

Indiana Juvenile Justice Reform Task Force Proposed Policy Recommendations

The proposed recommendations are based on the input of, and directly shaped by, juvenile justice system stakeholders across Indiana. Since the Juvenile Justice Reform Task Force initially convened in September 2020, over 100 stakeholders have been engaged in one-on-one interviews and focus groups, and the Task Force has met 6 times since its initial inception. Additionally, three issue-specific working groups, consisting of Task Force members and other state and local stakeholders, formed in August 2021 and have met regularly since to dive deeper into assessment findings and identify solutions. A fourth working group focused on data collection formed in October 2021.

The recommendations are also grounded in what research and other state best practices have shown works to improve community safety and youth outcomes. If implemented with fidelity, the expectation is that these system improvements will result in reduced recidivism, improved equity, and the more efficient use of resources for youth statewide in contact with Indiana's juvenile justice system.

It is also the intention that:

- 1) The recommendations will have a *delayed effective date* to allow time for proper and thoughtful implementation; and
- 2) A statewide committee (existing or new) will provide *oversight and support* for implementation of the recommendations, including through the formation of smaller subcommittees focused on developing guidelines and procedures.

Diversions and Supervision Recommendations

Goal: Establish a more consistent research-based approach to juvenile diversion, dispositional decision-making, and supervision while also allowing for local flexibility and innovation.

- 1. Create a statewide definition of diversion that includes pre-court diversion and require that all counties use a validated risk screening tool *prior* to a diversion decision being made. Results from the screening tool shall be used to inform these diversion decisions. Counties will collect and annually report to the state electronic individual-level data on all youth diverted, including demographics such as race/ethnicity, risk screening information including use of overrides, offense, program participation, and outcome/completion data.**

- 2. Require the use of a validated risk screening tool *prior* to a decision being made to offer an informal adjustment, limit the time a youth can spend on an informal adjustment to no longer than 6 months, and eliminate fees for participation in an informal adjustment program.**

Key Policies and Parameters

- I. While counties would be required to use a validated *risk screening tool to inform diversion decisions and collect data on the results, counties would retain full discretion* to make whatever decisions that they believe are in the best interests of community safety and youth outcomes.
 - II. Legislation would not stipulate a particular diversion screening tool that a county must use, but part of the implementation planning process will include establishing criteria for ensuring the tools being used are validated and research based, including for youth of all races/ethnicities.
 - III. Planning time would be used to determine which state agency will collect and aggregate juvenile diversion data and to develop guidance around the data measures and collection process.
- 3. Require that a validated risk and needs assessment be conducted for all youth *prior* to disposition and that the results of the risk and needs assessment tool and associated supervision recommendation be shared with all attorneys on the case and the court through a written report. The results of the validated risk and needs assessment will be used by prosecutors, defense attorneys, the court, and other parties to the case to inform dispositional decisions and to determine the most appropriate decision commensurate with public safety, victim interests, rehabilitation, and improved outcomes for youth. The results must also be used to inform out-of-home placement decisions and the court shall provide reasons on the written record for any form of out-of-home placement that is recommended.**
 - 4. The Judicial Conference of Indiana, in collaboration with other stakeholders, shall develop and approve statewide juvenile probation standards that are aligned with research-based practices.**

Key Policies and Parameters

- I. While counties would be required to use a validated *risk and needs assessment tool to inform dispositional decisions including the use of out-of-home placement and collect data on the results, counties would retain full discretion* to make whatever decisions that they believe are in the best interests of community safety and youth outcomes.
- II. Juvenile probation standards can include, but are not inclusive of:

- a. Developing guidelines around setting probation conditions for informal adjustment as well as formal probation supervision, and tailoring conditions to youth's individualized risk and needs
- b. Establishing common elements for case planning that are informed by risk and needs assessment results, among other factors
- c. Engaging youth, families, and service providers in case planning/management processes and decisions
- d. Establishing common elements and processes for the use of out-of-home placements and the Department of Corrections
- e. Using graduated systems of responses and incentives to address violations and reward positive behavior

Out-of-Home Placement Recommendations

Goal: Establish a more research-based approach to the use of secure detention and out-of-home placement and create a continuum of options in the community that can serve as alternatives.

- 5. Require that a validated detention screening tool is used statewide *prior* to detention decisions being made to inform detention decisions. Establish statewide guidance for the use of overrides of these tools that minimize subjective decisions to hold a youth in detention, while allowing for local flexibility. Require that local courts develop policies around how the detention screening tool is used and provide training to intake staff/screeners on the use of the tool. Court records shall include data on youth detention screening scores and results, and data on the rationale for overrides. The state court will compile and report to the legislature annually on the results of the tools, including the use of overrides.**
- 6. Establish 12 as the presumptive lower age for the use of secure detention, so that detention cannot be used for any youth under the age of 12, unless the court provides findings on the written record that the youth pose a risk of harm to others and there is no alternative to reduce the risk of harm to others.**

Key Policies and Parameters

- I. While counties would be required to use a validated *detention screening tool to inform detention decisions and collect data on the results, counties would retain full discretion* to make whatever decisions that they believe are in the best interests of community safety and youth outcomes.
- II. Legislation would not stipulate a particular detention screening tool that a county must use, but part of the implementation planning process will include establishing criteria

for ensuring that tools being used are validated and research based, including for youth of all races/ethnicities.

- 7. Require that all youth committed to Department of Corrections custody receive county provided/contracted services to support their reentry back into the community and to reduce recidivism. Counties shall maintain at least monthly contact with youth, and their families, during their duration in placement, and collaborate with DOC in the development of a formal reentry plan.**

Key Policies and Parameters

- i. Counties would have the discretion whether to formally place youth back under county jurisdiction as well as whether to provide formal probation supervision or just more informal reentry services and supports.
- ii. To help assess the impact of these reentry improvements, the DOC will track recidivism beyond just reincarceration as feasible, and into the adult system. The DOC will provide an annual report to the legislature and other parties on recidivism.

- 8. Limit the use of Department of Corrections' facilities solely for the purpose of conducting a diagnostic assessment to only when the state agency, to be determined, attests that a youth is unable to obtain a community-based assessment or assessment in detention at least seven days within the statutory time required to complete a youth's disposition. A state agency, to be determined, shall be funded to contract with forensic evaluators to conduct behavioral health assessments as necessary for youth prior to disposition statewide, particularly in rural jurisdictions where such capacity does not currently exist.**

Key Policies and Parameters

- i. Planning time would be used to designate the state agency responsible and identify and contract with appropriate forensic evaluators who can conduct in-person or tele assessments statewide; establish the policies and procedures around their use; and develop protocols and educate local courts accordingly.
- ii. A juvenile justice behavioral health working group (part of the statewide planning group) will support the planning process.

Data Recommendations

Goal: Develop a plan to collect statewide juvenile justice data and use data to inform decision-making and drive improvement.

9. A subgroup of the statewide committee shall develop a plan to be submitted to the legislature by January 2023, to collect and report statewide juvenile justice data annually. The Commission on Improving the Status of Children in Indiana shall review this plan at least every 2 years. The plan shall include, but not inclusive to:
 - a. Goals for the collection of juvenile justice data
 - b. A minimum set of system performance, youth outcome, and equity measures that all counties shall collect and report
 - c. Shared data definitions for each element and outcome measure, including standardized parameters for how recidivism should be measured
 - d. Standard data procedures and quality assurance and data collection protocols, including a plan for data integration across systems
 - e. How data shall be reported and to whom
 - f. A research agenda to evaluate the effectiveness of interventions
 - g. Fiscal impact to collect and report these data

Funding and Services Recommendations

Goal: Use state funding to support statewide research-based programs, policies, and practices to reduce recidivism and improve youth outcomes.

10. Establish a formula-based block grant for all counties to be used for pre-court diversion for youth that have a low risk of reoffending.
11. Establish a formula-based block grant for all counties to be used for research-based, community-based programs and practices as cost-effective alternatives to detention and incarceration as well as to provide required reentry services for youth leaving a DOC placement.

Key Policies and Parameters

- I. The planning process would determine the *amount of money* dedicated to each grant, the *funding formula* accounting for the needs of both more rural and more populated communities, and the *state grantmaking/oversight agency*.
- II. The planning process would define the *parameters of what the funding could be used for*, with allowance for some proportion of the funding to be used for probation staffing, training, and administrative expenses (such as those associated with tele-services) to support the needs of rural communities with limited-service capacity.
- III. Counties would be required to establish a *local, multi-systems stakeholder group to oversee the block grants and engage in collaborative service planning*. The planning process would determine required membership, but it would be up to county discretion

whether to form a new or leverage an existing group such as local JRACs. Counties would also have the option to partner with other counties to develop a regional oversight group.

- IV. The statewide committee would establish a *required set of performance measures* that counties receiving the block grants must collect and report.
- V. Funding would also be included to strengthen the overseeing agency's *grant management capacity* to serve as an efficient pass through to counties, provide *quality assurance and technical assistance to counties*, and support and coordinate data collection. This state entity would be required to provide an *annual report to the legislature and other parties on these performance measures, including an analysis of these measures by race/ethnicity + gender and other demographic groups*.

12. Establish a pilot competitive grant program to support jurisdictions, particularly rural areas, to divert youth with behavioral health needs from formal court involvement and out-of-home placement into community and/or school-based mental health treatment. Grant recipients would be required to use a validated mental health screening tool, and a full mental health assessment tool, if warranted.

Key Policies and Parameters

- I. Grantees could use the funds to conduct the following activities (not inclusive):
 - a. Partner with law enforcement/schools to identify and divert youth/de-escalation/community responder programs.
 - b. Create crisis stabilization services and mobile crisis units and providing comprehensive case management for youth and families in crisis.
 - c. Identify and strengthen community-based treatment and management services.
 - d. Establish tele-service capacity and programs.
- II. A *behavioral health working group* (part of the statewide oversight body) would be responsible for determining the appropriate oversight agency for the grant (DMH, Court Services, DOC, DCS, etc.) and developing the parameters for the funding, with *support for rural communities as a required funding priority*.
- III. The *working group* would also have responsibility for developing a *statewide, cross systems plan to address the broader challenge of limited behavioral health service capacity* for youth at risk of justice system involvement, including how funding/programming across systems (DCS, DMHA, DOC, Youth Service Bureaus, etc.) could be used more effectively.