



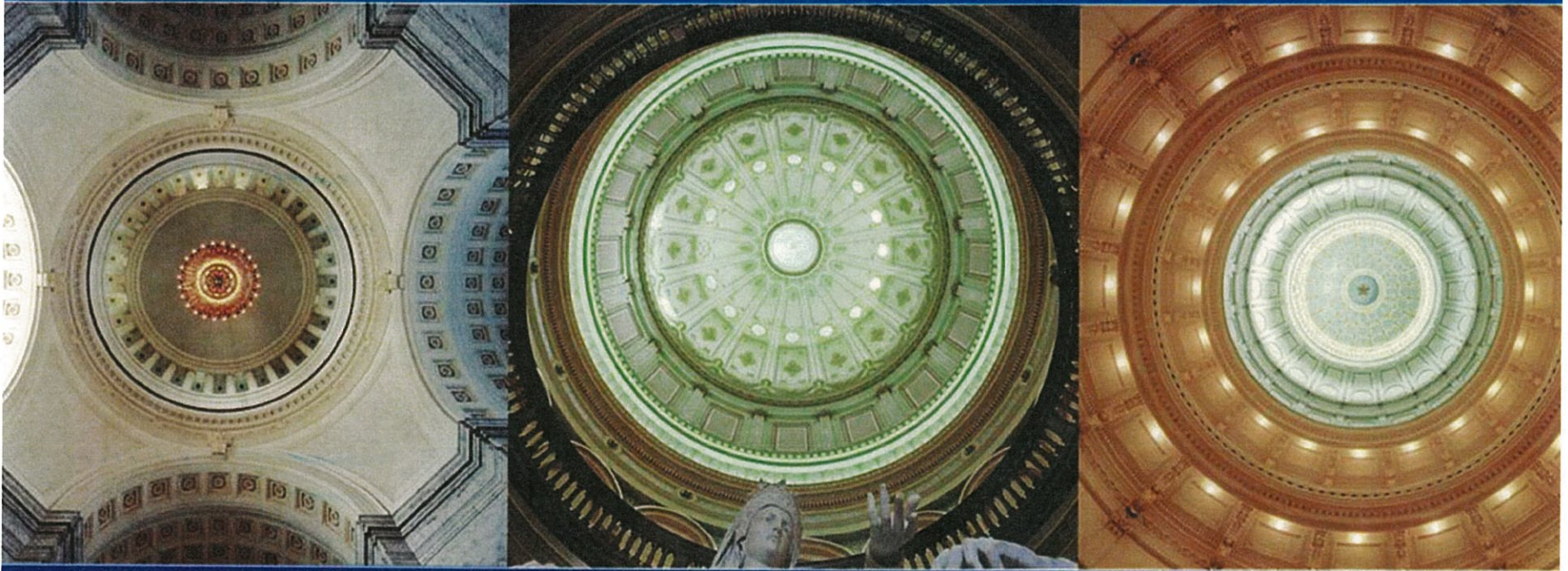
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# Legislative Trends and Promising Approaches in Juvenile Justice Reform

Legislative Committee on Child Welfare and Juvenile Justice , Las Vegas, NV  
January 30, 2014



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EXHIBIT F - CHILDWELFARE  
Document consists of 22 pages.  
Entire exhibit provided.  
Meeting Date: 01-30-14



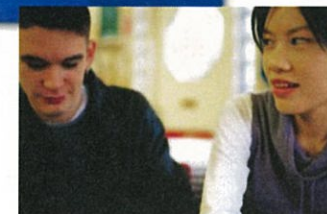


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## Juvenile Justice System



- Founded more than a century ago on the principle that children are fundamentally different from adults -- so a justice system should reflect these differences.
- Goals:
  - Public Safety
  - Cost Considerations
  - Reduce Recidivism
  - Rehabilitation
- JJ policies requires balancing the interests of rehabilitation, accountability and public safety, while also preserving the rights of youth.





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## Trends in the 1990s



- Rise in juvenile violence in mid- 1980s to mid-1990s across the country.
- National loss of faith in the rehabilitative model of the juvenile justice system because of belief it was too lenient.
- There was a shift away from juvenile justice policy toward "criminalization" of delinquency.
  - As a result, new policies emerged in **every state** to hold more young offenders accountable through adults sentencing options and reduced confidentiality protections.





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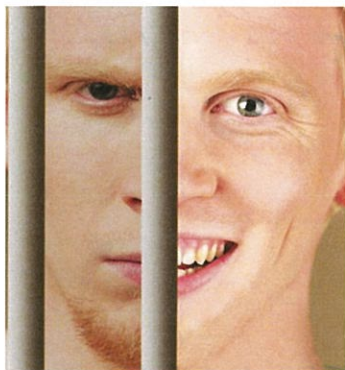
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## Latest Trends

- In 2014, juvenile justice policies have changed greatly since the 1990s.

- **Factors Contributing to New Trends:**



- Steady decline in juvenile crime rate beginning in 1994
- Current economic climate
- New and better research available
- U.S. Supreme Court Rulings





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## Federal Standards: U.S. Supreme Court Rulings

- Death Penalty for juveniles abolished (*Roper v. Simmons*, 2005)
- Juveniles and Life Without Parole (JLWOP) for *non-homicide* crimes abolished (*Graham v. Florida*, 2010)
- In 2012, the Court ruled that mandatory JLWOP sentences unconstitutional (*Miller v. Alabama*)







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## Juvenile Justice Policy Priorities Today

### Priorities

- **Promote Public Safety**
- **Produce Positive Outcomes for Kids**
  - Reduce juvenile delinquency that both holds juvenile accountable and promotes positive child and youth development.
- **Cost-Effective**
  - Change in philosophy to fund prevention programs to save money in the long run.





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## The 8 Major Legislative Trends of the Past Decade



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### **Trends in Juvenile Justice State Legislation 2001 – 2011**







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# #1 Trend: Distinguishing Juvenile From Adults

## ■ Adolescent Development Research:



- Laws Expanding Jurisdiction of Juvenile Court
  - Raise the age 2013: IL and MA

- Laws Reforming Transfer and Direct File Laws
  - Return discretion to juvenile court

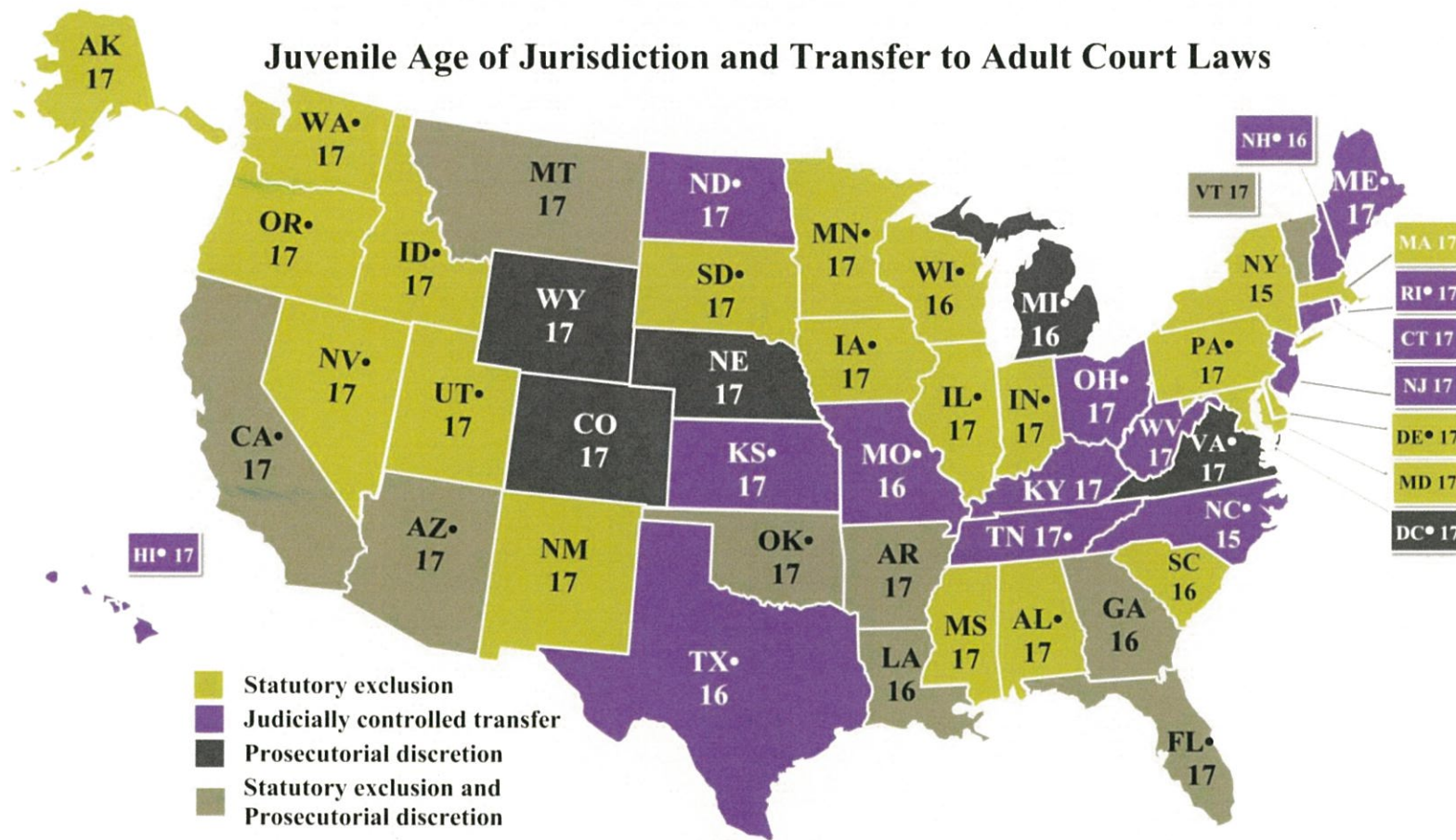


- Laws Addressing Juvenile Competency
  - Research shows juveniles are less likely to trust and communicate effectively with attorneys; and are less knowledgeable of the legal system.



## Transfer and Direct File laws

## Juvenile Age of Jurisdiction and Transfer to Adult Court Laws



- "Once an adult, always an adult" laws

\*Number indicates upper age of jurisdiction in each state



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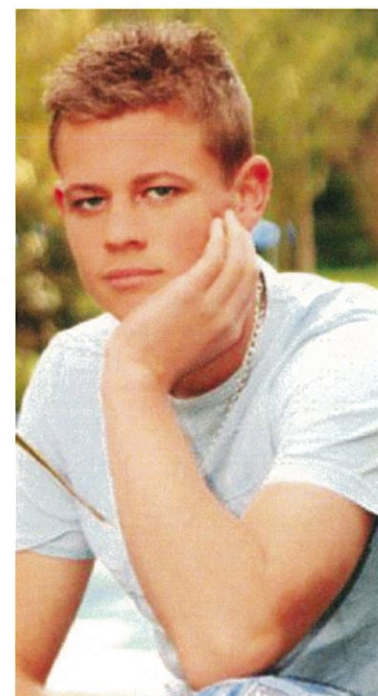
## #2: Due Process and Procedural Changes

- **Legal Counsel –**

- Laws requiring quality counsel
- Prohibiting waiving right counsel

- **Indigent Defense –**

- Increase juvenile defender resources
- Changing process for determining indigence







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## #3: Developing Community-Based Preventions and Interventions

- Evidence-Based Practices



- Diversion and Cost-Benefit Analysis



- Realignment strategies moving fiscal resources away from corrections and reinvested in community-based alternatives  
(CA, GA, IL, NE, NY, OH, TX, PA)



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## #3 Includes: Addressing School To Prison Pipeline



- Status Offenses (Truancy, running away, violating curfew)
- “Zero-tolerance” Policies
- Cost Benefit of Prevention
  - The lifetime societal cost for each high school dropout is approximately \$200,000.
  - Washington Legislatures uses cost-benefit analysis to evaluate delinquency prevention and truancy reduction programs.
  - Data collection on research and school drop out rates
  - Link: <http://www.vera.org/project/status-offense-reform-center>







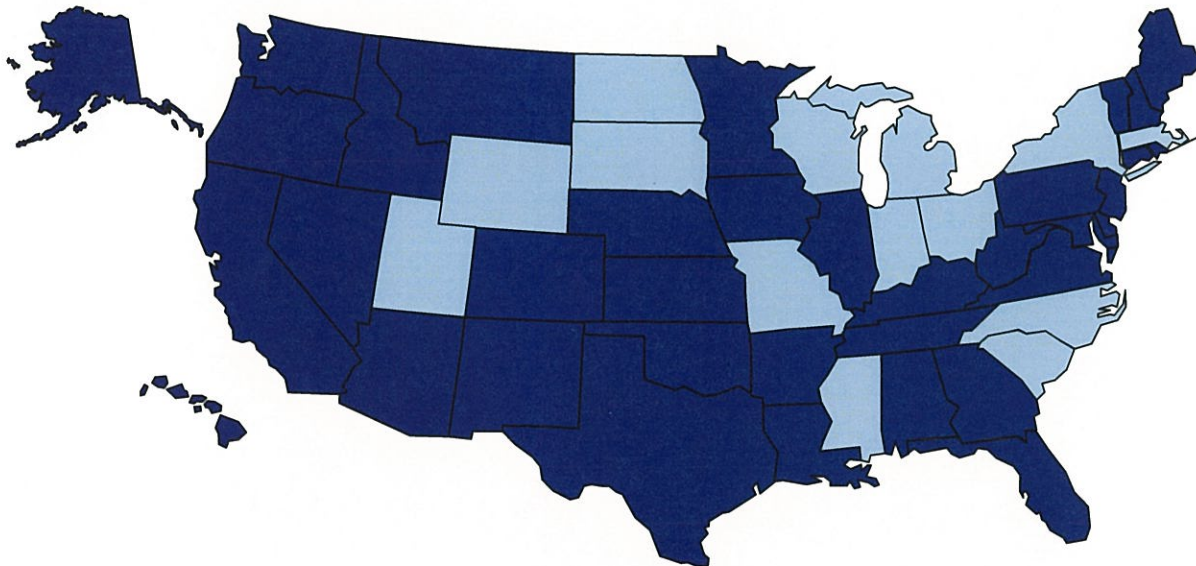
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## #4: Treating Mental Health Needs of Juvenile Offenders

- 65-70% of the 2 millions juveniles arrested each year have a mental health disorder
- Screening and assessment is vital to addressing needs



Enacted legislation related to juvenile mental health  
between 2001 and 2013-- **35 states**



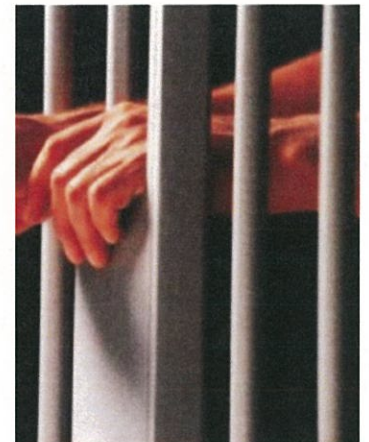
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## #5: Detention and Corrections Reform

- States laws exploring ways to reduce the unwarranted detention of certain juveniles, provide meaningful alternatives to detention and develop risk- assessment instruments.
- Detention Reform: Juvenile Detention Alternatives Initiative



<http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>

- Missouri Model:



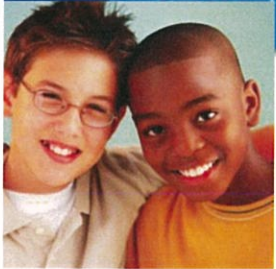




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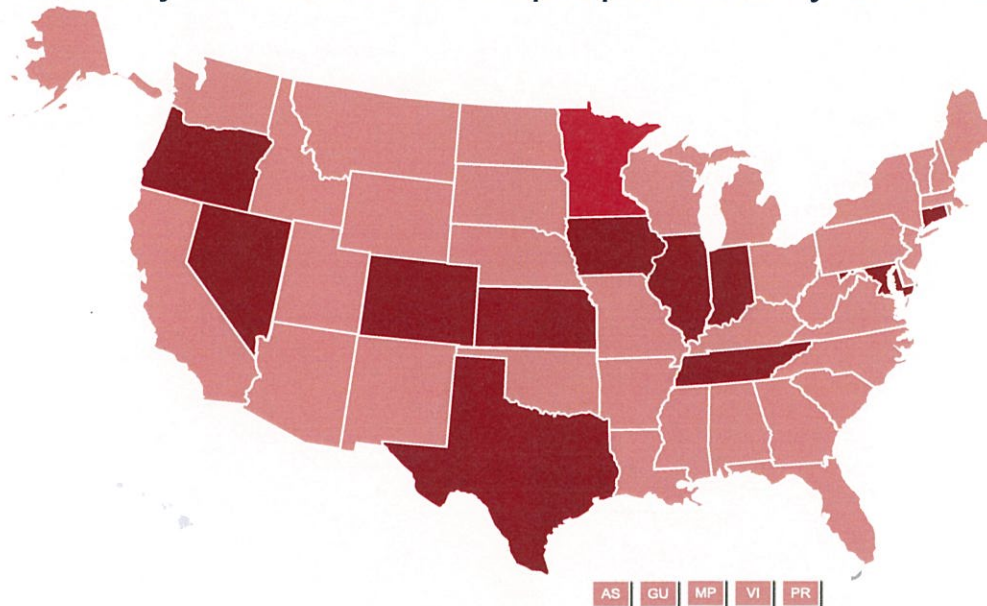
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## #6 Disproportionate Minority Contact (DMC)

- Minority youth come into contact with the juvenile justice system at a higher rate than their white counterparts. In response to the numbers, state legislatures have taken measures to study the cause of disproportionality and identify strategies to reduce it.



States that enacted DMC legislation between 2001-2013 (11 states)



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## #7: Improving Reentry/Aftercare



- Every year 100,000 juveniles are released from confinement; 2/3 of incarcerated youth were convicted for non-violent offenses
  - Laws have worked to improve post-release supervision, supports and help to juveniles for successful transitions home
    - Laws require job training and assessment
- Confidentiality of Juvenile Records and Expungement







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## #8: Girls in the Juvenile Justice System

- Safe Harbor Laws for Victims of Human Trafficking
  - Immunization from Prosecution
  - Vacating Prostitution Charges/Diversion
- Gender-Responsive Programming Statutes





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## John D. & Catherine T. MacArthur Foundation's *Models for Change* Initiative

- Foundation invested more than \$100 in 16-states to accelerate juvenile justice system reform toward a more effective, fair and developmentally sound system by creating successful and replicable models.

### Significant reforms

- Four Model States: Pennsylvania, Illinois, Louisiana, Washington
- 12 Action Networks: **Mental Health** - Connecticut, Colorado, Ohio, Texas; **Disproportionate Minority Contact** - Kansas, Maryland, North Carolina, Wisconsin; **Indigent Defense** - California, Massachusetts, New Jersey, Florida







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**Resource  
Center  
Partnership**

**ModelsforChange**

## **Models for Change Resource Center Partnership**

**Four Critical Areas for Continued Change**

**Mental  
Health**

**Legal  
Defense**

**Status  
Offenses**

**Systems  
Integration**



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## NCSL Resources and Upcoming Activities

- **Juvenile Justice Guide Book for Legislators:**
- **Spring 2014 Juvenile Justice Webinar**
- **Legislative Summit, Minneapolis, MN - August 19<sup>th</sup>-22<sup>nd</sup> , 2014**
- **Ongoing Technical Assistance**
- **Quarterly Newsletter:**



<http://www.ncsl.org/issues-research/justice/the-juvenile-justice-quarterly-newsletter.aspx>





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## Juvenile Justice Bill Tracking Database

- The database tracks all pending and enacted bills on pertinent youth issues and allows you to search by topic, state, key word or year.

[www.ncsl.org/?tabid=12686](http://www.ncsl.org/?tabid=12686)



<http://www.ncsl.org/research/civil-and-criminal-justice/ncsls-juvenile-justice-bill-tracking-database.aspx>





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