

JUVENILE JUSTICE IMPLEMENTATION COMMISSION

Sustaining Juvenile Justice System Reform Study Report January 2013

Louisiana legislature passed HCR 120 in June 2011 asking the Commission to assess the current state of juvenile justice system, evaluate improvements made during the preceding five years, and issue recommendations for a five-year plan for juvenile justice reform. The Commission asked the Institute for Public Health and Justice, with funding from the John D. and Catherine T. MacArthur Foundation, to conduct the study on its behalf. The 19 recommendations for sustaining juvenile justice system reform in Louisiana are divided into five parts: (1) overarching system, (2) key system points, (3) assessments and services, (4) availability and use of data, and (5) Act 1225. Louisiana is creating a more rehabilitative juvenile justice system that is treatment-focused, community-based, and cost-effective, and which protects public safety while improving youth outcomes. Consideration and implementation of the following recommendations will continue the path of reform.

Overarching System Recommendations

1. Maintain adequate funding to support and sustain ongoing reform across the different entities that both govern and feed into the juvenile justice system.
2. Establish the infrastructure needed to support ongoing reform in Louisiana, designed to support the replication of successful local models, provide technical assistance to local and state practitioners and policy-makers, disseminate information about best practices, and promote data sharing.
3. Implement the recommendations in this report, monitor that implementation process along with any reforms that fall outside the scope of this document, with annual reports on the status of juvenile justice reform statewide.

Key System Points Recommendations

Point 1: Families in Need of Services (Informal FINS)

4. Create a statewide FINS system that is in line with national best practice and offers a coherent and unified vision and plan for how status offenders and their families should be treated and served.
 - Strategy 4.1: Appoint and adequately fund a lead state agency—or a collaboration of agencies—to develop, manage and oversee the FINS system and work to implement the remaining strategies in this area.
 - Strategy 4.2: Ideally, the lead agency/ies arising from strategy 4-1 create and monitor statewide standards for responding to and serving FINS youth and their families
 - Strategy 4.3: Develop and implement clearer eligibility criteria and protocols to determine whether a referred child is eligible for Informal FINS services.
 - Strategy 4.4: Informal FINS eligibility criteria should require schools, and other referring entities, to take (and document) all appropriate steps and exhaust all other options prior to entering an Informal FINS complaint.
 - Strategy 4.5: Youth currently on child welfare or probation caseloads generally should not be referred to, or be eligible for, concurrent FINS services.
 - Strategy 4.6: Local intake and triage processes provided by a service outside of the court system, with youth entering court only when all else fails and the referring behavior continues or worsens.

- Strategy 4.7: Require that intake and screening be available within 72 hours of a FINS complaint.
- Strategy 4.8: Adopt a common, objective, and validated screening instrument and a validated assessment tool for Informal FINS.
- Strategy 4.9: Map resources currently available to Informal FINS cases, and should ensure that there are immediate triage, short-term crisis responses, and respite and evidence-based interventions available—and funded—in all regions of the state (looking at one region at a time and drawing on what has been demonstrated locally).

Point 2: Detention

5. Reform efforts, such as the use of detention screening instruments, represent best practices and should be mandated on a statewide basis.
6. Work collaboratively with local leaders to plan and explore funding options to create alternatives to detention in jurisdictions where those services do not currently exist, drawing on successful models in other areas of the state.
7. Recommendation 7: Ensure the mandates in the detention standards are fully implemented and funded accordingly.
 - Strategy 7.1: The Louisiana Juvenile Detention Association (LJDA) should draft a detailed plan for ongoing and long-term training of detention facility administrators and staff, as well as evaluators within the Department of Children and Family Services (DCFS).
 - Strategy 7-2: The local facility data required via the detention standards should be collected and reported on a regular basis to the appropriate local agencies, the LJDA, DCFS, and actively used to inform local and state policy planning.
 - Strategy 7-3: The LJDA and DCFS should provide an annual status report to the JJIC on the implementation and oversight of the standards, including summaries of the newly collected local and statewide data. Additionally, the JJIC should consider commissioning a follow up study on the overall use of detention in Louisiana, with yearly status reports of implementation and licensure.
 - Strategy 7-4: Closely examine race and ethnicity data to ascertain whether disparities exist in the way that youth of color enter detention and in their lengths of stay.
8. Enact legislation that disallows or limits FINS youth from being placed in detention and specifically requires the development of alternatives to detention for this population.

Point 3: Probation and Post-Dispositional Placement

9. Local and State Probation Offices should further improve their capacity to match youth with appropriate services and provide individualized interventions aimed at reducing recidivism and limiting use of out-of-home placement.
 - Strategy 9-1: State and local probation departments should build and encourage collaboration with local planning boards that are functional to aid in the development of appropriate services for youth under supervision. In jurisdictions where Children and Youth Planning Boards do not exist, state regional offices should collaborate with their fellow state and regional agencies.



- Strategy 9-2: Ensure that juvenile justice “systems”—at the state and local level—fully utilize the SAVRY to guide dispositions, case plans, case management, and treatment throughout supervision.
 - Strategy 9-3: When a youth is failing local probation, the locality should jointly “staff” the case with OJJ and evaluate if more intensive services may be needed and are available via OJJ before revocation is considered.
 - Strategy 9-4: Length of probation should be driven by the progress of the youth; re-assessment of the young person should take place on a regular basis.
 - Strategy 9-5: Graduated response policies and practices for technical violations of probation should be developed and used statewide.
 - Strategy 9-6: State and local probation departments should develop and allow the use of individualized terms and conditions of probation that are tailored to a youth’s particular risk, needs, and circumstances.
10. Adjudicated (“Formal”) FINS should be placed outside of the traditional delinquency probation system, with a plan to appropriately meet the unique needs of status offending youth and their families.
 11. In an effort to support an effective probation system and to ensure that only those youth who pose a significant risk to public safety are placed out of the home, the state and local jurisdictions should examine the availability of (and if needed, develop new) graduated, community-based, alternative-to-placement systems and services, with a particular focus on keeping status offenders and low-risk youth at home and in their communities.
 12. Examine and report on the status of implementing the Louisiana Model of Care in OJJ’s placement facilities.
 13. Study the juvenile parole system and collaboratively develop a juvenile-centered after-care model that is about services and support as well as supervision. This aftercare model should include a gradual and well-planned “step-down” process that will enable youth to be released from secure care in a timely manner to varying levels of structured therapeutic programs available across the state.

Assessments and Services

14. All entities tasked with screening and/or assessment in the juvenile justice system (FINS, diversion, probation, specialty courts, detention, secure care, and re-entry providers) should be mandated to use best practice decision-making tools.
15. Ensure that effective linkages are made to appropriate services for youth following the screening and assessment process.
16. Local and state juvenile justice officials should work closely with the Louisiana Behavioral Health Partnership and Office of Juvenile Justice to map available services, inform the development of new services, and work to address barriers to accessing.



Availability and Use of Data

17. Further improve local and state capacity to collect and analyze juvenile justice data.
 - Strategy 17-1: Improve the reporting of juvenile arrest data in Louisiana.
 - Strategy 17-2: Improve the availability and consistency of diversion data.
 - Strategy 17-3: OJJ should continue to expand its use of the JETS data warehouse and should take appropriate steps to share important data that this system can produce.
 - Strategy 17-4: OJJ should continue to work with courts that commit youth to its custody to find appropriate ways to improve the breadth and quality of data provided to OJJ upon commitment.
 - Strategy 17-5: The state should improve its capacity to maintain, report, and actively use comprehensive data on Informal FINS populations, system practices, and outcomes; and should establish timeliness and quality outcome thresholds for all FINS services.
 - Strategy 17-6: The Louisiana Juvenile Detention Association (LJDA) should receive appropriate and continued technical assistance through the proposed Louisiana Juvenile Justice Data Repository and Analysis Center (see Recommendation 18).
 - Strategy 17-7: The Louisiana Supreme Court’s Judicial Administration Office (LAJAO) should receive appropriate technical support to help it implement initial quality assurance steps for the court filing data it receives on an annual basis.
 - Strategy 17-8: OJJ and local probation departments should come to an agreement on a common (and achievable) definition and measurement of recidivism, and ensure that consistent information about youth re-offending or deeper re-involvement in the juvenile justice system is shared across parishes and between parishes and the state.
 - Strategy 17-9: Local and state juvenile justice agencies should more regularly and consistently define and monitor additional youth outcomes (not limited to recidivism).
18. Louisiana should strongly consider developing a statewide “Juvenile Justice Data Repository and Analysis Center” based on best practice national models.

A Retrospective Look at Act 1225

19. The JJIC should monitor the effective implementation of any remaining provisions in Act 1225, particularly those related to detention, education, and data-sharing, to promote ongoing reform.