

The Comeback and Coming-from- Behind States:

*An Update on Youth Incarceration
in the United States*

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INTRODUCTION

In June of this year, our two organizations released *The Comeback States: Reducing Youth Incarceration in the United States*. That report charted the substantial decline in the confinement of youth who have committed offenses since its peak at the turn of the new century; chronicled many of the causes of the surge in confinement between the mid-1980s and the mid-to-late-1990s and the subsequent reversal since the year 2000; documented the reasons why youth should not be treated the same as adults; and described cost-saving, effective alternatives to youth incarceration.

Nine states from a diversity of regions were highlighted in the *Comeback States* report for their leadership in the adoption of multiple statewide incarceration-reducing policies since the year 2000. Those policies included:

1. increased availability of alternatives to incarceration;
2. required intake procedures to reduce the use of secure detention;
3. closed or downsized secure facilities;
4. reduced reliance on law enforcement to address behavior issues in schools;
5. prevented incarceration for minor offenses; and
6. restructured finances and responsibilities among states and counties.

States that adopted four or more of those types of policies included, in alphabetical order: California, Connecticut, Illinois, Mississippi, New York, Ohio, Texas, Washington, and Wisconsin.

New Data Now Available

The *Comeback States* report charted the reduction of youth incarceration nationwide and in the nine states for the 2001-to-2010 period. Significantly, these states not only reduced youth incarceration over this time, but also achieved reductions in youth crime, as measured by substantial declines in youth arrests. For that report, data for the year 2010 on nationwide

and state confinement of youth were the latest data available. Since the time of the release of that report, 2011 data on youth confinement have become available from the U.S. Justice Department's (USDOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP). The new data enabled us to examine the extent to which the trend toward youth confinement reduction nationwide and in the nine comeback states continued beyond 2010.¹

In this update report, we also expanded the scope of the research to include a group of states that have not experienced sharp reductions in their reliance on youth incarceration, but have adopted significant incarceration-reducing policies in recent years. While states nationwide averaged an impressive 4.1% per year reduction in youth incarceration for the ten years between 2001 and 2011, not every state kept pace. Some of those states that lagged behind the nation in reducing youth incarceration, however, set the stage for future reductions by adopting a mix of incarceration-reducing policies. These "coming-from-behind" states highlighted in this update report include: Missouri, Nebraska, South Dakota, and Wyoming.

Landscape of this Report

This report focuses primarily on the data about youth confinement that were recently made available by OJJDP.² In our earlier *Comeback States* report, we identified the following likely causes of the declines: the fall in youth crime and arrests; a shift in the political climate for juvenile justice issues; the fiscal crises faced by state and county governments; statewide policy changes that reduced reliance on confinement; the research on adolescent brain development; and increased acceptance of treatment-based alternatives to youth incarceration.

- 1 Unless otherwise noted in the text, all data in this report on youth confinement covers youth confined only in juvenile residential facilities and excludes youth tried as adults and confined in adult facilities.
- 2 See: Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2013) "Easy Access to the Census of Juveniles in Residential Placement." <http://www.ojjdp.gov/ojstatbb/ezacjrp/>. All data in this update report are derived from this interactive website, unless otherwise noted.

We also identified numerous reasons why it is so important to continue to reduce reliance on youth incarceration, such as:

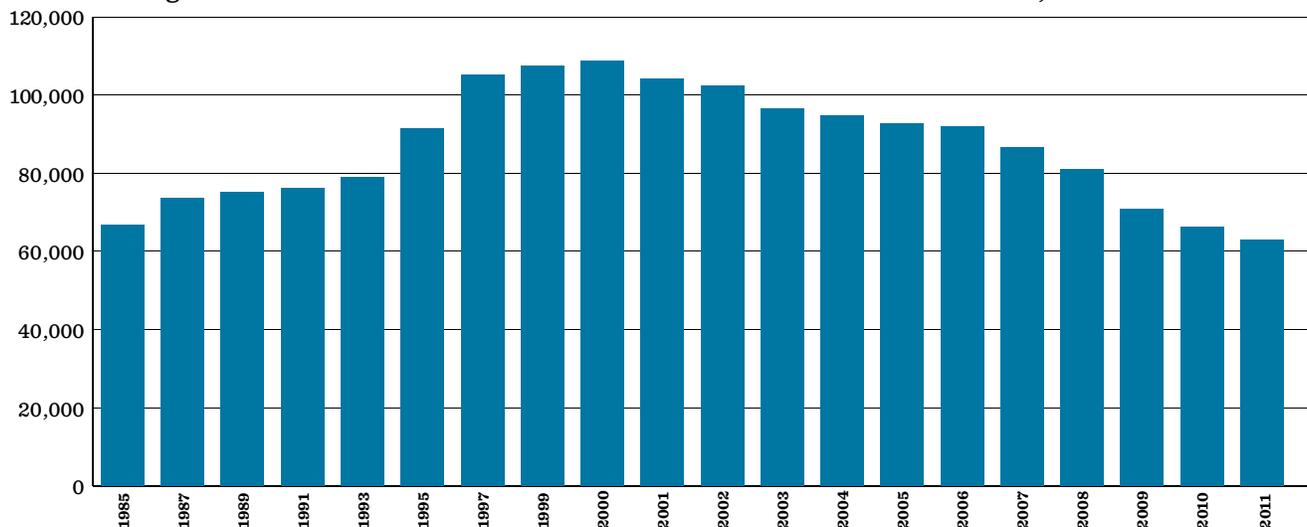
- the high costs to taxpayers of confining youth;
- disruption of the normal development patterns that would enable youth who commit offenses to grow out of delinquency and avoid high recidivism rates that result when alternative interventions are not used to hold youth accountable;
- the price paid by victims due to higher rates of future offending, as well as the lost lifetime earnings of confined youth and lost tax revenue resulting from their reduced incomes;
- the financial and emotional toll on the families of incarcerated youth; and
- sexual victimization and assaults on confined youth by their peers and facility staff.

The new analysis in this report begins with an update of nationwide trends in confinement for the 10-year period between 2001-to-2011. We analyze the trends in terms of reductions in the actual numbers of confined youth as well as reductions after adjusting for population growth. After examining the nationwide trends, we turn to the nine comeback states and examine trends in the reduction of the numbers of confined youth, before and after accounting for population changes. In addition, we list the types of incarceration-reducing statewide policies adopted by those states since the year 2001. Our analysis concludes with a brief examination of the youth confinement trends and incarceration-reducing policies for each of the four coming-from-behind states. The report's appendix provides the latest population-adjusted youth incarceration rates for the 50 states, in addition to the extent to which each of those states reduced youth confinement between 2001 and 2011.

UPDATE: NATIONWIDE TRENDS IN YOUTH CONFINEMENT

The *Comeback States* report found that, after a fifteen-year period of steady increases in youth incarceration, the 2001-to-2010 period reversed that reliance and brought youth confinement nationwide down to the 1985 level, as youth confinement decreased by 32% nationwide between 2001 and 2010. Those changes in reliance on incarceration are depicted in Figure 1.

Figure 1. Number of Youth in Juvenile Residential Placement Facilities, 1985-2011³



As Figure 1 also demonstrates, the nationwide confinement-reduction trend since the year 2000 continued strongly in 2011, when the number of youths confined in the U.S. declined from 70,793 to 61,423, according to the *Census of Juveniles in Residential Placement*.⁴ For the 2001-to-2011 ten-year period, the number of youth confined in the U.S. declined by 41%, or an annual average decline of 4.1%.⁵

The bulk of the decline between 2001 and 2011 occurred in the number of youth committed to confinement after conviction (i.e., after adjudication). The number of committed youth during that period decreased from 76,190 to 41,934, or a 45% reduction. Also during that period, the number of youth in detention facilities – most of whom were waiting to be brought before a judge – declined by 30.7% from 27,418 to 19,014.

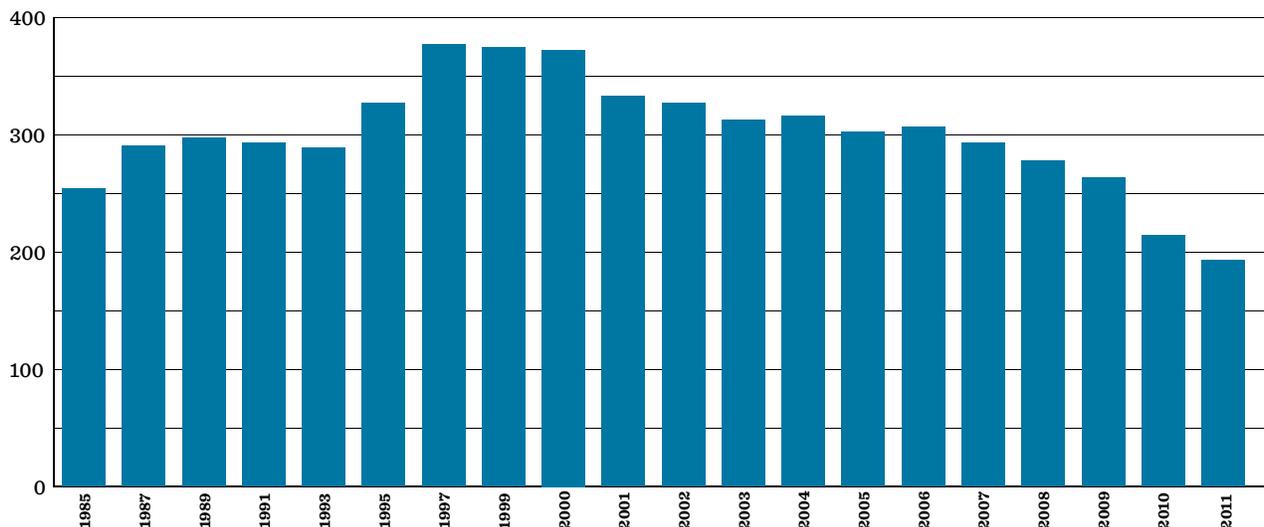
The annual decline between 2010 and 2011 (i.e., 13%) was roughly three times the average annual pace of reduction during the 2001-to-2010 period. Although a comprehensive analysis of the reasons for the sharp decline in youth confinement between 2010 and 2011 is beyond the scope of this report, a 12% decline in the number of youth under 18 arrested in 2011 was likely an important factor. Between 2001 and 2011, according to the FBI's *Uniform Crime Reports*, arrests of youth under the age of 18 declined by 28%, compared to a 41% decline in the number of confined youth.

3 For this study, as with the *Comeback States* report, youth in confinement or incarcerated youth refer to youth assigned by county or state courts to live under supervised conditions in a wide range of facilities that include, for example, prisons, detention centers, camps, training schools, and group homes.

4 The 2010 *Census of Juveniles in Residential Placement* (CJRP) report was issued in February of that year and found that 70,793 youth were confined in juvenile facilities at that time. A separate report, the *Juvenile Residential Facility Census*, discovered that the number of youth in juvenile residential facilities had declined to 66,322 in October 2010.

5 The data in Figure 1 and subsequent charts and tables in this report do not include youth who have been tried and convicted in (adult) criminal court and committed to adult facilities. According to the USDOJ's Bureau of Justice Statistics, in 2001, 3,129 youth 17 years of age or younger were confined in adult facilities. By 2011, that number had dropped to 1,790, a decline of 43%, or almost exactly the same reduction observed for juvenile facilities. <http://www.bjs.gov/index.cfm?ty=nps>

Figure 2. Youth in Juvenile Residential Placement per 100,000 Youth in U.S. Population, 1985- 2011



Population changes during the ten years of the 2001-to-2011 period have the potential to distort the perception of progress in reducing juvenile confinement. If, for example, the U.S. population increased by 15% during that period, even if the same number of youth were confined in both 2001 and 2011, progress would have been achieved since the *rate* at which youth were confined would have dropped. Figure 2 reports annual numbers of youth in confinement for every 100,000 youth in the general population.

As Figure 2 indicates, the trends in the *population-adjusted rates* of confinement are very similar to the trends in the numbers of youth in confinement. Between 2001 and 2011, the number of youth in confinement per 100,000 youths in the general U.S. population declined from 334 to 195 (i.e., 42%), or an average 4.2% decline per year, which is nearly identical to the percentage reductions illustrated in Figure 1. Between 2010 and 2011, the confinement rate dropped from 210 to 195, a decrease of 7.1%.

To summarize, the trend of solid reductions of the numbers of youth in confinement since the year 2001, even after adjusting for population growth, was extended between 2010 and 2011. While much of the latest decline can be attributed to a simultaneous drop in youth arrests, as the *Comeback States* report indicated, the groundwork for the trend was laid by other factors as well, including the recent adoption of incarceration-reducing state policies.⁶

6 In the *Comeback States* report, a regression analysis of annual data between 1985 and 2010 found that although the decline in arrests helped explain the decline in confinement, post-arrest decisions by law enforcement officials, which are often shaped by state juvenile justice policies, also had a potent impact.

UPDATE: INCARCERATION REDUCTION IN THE NINE COMEBACK STATES

In the *Comeback States* report, nine states were highlighted for their progress in reducing youth confinement. Those states were not necessarily the states that had the highest percentage reductions in youth confinement since the year 2000, or the lowest rates of confinement per 100,000 youth in the general population in 2010. Rather, they were selected using the following three primary criteria: 1) they adopted four of six incarceration-reducing statewide policies since the year 2001; 2) their percentage reductions in confinement for the 2001-to-2010 period exceeded the nationwide average; and 3) public safety was not sacrificed in the process, as indicated by declines in youth arrests. The six incarceration-reducing policies and their adoption by the nine comeback states are depicted in Figure 3.

Figure 3. Adoption of Incarceration-Reducing Policies by Comeback States, 2001-to-2012

State	Community Alternatives	Restrictions on Use of Detention	Facility Closings and Downsizing	Less Reliance on Law Enforcement for School Discipline	Not Confined for Minor Offenses	Realign, Reinvest Statewide
CA						
CT						
IL						
MS						
NY						
OH						
TX						
WA						
WI						

Source: National Juvenile Justice Network and Texas Public Policy Foundation (2013). *The Comeback States: Reducing Youth Incarceration in the United States*.

Table 1, below, reports reductions in confinement for each of the nine comeback states during the 2001-to-2011 period as well as for the year 2011 alone. The average reduction during the ten-year period for the nine comeback states was 47%, compared to a national average of 41% and an average of 37% for the 41, non-comeback states.

Table 1. Census Counts for Youth Confinement in Comeback States, 2001-2011

	Number of Confined Youths, 2011	Reduction in Number of Confined Youths, 2010-2011	Reduction in Number of Confined Youths, 2001-2011⁷
United States	61,423	13%	41%
California	9,810	15%	46%
Connecticut	252	20%	60%
Illinois	2,106	5%	41%
Mississippi	258	28%	63%
New York	2,139	19%	53%
Ohio	2,490	13%	45%
Texas	4,671	13%	45%
Washington	1,062	19%	48%
Wisconsin	915	18%	53%
All 9 States	23,703	14%	47%

When viewed through the lens of a population adjustment that allows comparison of confinement levels among the states, as we see in Table 2, eight of the nine comeback states exceeded the national average. Only one state, Illinois, dropped slightly below the national average.

As Table 2 also indicates, the combined average reduction during the 2001-to-2011 period for all nine states (49%) also exceeded the national average – this time by seven percentage points.⁸ In other words, after accounting for population growth in 2011, we conclude that the comeback states remain among the leaders as the nation continues to reduce reliance on youth incarceration.

⁷ Percentage reductions in youth confinement for the 2001-to-2011 period for all 50 states are reported in the appendix.

⁸ Table 2 also shows that there is significant variation in incarceration levels among the nine comeback states. In 2011, the number of youth in confinement per 100,000 youth in the general population varies from 74 and 76 in Connecticut and Mississippi respectively, to 230 for California, which is the only one of the nine states to significantly exceed the national average. For non-comeback states in the rest of the nation, rates vary between 58 in Vermont and 489 in South Dakota.

Table 2. Number of Youth Confined Per 100,000 in U.S. Population, Comeback States 2001-2011

	No. of Confined Youth per 100,000 Youth in the General Population, 2011	Reduction in No. of Confined Youth per 100,000 Youth in the General Population, 2001-2011
United States	195	42%
California	230	47%
Connecticut	74	65%
Illinois	169	39%
Mississippi	76	61%
New York	146	49%
Ohio	198	42%
Texas	177	52%
Washington	149	49%
Wisconsin	172	49%
All 9 States	155	49%

When the reductions in youth confinement are viewed in terms of the *Census* counts, as Table 3 indicates, between 2001 and 2010, the combined average reduction in the number of youth confined for the nine states was six percentage points higher than the nationwide average. After accounting for reductions in 2011, the combined nine-state average rose to 47%, which was also six percentage points above the national average.⁹

Table 3. Average Reductions in Youth Confinement, U.S. and Comeback States, 2001-2011

	2001-2010	2001-2011
United States	32%	41%
Comeback States	38%	47%

These findings indicate that, as a group, the comeback states largely solidified their position in 2011 among national leaders in the movement to reduce reliance on youth incarceration. Only one of the comeback states, Illinois, failed to exceed the nationwide average percentage reduction in youth confinement for 2011 and the 2001-to-2011 period, although it equaled it.

⁹ For reductions in youth confinement *Census* counts and rates for the 2001-to-2011 period and 2011 youth confinement rates for all 50 states, see the appendix.

THE COMING-FROM-BEHIND STATES

Introduction: Purpose and Selection Criteria

In the previous sections, we found that the trend in youth incarceration-reduction identified in the *Comeback States* report between 2001 and 2010 continued through 2011. Alongside the good news about the continued progress of the comeback states, however, is the reality that not all of the states in the country have kept pace with the nationwide trend to reduce youth incarceration. There is wide variation among states regarding the extent to which they reduced youth incarceration levels during the 2001-to-2011 period. (See Appendix.) Across the 50 states, the degree of reduction in *Census* counts varied by as much as 72 percentage points – from Mississippi’s 63% reduction to Arkansas’ 9% increase in youth incarceration levels during that time period.

In view of these large discrepancies, we believed it was important in this update to also take a look beyond the comeback states to other states that were not keeping up with the nationwide trend, but have nonetheless opened the door for future progress by adopting significant incarceration-reducing policies in recent years. To that end, we identified four states as “coming-from-behind” states. We applied three criteria to identify those states, including:

- adoption of at least three of the six incarceration-reducing types of policies identified in the *Comeback States* report since 2001;¹⁰
- an average annual percentage reduction in the rate of youth confinement per 100,000 youth in the general population between 2001 and 2011 that is less than half the U.S. average reduction of 42% per year (i.e., 21% reduction or less); and

- a rate of confinement per 100,000 youth in the general population that is above the national average in 2011 of 195.¹¹

As the criteria suggest, the selection of the coming-from-behind states is not simply a numbers game, in which the five or ten states with the lowest percentage incarceration reductions were singled out. Rather, the objective of this analysis is to identify the states that have recently adopted the policies that should enable them to improve their performances and reduce youth incarceration significantly in the years to come.

Four states, from three regions, met all three of the criteria. They include, in alphabetical order: Missouri, Nebraska, South Dakota, and Wyoming.

What the Incarceration Data Reveal

As the far right hand column of Table 4 and the table in the Appendix indicate, confinement rates for the four coming-from-behind states changed very little between 2001 and 2011. Table 4 shows that the rate of confinement per 100,000 youth in the general population for each of the four in 2011 exceeded the national average. As a group, the four states’ average rate of confinement in 2011 was 364 or 87% higher than the national average of 195.

Extent of Adoption of Incarceration-Reducing Statewide Policies

The adoption of statewide policies that reduce incarceration since 2001 by the coming-from-behind states is charted in Figure 4. Shaded cells represent incarceration-reducing adopted policies adopted by each state. As the chart indicates, each of the four states adopted at least three of the six types of policies during that time period. The average coming-from-behind state adopted 3.3 of the six types of policies, compared to the average comeback state, which adopted 4.3 of the six types of policies.

10 Comeback states, in contrast, had to have adopted at least four of the six policies during the 2001-to-2010 period.

11 This criterion does not match any in the *Comeback States* report. It was included to ensure that states that started with very low rates of confinement per 100,000 youth in the general population in 2001 were not unnecessarily characterized as lagging behind, even though they did not substantially reduce youth incarceration after 2001.

Table 4. Youth Confinement in Coming-from-Behind States, 2001-2011

	No. of Confined Youth, Census Count in 2011	No. of Confined Youth per 100,000 Youth in General Population, 2011	Change in No. of Confined Youth per 100,000 Youth in General Population, 2001-2011
United States	61,423	195	42% decrease
Missouri	1,122	200	16% decrease
Nebraska	669	337	1% decrease
South Dakota	429	489	5% decrease
Wyoming	249	430	18% decrease
All 4 States	2,469	364	10% decrease

Figure 4. Adoption of Incarceration-Reducing Policies Since 2001:
Coming-from-Behind and Comeback States Compared

State	Community Alternatives	Restrictions on Use of Detention	Facility Closings and Downsizing	Less Reliance on Law Enforcement for School Discipline	Not Confined for Minor Offenses	Realign, Reinvest Statewide
Nine Comeback States						
CA						
CT						
IL						
MS						
NY						
OH						
TX						
WA						
WI						
Four Coming-from-Behind States						
MO						
NE						
SD						
WY						

STATE HIGHLIGHTS AND OVERVIEWS OF POLICY CHANGES

Missouri

Highlights at a Glance:

- *Confinement rate in 2011*

Missouri confined 200 youth for every 100,000 youth in the state's general population, or 2.6% higher than the U.S. average rate of confinement (195).

- *The 2001-to-2011 Census data*

The number of youth in confinement in juvenile facilities decreased from 1,392 in 2001 to 1,122 in 2011, a 19% decline, compared to the U.S. average decline of 41%.

- *Change in Population-Adjusted Confinement Rate*

The state's population-adjusted confinement rate decreased by 16% between 2001 and 2011. In other words, the state fell behind the national average reduction of 42% by 26 percentage points.

Incarceration-Reducing Policies, 2001-2013:

Between 2001 and 2013, Missouri adopted reforms that supplemented its prior abandonment of large secure juvenile lockups for holding youth committed to state custody in favor of smaller, therapeutic facilities.

These include:

Increased Availability of Community-Based Alternatives to Incarceration

- After six secure detention facilities were closed in 2011, the Missouri Circuit Court Budget Committee rededicated \$300,000 annually from the savings from the closures to support community-based alternatives to detention; judicial circuits are eligible to apply for the funds.¹²

Restrictions on the Use of Secure Detention

- In 2005, four sites in Missouri became Juvenile Detention Alternatives Initiative (JDAI) sites. A state replication work group was established in 2011 to spread JDAI strategies statewide; there are currently 16 JDAI sites in the state. One of the key goals of the JDAI is to "eliminate the inappropriate or unnecessary use of secure detention." In their pursuit of that goal, JDAI sites share a commitment to: collaborate between the major juvenile justice agencies, other governmental entities, and community organizations to eliminate the inappropriate or unnecessary use of secure detention; minimize re-arrest and failure-to-appear rates pending adjudication; ensure appropriate conditions of confinement in secure facilities; redirect public finances to sustain successful reforms; and reduce racial and ethnic disparities.¹³ Reducing detention in these ways actually increases public safety

- In 2011, the Missouri Supreme Court mandated the use of a juvenile detention assessment instrument, to provide objective scores that would govern whether youth should be placed in a secure detention facility, placed in an alternative to detention, or released.¹⁴

Close or Downsize Youth Confinement Facilities

- In 2011, Missouri closed six of its 24 juvenile detention centers after extensive review by a subgroup of the Missouri Circuit Court Budget Committee.¹⁵

12 National Juvenile Justice Network. (2012) "Advances in Juvenile Justice Reform: 2009-2011," at <http://bit.ly/IT2Wuo>, and Marcia Hazelhorst, Executive Director, Missouri Juvenile Justice Association, telephone communication, December 2, 2013.

13 "Juvenile Detention Alternatives Initiative," The Annie E. Casey Foundation, accessed December 2, 2013, at <http://bit.ly/1asdxSL>.

14 National Juvenile Justice Network. (2012) "Advances in Juvenile Justice Reform: 2009-2011," at <http://bit.ly/IT2Wuo>.

15 Ibid.

Nebraska

Highlights at a Glance:

- *Confinement rate in 2011*

Nebraska confined 337 youth for every 100,000 youth in the state's general population—a rate 73% higher than the U.S. average rate of confinement (195).

- *The 2001-to-2011 Census data*

The number of youth in confinement in juvenile facilities decreased from 717 in 2001 to 669 in 2011, a 7% decline, compared to the U.S. average decline of 41%.

- *Change in Population-Adjusted Confinement Rate*

The state's population-adjusted confinement rate decreased by only 1% between 2001 and 2011. In other words, the state fell behind the national average reduction of 42% by 41 percentage points.

Incarceration-Reducing Policies, 2001-2013:

In recent years, Nebraska has taken several steps forward to reform its juvenile justice system, including the following changes that fit within the six types of incarceration-reducing policies highlighted in this report.¹⁶

Increased Availability of Community-Based Alternatives to Incarceration

LB 972—passed in 2012—restricted placement at state Youth Rehabilitation and Treatment Centers to youth who were 14 and up. This was followed in 2013 by LB 561, which invested \$5.5 million in ongoing aid for community-based, evidence-based juvenile justice services that reduce reliance on detention and incarceration.

Restrictions on the Use of Secure Detention

Nebraska became a Juvenile Detention Alternatives Initiative (JDAI) state site in 2012. (See the description of JDAI in the Missouri subsection of this report.) LB 800 required counties to prioritize state grant money for programs that are designed to reduce the number of youth placed in secure detention.

Avoiding Confinement for Minor Offenses

A 2010 law, LB 800, ordered a phase-out by January 1, 2013 of the detention of status offenders who violate a valid court order. As a result, youth who were originally arrested as a result of an offense that would not be a crime if committed by an adult could not be placed in secure detention if, for example, they failed to show up for a hearing.

¹⁶ National Juvenile Justice Network. (2012) "Advances in Juvenile Justice Reform: 2009-2011," at <http://bit.ly/1eM1y6P>; and Sarah Forrest, Policy Coordinator, Child Welfare and Juvenile Justice, Voices for Children in Nebraska, email communication, December 2, 2013.

South Dakota

Highlights at a Glance:

- *Confinement rate in 2011*

South Dakota confined 489 youth for every 100,000 youth in the state's general population. That rate is the highest in the nation and is 2.6 times the U.S. average rate of confinement (195).

- *The 2001-to-2011 Census data*

The number of youth in confinement in juvenile facilities decreased from 495 in 2001 to 429 in 2011, a 13% decline, compared to the U.S. average decline of 41%.

- *Change in Population-Adjusted Confinement Rate*

The state's population-adjusted confinement rate decreased by only 5% between 2001 and 2011. In other words, the state fell behind the national average reduction of 42% by 37 percentage points.

Incarceration-Reducing Policies, 2001-2013:

Despite having the highest rate of youth confinement in the nation, South Dakota has taken important steps to address the over-incarceration of youth in the state.

Increased Availability of Community-Based Alternatives to Incarceration

- Since 2010, \$326,328 formerly budgeted for detention beds in Pennington County has been reallocated to support and expand community-based alternatives to incarceration, including shelter beds to house youth who do not need to be detained as a public safety risk. Funded alternatives include increased and enhanced home detention, electronic monitoring, greater use of shelter care beds, the development of a reception center for youth who commit low-level offenses, and the development of an evening reporting center for youth who need an enhanced level of supervision short of shelter care or secure detention.¹⁷

¹⁷ Nancy Allard, South Dakota Unified Judicial System, email com-

Restrictions on the Use of Secure Detention

- In 2010, Sioux Falls and Rapid City implemented the Juvenile Detention Alternatives Initiative (JDAI), which led to significantly decreased detention and post-adjudication incarceration—a three-fourths reduction in Minnehaha County (Sioux Falls) and nearly a two-thirds reduction in Pennington County (Rapid City)—through policy, practice and program development.¹⁸ (See the description of JDAI in the Missouri subsection of this report.)
- The Governor, Chief Justice of the state's Unified Judicial System, and local leaders plan to take JDAI to scale in SD and hope for similar reductions across the state. The state's Unified Judicial System hired a coordinator whose main role is to work with circuits to expand JDAI. In addition, a state-level steering committee will be implementing and monitoring JDAI across the state and ultimately will work to align juvenile statutes with the philosophy, policies and practices of JDAI.¹⁹

Close or Downsize Youth Confinement Facilities

The Pennington County detention center has been downsized since 2010, when it was staffed for 72 youth; as of 2013, it is staffed for 41 youth. Twelve beds formerly used for secure detention have been repurposed as shelter beds.²⁰

Avoid Confinement for Minor Offenses

A new sanctions/response grid adopted by the two JDAI pilot sites limits the circumstances under which youth may be detained on probation violations for minor offenses such as failure to attend probation meetings, disruptive behaviors at home/school/community, petty theft, tampering w/ UA, disorderly conduct, failed UA, minor consumption, ingestion, truancy, driving without valid license, intimidating/threatening behaviors. Along with funding for community-based alternatives, the sanctions/response grid is expected to be part of the implementation of JDAI statewide.²¹

munication December 5, 2013.

¹⁸ Bob Mercer, "Expansion sought for South Dakota youth-detention alternatives program," American News, October 12, 2013, at <http://bit.ly/IBsfQs>.

¹⁹ Ibid.

²⁰ Nancy Allard, email communication, December 5, 2013.

²¹ Nancy Allard, email communication, December 6, 2013.

Wyoming

Highlights at a Glance:

- *Confinement rate in 2011*

Wyoming confined 430 youth for every 100,000 youth in the state's general population. That rate is the second-highest in the nation and is 2.2 times the U.S. average rate of confinement (195).

- *The 2001-to-2011 Census data*

The number of youth in confinement in juvenile facilities decreased from 327 in 2001 to 249 in 2011, a 24% decline, compared to the U.S. average decline of 41%.

- *Change in Population-Adjusted Confinement Rate*

The state's population-adjusted confinement rate decreased by 18% between 2001 and 2011. In other words, the state fell behind the national average reduction of 42% by 24 percentage points.

Incarceration-Reducing Policies, 2001-2013:

During this period, Wyoming made the following changes to statewide policies in the area of reducing reliance on secure detention.²²

Increased Availability of Community-Based Alternatives to Incarceration

- In 2008, the state legislature passed the "Community service juvenile board law" which allocated a couple of million dollars to community boards to increase community alternatives to detention. The law became effective in 2009.²³

22 Items in this section not otherwise credited are via Donna Sheen, Director, Wyoming Children's Law Center, Inc., email communications, November 2013.

23 State of Wyoming Departments of Family Services Wyoming Community Juvenile Services Boards. "Report to Joint Appropriations Interim Committee and Joint Judiciary Interim Committee." June 2009. http://www.wyjuvenilejustice.com/_pdfs/Department%20of%20Family%20Services%20Final%20CJSB%20Report.pdf

Restrictions on the Use of Secure Detention

Wyoming became a Juvenile Detention Alternatives Initiative (JDAI) state site in 2011.²⁴ (See the description of JDAI in the Missouri subsection of this report.)

- A 2010 Wyoming law requires law enforcement statewide to screen youth taken into custody with a uniform detention risk-assessment. A report submitted to the legislature in January 2012 acknowledged that a large portion of detained youth do not belong in a secure facility for reasons of public safety or flight risk. The report encourages communities to consider alternatives to detention.²⁵

Close or Downsize Youth Confinement Facilities

- In 2010, the state reduced the capacity of the Wyoming Girls' School from 100 beds to 60 beds. In 2010, at a point when the state had 484 residential treatment beds often used for youth with disorderly conduct complaints, the legislature set a two-year moratorium on the licensing by the Department of Family Services of any new residential treatment facility beds.²⁶
- In 2011, a 40-bed detention facility in Casper was closed and replaced it with a 28 bed facility.
- In 2012, the Fremont Juvenile Detention Facility, a 20 bed facility, was closed.

24 The Annie E. Casey Foundation, "JDAI News" (Spring 2012), 20, accessed December 10, 2013 at <http://bit.ly/1gn3Ihk>.

25 National Juvenile Justice Network. (2012) "Advances in Juvenile Justice Reform: 2009-2011, at <http://bit.ly/R1ZRnO>.

26 Written by Nichole Anderson, Chad Shaver, and Lindee Wiltjer, "Wyoming Department of Family Services Budget Footnote Study" (Wyoming Department of Family Services, July 1, 2011), 5, accessed December 10, 2013 at <http://bit.ly/1hLeq1l>.

CONCLUSION

The conclusion of the *Comeback States* report made a case that additional reductions in youth incarceration were needed beyond those achieved in the 2001-to-2010 period. Reasons given for the need for further reductions included: the high human and taxpayer costs of youth incarceration; the under-utilization of alternatives to incarceration; the continuing widespread incarceration of youth for non-serious offenses; and below-average adoption of incarceration-reducing policies by more than half of the 50 states.

The analysis of newly available data on youth confinement for 2011 found that significant additional reductions in youth confinement in fact occurred in 2011, both nationally and in the vast majority of states. As a result, the pace of reduction in the *Census* count of confined youth nationwide accelerated from a 32% reduction for the 2001-to-2010 period to a 41% reduction for the 2001-to-2011 period. The leading-edge trend in confinement reduction in the nine comeback states also continued through 2011.

Although a comprehensive analysis of the reasons for the unusually large 13% decline in youth confinement between 2010 and 2011 is beyond the scope of this report and not possible due to the lack of a key data point, a 12% decline in the number of youth under 18 arrested in 2011 was likely an important factor. (Between 2001 and 2010, as the *Comeback States* report indicated, both a decline in arrests and post-arrest decisions made within juvenile justice systems contributed heavily to the reversal of the 1980s and 1990s era of increasing reliance on youth incarceration.)

This report also found that although not all states have participated fully in the decade of progress made in youth incarceration reduction, some of them have begun laying the groundwork for future reductions. We identified four states as “coming-from-behind” with respect to three performance indicators: 1) reductions in youth confinement over time were less than half the nationwide average; 2) current population-adjusted rates of youth confinement were above the nationwide average; and 3) adoption of at least three incarceration-reducing statewide policies. Those four states have recently adopted policies that may enable them to improve their performance and achieve significant reductions in the years to come.

Appendix: Youth Confinement Levels and Reductions, 50 States, 2001-2011

	No. of Confined Youth, 2011 <i>Census</i>	Rate of Confined Youth per 100,000 Youth in General Population, 2001-2011	% Reduction in Census Counts, 2001-11	% Reduction in Rate of Confined Youth per 100,000 Youth in General Population, 2001-2011
United States	61,423	195	41	42
Alabama	1,026	198	37	37
Alaska	222	268	36	30
Arizona	936	130	50	58
Arkansas	711	224	-9	-8
California	9,810	230	46	47
Colorado	1,254	235	29	32
Connecticut	252	74	60	65
Delaware	180	193	41	43
Florida	3,744	203	45	48
Georgia	1,788	185	39	45
Hawaii	99	74	3	3
Idaho	399	214	25	30
Illinois	2,106	169	41	39
Indiana	1,878	258	42	43
Iowa	729	224	34	30
Kansas	813	255	27	25
Kentucky	747	163	25	26
Louisiana	957	222	61	56
Maine	165	127	28	17
Maryland	939	151	22	21
Massachusetts	543	94	59	57
Michigan	2,085	217	40	34
Minnesota	828	145	57	55
Mississippi	258	76	63	61
Missouri	1,122	200	19	16
Montana	168	168	37	29
Nebraska	669	337	7	1
Nevada	720	245	20	37
New Hampshire	90	75	56	51
New Jersey	1,005	105	52	52
New Mexico	522	227	38	36
New York	2,139	146	53	49

North Carolina	567	75	57	61
North Dakota	156	239	13	-2
Ohio	2,490	198	45	42
Oklahoma	576	142	34	33
Oregon	1,098	281	27	27
Pennsylvania	3,075	235	24	20
Rhode Island	186	176	40	35
South Carolina	726	174	48	49
South Dakota	429	489	13	5
Tennessee	783	116	53	55
Texas	4,671	177	45	52
Utah	732	204	28	36
Vermont	36	58	43	33
Virginia	1,686	203	40	42
Washington	1,062	149	48	49
West Virginia	489	276	-3	-9
Wisconsin	915	172	53	49
Wyoming	249	430	24	18

Note: Negative entries in cells in the two far-right-hand columns indicate increases in confinement counts and rates.

