Over the past several years, state leaders across the country have enacted comprehensive changes to juvenile justice policy. These changes came in response to research showing that long out-of-home placements for youth can have negative outcomes for kids and communities, potentially increasing the likelihood that a youth will reoffend (Pew Charitable Trusts 2015). To support the implementation of these state-led improvement efforts, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded the Comprehensive Strategy for Juvenile Justice Systems Improvement Initiative (hereafter referred to as the Initiative) in 2014. The Initiative provided targeted training and technical assistance to states that had recently passed comprehensive systems improvement legislation with the support of The Pew Charitable Trusts (Pew) in partnership with the Crime and Justice Institute (CJI) at Community Resources for Justice. Phase I of the Initiative included working with Pew to pass comprehensive legislation to improve their juvenile justice systems using a bipartisan, interbranch, consensus-based approach. After each state's successfully passed comprehensive juvenile justice legislation, they then received implementation support in Phase II through targeted training and technical assistance from CJI, funded by OJJDP. Implementation assistance facilitates the translation of improvements made to state juvenile justice systems through legislation into action, strengthening and expanding alternatives to incarceration.

To date, Georgia, Kentucky, Hawaii, South Dakota, West Virginia, Kansas, and Utah have passed legislation and are now implementing systems improvements (figure 1 summarizes the efforts in each state). Across all participating states, these policy changes are projected to significantly reduce use of outdated confinement practices while ensuring public safety, and reinvesting cost savings into other programming including community-based options designed to improve outcomes for children, families, and communities.
FIGURE 1

State Profiles

Though each state engaged in the Initiative followed a similar process to develop and implement improvements in its juvenile justice system, resulting legislation and implementation plans varied. These state-led initiatives have been driven by state identified priorities and needs to realize maximum impact through legislation.

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>State</th>
<th>Legislation</th>
<th>Focus Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>MAY</td>
<td>Georgia</td>
<td>HB 242</td>
<td>Georgia’s legislation focused on reducing out-of-home placements for juveniles adjudicated of low-level offenses, investing in evidence-based community programming to reduce recidivism, and improving data collection around key outcome metrics. Through implementation support, Georgia has examined the integration of community-based interventions, expanded access to evidenced-based programs and developed a model fidelity process to ensure sustainable effective implementation moving forward.</td>
</tr>
<tr>
<td>2014</td>
<td>APRIL</td>
<td>Kentucky</td>
<td>SB 200</td>
<td>Kentucky’s legislation focused on: restricting how out-of-home placements are used and how long youth can be placed out of home for low-level offenses, strengthening community-based programs, and expanding and enhancing the state’s precourt diversion process. Implementation assistance has focused on the selection and implementation of a statewide risk and needs assessment tool, the development and implementation of a graduated response system, stakeholder collaboration, and data collection and reporting around key performance metrics.</td>
</tr>
<tr>
<td></td>
<td>JULY</td>
<td>Hawaii</td>
<td>HB 2490</td>
<td>Hawaii’s legislation sought to reduce the use of secure confinement, increase use of evidence-based community options, and strengthen probation supervision. Implementation assistance has focused on the selection and implementation of a statewide risk and needs assessment tool, the development and implementation of a graduated response system, stakeholder collaboration, and data collection and reporting around key performance metrics.</td>
</tr>
<tr>
<td>2015</td>
<td>MARCH</td>
<td>South Dakota</td>
<td>SB 73</td>
<td>South Dakota’s legislation focused on increasing use of diversion strategies, expanding access to evidence-based interventions, and reducing out-of-home placement for youth. The legislation also required examination of how to improve outcomes for Native American youth in the juvenile justice system. Implementation assistance has supported the Native American Focus Group, which was tasked with addressing this goal. Technical assistance has targeted improving data collection and reporting on outcome measures, building capacity around graduated responses and case management, strengthening use of risk and needs assessment tools, and engaging stakeholders to ensure sustainability of the Initiative.</td>
</tr>
<tr>
<td></td>
<td>APRIL</td>
<td>West Virginia</td>
<td>SB 393</td>
<td>West Virginia’s legislation aimed to reduce use of incarceration for low-level offenses, strengthen community services and supervision, and improve accountability and oversight in the state’s juvenile justice system. Through technical assistance, West Virginia is evaluating community-based programs and establishing a statewide framework for such programs to structure expansion, receiving support on the implementation of new policies around risk assessment and diversion.</td>
</tr>
<tr>
<td>2016</td>
<td>APRIL</td>
<td>Kansas</td>
<td>SB 367</td>
<td>Kansas’s legislation focused on: early intervention to prevent longer and deeper system involvement for youth with low-level offenses, strengthening of the continuum of care available through evidence-based programming, and continued oversight and reinvestment in these goals. Implementation assistance has supported the state’s focus on making its juvenile justice system more uniform by establishing a training protocol for court staff, implementing graduated responses, introducing immediate intervention and early discharge systems, and developing an interrater reliability process for its risk assessment tool.</td>
</tr>
<tr>
<td>2017</td>
<td>MARCH</td>
<td>Utah</td>
<td>HB 239</td>
<td>Utah’s legislation sought to expand precourt interventions, reduce out-of-home placement for low-level offenses, and implement performance-based contracting to improve system accountability and effectiveness in protecting public safety. Implementation support has focused on strengthening stakeholder collaboration and communication, expanding access to evidence-based programs implemented with fidelity, adopting a risk assessment tool to inform detention admissions, and enhancing disposition guidelines.</td>
</tr>
</tbody>
</table>
Documenting Implementation of the Initiative

Since 2010, the Urban Institute has served as the oversight, coordination, and outcome assessment partner for the Justice Reinvestment Initiative (JRI) funded by the Bureau of Justice Assistance within the US Department of Justice. JRI funds have supported training and technical assistance work done through the Initiative. Urban is documenting key areas of focus and implementation progress for the Initiative as part of its ongoing JRI assessment. Information for this report was collected primarily through document review supplemented by interviews with lead technical assistance providers.

In 2016, OJJDP expanded its work on the Initiative to include planning grants to support the Council of State Governments to provide technical assistance to states to develop juvenile justice systems improvement strategic plans. This brief focuses on the seven states engaged with the Initiative that have initiated implementation assistance work, all of which received strategic planning assistance from Pew.

State-Led Juvenile Justice Improvement in Action

With support from Pew, states have enacted juvenile justice legislation to improve outcomes for justice-involved youth. The most common areas of change were (1) preventing deeper juvenile justice system involvement, (2) reallocating funding and support currently used for out-of-home placements to more effectively protect public safety, and (3) expanding the availability and use of community-based interventions.

Preventing Deeper Involvement in the System

Research and stakeholder outreach conducted by working group members in six of the seven participating states indicated that one reason for the poor return on investment in juvenile justice systems was that many youth involved in the system had very limited delinquency histories and were charged with lower-level offenses. Research has shown that court intervention and deeper system involvement, particularly the use of out-of-home placement, can increase likelihood of reoffending for most youth (Pew Charitable Trusts 2015). Many states looked to improve and increase community-based options and use of diversion for these youth in an effort to improve outcomes for youth and communities. All six states included in their comprehensive legislation a requirement that diversion be offered to youth who were charged with certain offenses (usually status offenses or misdemeanors) and had limited histories of delinquent behavior.

Kentucky’s approach illustrates the innovative changes made by states. Kentucky’s SB 200 (2014) required that youth appearing on their first misdemeanor offense be offered precourt diversion. This means that after intake and before referral to court, these youth are offered an opportunity to have their cases handled outside the formal court process; if successful, diverted cases do not result in an adjudication of delinquency. Kentucky’s policy severely limits the practice of allowing prosecutors and judges to override these diversion decisions. For high-needs youth and those who do not initially
succeed in diversion, a Family Accountability, Intervention, and Response (FAIR) team is deployed to give youth and families additional resources and services. As stated above, research has shown that court interventions in the juvenile justice system can increase likelihood of criminal justice involvement in adulthood; the multidisciplinary FAIR team program seeks to minimize court contact to mitigate that risk. If youth are unsuccessful in their diversion plan, they can be referred to court. Since the implementation of SB 200, 90 percent of diversions have been successfully kept out of court, and more than 3,000 cases have been reviewed through the FAIR program.

Expanding the Availability and Use of Community-Based Interventions

Research shows that community-based and evidence-based interventions produce more positive youth and public safety outcomes as compared to incarceration (Fabelo et al. 2015; Ryon et al. 2013; National Resource Council 2013). Two key components of having accessible, high-quality, community-based options to improve youth behavior are expanding the services available through community-based providers and improving the interactions between youth and those supervising the youth on probation or parole. Evidence-based programs such as functional family therapy and multisystemic therapy have been shown to significantly reduce the likelihood of reoffending for many youth. And improved supervision by probation and parole officers, using approaches such as case planning and cognitive-based interventions provided by officers, have also been shown to improve outcomes (Lachman 2016; Lipsey et al. 2010).

All seven states have worked to strengthen and expand services offered through community-based providers. For example, Georgia has increased the number of evidence-based programs in its counties through an incentive grant program. In its first year of operation, the program provided $6 million to 49 counties, serving 1,666 youth through community-based resources, 63 percent of whom successfully completed programming. From FY 2014-2017, Georgia has invested $37 million in grant programs and served more than 7,200 youth.

Many states have worked to improve the quality of intervention by a probation or parole officer with the youth he or she supervises. In West Virginia, staff with the Department of Health and Human Resources and the Department of Juvenile Services supervise youth on probation or parole. Since the passage of SB 393, staff members have been trained to provide aggression replacement training, and now they can serve up to 240 youth annually.

Focusing Out-of-Home Resources to Better Protect Public Safety

All seven states have limited eligibility for out-of-home placement, either in nonsecure or secure facilities, to youth who pose a risk to public safety. Research shows that long out-of-home placements do not reduce recidivism in most cases and can even increase the likelihood of reoffending for some youth. Nonetheless, many states invest heavily in these out-of-home facilities. In 2013, Georgia spent nearly two-thirds of its $300 million juvenile justice budget on out-of-home placements for youth, despite poor return on investment. Well over half (65 percent) of youth released from those facilities in 2007 were reincarcerated within three years (Pew Charitable Trusts 2015). In Hawaii, the yearly cost of
holding a young person at the Hawaii Youth Correctional Facility was nearly $200,000, and 75 percent of youth released between 2005 and 2007 were readjudicated or convicted within three years (Pew Charitable Trusts 2015).

States have taken multiple approaches to prohibiting the use of out-of-home placement for youth adjudicated for different levels of offenses, including misdemeanors and status offenses. Georgia, Hawaii, and Utah have prohibited the use of secure placement for those who have committed certain misdemeanor or status offenses; Georgia then redirects resources to evidence-based community alternatives. Kansas and Kentucky have not only limited the use of placement for youth who have committed certain status or misdemeanor offenses but also prohibited the commitment of youth adjudicated for certain lower-level felony offenses and limited the length of stay for those who are committed. For example, Kansas prohibited commitment for some felony drug and property offenses and reduced the amount of time youth could be sent out of home for serious felony offenses. South Dakota has designated Department of Corrections commitment for youth who have been adjudicated for certain serious offenses or who pose a risk of physical harm to others. Legislation of this kind seeks to reduce use of incarceration for youth who can be better and more safely treated in the community.

Implementation Progress

OJJDP has provided implementation support, in the form of training and technical assistance (TTA) from CJI to maximize the impact and sustainability of their policy changes, to all states that passed comprehensive juvenile justice system improvement legislation with support from Pew. Assistance has differed across states, but each state receives customized training on state-determined priorities to address potential challenges and ensure legislation is carried out as intended. Common implementation priorities across the participating states include training and building capacity within juvenile justice agencies to better respond to youth needs, integrating risk and needs assessment, and ensuring sustainability of enacted changes. Across all six states that have substantively initiated implementation, these priorities have guided investments in training, education, and stakeholder engagement to effectively operationalize enacted changes.12

Training and Capacity-Building in the States

Training is important to ensure both the effective implementation of systems improvements and the sustainability of change, and agencies must build capacity for ongoing improvement. Training helps connect the concepts and direction from the legislative effort to practices and actions on the ground. It facilitates better understanding of the Initiative among system actors and can shift the culture of juvenile justice agencies. As of October 2017, CJI has conducted 81 training events and trained 1,670 staff members and 160 additional in-state trainers across six states. The five major categories of trainings (CJI 2017) are principles of effective intervention,13 graduated responses, effective case management,14 model fidelity, and risk assessment implementation fidelity.15 Beyond training staff to deliver state-specific information intended to ensure effective implementation, CJI has also invested in capacity building. CJI has provided train-the-trainer events in each state, securing champions on the
ground to ensure lasting change. In Kentucky, staff have been trained across all five training categories, and train-the-trainer sessions have been provided for three of the five. Training was offered to court staff who work with youth in diversion and to Department of Juvenile Justice staff who work with youth on probation or in state facilities. Given the unique nature of both roles, individualized curricula were developed for both groups, targeting the needs of each and maximizing the impact of the training.

**Implementation of Risk and Needs Assessments**

All seven states incorporated risk and needs assessments into their legislation, substantially affecting the way kids are diverted, processed, and released in their juvenile justice systems. Research shows that to achieve success with risk assessment tools, stakeholders must understand both the process through which they operate and the importance of fidelity to the model throughout implementation (Vincent, Guy, and Grisso 2012). Thus, CJI worked extensively with stakeholders on the ground in each state to develop or select the right tool to address state-specific needs, identify necessary steps to implementation, and fine-tune the tool to improve reliability and functionality in practice. Fidelity trainings were carried out with staff members, providing a detailed overview of the process from selection, use, and validation of the tool, linking the relevant aspects of the principles of effective intervention throughout. CJI has also tracked scoring consistency across system actors to confirm risk tools are being implemented and employed equitably within states, mitigating potential disparities across geographic regions or individual actors.

Hawaii faced the unique challenge of having its system stakeholders spread out across eight islands. The state also experienced changes in key leadership in the executive and legislative branches during implementation. For that reason, the implementation plan prioritized the training and education of probation officers, judges, line staff, and other system stakeholders, focusing on a fundamental shift in how justice system practitioners conceptualize their role with youth and their communities. Much of this training centered on the implementation of a statewide risk and needs assessment tool for all adjudicated youth. To facilitate implementation, CJI developed a guide on the purpose and use of a risk and needs assessment, established a review process for scoring, and used these tools to train probation officers and other stakeholders in the process. As of 2017, Hawaii has 85 percent scoring consistency in its assessment tool, indicating that implementation has helped Hawaii achieve consistency across its eight islands.

Interrater reliability, or the level of agreement in rating by users of the tool, and consistency in administration have been a common focus of risk and needs assessment implementation, and CJI has provided support establishing a consistent framework with which to assess fidelity in several states. Early results indicate that these efforts have been successful. In Kentucky, scoring consistency on the risk and needs assessment tool started at 50 percent. By 2017, consistency had reached 80 percent with help from targeted training and implementation support.
Operationalizing Changes to Ensure Sustainability

Recognizing the need to ensure lasting change beyond engagement with CJI, every state identified sustainability as a primary goal in implementation. Sustainable change starts with securing buy-in from stakeholders and providing effective training for all those responsible for carrying out systems improvements, but buy-in and training must continue well beyond the initial implementation phase. To accomplish this, CJI helped establish tailored sustainability mechanisms in each state to address state-specific needs, incorporating improved data collection and performance measurement along with an oversight council to improve accountability for implementation of the Initiative.21

Each state has an oversight council and/or a statewide implementation team that assists with and tracks progress in implementation of legislative changes. In South Dakota, CJI worked closely with the Juvenile Justice Oversight Council throughout implementation, continually presenting findings from its data collection to inform progress. One of the stated priorities for South Dakota was improving collection and reporting on performance measure outcomes. Working with representatives from the judicial and executive branches, CJI developed required performance measures for the Initiative in South Dakota and helped collect and record performance metrics, which were the basis of the first annual report on the Juvenile Justice Public Safety Improvement Act.22 The report was reviewed and approved by the council and was made available to the public in early 2017 (JJPSIAOC 2017).

Data collection efforts have also been important in ensuring accountability and sustainability across states. In states that had limited data collection capacity at the outset, this element of implementation was particularly critical. States that cannot track and report on outcomes of policy changes will find it difficult to demonstrate success and elicit continued support and investment in the changes taking place. Hawaii, for example, does not have an official reporting mechanism in place for juvenile justice, and the state has historically placed less focus on data tracking in its system. As part of its technical assistance, CJI helped establish a process through which Hawaii could collect and report on outcome measures across islands. This process has helped Hawaii track the success of its graduated response system, as well as the dramatic decline in its out-of-home population. According to state metrics, the secure facility population has dropped 62 percent since implementation of Act 201.23

Other states had more established data collection systems, but required improvements and more specific tools to track implementation of elements of policy changes. For instance, Kentucky’s task force found that recidivism data were not being recorded consistently across the state, so legislation mandated tracking of recidivism data across Kentucky. Through implementation, CJI helped Kentucky’s Administrative Office of the Courts develop a data dashboard for the tracking and evaluation of its precourt diversion program. The dashboard holds specific metrics related to the outcomes of diversion. Data from the dashboard show that diversions have increased significantly since 2013, and 90 percent of those diversions have been successful.24 These data have helped Kentucky garner support for the expansion of this program; FAIR teams are now available in every judicial district in the state.
Tracking Outcomes

Across states, savings associated with reduced youth incarceration have been directly reinvested in community-based alternatives to incarceration and other juvenile justice services. Though reinvestment differed across states, all six wrote reinvestment strategies into their legislation, securing increased funding as part of their larger policy change efforts.

Georgia accomplished this through its voluntary incentive grant program, which offers fiscal support to communities for development of evidence-based programming. Counties and localities submit proposals to the state for ways they can expand their capacity to meet demonstrated need on the ground through community-based solutions. Once selected, recipients are held accountable through performance metrics, including a pledge to reduce commitments to state facilities by 20 percent. To date, Georgia has invested $37 million in these grant programs across its counties.

Kansas employed the "lockbox" approach, which directs cost savings realized through policy changes into a juvenile justice improvement fund reserved for use in the juvenile justice system. SB 367 created the Kansas Juvenile Improvement Fund, which invests all actual or projected cost savings from reduced reliance on incarceration into development and implementation of evidence-based community programs for youth. In the first year, legislators made $2 million available for these purposes. In fiscal year 2017, the first full year of implementation, the department was allocated $12.3 million to invest into evidence-based programs for youth in the community. Kentucky’s legislation included extensive language about how reinvestment should be calculated and distributed (including into a fiscal incentive program). Since the passage of SB 200, the state has closed three facilities and launched an incentive fund to award up to $1 million to local community supervision programming.

The other states created oversight committees that received and reviewed regular reports on the juvenile justice population, cost savings, and youth outcomes. These reports provide a foundation for state stakeholders to advocate to governor’s offices and state legislators on the proposed budget and the need for these funds. Success has varied across the states; South Dakota has invested $9.3 million so far (JJPSIAOC 2017), and West Virginia reinvested $4.5 million in its first year of implementation (Pew Charitable Trusts 2016).

Research demonstrates that this kind of change requires years to reach fruition. Thus, these seven states are still several years from realizing the full impact of their systems improvements and subsequent reinvestment. But early outcomes both through reductions in the population of system-involved youth and increases in investments in community based programming show promising indications of success in accomplishing state goals of reduced youth incarceration and more efficient use of resources in juvenile justice systems. Figure 2 summarizes early population outcomes by state, according to most recent data Urban could identify as of October 2017.
FIGURE 2
Early Outcomes by State

<table>
<thead>
<tr>
<th>State</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Since FY 2014,&lt;br&gt;three facility closures: two detention centers, one youth development campus (269 beds total)&lt;br&gt;secure confinement down 36 percent&lt;br&gt;total commitments to the Department of Juvenile Justice down 46 percent&lt;br&gt;secure detention down 11 percent&lt;br&gt;more than 7,200 youth (98 percent of the youth population age 10–17 residing in participating counties) served through evidence-based grant programming</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Since 2013,&lt;br&gt;three facility closures: one detention center, one group home, one treatment center (82 beds total)&lt;br&gt;out-of-home population down 44 percent&lt;br&gt;referrals to court down 38 percent&lt;br&gt;diversion up 31 percent (to 51 percent in 2016), with a 90 percent success rate; more than 3,000 cases referred to FAIR diversion teams&lt;br&gt;Only one-quarter of youth held out of home committed for non-felony offenses, down from more than half&lt;br&gt;o misdemeanor commitments down 55 percent&lt;br&gt;o probation violation commitments down 63 percent</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Since 2013,&lt;br&gt;court referrals for new law violations down 28 percent&lt;br&gt;youth in Hawaii Youth Correctional Facility down 62 percent&lt;br&gt;youth on probation down 50 percent&lt;br&gt;court filings down 30 percent</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Since 2014,&lt;br&gt;closure of state-run secure facility&lt;br&gt;new youth commitments to DOC down 50 percent&lt;br&gt;recommitments down 62 percent; probation success rate 94 percent (up 9 percent)&lt;br&gt;youth under jurisdiction of DOC down 38 percent&lt;br&gt;1,000 successful diversions (69 percent success rate)</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Since 2014,&lt;br&gt;Division of Juvenile Services average daily population down 10 percent&lt;br&gt;length of stay in state custody down 11 percent&lt;br&gt;two new youth reporting centers opened, expanding capacity in community-based alternatives to 685 youth</td>
</tr>
<tr>
<td>Kansas</td>
<td>Since 2015,&lt;br&gt;closure of one of two juvenile corrections facilities&lt;br&gt;detention in department of corrections custody down 28 percent&lt;br&gt;detention at intake down 23 percent&lt;br&gt;youth in corrections facility down 23 percent&lt;br&gt;youth in group homes down 65 percent&lt;br&gt;youth on intensive supervision down 12 percent</td>
</tr>
</tbody>
</table>

Conclusion

To date, seven states have received TTA to implement comprehensive improvements to their juvenile justice systems through the Initiative, with the goal of reducing reliance on youth incarceration to improve outcomes for youth while ensuring public safety. Though states are still too early in the implementation process to demonstrate the full impact of recent systems improvement efforts, initial indicators suggest that states engaged in the Initiative are aligning practices with what works to improve outcomes for youth involved in the juvenile justice system and their communities. Each of the seven states profiled has implemented significant changes to juvenile justice system policy and practice and invested significantly in technical assistance to ensure system improvements are implemented with fidelity to realize their full potential impact. Consequently, all six states with measurable outcomes observed significant declines in out-of-home placement of youth. More than half the states have closed at least one facility, freeing up resources to invest in community alternatives, which research shows improve outcomes for youth and communities. In many states, this work is just getting started, and preliminary results suggest that states engaged in juvenile justice reinvestment are poised for continued success.

Notes

1. Community-based interventions are alternatives to incarceration that serve youth in their communities in the least restrictive environment possible.
2. The six states are Hawaii (HJJWG 2013), Kansas (KJJW 2015), Kentucky (KYTF 2013), South Dakota (SDJJRIWG 2014), Utah (UJJWG 2016), and West Virginia (WVITFJJ 2014).
3. For definitions of technical terms used throughout the brief such as diversion, status offense, and adjudication of delinquency, please refer to the OJJDP Model Programs Guide Glossary of Terms, https://www.ojjdp.gov/mpg/Resource/Glossary.
4. High-needs youth are those who have demonstrated the highest need for services such as mental health programming and substance abuse treatment.
7. In this context, “evidence-based” refers to programming that has been evaluated and demonstrated success.

12. Information drawn from unpublished report from CJI.

13. Principles of effective intervention are those that research shows are most important to designing and implementing interventions in the criminal justice field: risk, need, responsivity, and fidelity.

14. Effective case management is case planning designed to improve client outcomes and reduce recidivism.


28. Utah, which began implementation in 2017, is omitted from figure 2 because not enough time has elapsed to report on outcomes.

References


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