OF CONFINEMENT

2009

ARIZONA

Supreme Court Adopts Juvenile Detention Standards

The Arizona Supreme Court developed detailed juvenile detention standards to be followed by all Arizona juvenile courts. The standards cover a wide array of topics, including personnel, monitoring, risk assessments, academic services, health services, recreation, juvenile rights, restraints, food services, and facility design. Implementation of the standards in 2010 has led to six operational reviews and improvements to policies, practices, and services provided to detained youth. Positive changes include reduction in the time frame for requesting educational and medical records; improved staffing ratios; officer training; collaborations with community agencies to improve medical and behavioral health services; development and improvement of positive reinforcement-based behavior management systems; and improvements in direct supervision of youth.

ARKANSAS

Legislature Mandates New Education System for Youth Residential Facilities

Finding the current education program of the Arkansas Division of Youth Services (DYS) “lacking,” the General Assembly passed a law that requires the Arkansas Department of Education to establish guidelines for and monitor DYS’ education system for youth in its residential facilities. The law requires that students enrolled in the DYS education system receive transferable credits and mandates that all teachers within the DYS education system be appropriately licensed and compensated. The legislation—finding changes to be immediately necessary so that youth housed in DYS facilities receive “a suitable education”—includes an emergency clause making the law effective upon final approval from the governor. H.B. 1932/Act 972, signed into law and effective April 6, 2009.

ARKANSAS

State Requires Detailed Treatment Plans for Committed Youth

The Arkansas Division of Youth Services must now file with the court a treatment plan for all committed youth no later than 30 days from the commitment order or before the youth’s release, whichever is sooner. Treatment plans must detail the type of programs and services to be provided to the youth; state the anticipated length of commitment; include recommendations as to the most appropriate post-commitment placement for the youth; detail any post-commitment community-based services that will be offered to the youth and his or her family; and outline an aftercare plan. S.B. 776/Act 956, signed into law and effective April 6, 2009.

HAWAII

Officials Gain Authority to Investigate Incidents at Youth Facilities

The Hawaii State Legislature authorized the Director of Human Services to appoint investigators to examine incidents at the Hawaii Youth Correctional Facility (HYCF), and gave these investigators access to necessary information maintained by state and county entities. The investigations cover incidents of use of force, staff-on-youth violence, serious youth-on-youth violence, inappropriate staff relationships with youth, sexual misconduct between youth, and abusive institutional practices at HYCF. Prior to the law, Hawaii had already moved toward improving the conditions of confinement at HYCF due to a 2004 U.S. Department of Justice (DOJ) investigation spurred by complaints from an incarcerated youth to the American Civil Liberties Union of Hawaii. In 2006, a detailed memorandum of agreement was executed between the United States and the State of Hawaii, which covered constitutionally required care; substantive remedial measures; compliance and quality improvement; monitoring and enforcement; and reporting requirements and right of access. DOJ closed its investigation in May 2011. The new law in Hawaii now creates clearer state government oversight of HYCF. H.B. 1101/Act 62, signed into law May 18, 2009; effective July 1, 2009.

MISSISSIPPI

Harrison County Commits to Improving Detention Center Conditions

Harrison County, Mississippi settled a federal class-action lawsuit that sought to end the physical abuse of youth, denial of mental health care for suicidal youth, and other unconstitutional conditions in the Harrison County Juvenile Detention Center. Youth at the detention center were forced to endure shackling, physical assaults by staff, confinement to vermin-infested cells, and overcrowded, unsanitary conditions that resulted in widespread contraction of scabies and staph infections. The detention center also failed to provide youth with adequate medical and mental health care during their confinement. The settlement addresses overcrowding, cell confinement, use of restraints, use of force, suicide prevention, hygiene and sanitation, and staff training. *D.W. v. Harrison County*, Case No. 1:09-cv-267 LG-RHN (S.D. Miss.), June 24, 2009.

NEW YORK

New York City Requires Department of Corrections to Collect Data on Adolescents in City Jails

In response to the fatal beating of a youth on Rikers Island, the New York City Council passed a bill that requires the Department of Corrections to collect data on adolescents in city jails. Rikers Island houses nearly 900 youth between 16 and 18 years old. Several allegations of criminal acts against adolescent inmates were exposed following the fatal beating of Christopher Robinson in 2008. The security-related data being gathered includes, among other indicators, the number of stabbings/slashings and fights resulting in serious injury, number of attempted suicides, and incidents of sexual assault. Int. 0937-2009/Law 2009/029, signed into law May 11, 2009; effective July 1, 2009.

Sometimes the Way Forward Is to Stop Going Backward

Though this document explicitly focuses on “advances” in youth justice reform, an equally important role played by advocates and other reformers has nothing to do with advancing reform. Instead, it’s reversing or opposing bad policy—laws and practices that are harmful to youth in trouble with the law or their families.

Unfortunately, space does not allow us to acknowledge all of the many victories of this kind, but here are two examples, both products of the advocacy of NJJN members and allies:

- When Baltimore, Maryland developed plans to build a \$100 million, 180-230-bed jail for youth tried as adults, NJJN’s Maryland members and their allies banded together and successfully delayed it, buying more time to build momentum to shift the state’s policies against trying youth as adults.

- When Virginia’s governor pushed a bill that would have transferred more youth to adult court, NJJN’s Virginia members and their allies teamed up to stop it. Although they faced an uphill battle in the legislature, the groups were successful at stopping the bill in committee, even though the committee had a majority of members in the governor’s party. In the face of the bill’s defeat in committee, the administration amended the bill, drastically limiting its potential impact on youth.

There are hundreds more victories like these across the country, most of which fly under the radar and are rarely acknowledged. NJJN recognizes that victories such as these take no less work, however, and are essential to maintaining forward momentum toward juvenile justice reform.

CALIFORNIA

Corrections Standards Authority Must Inspect Facilities Where Juveniles Are Held for More than 24 Hours

A new California law requires the Corrections Standards Authority to inspect and collect relevant data from any facility that may be used for the secure detention of minors. The law aims to ensure that the state complies with the monitoring requirements of the federal Juvenile Justice and Delinquency Prevention Act. S.B. 1447/Ch. 157, signed into law August 18, 2010; effective January 1, 2011.

COLORADO

State Law Explicitly Prohibits Staff Sexual Contact with Youth in Juvenile Facilities

State law now protects both youth and adults in Colorado from sexual abuse and exploitation while confined. Prior law prohibited a correctional employee or volunteer in an adult criminal justice facility from engaging in sexual activity with an inmate; but youth in detention or commitment facilities were not explicitly protected under the law. H.B. 1277/Ch. 262, signed into law May 25, 2010; effective July 1, 2010.

FLORIDA

Department of Juvenile Justice to Ensure Effective Delivery of Health Services for Youth in Custody

The Florida Department of Juvenile Justice (DJJ) must adopt rules to ensure the effective provision of health services to youth in facilities or programs operated or contracted by DJJ. The rules must address ordinary medical care, mental health services, substance abuse treatment services, and services to youth with developmental disabilities. The change was spurred on by the death of a youth in detention from appendicitis, as well as the recommendations of the Florida Blueprint Commission. S.B. 1012/Ch. 123, signed into law May 27, 2010; effective July 1, 2010.

LOUISIANA

Consent Decrees Aim to Improve Conditions at Orleans Parish Detention Center

In February 2010, two consent decrees were finalized regarding conditions of confinement and education at New Orleans' juvenile detention center, the Youth Study Center. The consent decrees were filed in October 2009 following twenty-two months of negotiations after a class-action lawsuit was filed in December 2007. The lawsuit included allegations of locked fire doors with no available keys, insects and rodents biting youth, children with serious conditions being denied their medication, and suicidal youth not receiving mental health services. The consent decrees' provisions include increased staffing for the Youth Study Center; increased training of all staff on such issues as suicide prevention, behavior, and classroom management; improved healthcare, including prohibiting staff from denying medical care to youth and increased medical and mental health staffing; increased focus on programming, education, and physical recreation; and an increase of one social worker per unit.

MISSISSIPPI

Lauderdale County Settles Lawsuit over Abusive Conditions at Detention Center

Lauderdale County, Mississippi settled a class-action lawsuit that alleged abusive conditions at the Lauderdale Juvenile Detention Center. Youth at the detention center endured physical and mental abuse as they were crammed into small, filthy cells and sprayed with pepper spray for even minor infractions. Most of the youth were allowed to leave their cells for only one or two hours a day. Many had mental illnesses or learning disabilities. The agreement ensures that youth at the detention center can no longer be locked in cells all day; ends the indiscriminate use of pepper spray and mace; requires clean and sanitary conditions; mandates health and mental health screening and treatment; requires adequate educational, rehabilitative, and recreational programs; and ends the use of a chair with mechanical restraints. The settlement additionally establishes the Juvenile Justice Community Advisory Board, which will seek input about court and facility operations from currently and formerly imprisoned youth, and tour the facility regularly. *E.W. v. Lauderdale County*, Case No. 4:09-cv-137 TSL-LRA (S.D. Miss.), April 30, 2010.

MISSISSIPPI

Legislature Expands Authority of Juvenile Detention Monitoring Unit

The Mississippi State Legislature expanded the authority of the state's juvenile detention monitoring unit, which is now responsible for investigating, evaluating, and securing the rights of youth held in juvenile justice facilities, including detention centers, training schools, and group homes, in order to ensure that the facilities operate in compliance with national best practices and state and federal law. The law includes standards for conducting

facility-based investigations and a complaint process. The monitoring unit must submit quarterly reports on its investigations. S.B. 2950/Ch. 543, signed into law April 27, 2010; effective July 1, 2010.

NEW HAMPSHIRE

State Limits Use of Child Restraint Practices

Schools and juvenile facilities in New Hampshire may no longer use physical restraints or containment techniques that could endanger a youth, use chemical restraints, intentionally inflict pain on a child, or unnecessarily subject youth to ridicule, humiliation, or emotional trauma. Restraints may never be used “explicitly or implicitly” as punishment for a youth’s behavior. The law also establishes procedures for notice and record keeping on the use of restraints and review of restraint use by both the Department of Education and the Department of Health. Lastly, the law limits the use of mechanical restraints during transport and in the courtroom. S.B. 396/Ch. 375, signed into law July 26, 2010; effective July 26, 2010 and September 1, 2010.

NEW YORK

Manhattan Judge Finds Shackling of Juveniles Illegal

A ruling from the New York State Supreme Court repealed the state’s Office of Children and Family Services’ shackling policy that had been in place since 1996. According to the decision, the current policy requiring shackling of any child in custody being transported between state facilities or from a facility to anywhere else violates state law, which allows shackling of only dangerous youth as a last resort, and only for up to half an hour. *John F. v. Gladys Carrion*, January 25, 2010.

NEW YORK

New York City Council Passes Incident Reporting Law

The New York City Council mandated that the New York City Division of Youth and Family Justice (DYFJ) collect and make public data on injuries to youth in non-secure and secure detention, demographic data of youth in detention, and child abuse reports for youth in detention. The reports provide invaluable new data on the care and treatment of youth in detention. DYFJ must submit the injury reports quarterly; the demographic and child abuse reports must be submitted annually. The Administration for Children’s Services posts the data on the statistics section of its website. Introductions 153-A and 37-A, enacted May 18, 2010.

NEW YORK

Office of Children and Family Services and U.S. Department of Justice Reach Settlement on Facility Conditions

A settlement agreement between the New York Office of Children and Family Services and the U.S. Department of Justice (DOJ) applies to conditions at four New York facilities: Finger Lakes Residential Center (formerly known as the Louis Gossett, Jr. Residential Center), Lansing Residential Center, Tryon Residential Center, and Tryon Girls Center (the Tryon Residential Center and Tryon Girls Center have closed since the settlement). DOJ initiated a CRIPA (Civil Rights of Institutionalized Persons Act) investigation of the facilities in 2008, which found use of excessive force and inappropriate restraints, and failure to provide adequate mental health care and treatment. The settlement agreement includes provisions on use of restraints, use of force, reporting and investigation of incidents, use of psychotropic medications, treatment planning, substance abuse treatment, transition planning, quality assurance, and monitoring. *United States v. New York*, July 14, 2010.

WYOMING

State Develops Juvenile Detention Facility Standards

Wyoming law now requires sheriffs to develop and implement uniform standards for juvenile detention facilities, with consideration of nationally-recognized criteria. Starting in March 2013, youth may not be detained in a secure juvenile detention facility unless the facility has adopted the standards. The sheriffs must report to the legislature on the development and implementation of the standards by November 15, 2012. S.F.O. 9/Ch. 21, signed into law March 4, 2010; effective July 1, 2010/March 31, 2013.

2011

ARIZONA

State Criminalizes Unlawful Sexual Conduct of Juvenile Court Employees

A new Arizona law extends to all incarcerated youth the protections of an existing law that makes it a felony to sexually exploit an individual in correctional custody. In Arizona, a correctional facility employee commits

unlawful sexual conduct by intentionally or knowingly engaging in an act of sexual nature with a prisoner by either threatening to negatively influence the prisoner's supervision or release status, or offering to positively influence the prisoner's supervision or release status through the custody of the Arizona Department of Corrections, the Arizona Department of Juvenile Corrections, a private prison facility, a city or county jail, or an offender who is under their supervision. This provision also applies to contract employees, visitors, volunteers, or agency representatives. However, until recently, the law did not apply to juvenile detention facilities, adult probation officers, or juvenile court employees. The legislation establishes the offense and classifies the acts as felonies. It also specifies that making a false report or coercing someone to make a false report of unlawful sexual conduct is a misdemeanor offense. S.B. 1130/Ch. 226, signed into law April 25, 2011; effective July 20, 2011.

CONNECTICUT

Youth Gain Prompter Access to Temporary Leave from Facilities

The Connecticut General Assembly waived the 60-day waiting period for a youth to be granted leave after his or her placement changes. Prior to this, youth could not apply for leave from a juvenile facility or residential placement to attend events such as a family gathering. The legislature also eliminated the one-year mandatory minimum stay at the Connecticut Juvenile Training School, allowing youth to be sentenced to shorter stays. H.B. 6636/Public Act 11-156, signed into law July 8, 2011; effective October 1, 2011.

DISTRICT OF COLUMBIA

D.C. Continues Progress Toward Ending Court Oversight of City's Juvenile Justice System

In 1985, the *Jerry M.* class-action lawsuit was filed against the District of Columbia in D.C. Superior Court, alleging violations of health and safety standards in the District's juvenile justice system (the case was settled via consent decree in 1986). In 2008, after 22 years of court supervision, the District and plaintiffs agreed upon a work plan with twelve goals that, once completed, would remove the District from court oversight. In 2011, the court vacated as complete three important goals under the work plan: 1) hold only detained youth at the Youth Services Center (the District's facility for pre-trial detained youth); 2) substantially improve educational programming for youth held at the New Beginnings Youth Development Center; and 3) provide consistent daily exercise for youth detained at the Youth Services Center or confined at New Beginnings.

KANSAS

Sedgwick County Eliminates Use of Restraint Chairs in Detention

The Sedgwick County Department of Corrections ended the use of restraint chairs in its juvenile detention facility in October 2011. The change was made after county officials consulted current best practices in the field and conducted a close review of the department's use of restraint practices and isolation. The review revealed that use of restraints, restraint chairs, and isolation was declining due, in part, to staff training in evidence-based practices, crisis intervention stress management debriefing with residents, staff debriefing of critical incidents, closer monitoring by supervisors, use of specialized case plans with youth experiencing mental health issues, and enhanced programming time for residents. Due to the department's declining use of restraint chairs and a national movement away from overuse of restraints, the Department of Corrections phased out the use of restraint chairs in juvenile detention.

LOUISIANA

State Establishes Standards for Juvenile Detention Facilities

Detention reform in Louisiana passed another milestone in July 2011, when the Task Force on Juvenile Detention Center Standards submitted a final draft of proposed standards to the Department of Children and Family Services (DCFS). The task force was created by legislation passed in 2010 (H.B. 1477/Act 863, signed into law June 30, 2010; effective August 15, 2010). The standards—informed by the MacArthur Foundation's Models for Change initiative—end the use of restraint chairs and chemical restraints such as pepper spray in facilities; mandate that staff receive increased training, including on best practices for working with lesbian, gay, bisexual, and transgender youth; address access to required educational and other services; and create procedures for reporting complaints. Final standards were promulgated January 31, 2012, with all facilities to be licensed and in compliance by the end of 2013.

MISSISSIPPI

Forrest County Settles Lawsuit on Conditions and Access

A class-action lawsuit against Forrest County, Mississippi challenged excessive shackling, physical abuse, filthy conditions, and overcrowding at the Forrest County Juvenile Detention Center. The lawsuit also challenged the facility's denial of access to the federally authorized Protection and Advocacy (P&A) organization for Mississippi;

under federal law, P&A organizations have a right to enter facilities, interview youth, and assess conditions. The consent decree regarding conditions addresses intake procedures, staffing and overcrowding, cell confinement, structured programming, disciplinary practices and procedures, use of restraints, use of force, meals and nutrition, clothing, hygiene and sanitation, medical care, mental health care, suicide prevention, family support and interaction, and monitoring. *M.T., et al. v. Forrest County, Mississippi*, Case No. 2:11-cv-91 KS-MTP (S.D. Miss.) Consent decree related to access: April 2011; consent decree related to conditions: October 12, 2011.

MISSOURI

Judiciary Creates Detention Standards Workgroup

The Missouri judiciary established a workgroup to review current standards for services given to youth placed in detention and recommend changes for improvement. The workgroup must examine all aspects concerning the placement of youth in secure and non-secure detention facilities, including, but not limited to, facility operations, programming, budgeting, and staffing. The judiciary has not reviewed the standards since 1991.

VERMONT

State Improves Conditions at Juvenile Detention Center

Between 2007 and 2011, Vermont's Woodside Juvenile Rehabilitation Center's Detention Unit improved its conditions of confinement and services to youth, including provision of adequate heat and air conditioning, cleaning services, special education services, mental health treatment, and case management coordination, as well as decreases in the use of seclusion and restraint. Additionally, Woodside currently shares copies of all use-of-force reports with Vermont's federally authorized Protection and Advocacy organization. The facility implemented the changes after five years of advocacy efforts to improve conditions at the facility.

CONFIDENTIALITY AND EXPUNGEMENT

2009

DELAWARE

Legislature Allows for Expungement of Juvenile Records

Finding that "juvenile arrest records are a hindrance to a person's present and future ability to obtain employment, obtain an education, or to obtain credit," the Delaware General Assembly passed a law that requires juvenile arrest and delinquency records to be expunged in specific situations. The law also gives the court discretion to grant expungement in other situations, if the court "finds that the continued existence and dissemination of information about the juvenile charges and/or adjudication would work a manifest injustice." H.B. 177/Ch. 188, signed into law August 22, 2011; effective January 1, 2012.

ILLINOIS

Law Prohibits Sending Juvenile Arrest Records to Federal Bureau of Investigation

An Illinois law prohibits the transfer of confidential juvenile arrest records from the Department of State Police to the Federal Bureau of Investigation, to further prevent the unnecessary release of confidential juvenile data. The law also improves the process for juveniles with arrests for misdemeanor offenses to clear their records. The law allows youth charged with a misdemeanor as a first offense to file a petition for an expungement review hearing when they turn 18 or at the completion of the sentence, whichever is later. If local prosecutors do not file objections as outlined in the law, expungement will be automatic. S.B. 1030/Public Act 96-0707; signed into law August 25, 2009; effective January 1, 2010.

MARYLAND

Youth Gain Opportunity for Record Expungement

Youth in Maryland may petition for the expungement from the criminal system of an adult charge upon transfer of the case back to the jurisdiction of the juvenile court. The law repeals provisions limiting the circumstances under which a youth could file for—and a court was required or authorized to grant—expungement of the criminal charge after the case had been transferred to the juvenile court. The law now mandates that upon petition to the juvenile court, the court must order the adult record expunged. This legislation will diminish the stigma for youth of having adult charges on their records in cases where the charges were ultimately deemed most appropriate for juvenile court. H.B. 1227/Ch. 712, signed into law May 19, 2009; effective October 1, 2009.

TEXAS

Youth May Have Records Sealed Immediately After Successful Completion of Drug Court Program

Under a new law, Texas juvenile courts may seal the record of an eligible youth immediately after he or she successfully completes a drug court program. The court has discretion as to the necessity of holding a hearing to consider sealing the records. The new law encourages youth convicted of nonviolent drug offenses to seek treatment and complete a court program, thereby avoiding the collateral consequences of an adjudication. H.B. 2386, signed into law May 27, 2009; effective September 1, 2009.

WASHINGTON

Courts Must Seal Records of Youth Who Have Successfully Completed Deferred Disposition

Washington courts are now required, within 30 days after a youth's 18th birthday, to seal a youth's records of deferred disposition, provided that the youth does not have any pending charges. Previously, the law directed the court to vacate the convictions of youth who had completed the requirements for a deferred disposition, but did not address the sealing of records. H.B. 1954/Ch. 236, signed into law April 25; effective July 26, 2009.

2010

MASSACHUSETTS

Supreme Judicial Court Upholds Homeless Youth's Expectation of Privacy

In *Commonwealth v. Porter P.*, the Massachusetts Supreme Judicial Court found that the warrantless search of a youth's room at a shelter for homeless families, and the seizure of his firearm, violated the Fourth Amendment to the United States Constitution and Massachusetts law. The court held that the director of the shelter's consent to the search was inadequate. The court further found that the youth's statement to the police regarding the firearm should be suppressed as "fruit of the poisonous tree" of the illegal search and seizure. *Commonwealth v. Porter P.*, 456 Mass. 254 (2010).

2011

NORTH CAROLINA

Legislature Provides for Expungement of Youthful Offender Criminal Records

North Carolina law now provides for expungement of criminal records for 16- and 17-year-olds charged as adults who are first-time offenders. Youth must file a petition for expungement, which must then be approved by the court. Upon approval, criminal records must be expunged from court, law enforcement, and state or local government agency records. S.B. 397/Session Law 2011-278, signed into law June 23, 2011; effective December 1, 2011.

TEXAS

Legislature Restricts Access to Youth Records

A new Texas law makes all records or files related to a youth convicted of a fine-only misdemeanor (other than a traffic offense) confidential. Such records may not be disclosed to the public; they may only be inspected by judges or court staff, a criminal justice agency for a criminal justice purpose, the Department of Public Safety, an attorney for a party in the proceeding, the youth defendant, or the youth defendant's parent or guardian. Prior to the legislation, any youth convicted of a fine-only misdemeanor had to wait two years before his or her record was sealed; within the two-year window, a background check by a public entity would reveal the conviction. H.B. 961, signed into law and effective June 17, 2011.

WASHINGTON

Youth May Petition Courts to Seal Certain Records; Legislature Protects Youth from Consumer Reporting

Washington State juvenile courts may now seal the records of youth who committed Class A felonies and sex offenses. Youth who remain crime-free for five years after their release from confinement and have complied with all other conditions of their disposition, including restitution, may ask the court to vacate the adjudication and seal their records from public view. The law also states that if a youth receives a full and unconditional pardon, the proceedings in the matter upon which the pardon was granted must be treated as if they never occurred, and the youth may reply accordingly to any inquiry; all court and law enforcement records must be destroyed within 30 days. The legislation builds upon a law passed in 2010 (S.B. 6561/Ch. 150, signed into law March 22, 2010; effective June 10, 2010). The 2011 law additionally established a joint legislative task force on sealing juvenile records, whose final report includes various proposals around record sealing along with cost

estimates. Lastly—addressing a practice that keeps many formerly system-involved youth from achieving their career goals—law now prohibits any consumer reporting agency from including in a consumer report the subject’s juvenile records if he or she is 21 years of age or older at the time of the report. H.B. 1793/Ch. 333, signed into law May 12, 2011; effective July 22, 2011.

DISPROPORTIONATE MINORITY CONTACT (DMC)

2009

CONNECTICUT

New DMC Study Paves the Way for Change

In May 2009, Connecticut’s Juvenile Justice Advisory Committee completed its third in-depth research study of disproportionate minority contact at nearly all decision points across the system (the study does not include the decision to arrest, as Connecticut does not require patrol officers to report incidents that do not involve arrests or formal warnings). The report includes several recommendations for policy and practice changes, such as improved, more frequent data collection and reporting, and making a judge’s order a requirement for every detention admission.

INDIANA

State Awards Grants for DMC Reduction Efforts; Legislature Oversees Measures to Reduce DMC

In an effort to reduce DMC, the Indiana Criminal Justice Institute awarded two grants to community-based organizations and Indiana State University, with which it will join in a statewide effort to enhance data collection, provide a web-based training and technical assistance center, establish standards for cultural sensitivity training, and pilot training of community stakeholders. Additionally, a new Board for the Coordination of Programs Serving Vulnerable Individuals established by the legislature will oversee the implementation of the recommendations made by Indiana’s Commission on Disproportionality in Youth Services. Currently, youth of color in Indiana are disproportionately represented in the juvenile justice, child welfare, education, and mental health systems. The board must provide quarterly reports on its progress to the governor, legislature, and Indiana Criminal Justice Institute. H.B. 1289/Public Law 173, signed into law May 13, 2009; effective July 1, 2009.

KANSAS

Governor Launches Effort to Address Racial and Ethnic Disparities in Juvenile Justice and Child Welfare

Kansas’ former governor launched an effort to promote racial and ethnic equity across all Kansas child welfare and juvenile justice programs. The effort brought together 10 communities to examine disparities and generate recommendations for reform. Each community detailed its recommendations in a final report submitted to the governor. Sedgwick County in particular focused on reducing disparities in the juvenile justice system by recommending the elimination of zero tolerance policies, development of an objective screening tool to be used in detention facilities, implementation of a risk assessment tool to be used by probation officers, cultural competency and anti-racism training, and development of multi-system approaches to better integrate and coordinate service delivery for youth served by multiple systems. Data from an evaluation of the initiative shows a drop in arrests of African American youth between 2009 and 2011, and an overall drop in out-of-home placements.

LOUISIANA

Rapides Parish Reduces Disproportionate Probation Revocations Using Standardized Assessment Tool

In May 2009, Rapides Parish juvenile justice officials, in collaboration with the MacArthur Foundation’s Models for Change initiative, developed a service referral matrix based on the Structured Assessment of Violence Risk in Youth (SAVRY) with a goal of reducing disproportionate probation revocations. The matrix outlines all of the options available to address a youth’s needs in various domains, including mental health, family relationships, and peers. Probation officers use the matrix to ensure that they connect youth with every available resource in their community. Additionally, the parish now requires that a supervisor and two additional probation officers review and approve revocation requests before they move forward. As a result of the changes, probation revocations dropped 61 percent from 2010 to 2011, including a 60 percent decrease for African American boys and a 50 percent decrease for African American girls.

MARYLAND

Baltimore's Pre-Adjudication Coordination and Transition Center Wins National Award for Best Practices for DMC Reduction

In November 2009, the federal Office of Juvenile Justice and Delinquency Prevention recognized Baltimore's Pre-Adjudication Coordination and Transition Center (PACT Center) with its 2009 Best Practices Award for DMC reduction. The PACT Center stemmed from the recommendations of the city's DMC Advisory Board, which highlighted the need for additional community-based alternatives to secure detention. The program focuses on those youth who would otherwise be detained because of a lack of success in less intensive alternatives to detention. Located in West Baltimore, the program provides support services to youth to ensure that they attend scheduled court hearings, avoid re-arrest, and appear in court with a comprehensive needs assessment and individualized plan that identifies community resources to help prevent future delinquency. A University of Maryland evaluation indicated that of the more than 400 youth served by the program from July 2007 to March 2010, 98 percent appeared for their scheduled court hearings and 92 percent did not reoffend while participating in the program, with 99 percent of the total youth served being African American.

MINNESOTA

Juvenile Justice Data Collection Bill Addresses Racial and Ethnic Disparities

A new Minnesota law aims to address racial and ethnic disparities in the juvenile justice system and mandates that a study group produce a plan to determine how to best collect data on race, ethnicity, gender, geography, and offenses in the juvenile justice system. The Minnesota Department of Public Safety Office of Justice Programs submitted a report on behalf of the study group in February 2010 on strategies to improve Minnesota's juvenile justice data collection and analysis. The detailed report examines various decision points in the system, including those related to law enforcement, county attorneys, juvenile courts, juvenile probation, and detention and residential facilities. The report's recommendations focus on dissemination of available juvenile justice data,

At the Heart of Justice Reform: Disproportionate Minority Contact (DMC)

The negative, unfair, and out-sized impact of the youth justice system on youth of color as compared to white youth is woven into nearly every thread of the system's fabric. Black, Latino, and Native American youth are more likely to be stopped, arrested, and adjudicated than their white counterparts who engage in the same behavior—and tend to be more harshly punished as well.

This injustice casts a long shadow. In many ways, it is *the* issue at the heart of our work. So even though there is a section of this document that is devoted explicitly to reforms that address “disproportionate minority contact” (DMC), the fact remains that we have barely scratched the surface of the work being done nationwide to address the issue. Every advance in every category of this booklet has the potential to

either positively or negatively affect DMC, regardless of whether the impact on DMC was explicitly considered at the time.

Despite some successes, the problem of DMC persists. Addressing the injustice done to youth of color every day in juvenile justice systems nationwide must permeate our work. As reformers, practitioners, and policymakers, therefore, we must continually ask ourselves not only whether current policies negatively impact youth of color and their families—we must ask the same question of all future reforms we pursue.

To learn more about NJJN's recommendations on DMC, see our policy platform, “Racial and Ethnic Disparities in the Juvenile Justice System,” at <http://bit.ly/Ln7A2d>.

assessment of the accuracy of current data, mapping of diversion resources, implementation of statewide race and ethnicity data collection standards, and creation of a statewide central data repository. H.F. 702/Ch. 132, signed into law May 21, 2009; effective July 1, 2009.

OREGON

Portland Public School District Adopts Policy that Requires Monitoring and Reduction of Racial and Ethnic Disparities in School Discipline

In June 2009, Oregon's largest urban school district, Portland Public Schools, established a new policy and committed to pilot projects in 10 schools to reduce the use of suspension and expulsion and, in particular, to reduce racial disparities in school discipline. The policy acknowledges the link between student achievement and discipline practices and states its interest in eliminating disparities in applying discipline. The policy also states that "discipline should start at the lowest possible level reasonably calculated to change the student's behavior and to minimize the loss of instructional time" and explicitly discourages discipline practices that exclude youth from class.

PENNSYLVANIA

Berks County Reduces Detained Population and Disproportionate Detention of Youth of Color

Thanks in part to Berks County's work with the MacArthur Foundation's Models for Change DMC Action Network, the county has reduced the disproportionate detention and residential placement of Latino and African American youth. Daily, there are now five fewer African American youth and 22 fewer Latino youth in county detention centers. These improvements come as part of an overall reduction in the average daily detention population, which is now only 15 to 20 youth, compared with a high of 54 youth per day in one quarter of 2007, a 65 percent reduction. The average length of stay in detention is also down, from 25 to 15 days; and out-of-home placements have been cut from 339 to 123 per year, creating a savings of over \$2 million. The reduction in the detention population allowed the county to permanently remove 24 beds from the facility, making space for the expansion of a non-secure job-readiness program and an expanded shelter. Berks County accomplished these reductions by analyzing data from key decision points, implementing a detention assessment instrument, creating an evening reporting center, expanding the availability of shelter beds, and making use of alternatives to out-of-home placements. As a result of Berks County's success, the Pennsylvania Commission on Crime and Delinquency created funding for five additional counties to develop evening reporting centers and required that those counties implement detention assessment instruments as a condition of the funding.

WISCONSIN

Rock County Uses Assessment Tool to Reduce Confinement of Youth of Color

In September 2010, Rock County, Wisconsin finalized a policy incorporating use of the Youth Assessment and Screening Instrument (YASI) for every youth entering the juvenile justice system. Through the use of the YASI and other reforms adopted during the county's participation in the MacArthur Foundation's Models for Change DMC Action Network, such as implementation of graduated responses to probation, placements of youth in state correctional facilities have dropped 88 percent since 2007, and detention of youth of color for probation violations has declined. The YASI helps build upon youths' strengths and better match their needs with evidence-based resources.

2011

CONNECTICUT

Bridgeport and Hartford Engage in Local-Level DMC Reduction Efforts

Stakeholders in Bridgeport and Hartford are working to replicate successful strategies from the MacArthur Foundation's DMC Action Network. The project, begun in June 2011, has engaged local stakeholders and state agencies to analyze local data on racial and ethnic disparities, and develop and monitor interventions. To date, stakeholders have improved data collection, trained law enforcement officers on community-based diversion options, and expanded eligibility for diversion programs.

CONNECTICUT

Legislature Requires State to Address Disproportionate Minority Contact

The Connecticut Commissioner of Children and Families, Commissioner of Public Safety, Chief State's Attorney, Chief Public Defender, Chief Court Administrator, and Police Officer Standards and Training Council must each prepare a report on their plans to address disproportionate minority contact and steps taken to implement those plans during the previous two fiscal years. The first biennial report was submitted to the governor and legislature

on December 31, 2011. The report includes a chart of the steps to be taken by various state agencies to address DMC in FY 2012 and FY 2013, focusing on data, policies and practices, shared initiatives, and training and technical assistance. The report also includes information on efforts made by state agencies to address DMC in the past. H.B. 6634/Public Act 11-154, signed into law and effective July 8, 2011.

ILLINOIS

State Creates Racial and Ethnic Impact Research Task Force

Illinois' Racial and Ethnic Impact Research Task Force is to determine a practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrested individuals. The task force is to include a representative from the Department of Juvenile Justice, State Appellate Defender, Cook County Public Defender, and other agencies. S.B. 2271/Public Act 97-433, signed into law and effective August 16, 2011.

KENTUCKY

Certain Kentucky Schools Commit to End Disparate Discipline Practices

The Fayette County Public School System and the Kentucky Department of Education—facing claims of disparate discipline practices according to race and disability status of students—entered into settlement agreements in Fayette County (December 2010) and eight other school districts (fall 2011). The agreements include provisions to involve an outside consultant with expertise in Positive Behavior Intervention Strategies (PBIS), conduct district-wide training of all staff on PBIS, revise the districts' codes of conduct, create compliance committees comprised of community members and school personnel, and regularly track and review data to establish progress. The agreements—coupled with cultural and racial bias training—are designed to end disparities in the district and reduce the flow of students out of schools and into courts. In May of 2011, attorneys with several advocacy organizations filed a similar complaint with the U.S. Department of Education's Office of Civil Rights against the Jefferson County Public School District, the largest school district in Kentucky; the Office of Civil Rights is currently investigating these claims.

MISSOURI

Cole County Reduces DMC by Limiting School Referrals to Police

A revision to the school referral policy in Cole County, Missouri eliminated the referral of minor offenses to the juvenile office. In 2009, African American youth were almost ten times as likely as white youth to be referred to the juvenile court. By 2011, the revision to the referral policy had cut that rate by almost half. Minor offenses are now handled at the school, rather than being referred to the juvenile office by school resource officers. Additionally, de-escalation training was provided to special education teachers, based on the high rate of referrals from special education classes.

NORTH DAKOTA

State Funds Demonstration Program to Address Over-Representation of Native American Youth in Juvenile Justice System

In 2008, the North Dakota Supreme Court approved \$100,000 in funding for a pilot program to address the over-representation of Native American youth in the juvenile justice system; the program received state general fund appropriations beginning July 1, 2011. The program focuses on two counties with large Native American youth populations not living on a reservation. Native American youth represent 6.1 percent of the at-risk youth population, but make up 26.5 percent of court referrals in the designated counties. The program focuses on several different points along the continuum, including prevention, diversion, and post-adjudication efforts to prevent placement. A crisis management component focuses on preventing Native American youth from entering the system when they cannot be immediately and safely returned to their parents. A case management component focuses on diversion and the enhancement of services in order to prevent formal adjudications resulting in out-of-home or correctional placements. The program is also developing culturally relevant support services that could have a greater impact on delinquency prevention and early intervention than commonly used one-on-one counseling approaches.

TEXAS

State Establishes Disproportionality Council

Texas' new Interagency Council for Addressing Disproportionality will examine the level of disproportionate involvement of youth who are members of a racial or ethnic minority group at each stage of the juvenile justice, child welfare, and mental health systems. Stages include points of entry, points at which treatment decisions are made, and outcomes for youth exiting the systems. The council will also make recommendations on ways to

reduce the number of racial and ethnic minority youth in the juvenile justice, child welfare, and mental health systems. The council is to submit a report to the legislature by December 1, 2012. S.B. 501, filed without governor's signature and effective May 21, 2011.

WASHINGTON

Juvenile Rehabilitation Authority Focuses on Reducing Racial and Ethnic Disparities

Due in part to its participation in the MacArthur Foundation's Models for Change initiative, Washington's Juvenile Rehabilitation Authority (JRA) reorganized and prioritized its work to address racial and ethnic disparities. In 2010, the JRA Assistant Secretary issued a directive requiring the disaggregation of data by race, ethnicity, and gender for all reports generated in the normal course of business, establishing baseline measures to examine disproportionate minority contact in JRA as well as the effectiveness of DMC intervention strategies. In 2011, JRA reviewed internal release decision-making and is now implementing practices to reduce subjectivity in assessments used for determining risk level. In December 2011, JRA issued executive orders to increase youth access to community-based programs. JRA also created a program administrator position focused on reentry, transition, and education. Lastly, JRA committed to ongoing quality assurance to ensure that the changes in tools and polices lead to actual reductions in racial and ethnic disparities at the point of release.

FACILITY CLOSURES AND DOWNSIZING

2009

DISTRICT OF COLUMBIA

D.C. Closes Aged Juvenile Correctional Facility

During the summer of 2009, pursuant to legislation unanimously passed by the D.C. City Council, the Department of Youth Rehabilitation Services closed its juvenile correctional facility for committed youth, the Oak Hill Youth Center—notorious for its abusive and violent conditions—and replaced it with the New Beginnings Youth Development Center. New Beginnings has a rated capacity of 60 beds, a significant reduction from Oak Hill's population, which at times surged to 240 youth in a facility with a capacity of 188. The living units at New Beginnings are designed to maximize the opportunity for positive youth development in a therapeutic milieu, and provide the least restrictive, most homelike environment consistent with public safety. Based on the decreases in the number of youth the city incarcerated—which ultimately enabled the closure of Oak Hill—D.C. avoided spending over \$18.5 million dollars between 2005 and 2009. (This estimate is based on figures for 2009, when it cost \$311,345 to incarcerate a youth for a year.)

KANSAS

State Shuttters Juvenile Facility, Downsizes Overall Facility Population

In 2009, Kansas closed the Beloit Juvenile Correctional Facility for girls, a 66-bed facility. The state projected a savings of \$1.4 million in FY 2009 from the Beloit facility closure. Overall, the population of Kansas' juvenile correctional facilities declined from a monthly average of 410 in FY 2007 to a monthly average of 332 in FY 2010, a 19 percent decrease.

LOUISIANA

Legislature Converts Juvenile Institution into Regional Treatment Facility

The Jetson Center for Youth, closed as a juvenile correctional facility, is being converted into a regional treatment facility. Legislation sets forth requirements for the operation of the treatment facility, including overall design aligned with national best practices. The facility must have small dorms that house no more than 12 youth, and be limited to 99 youth total. The legislation mandates that the facility have a therapeutic setting, use standardized and validated risk/need assessments, use evidence-based programs, focus on staff development, involve family members, continuously evaluate its programs, and have a staff-to-youth ratio consistent with positive behavior models. While some improvements have already been made, much more still needs to be done to ensure the facility is indeed fully therapeutic and in compliance with the legislative mandate. S.B. 302/Act 253, signed into law July 1, 2009; effective August 15, 2009.

MISSISSIPPI

Nonviolent, First-Time Juvenile Offenders May Not Be Sent to Training School Without Specific Finding from the Court

Mississippi now prohibits courts from sending first-time nonviolent juvenile offenders or youth under the age of 10 to the state training school without first making a specific finding of fact by a preponderance of the evidence. The court must assess “what is in the best rehabilitative interest of the child and the public safety of communities and that there is no reasonable alternative to a non-secure setting and therefore secure commitment is appropriate.” The law also requires the court to make a similar finding of fact by a preponderance of the evidence before it sends a first-time nonviolent youth offender to detention for more than 90 days. H.B. 1494/Ch. 559, signed into law April 17, 2009; effective July 1, 2009.

2010

CALIFORNIA

Santa Clara County Board of Supervisors Passes New Policy Limiting Detention of Young Children

On May 11, 2010, the Board of Supervisors in Santa Clara County, California unanimously approved a new policy discouraging the detention of children under the age of 13. The board hopes that the policy will encourage judges to send children to alternative settings, such as home-based supervision, intensive foster care, and community-based treatment centers.

INDIANA

Department of Correction Closes Juvenile Correctional Facility

The Indiana Department of Correction (IDOC) shut down the Northeast Indiana Juvenile Correctional Facility on May 29, 2010 due to dramatic reductions in commitments to the facility—from a peak of over 100 youth in 2008/2009 to approximately 45 youth in May 2010. IDOC has worked closely with the juvenile courts to establish appropriate community-based diversion programs aimed at reducing commitments to secure confinement. Through these efforts, the overall juvenile population in IDOC facilities has been reduced from over 1,400 youth in July 2004 to approximately 750 youth in May 2010. IDOC estimates that it will realize approximately \$4 million in annual savings from the closure of the Northeast Indiana Juvenile Correctional Facility.

MISSISSIPPI

State Further Limits Use of Secure Confinement

Building on H.B. 1494 from 2009 (see above), Mississippi law now provides that no child who has been adjudicated delinquent for a nonviolent felony or fewer than three misdemeanors may be committed to the state training school. The legislation encourages placement in the least restrictive environment for those youth committed to the state Division of Youth Services. The law will downsize the Oakley Training School and help ensure that youth who commit low-level offenses are not imprisoned. S.B. 2984/Ch. 371, signed into law March 17, 2010; effective July 1, 2010.

2011

ALABAMA

State Reduces Number of Confined Youth

Thanks in large part to strong executive and judicial leadership, Alabama has dramatically reduced the number of youth committed to secure facilities. The average daily population of the Department of Youth Services (DYS) shrank from 1,084 in May 2007 to 490 in February 2012, a 55 percent reduction. Prior to decreasing the number of commitments to secure facilities, DYS was spending nearly 75 percent of its budget on incarcerating youth, over a third of whom were locked up primarily for status offenses and technical violations. Thanks to the money it saved on incarceration, the department was able to increase its funding of non-residential community-based services by \$2.4 million between FY 2007 and FY 2010, despite drastic cuts to the DYS budget; more than \$7 million was provided for non-residential community-based programs in 2011 alone. Counties participating in the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) drove the initial reductions in commitments in 2007. Deeper reductions statewide were inspired by the passage of juvenile justice reform legislation in 2008 and the creation of a new grant process for community-based alternatives in 2009-2010 (see separate entry under “Alternatives to Detention and Youth Prisons”).

ARIZONA

Department of Juvenile Corrections Closes Juvenile Facility

In October 2011, the Catalina Mountain School was the second Arizona Department of Juvenile Corrections (ADJC) facility to close over the course of three years (the Eagle Point School closed in 2009). Additionally, two separately administered facilities—one for boys and the other for girls—now have combined management, leaving the state with only one remaining ADJC campus in Phoenix. The closures reduced the overall number of youth in ADJC facilities from 600 in FY 08-09 to a current total of around 400. Under new administration, ADJC has vowed to improve the educational, therapeutic, and transitional programming available to all youth at the remaining Phoenix facility. The Catalina Mountain School closure resulted in a \$2.5 million savings in FY 2012, \$1 million of which ADJC was authorized to use for structural improvements to the remaining juvenile facility. An annualized reduction of \$3.8 million is expected in FY 2013 (based on the original FY 2012 appropriation).

ARKANSAS

State Reduces Incarceration of Youth

Between 2008 and 2011, overall commitments of youth to state custody in Arkansas dropped by 20 percent; commitments for misdemeanor-level behavior were reduced by 24 percent. Over the same period, the average length of stay in state treatment centers was shortened, dropping from 216 days in FY 2008 to 175 days in FY 2011. Additionally, the number of beds at the state's largest juvenile secure facility, the Arkansas Juvenile Assessment and Treatment Center, were reduced from 143 to 100. Lastly, the number of youth committed to the juvenile justice system who are also the responsibility of the state's child welfare system—"dual-jurisdiction" youth—has been significantly reduced, down from 62 youth in FY 2009 to only 16 in FY 2011. These changes stem from the work of a 50-member task force made up of stakeholders, agency officials, and reform advocates, which developed a comprehensive plan for reform of Arkansas' juvenile justice system.

CALIFORNIA

State Drastically Reduces Youth Prison Population

Over the past several years, litigation and concern about dangerous conditions in California youth prisons resulted in media attention, stakeholder education about the problematic conditions, advocacy by a broad spectrum of organizations, and increased costs to the state for the confinement of youth. These developments have led to higher numbers of youth being treated by community-based programs in some counties, legislation restricting the types of offenses that can lead to state imprisonment, and budget realignment that redirects funds from state juvenile justice to the counties. These practice and policy changes—along with an unfortunate increase in direct files to adult court—have contributed to a dramatic drop in the population sent to California's state youth facilities over the past fifteen years. On February 22, 2010, the California Division of Juvenile Justice closed the Heman G. Stark Youth Correctional Facility in Chino, the state's largest juvenile prison. The state now has only three youth prisons, down from 11 in 2003. The overall population of California's youth prisons has declined from a staggering 9,572 in 1996 to 1,082 at the end of 2011, an 89 percent decrease.

COLORADO

Legislature Reduces Juvenile Detention Bed Cap by 57 Beds

The cap on the number of juvenile detention beds in Colorado was reduced by law from 479 to 422 beds. Bed caps on detention originated from S.B. 94 in 1991; the state periodically revises the caps as the utilization rate declines. When the cap is exceeded, the state must do an emergency release. The bed reduction also allows the legislature to reduce corresponding costs. S.B. 217/Ch. 150, signed into law and effective May 5, 2011.

CONNECTICUT

Judicial Branch Closes Juvenile Detention Center

The Connecticut Judicial Branch closed the New Haven Detention Center in October 2011. This was partly due to a tight budget, but was also the result of ten years of reform advocacy, which fostered a statewide movement that increased investments in prevention and reduced the secure confinement of youth in detention centers prior to adjudication. The judicial branch closed the facility based on a lack of need for a total of three regular state detention centers; only two facilities now remain. Closing the facility preserved \$3 million for programming and eliminated a total of 94 detention beds.

CONNECTICUT

Law Restricts Use of Detention

A new Connecticut law restricts placement of youth in detention unless there is probable cause to believe the youth has committed the acts alleged and there is no less restrictive alternative available. The law also carves out six additional factors that allow for detention, including a strong probability that a youth will run away and a judicial finding of a violation of a suspended detention order. No youth may be held in any detention center without a judicial order to detain. H.B. 6634/Public Act 11-154, signed into law July 8, 2011; effective October 1, 2011.

FLORIDA

State Reduces Number of Confined Youth

A combination of budget crises, new programs, and innovative practice reforms enabled Florida to close a number of public and private facilities over the past several years, including the notorious Dozier youth prison in 2011. Commitments to the Department of Juvenile Justice (DJJ) dropped from 8,897 in FY 2004-05 to 5,684 in 2010-11, a 36 percent reduction. DJJ has eliminated more than 2,500 beds over the past six years, reducing its overall capacity of 6,012 in FY 2006-07 to a capacity of 3,455 as of December 2011. This reduction in commitments and overall capacity saved the state more than \$130 million. Simultaneously, Florida has reduced the number of detained youth through the use of detention reform strategies. Over the past five years, Florida has reduced its total bed days for pre-disposition secure confinement by 55 percent, from 538,953 to 241,590.

FLORIDA

Legislature Restricts Incarceration of Youth with Low-Level Convictions

With some exceptions, Florida courts may no longer commit youth without felony convictions to residential facilities. Exceptions include youth with three or more prior misdemeanor adjudications and youth adjudicated of offenses highly correlated with risk to re-offend. In its reasoning for the law, the legislature cites the high cost of incarceration, the ineffectiveness of incarceration, and the benefits of keeping youth connected with their families and communities. Advocates project that 680 fewer misdemeanor commitments will be made in FY 12-13 due to the new law. S.B. 2114/Ch. 54, signed in to law May 26, 2011; effective July 2011.

GEORGIA

Department of Juvenile Justice Closes Four Facilities, Downsizes One

Due to drastic reductions in the number of youth held in the state's short-term program (STP), along with state budget cuts, the Georgia Department of Juvenile Justice (DJJ) closed four facilities and downsized one between 2009 and 2011. The department closed the McIntosh Youth Development Campus (YDC) in FY 2009, which was a 60-bed facility for STP youth. In FY 2010, DJJ closed the Bill Ireland YDC, which had a 300-bed capacity and a \$20 million operating budget. The Macon YDC was downsized by 24 beds in FY 2010 and another 56 beds in FY 2011. The YDC closures and downsizing resulted in a \$26 million budget reduction from FY 2008 to FY 2011. Lastly, two 30-bed Regional Youth Detention Centers were closed in FY 2011—Blakely and Griffin. The state projects an annual cost savings of \$4.5 to \$5 million from the two facility closures.

GEORGIA

Good Behavior Allows Youth a Chance at Release from Restrictive Custody

Georgia's "Good Behavior Bill" allows the Department of Juvenile Justice or a youth to bring a motion to modify custody of youth committed to the department for certain designated felonies. The law now allows the court to recognize a youth's good behavior and academic and rehabilitative progress, and grant release from restrictive custody after a hearing on the evidence. H.B. 373/Act 69, signed into law May 11, 2011; effective July 1, 2011.

MISSOURI

State Closes Six Juvenile Detention Centers

Missouri closed six of its 15 juvenile detention centers in 2011 after extensive review by the Juvenile Detention Facilities Workgroup, created by the Missouri Circuit Court Budget Committee. Each of the six facilities had an average daily population of four or fewer youth over the course of the past year, totaling a combined average daily population of only 18 youth, yet with a combined staff of over 63 FTEs (full time equivalents). The state estimates it will save approximately \$500,000 in just the first year after the closures. The jurisdictions in which facilities were closed will receive additional funding in order to develop alternatives to detention. Thanks to the reduction of state detention rates overall, the remaining Missouri juvenile detention facilities have the space to house youth from jurisdictions that have closed facilities, and will serve as regional centers.

NEW YORK

New York City Closes Notorious Detention Center

New York City closed the Spofford/Bridges Secure Detention Center in the Bronx in March 2011. The center was notorious for poor conditions of confinement and brutal treatment of youth. The center at one point housed 200 youth; when the center was closed, only a handful of youth remained. The city estimates it will save \$14 million annually from the closure. Overall detention admissions for New York City declined 17 percent between 2006 and 2010; detention admissions for the rest of the state declined 37 percent over the same time period. New York City now uses a range of alternatives to detention to provide community-based supervision and educational services to youth who have been diverted from detention.

NEW YORK

State Dramatically Downsizes Number of Incarcerated Youth

The New York State Office of Children and Family Services (OCFS) has downsized or closed a total of 31 facilities since 2007, with four facilities closed and four facilities downsized in August 2011 alone. These closures occurred in tandem with a federal Department of Justice investigation, which found that staff in a number of New York State facilities routinely used excessive physical force against residents and that the facilities failed to provide constitutionally adequate mental health care. Additionally, advocates filed a class-action lawsuit alleging unconstitutional conditions of confinement in state-operated facilities. Over the past ten years, the number of youth referred for facility placement with OCFS declined from 2,313 in 2000-2001 to a population of 627 youth in January 2011, a 73 percent decrease. State officials report that facility closures and downsizing have saved New York State \$58 million.

NORTH CAROLINA

Secure Detention Admissions Decrease in North Carolina

In 2011, secure detention admissions in North Carolina decreased 17.7 percent and commitments to Youth Development Centers decreased 14 percent from 2010 rates, thanks to a shift in Division of Juvenile Justice policy away from overutilization of costly institutions and toward alternatives to detention. The state has made a commitment to evidence-based decision making, using data to drive placement and case review decisions, adoption of graduated responses, court reviews of all detention-related decisions, and using community partners to grow alternatives to detention. The total number of juvenile delinquency complaints filed statewide decreased as well for the fourth straight year, and the rate of delinquency complaints filed per 1,000 youth ages 6-15 dropped to a 12-year low. Effective July 1, 2012, the state is instituting a detention screening tool statewide to facilitate data-driven decision making. Also in 2012, the state will fully implement graduated response grids for court-involved youth.

OHIO

State Drastically Decreases Number of Youth Held in Facilities While Increasing Funding for Community-Based Programming

The Ohio Department of Youth Services (ODYS) has closed four youth facilities and downsized existing facilities since July 2009, thanks to RECLAIM Ohio—a fiscal realignment program that diverts funds from youth prisons to community-based alternatives—and reforms stemming from a 2008 class-action lawsuit (*S.H. v. Stickrath*, Case No. 2:04-cv-1206, now *S.H. v. Reed*), as well as state budget reductions. The average daily population in ODYS facilities dropped over 50 percent between December 2008 and December 2011. Through its facility closures, Ohio freed up over \$57 million in operational expenses that had previously been spent on incarceration, a portion of which has been reinvested in Targeted RECLAIM and the Behavioral Health Juvenile Justice Initiative, which aim to reduce commitments to ODYS and increase the use of evidence-based programs in the community. Additional savings from the closures are being invested in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and a residential treatment alternative for girls.

OREGON

Oregon Youth Authority Moves Youth from Secure Facilities to Community Placements

Due to budget constraints, the Oregon Youth Authority (OYA) reduced its “close-custody”—or secure—capacity from approximately 500 beds to 350. Simultaneously, the legislature allocated funding for the addition of 103 community placements. Between July and November of 2011, OYA transitioned some youth from its secure facilities into these less-restrictive community residential placements. In an effort to ensure continuity of services, despite changes in placement, youth continued to be served by the same probation parole officer they had prior to the move.

SOUTH CAROLINA

State Reduces Number of Confined Youth, Reassigns Staff to Community Positions

The population of youth confined in long-term Department of Juvenile Justice (DJJ) correctional facilities in South Carolina has declined by 71 percent since FY 2002-2003. Several factors contributed to the lower population: fewer delinquency referrals to court, which declined 37.5 percent since FY 02-03; legislative changes allowing “good time” credit for certain types of sentences and credit for time served in detention or a secure evaluation center before disposition; maximum utilization of alternative residential programs for committed youth who are lower risk; and improved services in the community, including intensive supervision and case management services for high-risk youth on probation and youth reentering the community from DJJ. The dramatic population reduction enabled DJJ to transfer many of the clinical staff from correctional facilities into community offices, where they now provide services to youth and families at the front end of the juvenile justice system. Reinvestment in the community is expected to save money and improve outcomes as case management services and interventions begin earlier and serve youth within their home communities.

TEXAS

State Shuttters Youth Facilities, Decreases Number of Incarcerated Youth

In response to a high-profile abuse scandal, the Texas Legislature passed a reform bill in 2007 (S.B. 103), which barred commitment of a youth to the state agency for anything less than a felony and reduced the age of incarcerated young adults from 21 to 19. The law led to a drastic reduction in the population of youth committed to state secure facilities and five facilities were ultimately closed between August 2007 and August 2010. The residential population within state secure facilities decreased from 4,800 in FY 2006 to 1,798 in FY 2010, a 63 percent decline. Since 2007, the legislature has implemented fiscal realignment strategies that shift resources to county juvenile probation departments to supervise youth no longer eligible for state secure commitment, and divert those youth who are still eligible but who can be more safely and effectively served near home. Due to budget cuts in 2011, the Texas Juvenile Justice Department (TJJD) closed three additional state secure facilities and consolidated two more. The closure of two facilities in 2009 saved TJJD \$115 million, \$45.7 million of which was reinvested in diversion funding for juvenile probation departments.

WISCONSIN

State Reduces Number of Detained Youth

The number of youth placed in short-term detention in Wisconsin declined 35 percent between 2006 and 2011, in part due to reduced use of the valid court order exception to hold youth who commit status offenses. The decline is due to overall system changes, including the creation of alternative services and training on evidence-based practices. Since mid-2011, over thirty county departments of human services—all of which provide delinquency-related services—have participated in initial trainings on implementing evidence-based practices at the local level, and work has begun on a curriculum to support improved practice for juvenile justice social workers and providers.

WISCONSIN

State Shuttters Two Juvenile Facilities

As of July 1, 2011, Wisconsin closed both the Ethan Allen School for Boys and Southern Oaks Girls School; approximately 40 youth were returned home and approximately 150 youth were transferred to Lincoln Hills School for Boys and a newly created Copper Lake School for Girls (on the grounds of Lincoln Hills). At the time of consolidation, fewer than 300 youth total were placed in juvenile corrections, marking a 70 percent decline in the average daily population from 2001 to 2011. The closure of the Ethan Allen facility stemmed in part from the recommendations of a governor-appointed committee, which in June 2010 affirmed its support for closing one of the facilities as a first step toward ongoing system change that would promote more effective community-based alternatives. The girls’ facility was closed due to a declining population. The programs at Lincoln Hills and Copper Lake schools have been reoriented to focus more on evidence-based practices, education, and reentry. Several local/regional secure detention centers in Wisconsin are considering the development of short-term alternatives to correctional placement that would keep youth nearer to their home communities and provide opportunities to more fully engage families.

CALIFORNIA

Los Angeles Removes Obstructions to Summer Employment Opportunities for Youth on Gang Databases; Proposed Cuts to Gang Prevention Programs Quashed

In 2010, the Los Angeles Mayor's Office of Gang Reduction and Youth Development removed language from the city's summer youth job application that prohibited youth on gang databases and gang injunctions from obtaining summer employment. Advocates successfully raised concerns regarding the lack of due process when youth are labeled as gang members—without any rights to notification, appeal, or removal—as well as the need for system-involved youth to receive more resources, not less. Advocates additionally helped stop the Los Angeles City Council from cutting \$1.4 million in gang prevention and intervention programs from the city budget. The money will continue to go towards neighborhood intervention as well as programs to connect youth to jobs, education, and counseling.

“Rightsizing” the Juvenile Justice System: Bringing Youth Home

Over the past several years, states across the country have dramatically reduced the number of youth held in secure prisons. Some states have achieved these reductions by downsizing existing populations in secure facilities; others have shuttered entire institutions.

Florida and Mississippi reduced the flow of youth into state prisons by declaring that youth who committed low-level offenses could not be confined to state custody; and jurisdictions as diverse as Indiana, North Carolina, Wisconsin, and Berks County, Pennsylvania—among many others—dramatically cut their population of youth in custody by actively pursuing detention reform strategies and community-based alternatives to sending youth to prison.

Meanwhile, the combination of a dismal economy, falling crime rates, lawsuits, and tireless advocacy led multiple communities to close entire facilities. Some of these include Arizona, Connecticut, Indiana, Kansas, Missouri, and Wisconsin. Texas alone closed eight facilities between 2007 and 2011, while New York closed or downsized thirty-one facilities between 2007 and 2011, including the notorious Spofford/Bridges

Secure Detention Center in the Bronx. Washington, D.C. replaced its secure youth prison with a youth development-oriented facility with far fewer beds.

These closures have not, as some feared, led to increases in youth crime. In fact, since 1996, youth crime has steadily continued to decline across the country. Nevertheless, investments in community-based services for youth are essential to ensure that youth in trouble with the law are held accountable and get the services they need to be successful and keep communities safe. Fortunately, downsizing and closures have resulted in millions of dollars in savings and avoided costs; many states—including Alabama, Ohio, South Carolina, and Texas—wisely allocated a portion of these funds to subsidize community-based services for youth.

For more information on this trend—and recommendations on “downsizing done right”—see our publication, “Bringing Youth Home: A National Movement to Increase Public Safety, Rehabilitate Youth and Save Money,” at <http://bit.ly/LzwxDU>.

2009

NEW MEXICO

Legislature Prohibits Use of Restraints on Girls in Labor

A new law prohibits the use of any kind of restraints on an inmate who is in labor, delivering her baby, or recuperating from the delivery, unless there are grounds to believe that she presents an immediate threat of harm to herself, staff, or others, or is a substantial flight risk. The law also mandates that an adult or juvenile correctional facility, detention center, or local jail use the least restrictive restraints necessary when the facility has knowledge that an inmate is in the second or third trimester of pregnancy. S.B. 423/Ch. 73, signed into law April 2; effective July 1, 2009.

NEW MEXICO

Task Force Develops Plan for Gender-Responsive Services and Programs for Girls in the Juvenile Justice System

In response to a House Memorial passed in 2009, the New Mexico Children, Youth and Families Department convened a task force to develop a sustainable plan for a continuum of gender-responsive services and programs for girls in the juvenile justice system. The initial legislative request for the task force cites the complex and unique needs of girls. The task force reviewed current risk assessment tools, existing treatment options for gender-responsive services and programs, and best practice models for implementing and sustaining gender-responsive services and programs. The task force's plan recommends implementation of a gender-specific curriculum and programming for all girls in the juvenile justice system. The 2011 legislative request to implement the plan notes the need for early intervention, involvement with families and communities, staff training, and standardized data collection, and also acknowledges the fiscal prudence of early intervention. H.M. 13, 2009/H.M. 40, 2010/H.M. 21, 2011.

2010

ALABAMA

Legislature Creates Commission on Girls and Women in the Criminal Justice System

The Alabama legislature created the Commission on Girls and Women in the Criminal Justice System to study the conditions, needs, issues, and problems of the criminal justice system in Alabama as it affects women and girls in the state. Based on research, investigation, and review, the commission is charged with developing comprehensive, evidence-based recommendations for how to fix the system's shortcomings. H.B. 519/Act 2010-517, signed into law April 21, 2010; effective July 1, 2010.

WASHINGTON

State Limits Use of Restraints on Pregnant Women and Girls

Washington law now bans all use of restraints on women and girls who are in labor or are recovering post-delivery. No correctional personnel are allowed in the room during labor or childbirth unless specifically requested by medical staff. The law additionally states that except in extraordinary circumstances, no restraints of any kind may be used on incarcerated pregnant women or girls in transit to or from medical appointments and court during the third trimester of pregnancy, or during postpartum recovery. If restraints are ever used on a pregnant woman or girl, they must be the least restrictive available and the most reasonable under the circumstances; the use of leg irons or waist chains is never permitted on a pregnant woman or girl. The law requires information about the requirements to be posted in correctional facilities, provided to staff involved in the transportation of pregnant women, and provided to pregnant women and girls themselves. H.B. 2747/Ch. 181, signed into law March 23, 2010; effective June 10, 2010.

2011

MARYLAND

Department of Juvenile Services Develops Plan for Equitable Services for Girls

Legislation passed in Maryland required the Department of Juvenile Services (DJS) to create a detailed plan to provide equitable resources for girls' services starting in FY 2013. The DJS report, which was published in

February 2012, includes statewide and regional information on prevention and diversion services, alternatives to detention, and educational and vocational training services. The legislation stemmed from serious disparities and limitations in availability of services for girls in Maryland. The legislative effort also increased DJS' overall focus on girls, leading the Pre-Adjudication Coordination and Training Center (PACT)—a Baltimore City intensive alternative to detention—to expand in October 2011 to include girls. S.B. 787/Ch. 200, signed into law May 10, 2011; effective July 1, 2011.

RHODE ISLAND

Department of Children, Youth and Families Improves Services and Conditions for Girls

In August 2011, the Department of Children, Youth and Families moved the girls placed at the Rhode Island Training School from an outdated building to a private pod in the recently constructed Youth Development Center. The move was precipitated by the efforts of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) Girls Work Group, and has resulted in improved access to educational and recreational facilities, decreased use of mechanical restraints, and many other environmental improvements.

IMMIGRANT YOUTH IN THE SYSTEM

2009

CALIFORNIA

San Francisco Board of Supervisors Overrides Mayor's Veto on Immigrant Juvenile Justice Policy

On November 10, 2009, in an historic vote, the San Francisco Board of Supervisors overrode by a vote of eight to three the mayor's veto of an ordinance to shore up San Francisco's sanctuary policy for undocumented youth. The Board of Supervisors reinstated a city ordinance that allows referral of youth to Immigration and Customs Enforcement (ICE) only after an adjudication of guilt. Previously, such youth were referred to ICE upon arrest for a felony charge. The ordinance was originally passed in October 2009, but was quickly vetoed by the mayor, who alleged it conflicted with federal immigration law.

INTERNATIONAL STANDARDS

2009

ILLINOIS

Chicago City Council Passes Resolution in Support of the United Nations Convention on the Rights of the Child

On February 11, 2009, the Chicago City Council passed a resolution in support of the United Nations Convention on the Rights of the Child (CRC), agreeing to "advance policies and practices that are in harmony with the principles of the [CRC] in all city agencies and organizations that address issues directly affecting the City's children." Chicago joined ranks with nine other cities and two states that had already passed resolutions in support of the CRC—the first comprehensive international treaty that protects children by setting standards in health care; education; and legal, civil and social services. A diverse coalition of children's rights advocates and organizations led the effort to pass the resolution. The coalition's work is part of a national effort to build grassroots support for human rights treaties and to put additional pressure on the federal government to ratify the CRC, which has been ratified by every member of the United Nations except the U.S. and Somalia.

2010

ILLINOIS

House of Representatives Urges United States Senate to Ratify Convention on the Rights of the Child

An Illinois House resolution urges the United States Senate to ratify the United Nations Convention on the Rights of the Child. The resolution also calls upon state agencies in Illinois to ensure that their policies and programs comply with the convention. The resolution recognizes that "children in the United States continue to face considerable hardships," including incarceration. The United States and Somalia are the only two United Nations members that have not ratified the convention. H.R. 1143, adopted May 4, 2010.

2009

ARKANSAS

State Codifies Factors Used to Determine Whether a Youth's Confession Is Voluntary

The Arkansas General Assembly codified factors for the court to consider when determining if a youth's confession was made voluntarily, knowingly, and intelligently. The factors include the youth's maturity, whether the confession was coerced, whether a parent or guardian who agreed to the youth's interrogation had an interest adverse to the youth, and whether the confession was audio- or video-recorded. Additionally, with regard to a determination of whether a youth voluntarily waived counsel, the statute specifically requires the court to consider whether the waiver was recorded in audio or video format. The law will provide juvenile defenders with concrete tools to fight improperly obtained confessions and waivers. S.B. 788/Act 759, signed into law April 1, 2009; effective July 31, 2009.

MONTANA

Law Requires Electronic Recording of Custodial Interrogations of Youth Charged with Felonies

The Montana Legislature now requires electronic recording of custodial interrogations in juvenile cases involving an offense that would be a felony if committed by an adult. The law states several purposes for the requirement, including to provide the best evidence of the communications that occurred during an interrogation and prevent disputes about a police officer's conduct or treatment of a suspect during the course of an interrogation. Statements made during interrogations that do not conform to the requirements of the law may be admitted in court if the prosecutor proves by a preponderance of the evidence that certain limited exceptions apply. H.B. 534/Ch. 214, signed into law April 15, 2009; effective October 1, 2009.

OREGON

Custodial Interviews of Youth Charged as Adults Must Be Electronically Recorded

Oregon law now requires a custodial interview by a peace officer in a law enforcement facility to be electronically recorded if the interview is conducted in connection with an investigation of aggravated murder, crimes requiring the imposition of a mandatory minimum sentence, or crimes requiring adult prosecution of youth offenders. The law allows unrecorded statements into evidence, but requires that the judge give the jury instructions concerning the fact that the statement was not recorded. S.B. 309/Ch. 488, signed into law June 24, 2009; effective January 1, 2010.

2010

ILLINOIS

Law Protects Youths' Right to Avoid Self-Incrimination

The Illinois General Assembly passed a law prohibiting statements made by youth, parents or guardians as part of any behavioral health screening, assessment, evaluation, or treatment from being used as evidence against the youth in a delinquency or criminal trial. H.B. 6129/Public Act 96-1251, signed into law July 23, 2010; effective January 1, 2011.

LOUISIANA

Legislature Restricts Use of Confessions

A new Louisiana law creates specific restrictions on the use of a youth's confession in court without a knowing and voluntary waiver, unless the state proves in court beyond a reasonable doubt that the confession was "freely and voluntarily given and was not made under the influence of fear, duress, intimidation, menaces, threats, inducements, or promises." The legislation includes a list of several factors that the court must consider in making such a determination, including the age and education of the child, and the methods and length of the interrogation. H.B. 663/Act 593, signed into law June 25, 2010; effective August 15, 2010.

2011

MASSACHUSETTS

State Court Finds Interrogation of Youth to Be Overly Harsh, *Miranda* Rights Violated

A Massachusetts court found that an hours-long, aggressive interrogation of a sixteen-year-old girl violated her rights, and that her confession was involuntary. The court held that the girl was subject to a custodial

interrogation without being properly advised of her *Miranda* rights, and without making a knowing, intelligent, and voluntary waiver of those rights. The court also found that the girl was not provided with an opportunity for meaningful consultation with her mother or an attorney about her rights, as required by Massachusetts' "interested adult" rule. The court based its opinion in part on a video recording of the interrogation, which showed a "frightened, meek, emotionally compromised teenager who never understood the implications of her statements." *Commonwealth v. Nga Truong*, 28 Mass. L. Rep. 223; 2011 Mass. Super. LEXIS 61. February 25, 2011, Decided.

NATIONAL

U.S. Supreme Court Strengthens Protections for Youth Interrogated by Police

The United States Supreme Court ruled that investigating officers must take the age of suspects into account when deciding whether it is necessary to read them *Miranda* warnings. The decision demonstrates yet again the court's recognition that youth are developmentally different from adults. At issue in the case was whether the 13-year-old youth in question was in a "custodial setting" when he was interviewed by police and school officials. Historically, *Miranda* warning analysis has not taken the age of the suspect into account. The opinion stated that "a child's age is far 'more than a chronological fact'" and that "it is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave. Seeing no reason for police officers or courts to blind themselves to that commonsense reality, we hold that a child's age properly informs the *Miranda* custody analysis." *J.D.B. v. North Carolina*, 131 S. Ct. 2394 (2011).

JUVENILE DEFENSE AND COURT PROCESS

2009

FLORIDA

Supreme Court Limits Shackling of Youth in Court

The Supreme Court of Florida ruled that effective January 1, 2010, the restraint of juveniles in courtrooms is forbidden unless a judge finds that a youth is likely to be violent. The decision describes the indiscriminate shackling of juveniles as "repugnant, degrading, humiliating, and contrary to the stated primary purposes of the juvenile justice system and to the principles of therapeutic justice." *In re Amendments to the Florida Rules of Juvenile Procedure*, 26 So. 3d 552 (Fla. 2009)/Florida Rules of Juvenile Procedure, Rule 8.100.

MAINE

State to Ensure Provision of Qualified Counsel and Adequate Funding for Indigent Legal Services

The Maine Commission on Indigent Legal Services is a new independent and permanent statutory commission whose purpose is to provide efficient high-quality representation to indigent criminal defendants, juvenile defendants, and children and parents in child protective cases. The commission must work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the state, and to ensure adequate funding of a statewide system of indigent legal services free from conflicts of interest and undue political interference. The commission must also develop the statistics necessary to evaluate the quality and the cost-effectiveness of services provided. The commission has already promulgated rules for the selection of counsel to represent youth; the rules are designed to ensure a minimum of training for such counsel. Additionally, the commission has been active in providing education programs for counsel and drafting and supporting progressive juvenile justice legislation. S.P. 423/L.D. 1132/Public Law 419; signed into law and effective June 17, 2009.

MISSISSIPPI

Law Strengthens Representation of Youth at Critical Stages

The Mississippi State Legislature specified the critical stages at which juveniles must be represented by counsel, including, but not limited to, detention, adjudicatory and disposition hearings, parole or probation revocation proceedings, and post-disposition matters. The law also specifies that the youth's attorney "shall owe the same duties of undivided loyalty, confidentiality and competent representation...as is due an adult client." S.B. 2939/Ch. 536, signed into law April 15, 2009; effective July 1, 2009.

MONTANA

Attorneys Must Meet with Youth Prior to Detention Hearings and Prior to Youth's Waiver of Counsel

The Montana Legislature revised the Youth Court Act to require a youth to be represented by an attorney at a detention hearing, unless the youth waives his or her right to an attorney after consulting with an attorney prior

to the hearing. If the youth is under 16, the youth and parent/guardian can waive counsel only after consulting with an attorney prior to the hearing. S.B. 91/Ch. 37, signed into law March 20, 2009; effective October 1, 2009.

NEVADA

State Implements Indigent Defense Standards of Performance

The Nevada State Supreme Court adopted performance standards for indigent defense in April of 2009. The standards include a detailed section on delinquency cases, which covers the role of defense counsel, provision of adequate time and resources, client interviewing, detention hearings, plea negotiations, adjudication hearings, transfer proceedings, and many other topics.

NEW JERSEY

State Establishes Post-Disposition Representation Project

As part of their work with the MacArthur Foundation's Models for Change Juvenile Indigent Defense Action Network, the clinical programs at Rutgers School of Law-Camden and the Rutgers School of Law-Newark, and the New Jersey Office of the Public Defender collaborated to provide post-disposition representation to youth. The goal of the collaboration is to enhance legal representation for indigent youth and expand the capacity of the Office of the Public Defender. For the first time, juvenile defenders are able to provide youth in facilities with attorneys by referring post-disposition cases to the law school clinical programs, through which student attorneys take on post-disposition representation and visit the youth while they are in placement. The program originally began with two pilot counties in September 2009; the two law school clinical programs now receive referrals from six counties and have provided post-disposition representation to over 100 youth.

NEW JERSEY

Supreme Court Holds Right to Counsel for a Juvenile Attaches Early

The New Jersey Supreme Court ruled that the right to counsel attaches at the time of the filing of a delinquency complaint and obtainment of a judicially approved arrest warrant because they are "critical stages" of delinquency proceedings. The court further held that youth cannot waive their right to counsel except in the presence of and after consultation with an attorney. *In re P.M.P.*, 200 N.J. 166 (2009).

TEXAS

Legislature Clarifies Motions Procedure for New Juvenile Court Trials

The Texas Legislature amended the state family code to follow the criminal court rules for a motion for a new trial seeking to vacate a juvenile court adjudication. In following these rules, juvenile court attorneys will have greater clarity on how to file a motion and the process will be more efficient. Rule 21 of the Texas Rules of Appellate Procedure, relating to new trials in criminal cases, will now be applied to the civil juvenile court. Rule 21 governs which issues to raise in the motions and timelines for making motions. The civil court rules were not a good fit for motions for new juvenile trials and there was confusion among attorneys about which rules to use. The new procedures are more appropriate, due to the similarities to criminal trials. H.B. 1688, signed into law June 19, 2009; effective September 1, 2009.

2010

LOUISIANA

State Law Provides for Counsel for Children

Louisiana law now states that all children are presumed indigent for the purpose of appointment of counsel at the state's expense. The law permits appointment of counsel for all youth immediately upon arrest and detention. Prior to the law, youth had to wait as long as 72 hours to be appointed counsel at the continued custody hearing. The law is intended to expedite appointment of counsel for youth and avoid detention in certain cases, due to earlier access to information and increased advocacy. H.B. 663/Act 593, signed into law June 25, 2010; effective August 15, 2010.

MASSACHUSETTS

State Reduces Use of Restraints on Youth in the Courtroom

The newly amended *Trial Court of the Commonwealth Court Officer Policy and Procedures Manual* implements a new procedure to reduce the use of restraints on youth in Massachusetts courtrooms. The policy and procedure creates a presumption that restraints will be removed from youth while appearing in a courtroom before a justice of the juvenile court unless there is an order and specific finding that restraints are necessary. A justice may

order the use of restraints if he or she finds that there is reason to believe that the youth may try to escape, or that the youth may pose a threat to his or her own safety or to the safety of other people in the courtroom, or if it is reasonably necessary to maintain order in the courtroom. The policy sets forth several factors that a justice must consider prior to issuing such a finding. *Trial Court of the Commonwealth Court Officer Policy and Procedures Manual*, Chapter 4, Courtroom Procedures, Section VI, Juvenile Court Sessions; effective March 1, 2010.

PENNSYLVANIA

State Establishes Models to Reform Indigent Defense

Because Pennsylvania's indigent defense system differs by county, there is no statewide solution to improving representation of youth. However, due in part to Pennsylvania's participation in the MacArthur Foundation's Models for Change initiative, the Juvenile Justice and Delinquency Prevention Committee, working with the Juvenile Defenders Association of Pennsylvania, provided funding for model juvenile defense units. Through this competitive grant process, the initiative allows participating counties to develop their own strategies to meet the requirements for effective representation of youth. These model counties then become examples for other jurisdictions of similar size or with similar needs. In the first year of the program, Luzerne County and Dauphin County received funding under the program. The goal is for additional counties—of different sizes and with different structures—to join the program in the second year of funding.

2011

LOUISIANA

State Public Defender Board Sets Performance Standards for Legal Representation in Delinquency Proceedings

In December 2011, the Louisiana Public Defender Board issued the state's first trial court performance standards for juvenile delinquency proceedings. The standards are intended to alert defense counsel to courses of action that may be necessary, advisable, or appropriate, and thereby assist attorneys in deciding upon the particular actions that must be taken in each case to ensure that the client receives the best representation possible. The standards are also intended to provide a measure by which the performance of individual attorneys and district public defender offices may be evaluated, and to assist in training and supervising attorneys.

MASSACHUSETTS

State Expands and Improves Indigent Juvenile Defense System

The Massachusetts Youth Advocacy Department (YAD)—the state's juvenile public defender entity—began its first full year of operation as a state agency in 2011, expanding from a project to a statewide department. YAD will provide leadership, training, support, and oversight to the juvenile indigent defense bar of Massachusetts and work to build a well-trained and supported community of juvenile defenders employing a youth development approach to zealous legal advocacy. YAD has a staff presence in every county in Massachusetts and is developing a model for trauma-informed representation, implementing a web-based case management system to promote better communication, and developing more detailed data for program evaluation. YAD's Private Counsel Unit (PCU) provides supportive leadership—while assuring adherence to performance standards—to the private attorneys who make up the delinquency, revocation, and Youthful Offender trial panels. In 2011, the PCU developed a policy and procedure for new certification standards and created procedures to maintain and enforce them; established a revocation panel to provide statewide representation to post-disposition youth who are facing revocation of their grants of conditional liberty (the equivalent of a parole revocation hearing); provided litigation support, including support for an emergency appellate action; and created the Juvenile Certification Advisory Board to enlist the help of regional leaders across the state.

MICHIGAN

State Launches Juvenile Defense Network and Indigent Advisory Commission

The Michigan Juvenile Defense Network launched in August 2011 to help connect attorneys across Michigan who provide court-appointed legal representation to youth facing delinquency proceedings. The network provides an interactive listserv, hosts trainings, and disseminates information relevant to the practice of family law. Two months after the network was launched, Michigan's governor issued an executive order to establish the Michigan Indigent Defense Advisory Commission. The commission is charged with investigating how to improve legal representation for defendants who cannot afford an attorney, as well as developing recommendations on how to ensure public defense is consistent across the state. Executive Order 2011-12, signed October 13, 2011.

OREGON

Court Limits Shackling and Strip Searching of Youth

A circuit court judge in Yamhill County, Oregon issued a ruling on February 7, 2011 limiting the shackling of youth in custody. The judge held that youth may be shackled in the courtroom and during video appearances only when it is necessary to prevent escape, injury, or destruction. The shackling may last only as long as such danger exists. The presiding judge in the case must make the decision on shackling, based on specific indications of danger. The court additionally held that youth may be reasonably restrained when transported to and from court, but such restraint may not include full-scale shackling without prior judicial approval. The court also addressed strip searching in the case, ruling that strip searches may not be routinely conducted after visits and court appearances; searches must be restricted to those situations in which there is a reasonable suspicion that the youth might have acquired contraband.

PENNSYLVANIA

Supreme Court Declares All Juveniles Indigent for Purposes of Appointment of Counsel

The Pennsylvania Supreme Court adopted a new juvenile court procedural rule that declares all juveniles to be presumed indigent, thereby giving all youth the right to an attorney appointed by the court. The court rule forbids the consideration of a parent or guardian's income, stating that "there is an inherent risk that the legal protections afforded juveniles could be eroded by making legal representation dependent upon the limited financial resources of their guardians, particularly where guardians have an income just above the poverty guidelines." Rule 151, adopted May 16, 2011; effective July 1, 2011.

PENNSYLVANIA

Supreme Court Sharply Limits Shackling of Youth in Court

A new Pennsylvania Supreme Court rule prohibits using restraints on youth in court with limited exceptions. Restraints may only be used if the court determines on the record—after giving the youth an opportunity to be heard—that restraints are necessary to prevent: 1) physical harm to the youth or another person; 2) disruptive courtroom behavior, which must be backed by evidence of dangerous behavior in the past; or 3) the youth's escape, evidenced by an escape history or other relevant factors. The rule "highly discourages" the use of any restraints, and states that the routine use of restraints on youth is contrary to the philosophy of balanced and restorative justice and undermines the goal of rehabilitation. Rule 139, adopted April 26, 2011; effective June 1, 2011.

TENNESSEE

State Law Clarifies Placement Procedures

A new Tennessee law clarifies several issues related to the placement of youth in the custody of the Department of Children's Services (DCS). First, the law clarifies the juvenile court's authority regarding placement of a youth pending potential transfer to adult court; the placement must be consistent with the best interest of the youth. Typically, the juvenile court is in the best position to determine what is in the best interest of the youth, given its overall focus on rehabilitation and often substantial history with the youth. The law additionally clarifies the procedure for placing a youth at home through a trial home pass and addresses procedural issues related to early release of a youth with a determinate sentence, discharge of a youth on probation or a home placement, and a youth's violation of the terms of his or her placement. This increased clarity is intended to help improve the efficiency of court procedures, thereby helping to move youth through the system more quickly, avoid unnecessary delays, and ensure due process. H.B. 713/Ch. 486, signed into law June 16, 2011; effective July 1, 2011.

LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING YOUTH IN THE SYSTEM

2011

LOUISIANA

New Orleans Juvenile Detention Center Sets New Policies to Protect LGBT Youth

The Louisiana Department of Human Services and the New Orleans juvenile detention center—the Youth Study Center (YSC)—introduced a new policy in August of 2011 designed to protect the safety and dignity of lesbian, gay, bisexual, and transgender (LGBT) youth under their supervision. The policy oversees the protection of LGBT youth already in the custody of the system—estimated at 15 percent, according to national data—and also mandates that direct care staff, supervisors, and social service providers at the detention center undergo training to help create a safer environment for LGBT youth in their care. The policy provides eleven

procedural guidelines, including a definition of what qualifies as discrimination, harassment, and abuse of LGBT youth; a prohibition on discriminating or threatening anyone based upon their sexual orientation or gender identity, by both staff and other incarcerated youth; and a prohibition on placing LGBT youth in isolation as a “means of keeping them safe from discrimination.”

NEW YORK

New York City Issues New Policies to Protect LGBTQ Youth

New York City’s Administration of Children, which has responsibility for providing both juvenile detention and foster care services, issued two new policies in July 2011 to promote a safe and respectful environment for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth and their families. The policies—which draw from guidelines issued by New York’s Office of Children and Family Services in 2008—cover LGBTQ identities and language, disclosure, confidentiality, cultural competency training, medical/mental health, bedroom/bathroom arrangements, personal grooming, search issues, and transition/reentry planning.

MENTAL HEALTH AND SUBSTANCE ABUSE

2009

TENNESSEE

State Works to Improve Mental Health Evaluations and Screening

The Tennessee General Assembly established a program to reimburse counties for the incidental costs related to outpatient mental health evaluations of youth charged with felonies, such as costs of detention and transportation to outpatient evaluations. Prior to the new law, the state paid in full only for inpatient mental health evaluations, which created an incentive for counties to use the more costly and sometimes unnecessary inpatient evaluations, rather than less costly, more appropriate, and less invasive outpatient evaluations. The legislation was followed by a new federal grant in 2010 to the Tennessee Department of Mental Health and the Administrative Office of the Courts to develop and implement the Integrated Court Screening and Referral Project in ten counties. The program screens youth charged with delinquency for mental health issues in order to better identify youth who need mental health and substance abuse services. Nearly 2,000 youth were screened through the program between October 2010 and February 2012; 61 percent of those youth received referrals for at least one service. H.B. 459/Ch. 593, signed into law July 8, 2009; effective August 17, 2009.

TEXAS

Youth with Mental Illness or Mental Retardation to Receive Continuity of Care

The Texas Juvenile Justice Department (TJJD) must now discharge from the state’s custody a youth with mental illness or mental retardation if the youth has completed the required minimum length of stay for the offense and if TJJD determines that the youth is unable to progress in rehabilitation programs because of his or her mental illness or mental retardation. The law will also allow youth with mental illness or mental retardation to obtain continuity of care services when they are discharged from TJJD. Prior to the law, paroled youth with mental illness could receive mental health services paid for by TJJD, but those who were discharged specifically due to their mental illness could not. The law will address another gap by allowing TJJD to continue to provide services for a youth’s entire parole term. These services previously ended when a youth on parole turned 17, and some youth did not meet the criteria to receive services for adults. H.B. 4451, signed into law and effective June 19, 2009.

VERMONT

Legislature Increases Access to Mental Health Services for Detained Youth

Through the 2010 Budget Adjustment Act, the Vermont Department for Children and Families “repurposed” Vermont’s one juvenile detention facility to become a “residential treatment facility that provides in-patient psychiatric, mental health, and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency or criminal act.” By making this change, the department is now able to draw down Medicaid funding for youth placed at the facility; such funding is usually prohibited for incarcerated youth. Now, all youth placed at the detention center are screened for treatment needs shortly after admission and may gain access to services even if they do not qualify for longer-term placement there. The legislation explicitly states that all youth placed in the facility must maintain their due process rights, despite the change in the facility’s purpose. H.B. 65/Act 3, signed into law and effective February 17, 2011.

2010

CALIFORNIA

Senate Concurrent Resolution Acknowledges Rights of Youth and Importance of Treatment

A Senate concurrent resolution in California acknowledges the role that substance abuse often plays in the lives of young offenders and sets forth the rights of all youth in the juvenile justice system. The resolution asserts rights to rehabilitation, treatment, education, family and social services, least restrictive alternatives, reintegration, nondiscrimination, safety and security, counsel, protection from self-incrimination, evidence-based practice, and speedy review. The resolution urges each facility in the state that houses youth or is responsible for the oversight of youth to adopt these rights into the regulations and common practices of the facility. S.C.R. 40/ Ch. 55, passed July 7, 2010.

2011

COLORADO

General Assembly Requires Standards for Integrated System-of-Care Family Advocacy Programs

The Colorado General Assembly declared an explicit need for the development of rules and standards for family advocacy mental health juvenile justice programs, as well as technical assistance and coordination for such programs. The legislation makes permanent a demonstration program for system-of-care family advocates and family systems navigators for youth in the juvenile justice system with mental health issues. The “Family Advocacy Mental Health Juvenile Justice Program” must promulgate rules and standards in accordance with the legislation, with an emphasis on a collaborative, strengths-based approach. H.B. 1193/Ch. 71, signed into law and effective March 29, 2011.

IOWA

Juvenile Court Proceedings Must Be Suspended Until Youth’s Release from Mental Health Facility

If, prior to the adjudicatory or dispositional hearing in a delinquency case, a youth in Iowa is committed to a residential facility, institution, or hospital based on mental illness or mental retardation, the delinquency proceeding must be suspended until the commitment order is terminated or the youth is released from the mental health facility or hospital. The time limits for adjudicatory hearings and continuances must be temporarily put on hold during the time of commitment for mental health issues. The suspension of the proceedings allows the youth to receive mental health treatment prior to facing delinquency charges or a dispositional hearing in court. S.F. 327, signed into law March 30, 2011; effective July 1, 2011.

MISSISSIPPI

U.S. Department of Justice Instructs Mississippi to Improve Mental Health Services for Youth

On December 22, 2011, the U.S. Department of Justice (DOJ) issued a findings letter compelling Mississippi to reorganize its mental health facilities and departments, while deinstitutionalizing youth and providing community-based services that are more appropriate and cost-effective. The letter was the result of a full investigation that found Mississippi to be in violation of the Americans with Disabilities Act and the United States Supreme Court decision, *Olmstead v. L.C.*, 527 U.S. 581 (1999). DOJ found that Mississippi spends more money proportionally on institutional care, and less on community services, than any other state. The letter states that Mississippi’s practices have “led to the needless and prolonged institutionalization of adults and children with disabilities who could be served in more integrated settings in the community with adequate services and supports.” This change will positively affect many of the justice-involved youth in Mississippi who are inappropriately placed in mental health facilities.

ORGANIZATIONAL AND LARGE-SCALE CHANGE

2009

NEVADA

Committee to Evaluate and Review Juvenile Justice Issues

Nevada’s new Legislative Committee on Child Welfare and Juvenile Justice is charged with evaluating and reviewing issues relating to juvenile justice, including community-based programs and services within and outside of the state; programs for aftercare and reintegration; overrepresentation and disparate treatment of

minorities; gender-specific services; quality of care in state facilities; and the feasibility and necessity of independent monitoring of state facilities. The committee has the authority to conduct investigations and hold hearings in connection with its assigned duties and must report to the legislature every other year. S.B. 3/Ch. 452, signed into law June 4, 2009; effective July 1, 2009.

PENNSYLVANIA

Supreme Court Vacates Thousands of Juvenile Adjudications

In an unprecedented decision, the Pennsylvania Supreme Court vacated as many as 6,500 adjudications of delinquency of youth who appeared before former judge Mark Ciavarella between 2003 and 2008. The far-reaching order is an exceptional response to the judicial scandal in Luzerne County, Pennsylvania, through which Ciavarella and fellow judge Michael T. Conahan allegedly received more than \$2.6 million in kickbacks from the owner of two private youth detention centers in exchange for sending youth there. The General Assembly established an Interbranch Commission on Juvenile Justice to investigate the circumstances that led to the corruption, restore public confidence in the administration of justice, and prevent the occurrence of similar events. *In Re: Expungement of Juvenile Records and Vacatur of Luzerne County Juvenile Court Consent Decrees or Adjudications from 2003-2008*, October 29, 2010; H.B. 1648/Act 32, signed into law and effective August 7, 2009.

WASHINGTON

Non-Identifying Juvenile Court Records to Be Available for Research Purposes

For the purpose of research only, the Administrative Office of the Courts in Washington must maintain an electronic research copy of all records in the judicial information system related to youth. Access is restricted to the Washington State Center for Court Research, which must protect all confidential records and preserve the anonymity of any people identified in them. The law additionally directs the court to release to the Washington State Office of Public Defense records needed for the office's oversight and technical assistance, on the condition of maintaining confidentiality. H.B. 1238/Ch. 440, signed into law May 11 2009; effective July 26, 2009.

2010

LOUISIANA

Legislature Passes Resolution to Move State Closer to “Missouri Model” of Juvenile Justice

The Louisiana State Legislature passed a resolution to further Louisiana's efforts to implement the “Missouri Model” of juvenile justice. The resolution establishes a task force, which includes local advocacy organizations, to evaluate Louisiana's progress towards implementing the Missouri Model and determine what further steps should be taken. Task force meetings are ongoing. S.C.R. 131, adopted June 21, 2010 and H.C.R. 245, adopted on June 16, 2010.

NEBRASKA

State Moves Toward More Positive Treatment of At-Risk and Court-Involved Youth

The Nebraska Legislature recently passed a law that enacts numerous positive changes to the statutory provisions governing juvenile delinquency and status offenses. Some of the main provisions of the law include phase-out by January 1, 2013 of the detention of status offenders who violate a valid court order; codification of a program of graduated sanctions for youth who violate probation; provision of a clear and comprehensive process for sealing many juvenile court records; prioritization of certain grant money for programs that reduce the detention population; the establishment of a pilot project allowing law enforcement to issue civil citations to youth in place of making an arrest; and a shortened timeline for completion of post-adjudication evaluations. L.B. 800, signed into law April 13, 2010.

OKLAHOMA

Oklahoma Reviews Juvenile Justice System

The Oklahoma Legislature created the Oklahoma Juvenile Justice Reform Committee in order to thoroughly and systematically study the efficiency and effectiveness of the state's juvenile justice system and provide recommendations for revision to the Oklahoma Juvenile Code. Topics covered by the committee include prevention, confidentiality, “youthful offender” certification/reverse certification, and due process. Legislation passed in 2012 extended the committee through the end of December 2012, and pushed the deadline for the committee to submit its recommendations to the legislature from December 1, 2011 to December 1, 2012. H.J.R. 1065, passed April 19, 2010/S.B. 674, signed into law May 18, 2011; effective November 1, 2011.

PENNSYLVANIA

Interbranch Commission on Juvenile Justice Calls for Reform

Pennsylvania's Interbranch Commission on Juvenile Justice—which was created in the wake of the 2009 judicial scandal in Luzerne County—issued its final report in May 2010, calling for numerous reforms, including creation of a statewide juvenile justice victim advocate; re-examination of the code of judicial conduct and operations of the Judicial Conduct Board; increased training for judges, masters, prosecutors and public defenders; creation of a statewide indigent defense funding stream; a study to recommend methods to reduce or eliminate shackling in juvenile courtrooms; implementation of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI); and elimination of school zero tolerance policies.

PENNSYLVANIA

Stakeholders Adopt Plan to Improve Services for Youth in the Juvenile Justice System

In November 2010, the Juvenile Court Judges' Commission, Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Justice Delinquency Prevention Committee of the Pennsylvania Commission on Crime and Delinquency adopted a new statewide plan to employ evidence-based practices, with fidelity, at every stage of the juvenile justice process; increase collection and analysis of data; and improve the quality of decisions, services, and programs.

2011

ARKANSAS

Juvenile Court Fees to Be Used for Youth Programs

Under a new law, the fees collected from participants in juvenile court are now used to fund and support youth and court programs. The law provides that the funds in each county may be used to support juvenile drug courts,

Leading the Way: MacArthur Foundation's Models for Change Initiative

Models for Change: Systems Reform in Juvenile Justice, supported by the John D. and Catherine T. MacArthur Foundation, has had a far-reaching impact on juvenile justice reform nationally. Now in its seventh year, Models for Change is accelerating progress toward a more effective, fair and developmentally sound juvenile justice system by creating successful and replicable models that improve outcomes for youth, use resources wisely, and protect community safety. This publication contains many advances that came about directly because of Models for Change investments and partnerships, as well as many others that resulted from the ripple effects of the initiative's successes.

We have noted in the text those individual items most directly related to Models for Change, but the initiative's influence is woven throughout the

publication. Models for Change has been working for years in its four core states—Illinois, Louisiana, Pennsylvania, and Washington. Additional reforms have stemmed from its Action Networks, which concentrate on disproportionate minority contact, juvenile defense, and the overlap between mental health and juvenile justice. The initiative has also produced original research on a variety of subjects, which has proved to be invaluable to advocates, administrators and policymakers. Overall, Models for Change has directly invested in sixteen states. However, all those working toward juvenile justice reform across the country have felt the surge of momentum driven by Models for Change.

For more information on Models for Change, visit www.modelsforchange.net.

teen courts, volunteer probation programs, court-appointed special advocates, and after-school and community-based programs. Prior to the law, only limited types of funds collected could be spent on juvenile court programs. The new law broadens the categories of fees that can be used to support youth programs and clarifies which types of juvenile court programs may be supported by the fees. The change stemmed from a need for more funding for juvenile drug courts and after-school programs for youth. H.B. 1812/Act 1175, signed into law April 4, 2011; effective July 27, 2011.

LOUISIANA

Louisiana House Resolves to Assess Juvenile Justice System and Develop Recommendations for Reform

Recognizing the deficiencies of juvenile facilities in Louisiana, past violations of civil rights, dramatic downsizing since 2003, and the positive influence of the MacArthur Foundation's Louisiana Models for Change initiative, a House Concurrent Resolution urged the Juvenile Justice Reform Act Implementation Commission to assess the current state of the juvenile justice system, evaluate improvements made over the preceding five years, and issue recommendations for a five-year plan for reform. The Louisiana State University Health Sciences Center's Institute for Public Health and Justice will conduct the study; its report is expected in January 2013. H.C.R. 120, adopted June 8, 2011.

MARYLAND

State Commits to Gathering Data on Outcomes of Juvenile Justice Services

New legislation in Maryland will help increase access to information about the outcomes of services provided by the Department of Juvenile Services (DJS). The law requires the Secretary of DJS to report to the General Assembly on January 1 of each year on the recidivism rates of children committed to DJS for placement in any type of residential care. Prior to the bill's passage, DJS did not report data by program; the law will now require breakdowns by each program and placement. S.B. 200/Ch. 194, signed into law May 10, 2011; effective October 1, 2011.

NEVADA

Supreme Court Commission Studies Use of Commitment

The Nevada Supreme Court Commission on Statewide Juvenile Justice Reform is studying Nevada's use of rural state-run reform schools as placements for committed youth, as well the use of out-of-state placement of delinquent youth in residential treatment centers. The commission will study and evaluate the continuum of care to determine whether smaller, regional facilities are most effective and to assess whether the state should send only youth who commit the most serious offenses to secure placements. The commission will additionally consider redirecting more state commitment funds to community-based services and commitment alternatives, and look to identify long-term funding stabilization plans to prioritize juvenile justice funding in the state.

TEXAS

Texas Youth Commission Merges with Texas Juvenile Probation Commission

The Texas Legislature merged the Texas Youth Commission and the Texas Juvenile Probation Commission to form the new Texas Juvenile Justice Department (TJJD). According to the legislation, TJJD's purpose is to create a unified juvenile justice system that provides a full continuum of effective services, prioritizing community and family-based programs over commitment to secure facilities. The specific goals of the merger are to support a county-based system that reduces the need for out-of-home placement; locate facilities close to youths' families and facility employees; encourage regional cooperation; enhance continuity of care; and use secure facilities, when necessary, that are sized for effective rehabilitation. S.B. 653, signed into law May 19, 2011; effective September 1, 2011.

PROBATION, PAROLE, AND REENTRY

2009

ALABAMA

Jefferson County Reforms Probation System

Continuing its probation reform campaign, the Jefferson County Family Court in Birmingham, Alabama has implemented a risk assessment instrument and structured decision-making grid to assist staff in making impartial, objective, and less restrictive dispositional decisions for adjudicated youth. These reforms ensure that dispositions are fair and that youth receive supervision consistent with their risk level. Jefferson County will

continue its probation reforms by implementing differential supervision—a process that assigns caseloads to probation officers based on youth risk levels—and graduated sanctions, a response system that encourages youth to demonstrate positive behavior and comply with probation terms.

ILLINOIS

Juvenile Justice Commission Studies Reentry Issues

Legislation in 2009 directed the Illinois Juvenile Justice Commission to study youth who are released from state custody but later returned for parole violations. The goal of the work is to reduce recidivism by youth and improve the safety of their home communities. The commission issued a report in November 2011 based on observations of 237 parole board hearings and review of the records of 386 youth whose parole was revoked between December 1, 2009 and May 31, 2010. The report notes several problems with the current system, and recommends that members of the parole board receive training in juvenile-specific topics; specific criteria be used to determine whether youth should be released, and that youth receive their decisions in writing; the parole board establish criteria that ensure youth are reviewed for release more often than once a year, and that youth can request such a hearing; and youth on parole be supervised by “aftercare specialists” trained to help them obtain schooling, treatment, and employment. S.B. 1725/Public Act 96-0853, signed into law and effective December 23, 2009.

INDIANA

Law Provides for Suspension, Rather than Termination, of Medicaid for Incarcerated Youth

Prior to the passage of a new law in Indiana, the Division of Family Resources terminated Medicaid eligibility for all youth adjudicated delinquent and placed in confinement, delaying receipt of health services for youth upon reentry. Under the new law, the Division of Family Resources must suspend—not terminate—their Medicaid eligibility during the first six months of confinement, allowing for quicker and easier reenrollment after release. If it receives at least 40 days’ notice, the Division must also take action necessary to ensure that confined youth are eligible to participate in Medicaid upon release. The law requires the court to notify the Division if a pre-dispositional report or modified dispositional order indicates that a youth received Medicaid prior to confinement. H.B. 1536/Public Law 114, signed into law May 7, 2009; effective January 1, 2010 and July 1, 2009.

MARYLAND

Baltimore City Educational Project Helps Youth Leaving Detention Reenter Schools

In April 2009, as part of Baltimore City’s disproportionate minority contact (DMC) reduction efforts and the MacArthur Foundation’s Models for Change DMC Action Network, the Maryland Department of Juvenile Services and Baltimore City Public Schools collaborated to develop an education placement procedure for youth leaving detention, with the goal of expediting placement in appropriate community-based academic programs. The project, which involves representatives from detention, schools, probation, and community service providers, ensures that youth are placed in academic programs within five days of release from detention. The project connected 82 youth with academic placements within an average of 3.7 days of release from detention during its first 12 months.

TEXAS

Committed Youth to Be Assessed for Health Care Eligibility Before Release

Texas law now provides for a memorandum of understanding between state secure facilities and local juvenile probation departments to ensure that each committed youth is assessed for eligibility for state- or federal-funded health coverage before the youth’s release from placement, detention, or commitment. Federal law prohibits the use of Medicaid funds to pay for the care and services of youth in juvenile justice facilities. Previously, Texas removed youth from Medicaid- or state-funded health programs upon commitment to a facility and required the youth to reapply upon release. The new law will help streamline the process for re-enrollment and ensure that more youth have immediate health coverage upon release from a facility. H.B. 1630, signed into law and effective June 19, 2009.

TEXAS

Local Juvenile Probation Departments Must Report Annually to Governor and Legislature

The Texas Legislature now requires that local juvenile probation departments report annually to the governor and legislature on their operations and the condition of juvenile probation services in the state during the previous year. The report must include an evaluation of the effectiveness of community-based programs, and information comparing the cost of a youth participating in a juvenile probation services program with the costs

of committing the youth to the Texas Juvenile Justice Department. S.B. 1374, signed into law June 19, 2009; effective September 1, 2009.

2010

ILLINOIS

General Assembly Broadens Options for Youth Facing Parole Revocation

Youth found to have violated parole in Illinois now have broader options, thanks to a new state law. Such youth may be continued under the existing term of parole, with or without modification; may be placed in a group home or residential facility; or may be recommitted. The law also instructs the Juvenile Justice Commission to develop recommendations regarding due process protections during release decision-making processes, including parole and parole revocation proceedings. H.B. 5914/Public Act 96-1271, signed into law July 26, 2011; effective January 1, 2011.

KANSAS

Sedgwick County Implements Graduated Sanctions and Rewards for Youth on Probation

To reduce the number of youth entering detention for violating the terms of their probation, Sedgwick County developed a system of graduated sanctions and incentives in August 2009. The system equips probation officers with greater options to reward positive behavior and hold youth accountable for negative behavior without resorting to incarceration. Sedgwick County also developed a non-residential weekend reporting alternative to detention program in January 2010. These innovations, along with increased use of evidence-based practices and structured decision making, led to a drop in out-of-home commitments of 40 percent between 2006 and 2010. The number of youth locked up on any given day fell 20 percent between 2006 and 2011; as a result, county officials estimate that they are saving about \$1.28 million per year on detention beds.

2011

CONNECTICUT

State Works to Streamline Reentry to School

Connecticut law now allows a student to re-enroll in his or her old school district after being sent to a juvenile detention center, the Connecticut Juvenile Training School, or another residential placement for committing an offense for which the student could be expelled from school. Before the student is discharged from detention, educational providers must assess the schoolwork he or she completed while incarcerated and determine how much academic credit to assign to it; credits must be accepted by the school to which the student returns. H.B. 6325/Public Act 11-115, signed into law July 8, 2011; effective July 1, 2011.

FLORIDA

Legislature Addresses Need for Transition to Adulthood Services

Finding that “older youth are faced with the need to learn how to support themselves within legal means and overcome the stigma of being delinquent,” the Florida Legislature passed a law making justice-involved youth in the custody of the Department of Children and Family Services eligible for transition-to-adulthood services. The law requires transition services to be part of an overall plan leading to independence and states that an adjudication of delinquency must not on its own disqualify foster youth from receiving services. S.B. 404/Ch. 236, signed into law June 28, 2011; effective July 1, 2011.

MICHIGAN

State Develops Youth Reentry Infrastructure and Services

The new Michigan Youth Reentry Initiative provides a multi-dimensional framework designed to stop the cycle of crime among Michigan’s youngest offenders and prepare them for successful transitions into adulthood. The model is based on the successful Michigan Prisoner Reentry Initiative, which serves adults. The three-phase, seven-point youth model describes how stakeholders can collaborate to deliver an evidence-based risk-reduction framework in courts, residential facilities, and communities. As of September 2011, the model was being implemented in the Michigan Department of Corrections’ Thumb Correctional Facility; Michigan Department of Human Services juvenile justice facilities; and Oakland County Department of Health and Human Services, Children’s Village Division. Initial evaluations for each site indicate significant reductions in recidivism since the model’s implementation.

MISSISSIPPI

Incarcerated Youth No Longer Forced into Alternative Schools After Release

School districts in Mississippi are no longer required to place youth returning from an out-of-home placement into an alternative school. School districts must individually assess transitioning youth using a strengths and needs assessment that includes a determination of the youth's academic strengths and deficiencies. The individual assessment must also include a plan for transitioning the youth to a regular education setting at the earliest possible date. H.B. 1178/Ch. 424, signed into law March 16, 2011; effective July 1, 2011.

SCHOOL-TO-PRISON PIPELINE

2009

ALABAMA

Birmingham City Schools Pass Progressive School Offense Protocol

A new school offense protocol, developed by the Birmingham City Schools Collaborative, is designed to reduce student arrests in schools and improve graduation rates by ensuring that minor student misbehavior is addressed in the schools, rather than in juvenile court. Studies have shown that a first-time arrest during high school nearly doubles the chances a student will drop out of school; a court appearance nearly quadruples the chances of a student dropping out. The protocol establishes a three-step process for handling minor infractions in school: a student's first offense results in a warning notice from the school resource officer, the second offense results in a referral to the School Conflict Workshop program, and the third offense results in a referral to court. The Birmingham agreement is based on a similar agreement in Clayton County, Georgia. Since the Georgia agreement was signed in 2004, court referrals have been reduced by 60 percent and graduation rates have increased 20 percent. Adopted on October 13, 2009; effective January 1, 2010.

CONNECTICUT

Legislature Acts to Stem School-to-Prison Pipeline

The Connecticut General Assembly acted on several fronts in 2009 to reduce school pushout. A new law states that if a student who committed an expellable offense seeks to return to school after having been in a juvenile facility or residential placement for one year or more, the district to which the student is returning must allow him or her to return, and may not expel the student for additional time for the original offense. The law prohibits schools from holding an expulsion in abeyance and then enforcing the expulsion when a student attempts to return after a year-long residential placement. H.B. 6567/Public Act 09-82, signed into law June 3, 2009; effective July 1, 2009. Starting July 1, 2010, a school must readmit within three days a student who dropped out if the student seeks readmission within 10 days of dropping out. Previously, schools were not required to readmit a student for up to 90 days. The same law also raises the age at which a child may drop out of school with parental/guardian consent from 16 to 17, effective July 1, 2011. S.B. 2053/Public Act 09-6, signed into law October 5, 2009. Lastly, school districts must add truancy data to the list of items reported to the State Department of Education. Such data is defined as attendance information and unexcused absences, and will be public record. S.S.B. 940/Public Act 09-143, signed into law June 25, 2009; effective July 1, 2009.

DELAWARE

Legislature Modifies and Investigates School Zero Tolerance Policies

The Delaware General Assembly passed a bill allowing school boards to modify the terms of expulsions, or to determine that an expulsion is not appropriate. The law recognizes that zero tolerance policies have led to "arbitrary and unfair" expulsions, and that such policies have not been found to improve school safety. H.B. 120/Ch. 64, signed into law and effective June 26, 2009. The legislature also established a school discipline task force in June of 2009 to investigate the state's zero tolerance policy on school infractions and make recommendations on how to improve laws, regulations, and school district policies. The task force's January 2010 report recommends that the Department of Education develop common legal definitions of student offenses leading to alternative placement, and common due process procedures for alternative placement meetings and expulsion hearings. The report also recommends that school districts develop plans to reduce discipline referrals and suspensions, and implement professional development training for teachers and school staff. H.R. 22, passed May 14, 2009.

FLORIDA

Legislature Reins in Zero Tolerance Law

The Florida Legislature amended its zero tolerance law to allow for more discretion and discourage the overuse of police referrals. The legislation encourages schools to use alternatives to expulsion or referral to law enforcement by using programs such as restitution, civil citation, teen court, or neighborhood restorative justice to address disruptive behavior. The law also states that zero tolerance policies are not intended to “be rigorously applied to petty acts of misconduct and misdemeanors.” Zero tolerance policies must now specifically define criteria for referral to law enforcement, acts that pose a serious threat to school safety, and petty acts of misconduct. S.B. 1540/Ch. 53, signed into law May 27, 2009; effective July 1, 2009.

MARYLAND

Schools May No Longer Suspend or Expel Students Solely Because of Attendance-Related Offenses

Maryland schools are now prohibited from suspending or expelling students based solely on attendance-related offenses. Attendance-related offenses include cutting class, tardiness, and truancy. The law includes an exception for in-school suspension. The legislation aims to keep youth in school and promote educational opportunity by addressing the underlying reasons for multiple absences. H.B. 660/Ch. 23I, signed into law May 7, 2009; effective July 1, 2009.

TEXAS

Schools Must Consider Mitigating Factors Before Severely Disciplining Youth

A new law in Texas requires school districts to consider mitigating factors—such as self-defense, intent, a student’s disciplinary history, or any disability a student may have—before suspending, expelling, or assigning a student to a disciplinary alternative education program or a juvenile justice alternative education program, regardless of whether the disciplinary action was mandatory under the district’s code of conduct. The law will help ensure that students are not removed unnecessarily from the traditional learning environment, given the potential negative effects of inappropriate assignments to alternative education programs. H.B. 171, signed into law and effective June 19, 2009.

VIRGINIA

Schools May Not Suspend Students for Truancy

Virginia public schools may no longer suspend students solely based on truancy issues. Prior to the legislative change, over 15,000 students were suspended each year for being tardy or truant. H.B. 1794/Ch. 70, signed into law February 25, 2009; effective July 1, 2009.

WASHINGTON

Legislature Reforms Truancy Procedures

The Washington State Legislature made several changes to the state’s truancy practices and procedures. The law states that if a student or parent is not fluent in English, the school should provide a notice of unexcused absence or notice of truancy hearing in a language in which the parent(s) or guardian is fluent. If the student is in a special education program or has a diagnosed mental disorder, the court must inquire as to what efforts the school district has made to assist the youth in attending school. If a youth is not provided with counsel at a truancy hearing, the court must conduct a colloquy on the record advising the youth and his or her parents of their rights before entering a truancy order. An arrest warrant relating to truancy must not be served on a student inside a school during school hours in a place where other students are present. Detention as a sanction for truancy must be limited to seven days. Lastly, the legislature encourages the use of community truancy boards and other diversion programs that are effective in promoting school attendance and preventing the need for more intrusive court intervention. S.B. 5881/Ch. 266, signed into law April 28, 2009; effective July 26, 2009.

2010

DELAWARE

Schools No Longer Required to Refer Students Between Ages Nine and Twelve to Police for Certain Misdemeanors

Based on recommendations from the School Discipline Task Force established by the legislature in 2009 (see above), school officials no longer have a mandatory obligation to report to the police specific misdemeanor offenses (Assault in the 3rd Degree, Unlawful Sexual Contact in the 3rd Degree, Offensive Touching and Terroristic Threatening) committed by students between the ages of nine and twelve. School officials must still

file a written report of the incident with the superintendent, who must in turn file a written report with the Department of Education. H.B. 347/Ch. 468, signed into law August 25, 2010.

INDIANA

Work Group to Study School Policing

The Indiana General Assembly created the Law Enforcement, School Policing, and Youth Work Group to study and make specific recommendations concerning law enforcement and school policing. The work group must submit an annual report, including recommendations on how law enforcement agencies can improve interactions with youth; how law enforcement agencies and schools can collaborate to reduce youth involvement in the juvenile justice system; use of security guards in schools; and zero tolerance policies. The legislation additionally requires schools to annually report to the state on student arrests; the use of school police departments and security guards; and whether schools have an agreement with a law enforcement agency concerning arresting students on school corporation property. All reports must be posted on the state Department of Education's website. H.B. 1193/Public Law 74, signed into law March 17, 2010; effective July 1, 2010.

KENTUCKY

Department of Education Rules in Favor of Youth Challenging School-to-Prison Pipeline

In two significant administrative decisions, the Kentucky Department of Education ruled in favor of youth challenging illegal discipline practices and failures to provide students with services critical to their ability to remain in school and succeed. The two cases involved the Fayette County Public School System (2010) and the Bullitt County Public School System (2009). Following these decisions, the Bullitt County Public School System agreed to settle a second suit in favor of another group of petitioners and to rectify their claims. The settlement agreement mandates that the Bullitt County School District conduct reviews consistent with the federal Individuals with Disabilities Education Act to determine if a student's misbehavior is a manifestation of his or her disability before charging the student with an offense in juvenile court or imposing school-based discipline; perform Functional Behavior Assessments on students who had persistent behavior difficulties; and evaluate students for special education services who had not previously been considered for such services when they exhibited difficulty in following school rules. The Fayette County Public School System subsequently challenged the decision of the Kentucky Department of Education in two lawsuits filed in Fayette Circuit Court, but the two circuit court judges dismissed the lawsuits.

LOUISIANA

State Commits to Improved Behavior and Discipline Plans in Schools

Legislation now requires Louisiana schools to develop master plans that provide for the training of teachers, principals, and other school personnel in the areas of positive behavioral supports, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development. Public school boards must provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional training is needed and what additional classroom support activities should be provided. The legislation is part of a larger movement in Louisiana to end the school-to-prison pipeline and improve discipline practices in schools. S.B. 527/Act 136, signed into law and effective June 8, 2010.

MARYLAND

Legislature Requires Cultural Competency Training for Police in Schools

The Maryland General Assembly enacted a "Cultural Competency Model Training Curriculum" law that requires the Maryland Police Training Commission to develop a cultural competency model training curriculum for law enforcement and school resource officers assigned to public schools. The goal of the training is to provide officers with resources and tools to reduce school arrests. H.B. 983/Ch. 371, signed into law May 4, 2010; effective July 1, 2010.

WISCONSIN

Counties Develop Training for School Resource Officers

Wisconsin's Rock, Kenosha, and Outagamie Counties worked with Fox Valley Technical College to create a curriculum for School Resource Officers (SROs). The curriculum—developed through the counties' work with the MacArthur Foundation's Models for Change initiative—aims to train SROs in alternatives to school-based arrest, and includes information on adolescent brain development, de-escalation techniques, over-criminalization of common youth behavior, the effects of an arrest in school, Motivational Interviewing, and other relevant topics. Training began in August 2010.

WISCONSIN

Outagamie County Develops Strategies to Reduce School-Based Arrests

Working with the MacArthur Foundation's Models for Change initiative, Outagamie County officials introduced two reforms aimed at reducing disorderly conduct arrests in the county's public schools. The first involved collaborating with the Appleton Area School District in the implementation of Positive Behavioral Interventions and Supports, or PBIS. PBIS equips school officials with a broad range of techniques to manage conflict on school grounds. The second—the Police-School Resource Program—aims to prevent youth from entering the juvenile justice system by linking them with services and supports that address disruptive behavior. The county also contracted for a full-time counselor who connects youth with those services—including social skills training, anger management, family counseling, on-site behavior support and intervention, and other wrap-around services—without formally involving youth in the justice system. In the year after implementing those programs, disorderly conduct arrests fell almost 20 percent.

2011

COLORADO

Juvenile Justice Task Force to Collect Data on School Discipline Strategies

The Juvenile Justice Task Force of the Colorado Commission on Criminal and Juvenile Justice must study and collect data on the use of criminal justice sanctions and specific school discipline strategies in Colorado public schools. In November 2011, the task force submitted a report to the Legislative Council discussing zero tolerance policies, alternative disciplinary measures, victims' rights, school resource officers, and data sharing. The report recommends that the legislature pass a law limiting mandatory expulsion, discouraging referrals to law enforcement, implementing graduated sanctions, and increasing training for school resource officers. S.B. 133/Ch. 210, signed into law and effective May 23, 2011.

COLORADO

Legislature Limits Court Involvement in School Truancy Issues

Judicial proceedings to compel a youth to attend school in Colorado may only be used as a last resort for addressing the problem of truancy. To minimize the need for court action and the risk of detention, such proceedings are now allowed only after a school district has attempted other options for addressing truancy that employ best practices and research-based strategies. H.B. 1053/Ch. 58, signed into law and effective March 25, 2011.

CONNECTICUT

Connecticut Judicial Branch to Screen All Arrests for Minor Offenses in Schools

The Connecticut Judicial Branch now screens all police summonses for youth arrested for minor offenses in schools in order to determine whether the facts, if true, are sufficient to warrant a court referral and whether the interests of the public or the child require further action. Insufficient summonses will be sent back to police. The change in policy is due to research showing that contact with the juvenile justice system can have negative outcomes for youth who commit low-level offenses. The judicial branch seeks to reduce the number of arrests made in schools for behavior that could be dealt with by school staff. Specifically, probation supervisors will recommend no further court involvement for typical adolescent behavior, such as wearing a hat in school, talking back to staff, running in the halls, or swearing. Policy No. 74, June 15, 2011; effective June 1, 2011.

CONNECTICUT

Schools to Address Truancy

State law in Connecticut now requires school districts to take additional measures to address truancy and to report annually on their truancy reduction activities. Schools must provide written notice to parents that unexcused absences could result in a complaint filed with the Superior Court. The legislation also requires the State Board of Education to adopt uniform definitions of excused and unexcused absences for districts to use in implementing required truancy policies and filing truancy data reports. H.B. 6499/Public Act 11-136, signed into law July 8, 2011; effective July 1, 2011.

KANSAS

Sedgwick County Develops Written Protocols and Services to Reduce School-Based Arrests

Sedgwick County, Kansas developed a written agreement between police and public schools to reduce school-based arrests for low-level offenses. The county first developed the agreement with alternative schools in January 2010, expanding the agreement to all Wichita Public Schools in August 2011. The agreement, along with other

reforms to connect youth to services without making referrals to the juvenile justice system, helped reduce school-based arrests for disorderly conduct by 37 percent from 2009 to 2010.

MARYLAND

General Assembly Creates School Safety Task Force

The Maryland General Assembly created the School Safety Task Force in order to make recommendations on school safety training programs; creation of a positive school environment; school safety courses for school police officers; establishment of a clearinghouse for information and materials concerning school safety; and development of model agreements between local school systems, health departments, departments of social services, mental health agencies, and juvenile courts. H.B. 79/Ch. 551, signed into law May 19, 2011; effective June 1, 2011.

MISSISSIPPI

Unwarranted Expulsion Successfully Challenged in Court

The Hinds County School District was sued after a tenth grade student was expelled for throwing a penny that landed on the school bus driver. The lawsuit alleged that the overly harsh, inappropriate disciplinary consequence constituted a violation of the youth's due process rights. Additionally, the lawsuit challenged the substandard education the youth received at the alternative school he attended after his expulsion. *A.H. v. Hinds County School District*, Case No. 3:10 cv 43 DPJ-FKB. Settled in spring 2011.

TEXAS

Legislature Limits School Ticketing

Schools in Texas are now prohibited from ticketing students ages 10-11 and 18-21 for failing to attend school. The law also requires schools to adopt truancy prevention measures in order to reduce truancy referrals to court. Lastly, courts are now required to expunge "failure to attend" convictions if the youth successfully complies with the court's conditions and obtains a high school diploma or high school equivalency certificate by age 21. An additional 2011 Texas law eliminated the practice of issuing tickets to youth in grades six and below for violation of the school discipline code. S.B. 1489 and H.B. 359, signed into law June 17, 2011; effective September 1, 2011.

WASHINGTON

Legislature Standardizes Definition of Unexcused Absence

Thanks in part to the MacArthur Foundation's Models for Change initiative, and pursuant to legislative requirements, the Washington Office of the Superintendent of Public Instruction developed a uniform definition of excused and unexcused absences to be used across the state. Prior to the standardization of the definition, schools allowed different numbers of unexcused absences prior to filing a petition in juvenile court. School districts are now required to report school absence data using the new definition. H.B. 1087/Ch. 50, signed into law and effective June 15, 2011.

SCREENING AND ASSESSMENT

2009

LOUISIANA

Office of Juvenile Justice Adopts Standard Screening and Assessment Tool for All Adjudicated Youth

In partnership with the MacArthur Foundation's Models for Change initiative, the Louisiana Office of Juvenile Justice (OJJ) adopted the Structured Assessment of Violence Risk in Youth (SAVRY) as the tool used to assess all youth placed in state custody. The SAVRY tool, which has now been implemented statewide, allows OJJ to create individualized plans for rehabilitation services for each youth based upon risk and need. Using the tool, OJJ can inform the sentencing judge if community-based program options are more appropriate for youth sentenced to secure confinement. The statewide use of the SAVRY will provide OJJ with data that will inform the development of the continuum of care for adjudicated youth.

WASHINGTON

Pierce County Modifies Detention Risk Assessment Instrument to Limit Unnecessary Detention Holds

The MacArthur Foundation's Models for Change Executive Steering Committee in Pierce County, Washington voted to remove domestic violence charges as an automatic hold on its detention risk assessment instrument in

June 2009. This change allows youth charged with domestic violence to be evaluated for detention on the basis of their risk factors, rather than being automatically incarcerated because of the nature of the charge.

2010

WASHINGTON

Clark County Institutes Screening for Youth Referred to Truancy Program

As part of its work through the MacArthur Foundation’s Models for Change initiative, Clark County, Washington instituted the use of the MAYSI-2 (Massachusetts Youth Screening Instrument) for all youth referred to the Clark County Truancy Project. The use of this instrument has allowed the county to more quickly identify the needs of the youth referred to the program and then appropriately link those youth to relevant services in the community. The program has instituted a new database to track how many youth are effectively connected to services. The Clark County Truancy Project was one of the first programs to test the MAYSI-2 with status offending youth; the instrument is now also in use at the neighboring Cowlitz County Truancy Program.

Advocates and States Work to Dismantle the School-to-Prison Pipeline

Between 2009 and 2011, advocates and public officials made significant progress toward reducing the high number of youth being referred directly from schools to the juvenile justice system—an unfortunate trend that disproportionately affects youth of color.

Advocates and policymakers moved forward on multiple fronts in various ways:

- relaxing “zero tolerance” laws to allow local officials more latitude to use alternative disciplinary measures besides sending youth to court (Delaware, Florida);
- restricting school districts’ ability to send youth to court for truancy or attendance issues (Colorado, Maryland, Texas, and Virginia);
- working directly with police and schools (Sedgwick County, Kansas) or with probation officers (Connecticut) to reduce or reject school-based arrests for low-level offenses;
- providing training for school resource officers, teachers, and staff (Louisiana, Maryland, and Wisconsin);

- requiring that school districts report publicly on school discipline data (Colorado and Indiana);
- putting in place a system of graduated sanctions (Alabama) or an evidence-based intervention designed to improve and respond to student behavior on a school-wide basis (Outagamie County, Wisconsin); and
- creating task forces or commissions to review school discipline issues and make recommendations for change (Colorado, Delaware, Indiana, and Maryland).

These legislative and administrative changes have resulted in thousands of youth being diverted from court and prison, and having their disciplinary issues handled more appropriately and effectively within school and community environments.

To learn more about NJJN’s recommendations regarding the school-to-prison pipeline, see our policy platform, “Safe and Effective School Disciplinary Policies and Practices,” at <http://bit.ly/LNDHHn>.

WISCONSIN

Lawmakers Improve Data Sharing in Order to Increase Effective Detention Screening

A new Wisconsin law allows detention intake workers access to prior adjudication histories in order to make more appropriate detention decisions. In 2008, Wisconsin counties faced a significant hurdle when attempting to introduce detention screening instruments, a best practice to ensure equitable decision-making about whether youth should be detained. Because of juvenile confidentiality laws, county officials could not access data on prior court adjudications or court involvement related to child welfare or delinquency issues. This information can be an important element in screening youth for placement in detention and elsewhere because it enhances the safety of the youth and the community. S.B. 375/Act 2009-338, signed into law and effective May 13, 2010.

WYOMING

Officers to Conduct Risk Assessments of Youth in Detention

Wyoming law now requires law enforcement to screen youth taken into custody with a uniform juvenile detention risk assessment instrument designed by county sheriffs. The Department of Family Services must collect and analyze data on the application of the risk assessment instrument, and report annually to the legislature. The instrument is now in use across the state, and data from completed assessments and existing detention censuses shows that the majority of youth are placed in detention for probation violations/revocations, warrants, and/or awaiting hearings/placement. A report submitted to the legislature in January 2012 acknowledges that a large portion of such youth do not belong in a secure facility for reasons of public safety or flight risk. The report encourages communities to consider serving such youth through alternatives to detention. The law additionally requires law enforcement to notify a youth's parent or guardian as soon as possible—and no later than 24 hours—that the youth has been taken into custody. The law prohibits holding a youth under age 11 in a hardware-secure juvenile detention facility. H.B. 12/Ch. 22, signed into law March 4, 2010; effective July 1, 2011.

2011

CONNECTICUT

Education Screening Tool to Be Implemented for Youth Entering Detention

The Connecticut Judicial Branch/Court Support Services Division commissioned Yale University to develop an educational screening tool for youth entering detention centers, in order to determine their grade equivalent for reading and math based on Connecticut standards. The tool has been validated for use in detention centers and is now available to educators. The developers of the tool are currently working to refine the instrument to make it more user-friendly and thereby broaden its use across the state.

MISSOURI

Supreme Court Mandates Use of Juvenile Detention Assessment Instrument

The Missouri Supreme Court mandated that as of January 1, 2012, all youth facing detention receive a risk score through Missouri's new juvenile detention assessment instrument in order to determine their pre-adjudication placement. The court states that generally youth should not be held in secure detention unless they present a risk to public safety or may fail to appear in court for their hearings. The instrument is to be used to assist in making a decision as to whether a youth should be placed in a secure detention facility, placed in an alternative to detention, or released. The instrument is a written checklist used to rate each youth for specific detention-related risks and was developed to address the inappropriate detention of youth based on race, gender, or offense. The court's order also directs the state courts administrator to provide training to all circuits on the use of the instrument, and requires circuits using the instrument to keep and report data. Court Operating Rule 28, April 8, 2011.

SEX OFFENDER LAWS AND REGISTRIES

2009

WASHINGTON

Individuals with Youth Adjudications for Sex Offenses Must Be Notified of Right to Removal from Registries

The Washington State Patrol must provide notice to individuals registered for a sex offense or kidnapping offense committed when they were juveniles of the ability to petition for relief from the duty to register. The notice must be provided at least annually. S.B. 5326/Ch. 210, signed into law April 24, 2009; effective July 26, 2009.

NATIONAL

Ninth Circuit Panel Finds Retroactive Application of SORNA Unconstitutional

In September 2009, a panel of the federal Ninth Circuit Court of Appeals ruled that the retroactive application of the Sex Offender Registration and Notification Act's (SORNA) provisions for former youth offenders is punitive and in violation of the Ex Post Facto Clause of the U.S. Constitution. The court found that the registration and reporting requirements would affect many adults who were sentenced for sex offenses many years ago when they were youth, and that the requirements threaten "to disrupt the stability of [individuals'] lives and to ostracize them from their communities by drawing attention to decades-old sex offenses committed as juveniles that have, until now, remained sealed." The court referred to the "pervasive and severe" disadvantages of mandatory registration and the historic confidentiality of juvenile proceedings in its reasoning. *U.S. v. Juvenile Male*, No. 07-30290, September 10, 2009.

2010

ILLINOIS

Law Lessens Penalty for Youth Charged with "Sexting"

Illinois law now provides that a youth who distributes indecent visual depictions of another youth may be adjudged a minor in need of supervision. If the youth is found to be in need of supervision, he or she may be ordered to obtain counseling or other supportive services, or required to perform community service. Prior to the new law, prosecutors had to charge such youth under stricter pornography laws, which could lead to designation as a sex offender. H.B. 4583/Public Act 96-1087, signed into law July 19, 2011; effective January 1, 2011.

2011

MICHIGAN

Legislature Removes Certain Youth from Sex Offender Registries

A new Michigan law removes all individuals from sex offender registries who were under the age of 14 at the time of their offenses. Additionally, those individuals who were 14 or 15 years old at the time of the offense will be moved to the private law enforcement registry for the duration of their mandated registration. Previously, youth ages 15 and younger were placed on the law enforcement-only registry, but then added, with limited exceptions, to the public registry when they turned 18, despite the fact that their offenses took place when they were underage. Youth charged with "age-only consensual" acts—in which there is no more than four years of age difference between the victim and the accused, and which involve a consenting victim—will no longer have to register. Lastly, existing age-only consensual registrants will have the opportunity to petition for removal from the registry. S.B. 188/P.A. 17, signed into law and effective April 12, 2011; S.B. 189/P.A. 18, signed into law April 12, 2011; effective July 1, 2011.

OHIO

Supreme Court Finds State's Implementation of the Adam Walsh Act Unconstitutional

In June 2010, the Supreme Court of Ohio declared that the retroactive reclassification of sex offenders under Ohio's S.B. 10 (the state's attempt to comply with the federal Adam Walsh Act) is an unconstitutional violation of separation of powers when the registrant (adult or juvenile) had previously been classified by a court order. *State v. Bodyke*, 126 Ohio St.3d 266 (2010). In July 2011, the Supreme Court of Ohio again addressed S.B. 10, finding that the registration duties imposed by S.B. 10 amount to punishment, and therefore cannot be constitutionally applied retroactively. *State v. Williams*, 129 Ohio St.3d 344 (2011). Another case that may impact Ohio's S.B. 10 is pending in the state Supreme Court; *In re J.V.* (2011-0107) challenges a juvenile court's authority to impose punishment after a youth turns 21.

OHIO

Supreme Court Protects Young Children Charged with Certain Sex Offenses

In June 2011, the Supreme Court of Ohio issued a decision protecting young children from certain sex offender laws. The youth in the case, D.B., was charged with multiple counts of rape for acts that occurred between him and an 11-year-old friend when D.B. was 12 years old. The juvenile court found that the acts had been consensual and that no force or coercion had been used, but adjudicated D.B. delinquent under Ohio's statutory rape law, which prohibits sexual conduct with a person under the age of 13. D.B. challenged his adjudication, arguing that he, a 12-year-old boy, could not constitutionally be prosecuted under a law that offers special protections to a class to which he himself belonged (i.e., children under the age of 13). The Supreme Court of Ohio agreed, ruling

that D.B.'s prosecution under Ohio's statutory rape statute violated the due process and equal protection clauses of the U.S. Constitution. Ohio's statutory rape law can no longer be applied to children under the age of 13 who engage in sexual conduct with other children under the age of 13. The prosecutor in D.B.'s case filed a petition for a writ of certiorari with the U.S. Supreme Court, which denied the petition in December 2011, leaving the Ohio Supreme Court's decision standing. *In re D.B.*, 129 Ohio St.3d 104 (2011).

OREGON

Legislature Alleviates Some Registration Requirements for Youth Convicted of Sex Offenses

The Oregon State Legislature modified the relief process for youth convicted of sex offenses and required to register as sex offenders. Under the new law, youth adjudicated of misdemeanor offenses will no longer be required to register, and the Oregon State Police must remove within one year those youth previously required to register for misdemeanors. Additionally, the law allows youth adjudicated of a Class C felony to apply for removal from the registry within 30 days prior to the case's closure in juvenile court. Lastly, for youth convicted of Class A or Class B felonies, the law reduces the waiting period to apply for removal from the registry from three years to two years. S.B. 408/Ch. 271, signed into law and effective June 7, 2011.

WASHINGTON

Legislature Eliminates Duty to Register for Certain Individuals

Five years after their release from confinement, individuals in Washington convicted of a Class A felony sex or kidnapping offense at the age of 15 or older no longer have to register as sex offenders. Similarly situated individuals who were 14 years old or younger at the time of the offense, or individuals convicted of a non-Class A sex or kidnapping offense, may petition the court to be relieved of the duty to register two years after their release from confinement. The legislation also creates a uniform burden of proof for individuals who petition the court for relief from the duty to register as sex offenders for offenses committed as juveniles, and allows authorities to seal most juvenile sex offense records when the convicted individual has been relieved of the duty to register and complied with all other statutory requirements. S.B. 5204/Ch. 338, signed into law May 12, 2011; effective July 22, 2011.

SEXUAL EXPLOITATION OF YOUTH

2009

GEORGIA

Legislature Protects Child Victims of Commercial Sexual Exploitation Through Child Abuse Definition

Georgia's mandatory child abuse reporting law was expanded to help identify youth who are victims of commercial sexual exploitation, by redefining sexual exploitation as a form of child abuse, and recognizing sexual exploitation as child abuse regardless of who is exploiting the child. Under Georgia's previous mandatory child abuse reporting laws, many of the 200-300 youth being commercially sexually exploited in Georgia each month were unreported by professionals who could have potentially protected them. Mandatory reporters were only required to report suspicions of child sexual exploitation if they believed the youth was being exploited by a parent or caretaker. Furthermore, doctors, nurses, and other mandatory reporters in the health fields were prohibited by medical confidentiality requirements from reporting their suspicions when they encountered children who were being commercially sexually exploited by someone other than a parent. The new law provides an exception to confidentiality requirements, allowing these professionals to report the exploitation. S.B. 69/Act 151, signed into law and effective law May 5, 2009.

2010

CONNECTICUT

Legislature Passes Law to Protect Sexually Exploited Children

The Connecticut General Assembly passed "An Act Providing Safe Harbor for Exploited Children," which makes it illegal for youth younger than 16 to be charged with prostitution. Previously there was no age limit for charging youth with prostitution. The law also provides that for 16- and 17-year olds, there is a presumption that the youth was coerced into committing the offense. Lastly, the bill increases the penalties for promoting the prostitution of someone younger than 18 years old. S.B. 153/Public Act 10-115, signed into law June 7, 2010; effective October 1, 2010.

CONNECTICUT

Police Must Report Possible Abuse or Neglect of Youth Arrested for Prostitution

New legislation requires police to report suspected abuse or neglect of youth arrested for prostitution to the Department of Children and Families. This is part of a movement to decriminalize youth involved in prostitution, and increase the recognition that youth involved in prostitution are very often being coerced and/or abused by adults. S.B. 1044/Public Act 11-180, signed into law July 13, 2011; effective October 1, 2011.

WASHINGTON

Legislature Addresses Sexual Exploitation of Youth

In 2009, the Washington State Legislature passed a law allowing a prosecutor to divert a case where a youth is alleged to have committed prostitution or prostitution loitering, regardless of the youth's offense history or previous diversions. H.B. 1505/Ch. 252, signed into law April 28, 2009; effective July 26, 2009. A new law passed in 2010 takes the changes a step further: Washington law now requires a prosecutor to divert a youth alleged to have committed the offense of prostitution or prostitution loitering if it is his or her first offense; the prosecutor may divert subsequent allegations. And, as of July 1, 2011, the state may file a CHINS (Child In Need of Services) petition for sexually exploited youth and must connect such youth with services and treatment. A youth charged with prostitution who is also a victim of sexual abuse may apply for benefits from the Crime Victim's Compensation fund. S.B. 6476/Ch. 289, signed into law April 1, 2010; Section 1 effective July 1, 2011, other sections effective June 10, 2010.

2011

GEORGIA

Legislature Addresses Commercial Sexual Exploitation of Youth

A new law amends Georgia's anti-human trafficking law, which encompasses the commercial sexual exploitation of youth. The law clarifies its offenses; substantially increases penalties; allows for the forfeiture of property related to the crime; limits the use of the victim's sexual history, relation to defendant, and the ability to consent as a defense to sex trafficking; and provides that a person will not be guilty of a prostitution-related crime if the act was committed under coercion or deception while the person was a human trafficking victim. H.B. 200/Act 54, signed into law May 3, 2011; effective July 2, 2011.

MINNESOTA

State Passes Safe Harbor Law Protecting Youth Victims of Sexual Exploitation

A new Minnesota law provides that sexually exploited youth under the age of 16 cannot be detained as delinquent. It also establishes mandatory diversion of first-time offenders who are 16 or 17 years old and have been exploited through prostitution. The law increases penalties against "johns" and directs the Commissioner of Public Safety to create a victim-centered response to sexually exploited youth. S.F. 1/Ch. 1, Art. 4, signed into law July 20, 2011; effective August 1, 2011 and August 1, 2014.

STATUS OFFENSES

2009

CONNECTICUT

Budget Includes Increased Funding for Status Offender Programs

In 2007, Connecticut's Public Act 07-4 mandated that the state provide Family Support Centers (FSCs) for high-need status offenders and their families. FSCs are designed to proactively provide these youth and families with the supports they need to prevent entry into the delinquency system. As of September 2009, only four of ten planned FSCs were funded/opened, serving only 39 of the state's 169 municipalities. In 2009, despite a budget crisis, the legislature acted in favor of the cost-effective investment in prevention and included funding for six additional FSCs in its state budget. H.B. 6802/Public Act 09-3, effective September 8, 2009.

LOUISIANA

Families in Need of Services Commission to Make Recommendations for Reform of Status Offense Policies and Practices

A Senate Concurrent Resolution created the Families in Need of Services (FINS) Commission to study Louisiana's FINS system, including how the state handles youth who commit status offenses. The legislature

directed the commission to make recommendations regarding the key components of a model status offender program and to consult with the MacArthur Foundation's Louisiana Models for Change initiative, among other stakeholders. The commission issued its final report in January 2012, which recommends limited use of detention for youth who commit status offenses; use of alternatives to detention and appropriate graduated sanctions; and gathering and analysis of data related to the FINS system in order to track outcomes. Calcasieu, Jefferson, and Rapides parishes served as models for the commission, having reduced the numbers of youth processed through the FINS system for status offenses between 2006 and 2010, thanks in part to partnerships with schools, more effective detention screening, and infrastructure review. S.C.R. 44, passed June 27, 2011.

MASSACHUSETTS

Supreme Judicial Court Strikes Down Criminal Provisions of Municipal Curfew for Children Under 17

The Massachusetts Supreme Judicial Court invalidated the criminal provisions of a juvenile curfew ordinance from the City of Lowell, holding that the ordinance violated the constitutional rights of minors. The ordinance provided for both criminal and civil sanctions, including a substantial fine, arrest, adjudication as a "delinquent child," and commitment to the custody of the Department of Youth Services (DYS). The court found that the curfew ordinance violated the fundamental right of freedom of movement and the equal protection clause because it treated people differently based on their age. The court held that minors possess "fully formed constitutional rights" and that the ordinance's criminal sanctions were not sufficiently narrowly tailored to achieve the government's goals. It also found that the criminal sanctions contradicted well-established goals of rehabilitating, not incarcerating, youth offenders, stating that the "criminal prosecution of a minor, with its potential for commitment to DYS, is an extraordinary and unnecessary response to what is essentially a status offense and is contrary to the State's treatment of similar conduct." *Commonwealth v. Weston W.*, 455 Mass. 24 (2009).

2010

GEORGIA

General Assembly Limits Detention of Youth Convicted of Status Offenses and Low-Level Misdemeanors

The Georgia General Assembly shortened the maximum length of time that certain youth can be held in the state's Short-Term Program (STP) from 60 to 30 days. STP is a dispositional option that results in a short-term detention placement for youth. The legislation builds on a law from 2005 that shortened the maximum STP stay from 90 to 60 days, and additionally narrowed the offenses for which youth can be placed in the program, limiting it to youth convicted of felonies and "high and aggravated" misdemeanors (S.B. 134/Act57). The aim of both pieces of legislation is to keep youth convicted of status offenses and low-level misdemeanors out of detention and to serve them more appropriately and effectively in the community. Simultaneous with the 2009 legislative change, the Georgia Department of Juvenile Justice shifted STP youth from placement at Youth Development Campuses—which tend to be for more serious offenders and are generally further from youths' home communities—to Regional Youth Detention Centers, which are designed for low-level offenders and short-term stays. The average daily population of youth held in the STP has declined from nearly 1,000 youth in FY 2004 to approximately 170 youth in FY 2011. H.B. 245/Act 36, extending H.B. 245 to 2013, signed into law and effective April 21, 2009. H.B. 1104/Act 674, signed into law June 4, 2010; effective July 1, 2010.

KANSAS

Legislature Passes Law to Keep Status Offenders Out of Detention

Kansas now prohibits the use of detention or jail for youth under age 18 who are arrested for underage possession or consumption of alcohol. The law is an effort to ensure that youth who commit status offenses are not locked up, in accordance with best practices and the requirements of the federal Juvenile Justice and Delinquency Prevention Act. S.B. 452, signed into law and effective July 1, 2010.

WASHINGTON

State Comes into Compliance with Federal Deinstitutionalization of Status Offenders Requirement

Thanks in part to Washington's work with the MacArthur Foundation's Models for Change initiative, in 2010, the two largest of the four Secure Crisis Residential Centers (SCRCs) co-located in juvenile detention facilities closed. SCRCs are used to house youth reported as runaways or youth believed to be in a dangerous, unsafe situation. Prior to the closures, four of the nine total SCRCs in Washington were co-located in secure juvenile detention facilities. The closure of the two SCRCs enabled the state to come into compliance with the deinstitutionalization of status offenders (DSO) requirement of the federal Juvenile Justice Delinquency and Prevention Act.

KENTUCKY

Supreme Court Mandates Higher Scrutiny of Charging Process for Youth Facing Possible Prosecution for Status Offenses

On January 1, 2011, the Supreme Court of Kentucky adopted uniform Family Law Rules of Procedure and Practice to address the disparities and diversity that currently exist among the various local rules of practice within Kentucky's courts. A segment of these rules impacts how status offenses are handled in the state. Court Designated Workers (CDWs)—who work for the court system and are the gatekeepers for all status and public offense charges—must now require school systems to provide complete documentation of interventions used to help students—especially those with educational disabilities—charged with status offenses. Likewise, parents who want to bring beyond-control charges against their children must establish for the CDW which community resources they have used to assist them with their children.

YOUTH IN THE ADULT SYSTEM

2009

COLORADO

Certain Youth Tried as Adults May Be Held in Juvenile Facilities Rather than Adult Jail

Juveniles who are tried as adults may be placed in a juvenile facility prior to trial, rather than an adult jail, if the district attorney and defense counsel agree on the placement. Additionally, the district attorney may agree to change the place of confinement from adult jail to a juvenile facility at any stage of the proceedings. To determine the appropriate placement, the district attorney and defense counsel must consider several factors, including the nature, seriousness, and circumstances of the alleged offense; the youth's history of prior criminal acts; and the youth's age, physical maturity, mental state, and mental maturity. H.B.1321/Ch. 351, signed into law June 1, 2009.

COLORADO

Law Allows Youth Charged as Adults to Petition for Expungement of Records When Sentenced as Juveniles

Colorado law now permits a juvenile who is charged as an adult by the direct filing of charges in district court, but sentenced as a juvenile in the same matter, to petition the court for the expungement of his or her record. Previously, such youth were not eligible to have their records expunged. H.B. 1044/Ch. 19, signed into law March 18, 2009; effective September 1, 2009.

COLORADO

Legislature Increases Age of Eligibility for Sentencing in the Youthful Offender System

A new category of youth was established by the Colorado General Assembly to be eligible for sentencing in the Youthful Offender System (YOS) for certain offenses. YOS offers these youth—referred to as “young adult offenders”—alternatives to what would otherwise be a mandatory prison sentence. Young adult offenders are those who were at least 18 years old but under 20 years of age when the crime was committed and under 21 years old at the time of sentencing. Under the law, the prosecution or defense may request a pre-sentence report that includes a determination by the warden of the Youthful Offender System as to whether the young person is suitable for sentencing in YOS; the warden must consider the nature and circumstances of the crime, the circumstances and criminal history of the individual, and available bed space. YOS offers educational and vocational programming and a shorter period of community supervision than an adult prison and parole sentence. All YOS youth have a suspended adult prison sentence, which is two to four times longer than the two- to seven-year determinate YOS term. Successful completion of YOS discharges the adult prison sentence. H.B. 1122/Ch. 77, signed into law April 2, 2009; effective October 1, 2009.

CONNECTICUT

Court Finds Discretionary Transfer of 14- and 15-Year-Olds to Adult Court Unconstitutional

On June 16, 2009, the Connecticut Appellate Court ruled in *State of Connecticut v. David A. Fernandes, Jr.*, 115 Conn. App. 180 (2009), that the state's discretionary transfer law, which allows prosecutors to send 14- and 15-year-olds charged with C, D, and unclassified felonies to adult court, is unconstitutional. The court held that because of the liberty interest at stake, a youth facing transfer on such charges is entitled to due process. Such

due process includes a hearing during which the juvenile court judge considers argument from counsel and may exercise his or her discretion to determine whether to order the transfer. The Connecticut Supreme Court later heard the case on appeal and limited the scope of the ruling; the court agreed that a hearing must be held, but determined that the legislative history of the transfer statute required such hearings to be held in adult court, rather than juvenile court. *State v. Fernandes*, 300 Conn. 104 (2010).

CONNECTICUT

Sixteen-Year-Olds Returned to Juvenile Justice System

Starting January 1, 2010, 16-year-olds became a part of Connecticut's juvenile justice system. Legislation passed in 2007 called for 16- and 17-year-olds to be moved into the juvenile system (except youth who had committed specific serious and violent offenses), but the state's budget crisis and other efforts to repeal the law on philosophical or administrative grounds threatened to delay implementation for all youth. Further legislation passed in 2009 moved 16-year-olds into the juvenile justice system as of 2010 and specifies how the change will be implemented. Seventeen-year-olds became part of the juvenile system as of July 1, 2012. H.B.7007/Public Act 09-7, signed into law October 5, 2009; effective January 1, 2010.

ILLINOIS

Law Raises the Age of Juvenile Jurisdiction from 17 to 18 for Youth Charged with Misdemeanors

Seventeen-year-olds charged only with misdemeanors will now have their cases heard in juvenile court, rather than adult criminal court. The juvenile court typically takes a more balanced and rehabilitative approach—offering mental health and drug treatment and community-based services—as opposed to the more punitive approach of the adult system. The law will also help to address the disproportionate number of 17-year-old African American and Latino youth who are currently charged as adults. S.B. 2275/Public Act 95-1031, signed into law February 10, 2009; effective January 1, 2010.

INDIANA

Newly Created Division of Youth Services Removes Youth from Umbrella of Adult Correctional System

Indiana's new Division of Youth Services will be a semi-autonomous division of the Indiana Department of Correction and will operate youth facilities separate from the adult correctional system. DYS will work to improve the level of services provided to youth throughout the juvenile justice system with enhanced facility operations, as well as treatment, youth development, and community reentry programs.

MASSACHUSETTS

Supreme Judicial Court Finds State “Extension Law” Unconstitutional

The Massachusetts Supreme Judicial Court ruled that a state law allowing the Department of Youth Services to extend commitments from age 18 to age 21—and even to have the individuals transferred to adult prisons—is unconstitutional. The three individuals who challenged the law had received extended commitments on the basis that they were “physically dangerous to the public.” The court held that the term “physically dangerous” is unconstitutionally vague and that the law violated substantive due process because it permitted extended detention based solely on dangerousness, without any link to a mental condition that might keep the individuals from controlling their behavior. *Kenniston v. Department of Youth Services*, 453 Mass. 179 (2009).

NEVADA

Supreme Court Strikes Down Presumptive Certification Statute

The Nevada Supreme Court threw out the presumptive certification statute that allowed prosecutors to transfer certain cases to adult court, finding that the statute violated youths' constitutional right against self-incrimination. Under the presumptive certification law, if a youth 14 or older was charged with gun crimes or certain sex crimes and the prosecutor moved to transfer the youth to adult court, the juvenile court was required to order the transfer unless the youth could rebut the presumption by establishing that he or she had substance abuse or emotional or behavioral problems that led to the commission of the crime(s). But by making that connection, the youth admitted to the crimes, and those admissions could be used against him or her in future court hearings. The court's unanimous ruling states that the law's “requirement that a juvenile admit the charged criminal conduct, and thereby incriminate himself, in order to overcome the presumption of adult supervision is unconstitutional.” The court also reversed a 1995 decision that said Fifth Amendment rights against self-incrimination did not apply in juvenile certification hearings because guilt was not being determined. The Nevada Legislature codified the court's 2009 ruling and raised the threshold age at which a youth may be certified as an adult under

presumptive certification from 14 to 16. *In re William M.*, 124 Nev. Adv. Op. No. 95 (Nev. 2008); A.B. 237/Ch. 69, signed into law and effective May 11, 2009.

TEXAS

Law Allows for More In-Depth Review by Attorneys Prior to Transfer Hearings

When a youth faces transfer to adult court, at least five days prior to the transfer hearing the court must provide to the youth's attorney and the prosecuting attorney all written matter that the court will consider in making the transfer decision. Previously, the court was required to provide this material only one day before the hearing. The goal of the law is to encourage more thorough review by attorneys, increased information-sharing, and fewer inappropriate transfers to adult court. S.B. 518, signed into law June 19, 2009; effective September 1, 2009.

TEXAS

Youth Convicted of Capital Felonies Given Opportunity for Parole

Youth ages 14 to 17 in Texas who are found guilty of a capital felony now have the opportunity for parole. Previously, these youth could only be sentenced to life without parole. The change in law recognizes that youth offenders show the most potential for rehabilitation and gives youth more incentive to behave well while incarcerated. The law returns the punishment for youth convicted of capital murder to what it was before the state instituted life without parole in 2005. However, the law is not retroactive; youth previously sentenced to life without parole will continue to serve that sentence. S.B. 839, signed into law June 19, 2009; effective September 1, 2009.

WASHINGTON

Education Programs Must Be Provided to Youth in Adult Jails

A new law requires that all youth held in adult jails in Washington be provided with educational programming. The legislation stemmed from a lawsuit and settlement affecting the Pierce County jail and Tacoma School District in 2009 over inadequate educational services for youth held in adult jails. The legislation mandates that the educational programs adhere to educational standards for the district, and the programs must offer credits that are transferable to community schools. The school district in which the adult jail is located must provide youth with educational programming within five days of receiving notification from the jail of the youth's presence. The state developed regulations and a program guide written by educational professionals in order to implement the statute. S.B. 6702/Ch. 226, signed into law March 26, 2010; effective June 10, 2010.

2010

ARIZONA

Legislation Restricts Prosecutorial Authority to Transfer Youth

A new Arizona law clarifies the age at which a youth can be tried in adult court without the benefit of a judicial transfer hearing. In Arizona, the prosecution of certain youth cases in adult court is statutorily allowed or required based on the youth's age. The legislation clarifies that the filing in adult court must be based on the youth's age at the time of the alleged offense—not the age at the time the charges are filed. Prior to this clarification, prosecutors delayed filing charges for months (and sometimes years) for the purpose of moving the case to the adult criminal court without having to go through a judicial transfer hearing. S.B. 1009/Ch. 183, signed into law April 27, 2010; effective July 29, 2010.

COLORADO

Law Limits Prosecutorial Discretion to File Adult Charges Against a Youth

A new law increases the minimum age at which certain youth (excepting those charged with murder and sex offenses) are eligible to be "direct filed"—or charged in adult criminal court by a prosecutor without a transfer hearing—from 14 to 16. The legislation also establishes factors that the prosecutor must consider in determining whether to direct file a youth, and requires a 14-day notice of intention to direct file. During this time, youth can provide information to the prosecutor regarding the enumerated factors. H.B. 1413/Ch. 264, signed into law May 25, 2010; effective August 11, 2010.

COLORADO

School Districts Must Provide Educational Services for Youth in Adult Jails

A law now requires school districts in Colorado to provide educational services during the school year to youth being held, pending trial as adults, in jails located within the district. The law also requires school districts to

comply with the federal Individuals with Disabilities Education Act if a youth has a disability. S.B. 54/Ch. 265, signed into law and effective May 25, 2010.

ILLINOIS

Law Allows Greater Separation Between Illinois Department of Juvenile Justice and Department of Corrections

A new Illinois law removes the requirement that the Department of Juvenile Justice share administrative services and facilities with the Department of Corrections. The law additionally encourages collaboration between the Department of Juvenile Justice and “child-serving agencies.” The change helps to further differentiate the adult and juvenile systems, and ensure youth are treated in an age-appropriate manner. H.B. 5913/ Public Act 96-1022, signed into law July 7, 2010; effective January 1, 2011.

ILLINOIS

Commission to Develop Plan for Extending Juvenile Court Jurisdiction to 17-Year-Olds Charged with Felonies

The Illinois Juvenile Justice Commission is to study and report on possible expansion of the jurisdiction of the juvenile court to include 17-year-olds charged with felonies. The commission’s mandate builds on legislation

States Resist Harsh Registration Requirements for Youth

Under the Sex Offender Registration and Notification (SORNA) title of the Adam Walsh Act, passed in July 2006, states are required to have sex offender registries that classify individuals based on the offense committed, rather than actual assessed risk. While the act automatically applies to all youth transferred to adult criminal court, it also mandates that states put youth adjudicated in juvenile court of more serious offenses on the registry for 25 years to life.

Researchers have shown that 97-99 percent of youth who commit sex offenses—including violent sex offenses—will never commit another sex offense.¹ Thus, placing youth on registries can actually decrease public safety by diverting valuable law enforcement resources and by impeding youth—who must now carry the label “sex offender”—from becoming productive citizens.

Given the negative impact on youth and public safety, an increasing number of states are refusing to comply with the act, even though non-compliance means losing a portion of their federal funding. Some states,

including Illinois, Maryland, Ohio, and South Dakota, decided not to fully comply with the act and have limited the number of youth required to register and/or the duration of the registration requirement. Other states—New York, Texas, and Vermont—have refused to comply at all, publicly stating their objection to the youth registration requirements. These states and others have taken a stand against the ill-conceived federal requirements, and are leading the way for other states to resist the harmful federal mandate.

For more information on registries, including NJJN’s recommendations, visit <http://bit.ly/KyWKXJ>.

¹ E. J. Letourneau & K.S. Armstrong, “Recidivism rates for registered and nonregistered juvenile sexual offenders.” *Sexual Abuse: A Journal of Research and Treatment*, 20 (2008), 393-408, and E.J. Letourneau and others, “The influence of sex offender registration on juvenile sexual recidivism,” *Criminal Justice Policy Review*, 20 (2009), 136-153.

passed in 2009 that raised the age of juvenile jurisdiction from 17 to 18 for youth charged with misdemeanors (see above, S.B. 2275/Public Act 95-1031). S.B. 3085/Public Act 96-1199, signed into law July 22, 2010; effective January 1, 2011.

MINNESOTA

Youth Charged as Adults in Minnesota May Be Held in Juvenile Detention Facilities

Youth charged as adults in Minnesota may now be held in secure juvenile detention facilities, pending the outcome of the criminal proceedings against them. The change will help keep some youth out of adult facilities prior to a conviction or acquittal. H.F. 229/Ch. 72, signed into law May 24, 2011; effective August 1, 2011.

NEW MEXICO

Working Group Considers Appropriate Detention Placement for Older Youth

In 2009, the New Mexico House of Representatives requested that the Children, Youth and Families Department convene a working group to share resources, research, and recommendations and to otherwise coordinate efforts on the subject of appropriate detention for youth 18-21 years of age. The working group was directed to address concerns regarding housing older youth with adults, as well as concerns with housing such youth with youth aged 12-17. A duplicate House Memorial was passed in 2010 to continue the work of the group. The group made a series of recommendations in 2010 covering various topics, such as when youth may be transferred to adult jails, time limits for initial hearings, hearing procedures, and measures to protect youth aged 18-21 who are placed in adult jails. H.M. 115, 2009/H.M. 29, 2010.

NORTH CAROLINA

Legislature Establishes Task Force to Evaluate Raising Age

North Carolina's 2010 budget included language to establish a Youth Accountability Planning Task Force. The task force is to determine whether North Carolina should raise the age of juvenile court jurisdiction from 16 to 18 and develop an implementation plan to do so. The task force released a report in January 2011, which recommends that youth under age 18 accused of minor crimes should be handled in the juvenile justice system, while 16- and 17-year-olds accused of serious felonies should remain in the adult system. Also in January 2011, the Vera Institute of Justice issued a cost-benefit analysis of raising the age in North Carolina. The analysis found that expanding juvenile jurisdiction to include misdemeanor and nonviolent felony offenses for 16- and 17-year-olds would annually yield \$52.3 million in net benefits. The governor issued an executive order early in 2011 extending the task force until December 31, 2012 so that the group can continue its work. Executive Order 80, January 14, 2011.

VIRGINIA

Youth Transferred to Adult System May Be Detained in Juvenile Facilities

Youth in Virginia who are transferred to the adult system must now be placed in a secure juvenile detention facility pending trial, rather than an adult jail, unless the court determines that the youth is a threat to the security or safety of other detained youth or staff. S.B. 259/Ch. 739, signed into law April 13, 2010; effective July 1, 2010.

NATIONAL

U.S. Supreme Court Prohibits Sentence of Life Without Parole for Youth Who Commit Non-Homicide Offenses

In *Graham v. Florida*, 130 S. Ct. 2011 (2010), the Supreme Court of the United States ruled that it is unconstitutional to sentence youth who did not commit homicide to life without the possibility of parole. States must provide youth with a "meaningful opportunity" to turn their lives around and obtain release. The opinion finds the punishment to be cruel and unusual, and states that youths' developing brains make it impossible to determine if they are beyond rehabilitation. The court once again clarified the dividing age between youth and adulthood as the age of 18. Lastly, the Supreme Court compared sentencing practices in the U.S. to international norms, which decry the use of life without parole as a sentence for youth.

ARIZONA

Judges Gain More Discretion Regarding Transfer to Adult System

A new Arizona law gives judges more discretion in certain cases to decide whether prosecution of youth in adult or juvenile court will best protect public safety and promote rehabilitation. Since 1997, Arizona prosecutors have been able, at their sole discretion, to charge youth as young as 14 as adults for a wide variety of offenses, including nonviolent crimes. In 2007, judges were given discretion in certain sex offense cases to hold “reverse remand hearings” to determine whether youth should be tried as adults; the new law expands reverse remand hearings to include other types of crimes filed through prosecutorial discretion. S.B. 1191/Ch. 206, signed into law April 19, 2011; effective July 20, 2011.

HAWAII

Legislature Limits Transfer of Youth to Adult Correctional Facilities

The Hawaii State Legislature repealed a law that authorized the Executive Director of the Office of Youth Services, with the approval of the family court, to transfer a committed youth from the Hawaii Youth Correctional Facility to an adult correctional facility for disciplinary or other reasons. The legislation stemmed from the inability of adult facilities in Hawaii to maintain sight-and-sound separation between youth and adults, as required by the federal Juvenile Justice and Delinquency Prevention Act. Testimony in support of the law from several state agencies and non-profit organizations additionally discussed the danger presented to youth placed in adult facilities, and the inadequacy of programming for youth in adult facilities. H.B. 1067/Act 18, signed into law April 26, 2011; effective July 1, 2011.

IDAHO

Youth Tried as Adults May Be Held in Juvenile Detention Facilities

Idaho law now provides that youth being treated as adult offenders may be housed with the general population in a juvenile detention center upon court order. The court may make the order on its own, or pursuant to a petition by one of the parties in the case. Prior law prohibited youth who were waived to adult court from being housed in a juvenile detention facility without sight and sound separation from the other youth. Youth waived to adult court may now be housed with the general juvenile population if it is determined by the detention administration that the safety and security of the other youth would not be at risk. In passing the law, the legislature acknowledged that it is in the best interest of youth being tried as adults to be held with other youth their own age while awaiting trial, sentencing, or other disposition. S.B. 1003/Ch. 7, signed into law February 18, 2011; effective July 1, 2011.

MISSISSIPPI

State Extends Jurisdiction of Juvenile Court to 17-Year-Olds

New Mississippi legislation returns 17-year-olds charged with felonies (with the exception of murder, armed robbery and rape) to the original jurisdiction of the juvenile court. Prior to this legislation, all 17-year-olds were automatically prosecuted in adult court for any offense. S.B. 2969/Ch. 542, signed into law April 27, 2010; effective January 1, 2011.

OREGON

Oregon Youth Authority and Oregon Department of Corrections Stop Temporarily Housing Youth in Adult Prison

The Oregon Youth Authority and Oregon Department of Corrections have agreed to streamline the placement of youth convicted as adults. Prior to the change, 16- and 17-year-olds convicted as adults were sent to an adult facility for approximately one week to complete the evaluation and intake process, before being moved to a youth facility to serve all or part of the imposed sentence. Youth at the adult facility were forced to spend 23 hours a day in isolation in order to maintain sight and sound separation from the adults. Such conditions can increase anxiety, paranoia, and suicide risk; additionally, youth who are held in adult facilities are at an increased risk of physical and sexual victimization. As of December 15, 2011, all youth sentenced as adults will go directly to a youth intake facility.

OREGON

Youth in Oregon Must Be Held in Juvenile Detention Pre-Trial, Rather than Adult Jails

A new Oregon law makes juvenile detention the default place to hold youth charged as adults pre-trial. The bill addressed a glaring inconsistency in Oregon law, through which such youth were to be held in adult jail before trial and in youth facilities after conviction. The law—which could benefit nearly 100 youth per year—is a part of ongoing efforts to address Oregon laws that automatically waive youth into the adult system. H.B. 2707/Ch. 122, signed into law and effective May 19, 2011.

TEXAS

State Increases Protections for Youth Transferred to Adult System

A new Texas law requires that the sight and sound protections for youth in the juvenile system also now apply to youth under age 17 who are tried as adults; all such youth must be separated by sight and sound from adults in the same facility. Additionally, the law mandates that counties develop policies specifying whether certain transferred youth under 17 years of age may be held pre-trial in a juvenile detention facility, rather than an adult jail. Prior to the change, counties were prohibited from holding transferred youth in juvenile detention facilities. S.B. 1209, signed into law June 17, 2011; effective September 1, 2011.

VERMONT

Youth Convicted as Adults Before Age 21 May Have Records Sealed

Vermont law now allows youth convicted as adults for crimes committed before they were 21 years old to petition to have their records sealed. Previously, the law allowed such record-sealing only if the conviction occurred for offenses committed prior to age 18. The law additionally closes a loophole that forced a youth to be charged in adult court if 18 or older, despite having committed the offense prior to age 18. Such cases must now be initially filed in juvenile court. S.B. 58/Act 16, signed into law and effective May 9, 2011.

YOUTH INVOLVED IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS

2010

CALIFORNIA

Foster Youth Aging Out of Juvenile Court's Jurisdiction Gain Notice of Services

Acknowledging that foster youth face greater obstacles as they transition back into society after release from the juvenile court's jurisdiction, the California Assembly passed a law meant to provide them with increased resources to help them succeed. The legislation recognizes that one of the major barriers foster youth face is their lack of knowledge that assistance programs exist for foster youth; and when they are aware of them, they often have difficulty documenting that they are eligible for such programs. As a result, the law requires probation or parole officers to provide foster youth with a written notice stating that they are foster youth and that they may be eligible for services and benefits available to former foster children through public and private programs, including, but not limited to, any independent living program for youth who have been in the foster care system. S.B. 945/Ch. 631, signed into law September 30, 2010; effective January 1, 2011.

FLORIDA

Appeals Court Rules Foster Youth Cannot Be Jailed for Their Own Good

The Third District Court of Appeal in Florida ruled that juvenile court judges cannot jail foster youth simply for their best interest, ending a years-old practice used by authorities in an attempt to protect runaway youth. The decision is in line with the federal Juvenile Justice and Delinquency Prevention Act's prohibition on locking up youth who commit status offenses, such as running away. The case involved a 12-year-old girl in foster care who repeatedly ran away from her foster homes and school. The state alleged that incarceration of the girl was necessary in order to secure medical and dental examinations, psycho-educational testing, and a psychiatric evaluation. The court stated that a youth may not be detained simply to permit "administrative access" to the youth, and that detention is only authorized under "strict statutory criteria." *J.J. v. Florida*, No. 3 D10-226, March 31, 2010.

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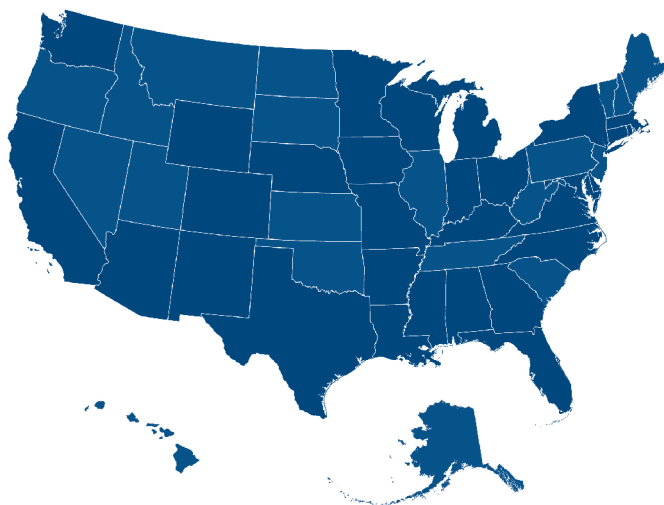
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*connotes a state with NJJN member(s)

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NATIONAL —————
JUVENILE JUSTICE
————— NETWORK

ABOUT THE NATIONAL JUVENILE JUSTICE NETWORK (NJJN)

The National Juvenile Justice Network is made up of 43 juvenile justice coalitions and organizations in 33 states that advocate for state and federal laws, policies and practices that are fair, equitable and developmentally appropriate for all children, youth and families involved in—or at risk of becoming involved in—the justice system.

We seek to return the United States to the core ideals that led to the formation of the juvenile court more than 100 years ago, when our country understood that youth are fundamentally and categorically different from adults and require a different approach to hold them accountable and help them succeed so that our communities are safer.

OUR PRINCIPLES OF JUVENILE JUSTICE REFORM

NJJN and its members embrace these core principles:

- Reduce institutionalization and racial disparity
- Ensure access to quality counsel
- Create smaller rehabilitative institutions and a range of community-based programs
- Keep youth out of adult prisons
- Maximize youth, family and community participation
- Improve aftercare and reentry
- Recognize and serve youth with special needs

For more information, visit us at www.njjn.org.