



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# INDIANA JUVENILE JUSTICE REFORM TASK FORCE

## POLICY RECOMMENDATIONS DECEMBER 14, 2021

# **Findings from Youth and Family Focus Groups**

# Youth and parents reported formal interventions are helpful when it addresses the presenting issue head on.

- Youth reported that they understand the need to be held accountable and want to address their problematic behavior.
- Youth feel supported and have positive experiences when juvenile justice professionals listen to them, are relatable, and problem solve solutions together.
- Youth felt that they had no say in what conditions were set, and that conditions and interventions that were not aligned with youth's goals, risks, or needs were reported as meaningless experiences and viewed as punishment. For example, community service involved tasks that were not related to their behavior or harm they caused.
- Extraneous conditions also make them feel like probation conditions are purposeless and probation officers are creating obstacles rather than facilitating their development, and this can also result in youth being violated unfairly.

# When youth are detained, even for one day, this event has a big impact on them and their families.

- Youth were held in detention due non-public safety concerns, including not performing community service.
- Youth reported detention has impacted their mental health, some youth identified causes such as missing their family, feeling disrespected by staff, not having access to nourishing food, appropriate clothing, or fresh air, and having conflicts with other youth due to the stressed environment.
- While in detention, parents reported they were not able to connect with their child or staff, resulting in parents being worried and unaware of what is going on with their child while they are in detention.

# Parents want to be included in the decisions made by juvenile justice professionals about their child, but certain policies hinder their ability to be engaged.

- Out of home placement is very disruptive to their family's overall functioning and connection to their child.
- Residential facilities are not in regular communication with parents or other systems, including not informing parents when their child runs away for days or coordinating schoolwork.
- Probation conditions set youth up to fail and the frequency of mandated programming does not leave appropriate time for parents to work on the issue at home – putting parents in a difficult situation by undermining parental authority.
- Some conditions impact them and the overall family, including curfew, and probation officers were unwilling to listen to parents concerns about the impacts of these conditions on their family.
- The system is difficult to navigate and participate in, often due to unclear court processes, confusing jargon, and a lack of stakeholders identifying their roles with them.

# Background for Recommendations

# The assessment of Indiana's juvenile justice system began in September 2020, under the leadership of Rep. McNamara, Sen. Crider, and the Children's Commission.

- Preliminary assessment conducted to first identify data challenges and priorities for system improvement:
  - Convened focus groups with stakeholders across the state
  - Held 3 task force meetings between September 2020 and April 2021
  - Resulted in summary memo of challenges and opportunities for improvement
- Deeper dive assessment to advance concrete policy/funding/practice changes launched in August 2021 with a new Task Force
- Task force has met 4 times, including today's meeting

**The assessment included case-level data analysis as well as focus groups with more than 150 stakeholders across the state.**

Public  
Defenders

Prosecutors

Probation  
Departments

Detention

DOC Facilities

Judges

Sheriffs and  
SROs

School  
Administrators

Legislators

State Agencies

Advocacy  
Organizations

Youth and  
Parents



# Working groups composed of task force members and other stakeholders identified recommendations for improvement.

- Four working groups were established, with two co-chairs and 12-15 members each, representing different constituencies and parts of the state.
  - Front-End
  - Out-of-Home Placements
  - Services
  - Data
- Working groups met multiple times over the course of a few months to review data and examine research and best practices from other states.
- CSGJC engaged individually with leadership of state agencies, officials and leaders from each branch of government, and task force members to get their feedback on the proposed recommendations.
- The working groups made the determination of what recommendations to support and bring to the task force for approval.

# Process for Today's Meeting

- Provide background on working groups' process and share context for the recommendations and how they address challenges facing Indiana's juvenile justice system
- Present proposed recommendations for discussion with **the goal being to hear vocal support of the policy changes by task force members, and to hear any concerns around the recommendation and/or parameters for implementation, and amend the language if needed**
- The Task Force will then vote on each individual recommendation at the end of each section

**If implemented with fidelity, the proposed recommendations will result in reduced recidivism, improved equity, and more efficient use of resources across the state.**

- To ensure that implementation of the recommendations allows for sufficient system capacity building, planning, and collaboration:
  - All legislative reforms that move forward will have a **delayed effective date of at least 12 months**; and
  - A **statewide oversight committee** (existing or new) will provide **oversight and support for planning and implementation** of the recommendations, including through the formation of smaller, issue specific subcommittees focused on developing guidelines and procedures.

# **Policy Options for Consideration**

## **Diversion and Supervision**

# Systems Assessment: Referrals and Diversion Key Takeaways

**1**

Status and misdemeanor cases, typically low risk, consistently account for nearly 80 percent of all cases referred to juvenile court.

**2**

The types of offenses referred to juvenile court vary significantly across counties in Indiana, with no clear pattern between rural/urban counties.

**3**

County diversion screening, supervision/service, and data collection policies and practices do not consistently reflect research-based approaches.

**4**

Most youth referred for low-level offenses never have a petition filed, let alone are adjudicated, raising the question of how beneficial and efficient it is to refer these youth to the juvenile justice system in the first place.

*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 .
- iii. Planning time would be used to develop guidance around the data measures and collection process.

**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. Juvenile probation standards can include, but are not limited to:
  - 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

# **Policy Options for Consideration Out-of-Home Placement**



# Systems Assessment: Out-of-Home Placement Key Takeaways

**1**

Youth are detained for non-public safety reasons, and counties range on their use of detention screening tools to make detention decisions as well as whether they use detention as a sanction and/or a disposition.

**2**

16 percent of youth are adjudicated to some form of out-of-home placement, largely comprised of low- and moderate-risk youth.

**3**

Youth with low-level offenses are still being placed in secure DOC facilities, and youth can be sent to DOC solely to receive a diagnostic assessment.

- 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.**

#### 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.

*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.**

#### 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.

- 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

- A. Counties would still retain full discretion to make whatever decisions that they believe are in the best interests of community safety and youth outcomes.*

- 7. Require that all youth committed to Department of Correction 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 Correction’s 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.

# **Policy Options for Consideration Data, Analysis, and Reporting**

# Systems Assessment: Data Key Takeaways

**1**

Indiana does not have statewide performance measures in place to assess how the juvenile justice system is faring, and as a result, little system performance or youth outcome data at the state level or often even at the local level.

**2**

Indiana is unable to track youth involved in the juvenile justice system from point of referral through reentry; therefore, the state cannot answer key questions about how youth flow through the system, demographics and trends in system involvement, and where disparities exist.

**3**

Most counties lack the necessary capacity and dedicated analytical staff to produce performance measure reports and analyze the limited outcome data that may exist.



*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 is not limited to the following:**
  - 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**
  - 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**

# **Policy Options for Consideration Services and Funding**

# Systems Assessment: Services Key Takeaways

**1**

Indiana spends nearly 80 percent of state-funded juvenile justice service dollars on residential services, and only 20 percent on community-based services.

**2**

More than 70 percent of youth adjudicated to residential placement (excluding Department of Corrections and detention) in Quest counties are youth assessed as low- and moderate-risk..

**3**

Procured services are more oriented for a child welfare population and less targeted toward addressing youth's criminogenic needs and can't be used for pre-court diversion.

**4**

There are no budget parameters for counties on the use of state dollars nor policy or practice requirements related to research or best practice.

**5**

There is a lack of formal quality assurance and data collection processes to determine whether the services youth receive, and resources invested, result in improved public safety and youth outcomes.

*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.
- 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.

- 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 all-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 (DMHA, Court Services, DOC, DCS, etc.) and developing the parameters for the funding, with support for rural communities as a required funding priority.

# Next Steps

# Next Steps

- Translate policy options into legislative language and establish a review process for stakeholders to provide feedback prior to bill introduction.
- Work with state and local leaders to introduce legislation, engage task force members, media, policymakers, and other stakeholders to garner additional support during the legislative process.
- This task force *may* reconvene after the legislative session to discuss next steps on implementation and to continue conversations around data collection improvement efforts.