



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

INDIANA JUVENILE JUSTICE REFORM TASK FORCE

FIRST PRESENTATION OF FINDINGS SEPTEMBER 15, 2021

About the Council of State Governments Justice Center



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.



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Data provided by 12 counties and the Indiana Courts inform the assessment results presented today.

1. Data analyzed:

- 12 counties using Quest system (Allen, Howard, Johnson, Lake, LaPorte, Madison, Marion, Monroe, Owen, Porter, St. Josephs, Tippecanoe)
 - 7 counties in northern Indiana, 3 counties in central Indiana, 2 counties in southern Indiana
 - 5 small, 2 medium, 5 large (CDC criteria)
 - Represents nearly half of youth ages 10-17, and nearly half of referrals that are reported to the Courts RED Application
 - Available information includes assessments, cases, demographic information, incidents, and requirements for youth referred for a delinquent or status offense
- RED data contains offense type and race and ethnicity for referrals statewide.

2. Timeframe:

- Findings from Quest data include information from 2015 to 2019.
- RED data analyzed comes from FY2019.

3. Not included in the presentation:

- Findings from 2020 were excluded from the presentation because of operational changes due to the COVID-19 pandemic.



We also engaged additional stakeholders beyond the preliminary assessment in focus groups and conversations over the last month.

Juvenile
Probation
Officers

Judges

Prosecutors

Sheriffs

Detention
Directors

School
Principals

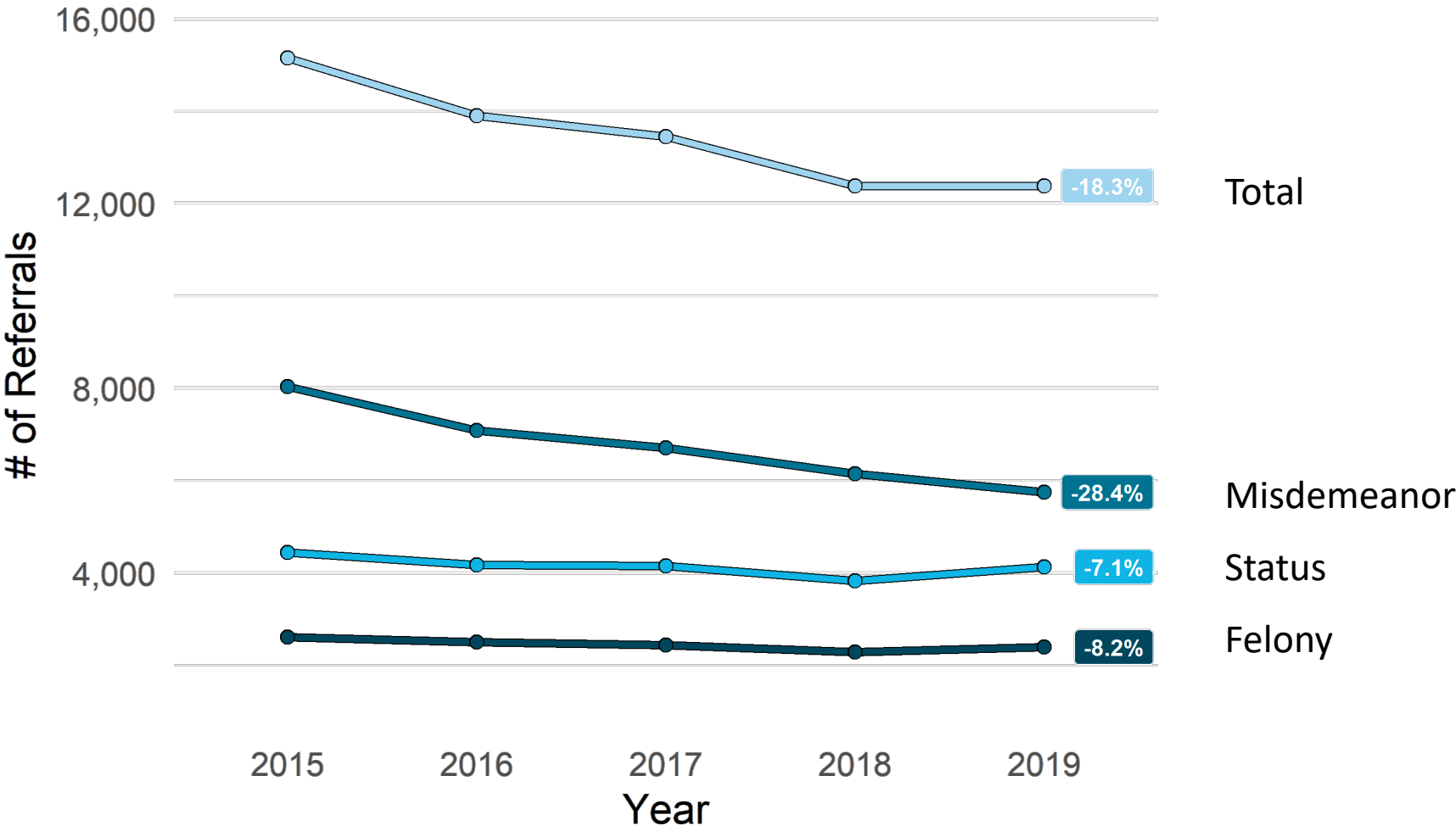
Youth

Key Finding #1:

Referrals to the juvenile justice system in Indiana are heavily composed of young people who commit status, first-time, and low-level offenses.

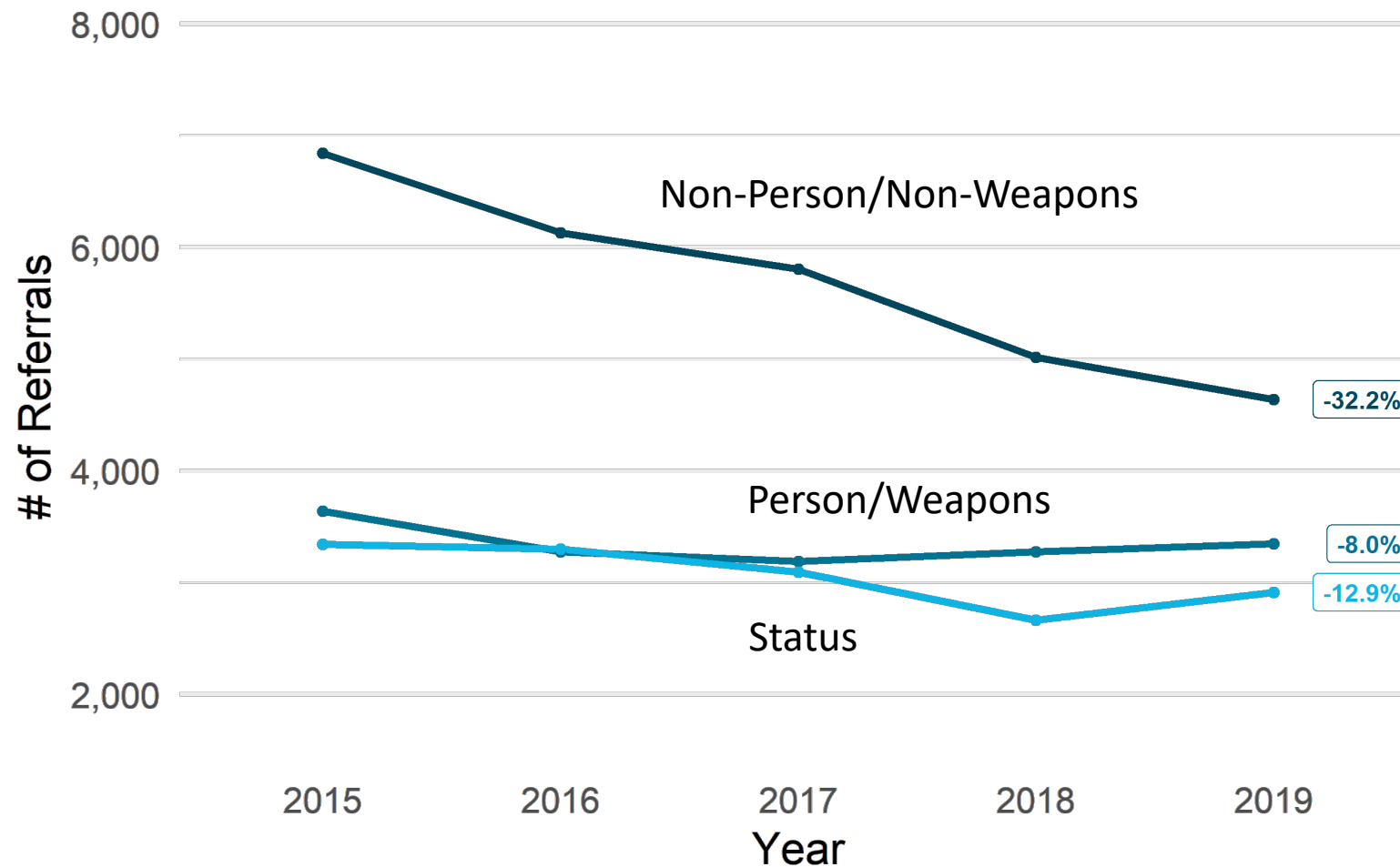
Referrals to the juvenile justice system have declined 18 percent since 2015, including declines in each offense category.

Juvenile Court Cases in Quest Counties by Statute Severity, 2015–2019



The number of weapons/persons cases declined between 2015-2017 and saw a small increase in 2018 and 2019.

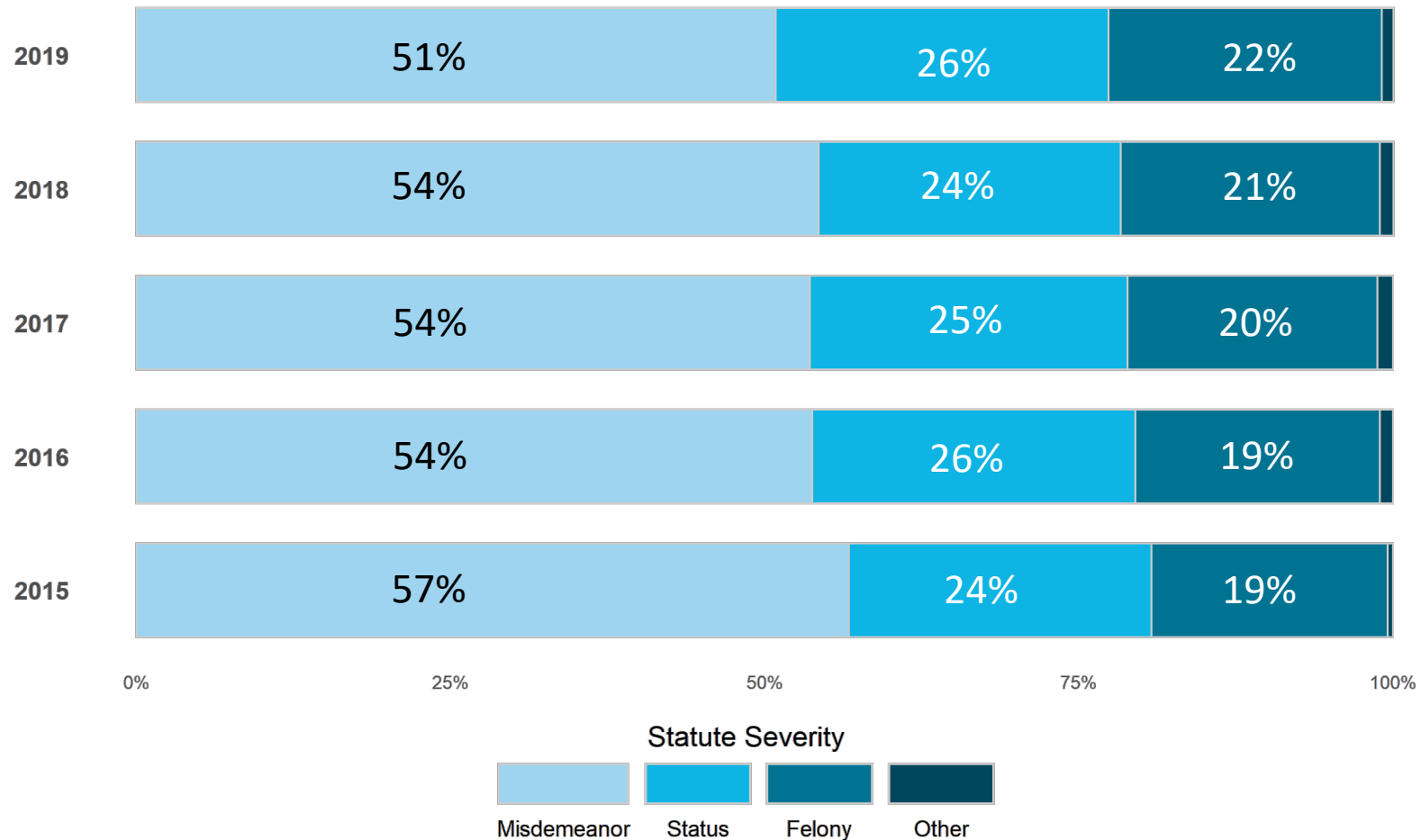
Juvenile Court Cases in Quest Counties by Offense Type, 2015–2019



Weapons/persons referrals declined substantially in 2020 as did every type of referral.

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

Juvenile Court Cases in Quest Counties by Statute Severity, 2015–2019



51% of all cases referred to juvenile court are first-time offenses.

* Does not include referrals to SOCAP program

Status offense cases are primarily driven by referrals for leaving home without permission and truancy.

Status Offense Cases in Juvenile Court in Quest Counties, 2019

| Status Offense | Number |
|---------------------------------|--------|
| Leaving Home without Permission | 1,334 |
| Truancy | 914 |
| Delinquency Alcohol Violation | 240 |
| Habitual Disobedience of Parent | 186 |
| Unknown Status Offense | 157 |
| Curfew Violation | 76 |
| Out-of-State Runaway | 9 |

More than half of all status offense cases are first-time referrals.

* Does not include referrals to SOCAP program

One-quarter of all cases referred to juvenile court are first-time misdemeanor offenses.

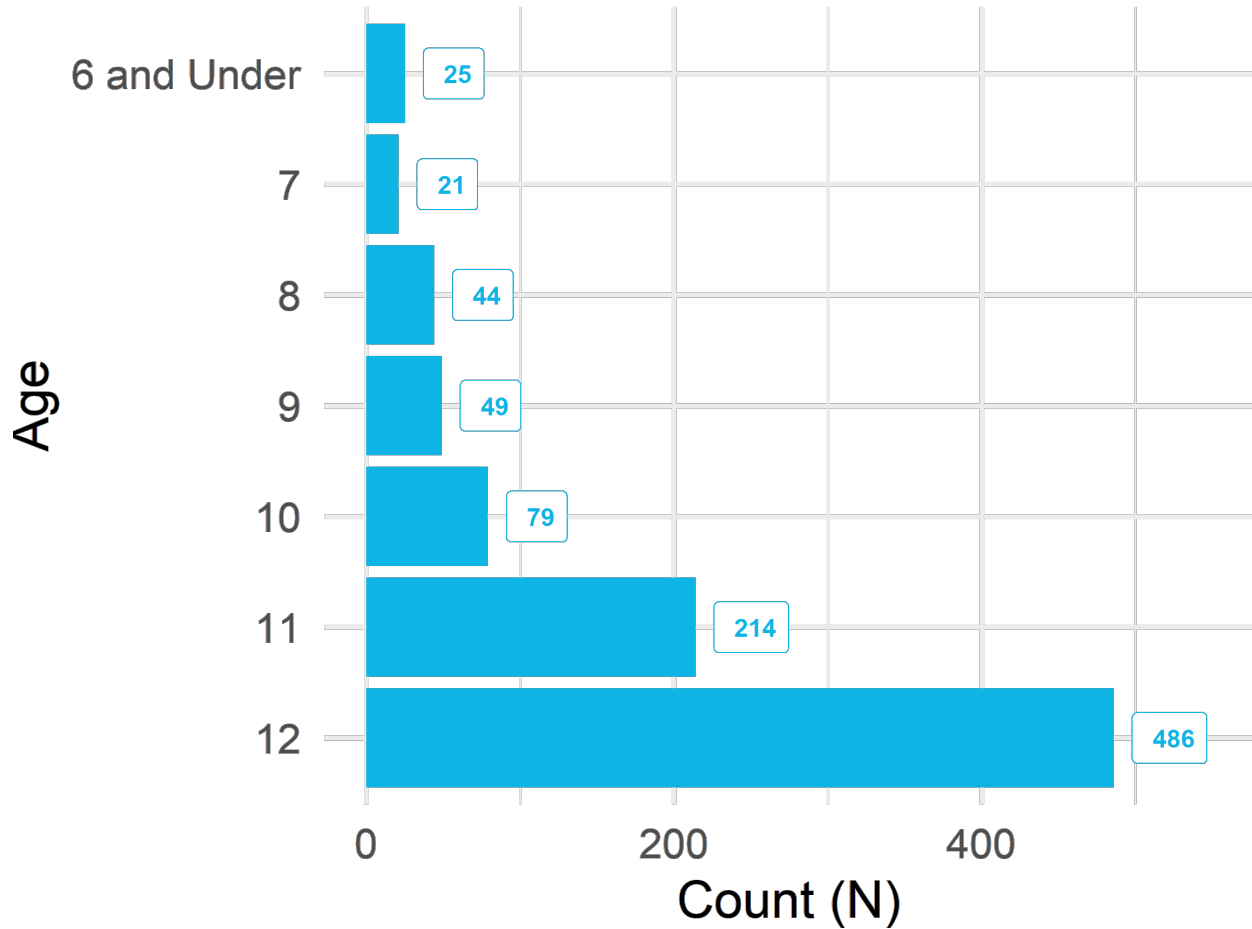
Most Frequent Offenses for First-Time Misdemeanor Cases in Juvenile Court in Quest Counties, 2019

| Misdemeanor | Number |
|-------------------------|--------|
| Theft | 432 |
| Possession of Marijuana | 322 |
| Disorderly Conduct | 204 |
| Criminal Mischief | 135 |
| Criminal Trespass | 63 |

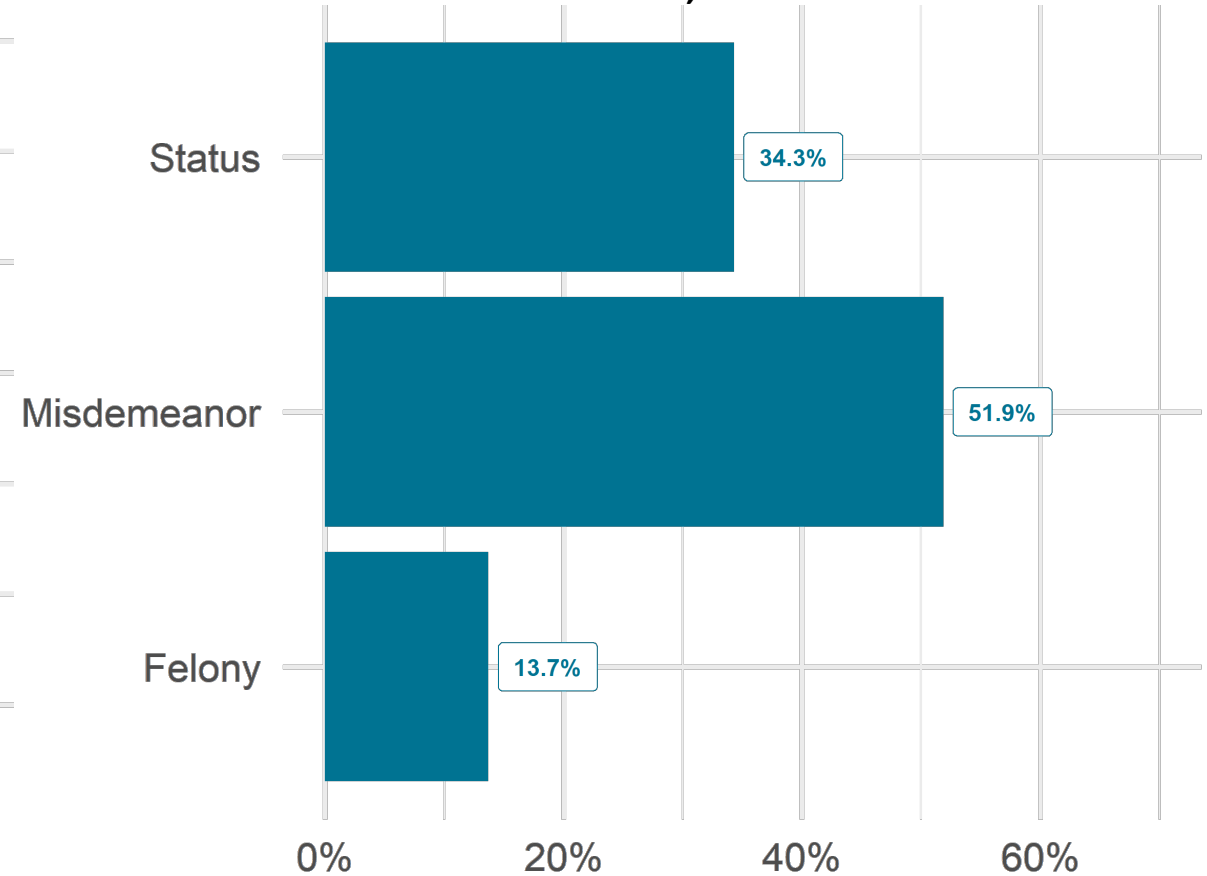
40% of all first-time misdemeanors

Nearly 1,000 referrals from 12 counties in 2019 were for youth ages 12 and under primarily for low-level offenses.

Juvenile Court Cases in Quest Counties by Age, 2019



Juvenile Court Cases in Quest Counties by Statute Severity, Under 12, 2019



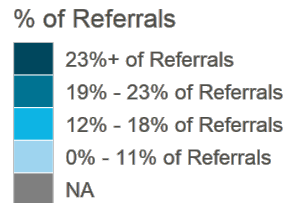
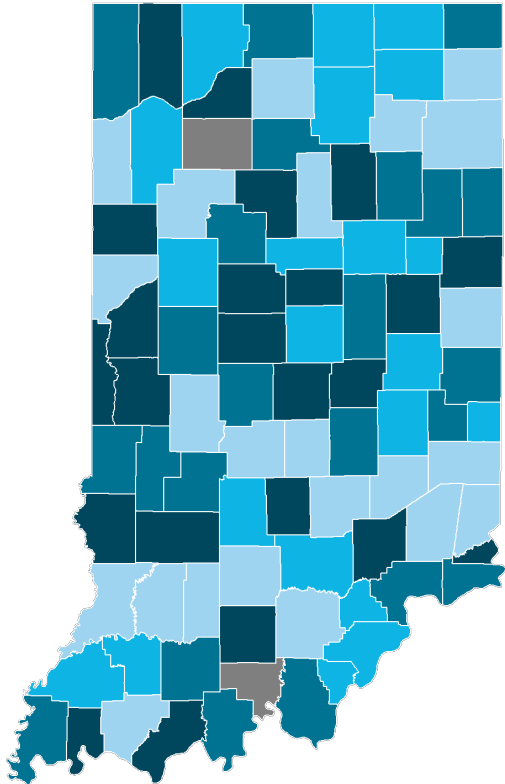
* Does not include referrals to SOCAP program

Key Finding #2:

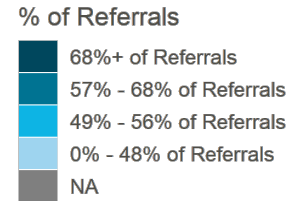
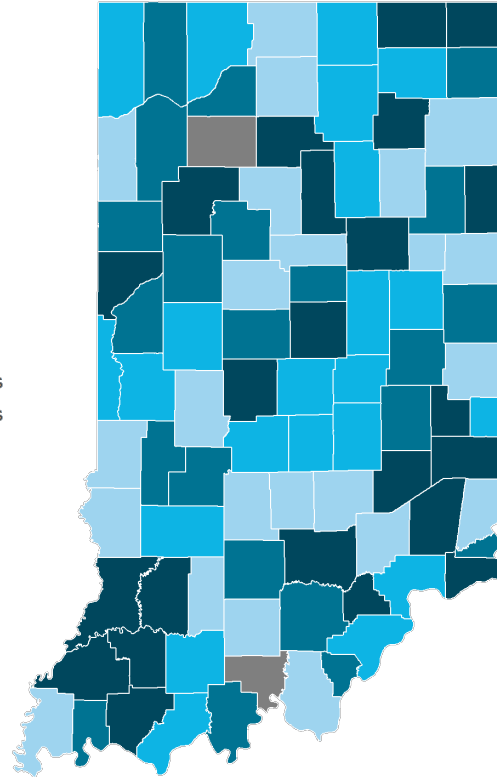
Counties vary significantly in the population of youth that are referred to the juvenile justice system and their diversion practices.

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

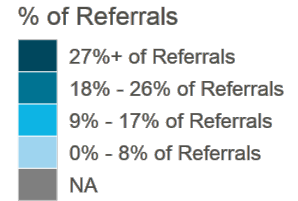
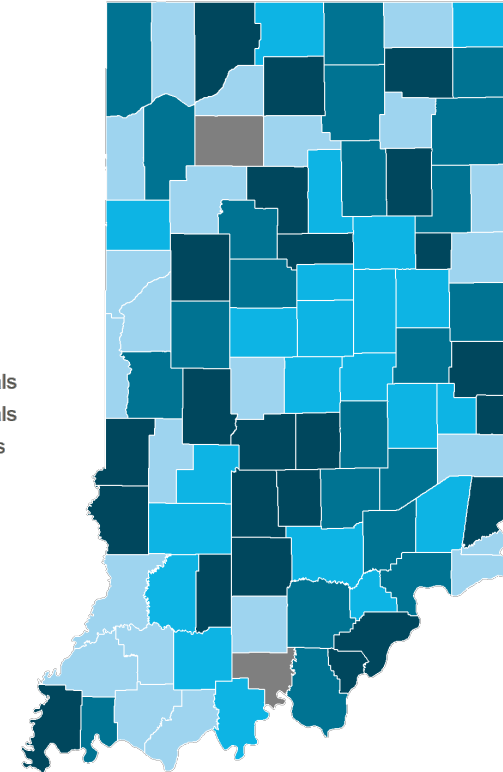
Percent of Referrals, Felony



Percent of Referrals, Misdemeanor



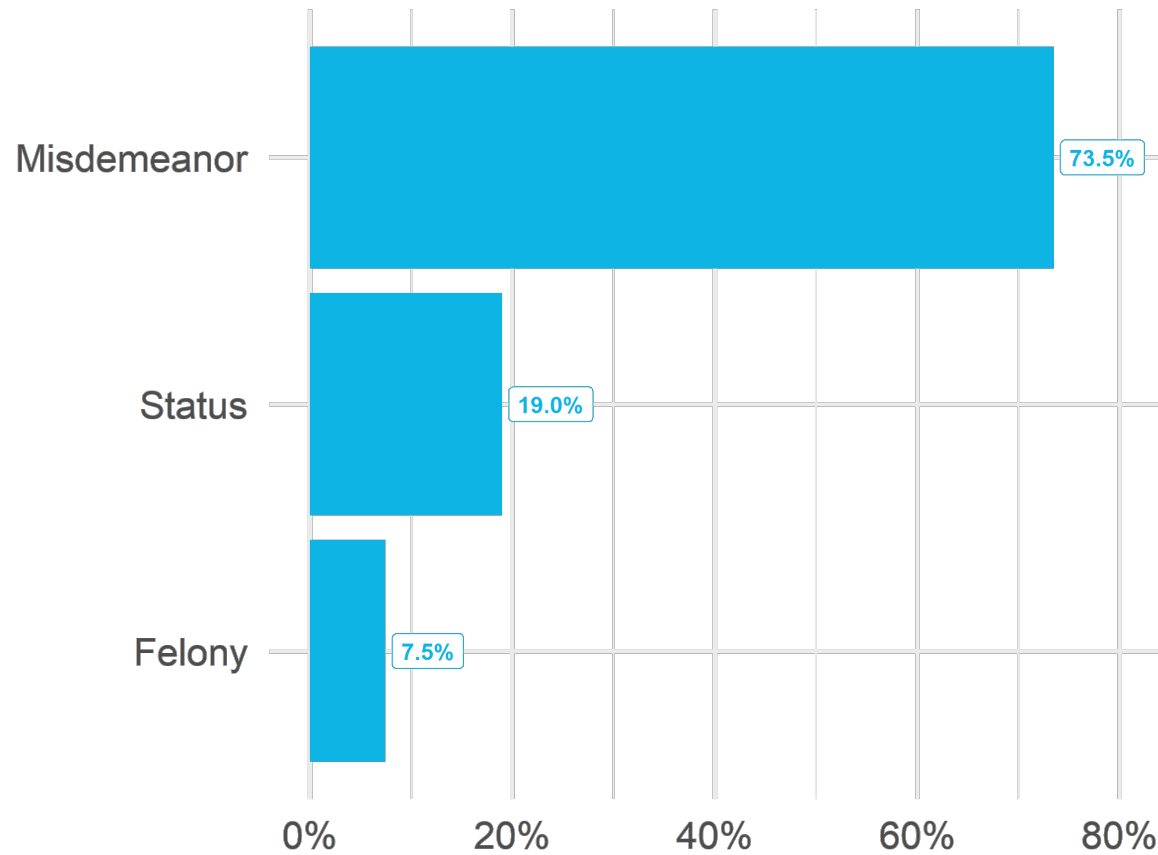
Percent of Referrals, Status



Source: Indiana Courts, RED Data, 2019

The use of informal adjustment varies across counties and is primarily reserved for youth who commit first-time, low-level offenses.

Informal Adjustments in Quest Counties by Offense Severity, 2019



- **Nearly 2/3 of youth starting informal adjustment have no prior incidents.**
- **A higher percentage of White youth and female youth receive informal adjustment.**

County diversion policies and practices do not consistently reflect research-based approaches.

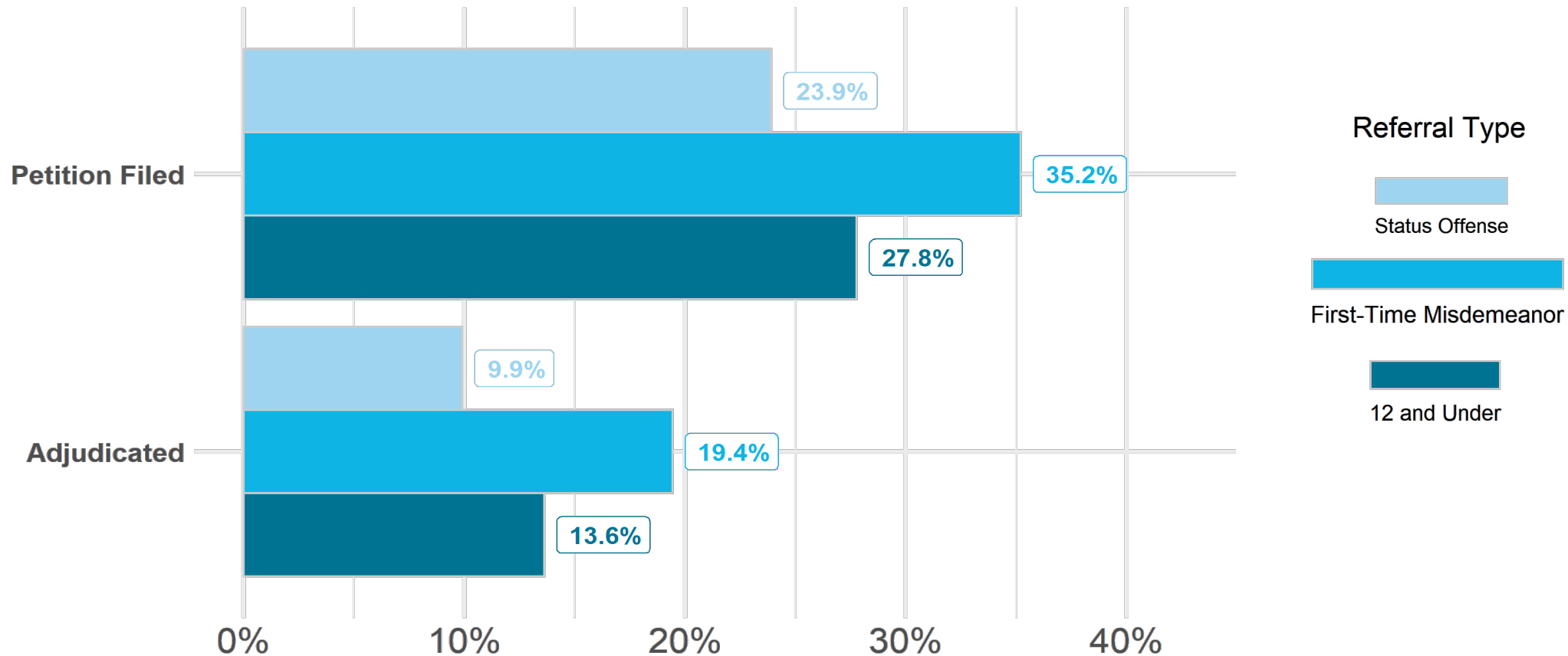
- Counties vary in their use of the IYAS – Diversion tool, and when used, it is generally administered *after a decision to divert has already been made*.
 - In 2019, the IYAS-Diversion tool was not used in 60% of cases referred to juvenile court
- Eligibility for diversion participation is primarily offense based—research has shown a youth’s offense is not predictive of their likelihood of reoffending.
- While some counties have pre-arrest and pre-court diversion options, many counties use informal adjustments as the only diversion opportunity for youth.
- Restorative justice as a diversion option/service is limited.
- Youth on informal adjustments are subject to similar supervision conditions as youth on formal probation and can be on informal adjustments for as long as 9 months.
- DCS service dollars cannot be used for pre-arrest/court diversion.

Many stakeholders have expressed support for diverting youth who are not a public safety risk.

- Compared to a diverse array of states across the country, Indiana's juvenile justice system is heavily composed of youth who commit status and first-time offenses.
- Research consistently shows that low-risk youth who are diverted from system involvement are *less likely to reoffend* and *more likely to complete high school* than their similar peers who are arrested/referred to court.
- Law enforcement, probation, education, and other stakeholders report primarily being concerned that these youth receive needed services, and thus, support pre-court diversion programs to serve these youth outside of the juvenile justice system.
- Some stakeholders feel like the juvenile justice system should be used to hold youth with status offenses accountable—restorative justice, rather than surveillance/sanction-based approaches, has proven most effective at reducing reoffending and improving victim satisfaction.

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.

Petitions Filed and Adjudications in Quest Counties by Referral Type, 2019

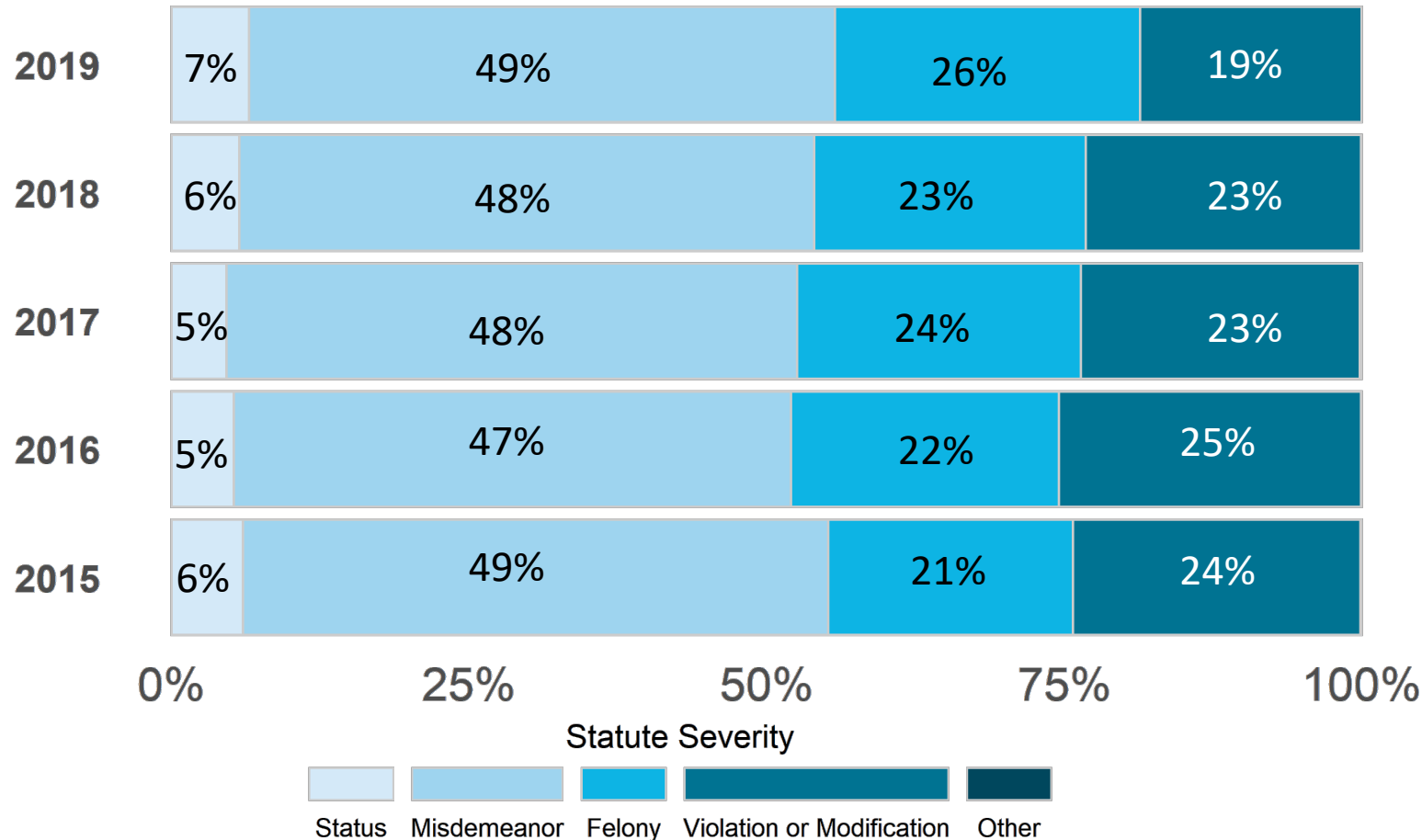


Key Finding #3:

Most cases that are adjudicated and cases that end up on supervision consist of low-risk youth and youth who commit minor offenses.

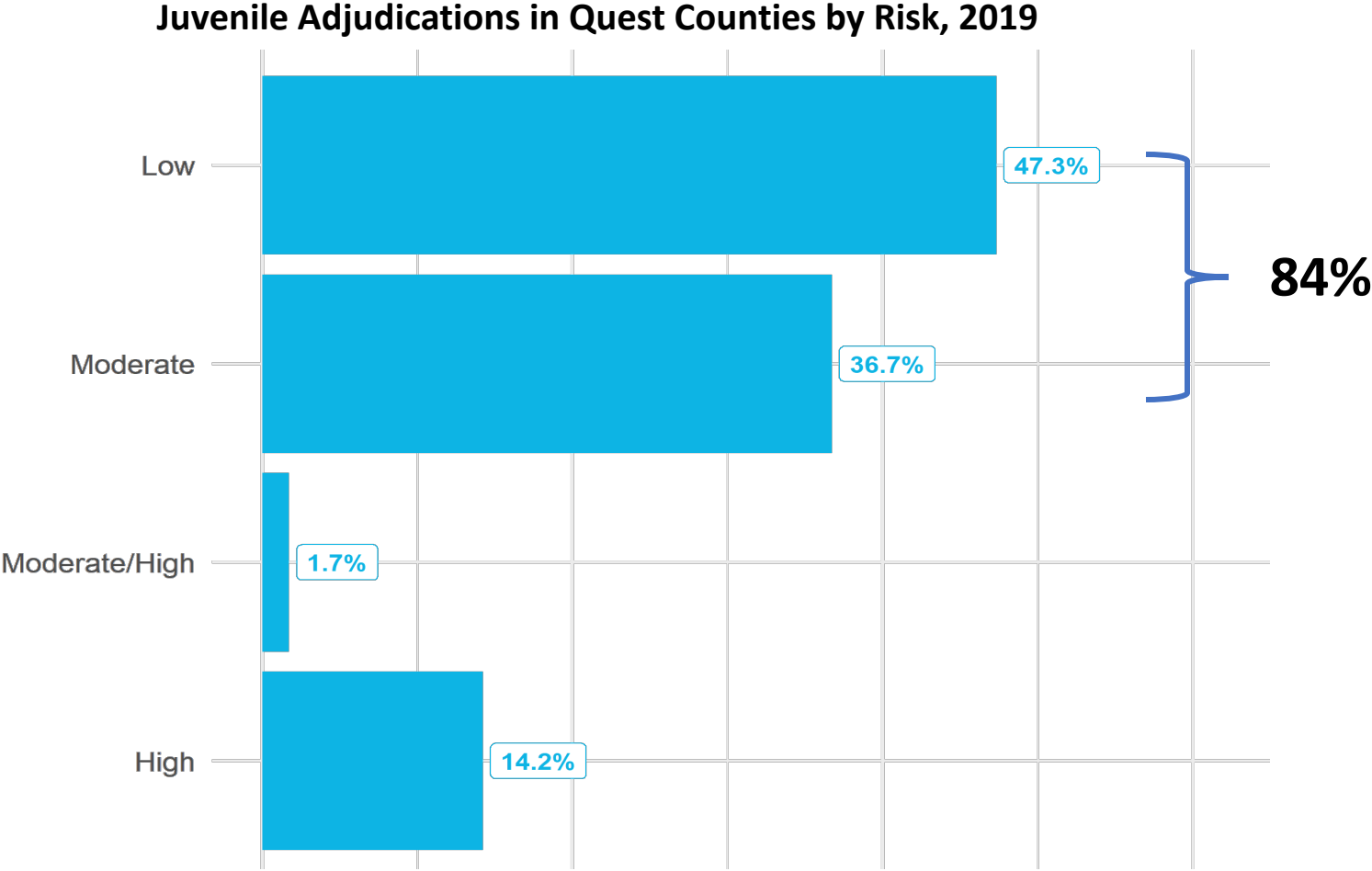
More than half of adjudications in 2019 were for a misdemeanor or status offense.

Juvenile Adjudications in Quest Counties by Statute Severity, 2015–2019



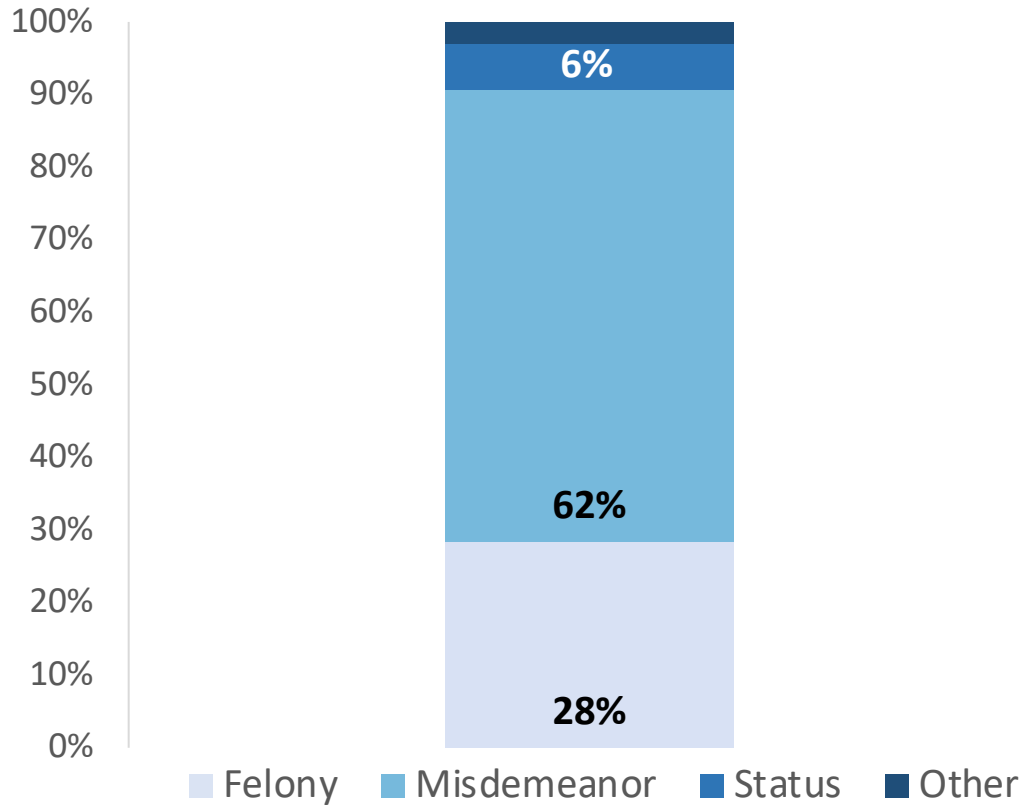
- **19% of first-time misdemeanors were adjudicated in 2019.**
- **22% of adjudications in 2019 were first-time referrals.**

Because referrals are disproportionately for low-risk youth, nearly half of adjudications also consist of low-risk youth.

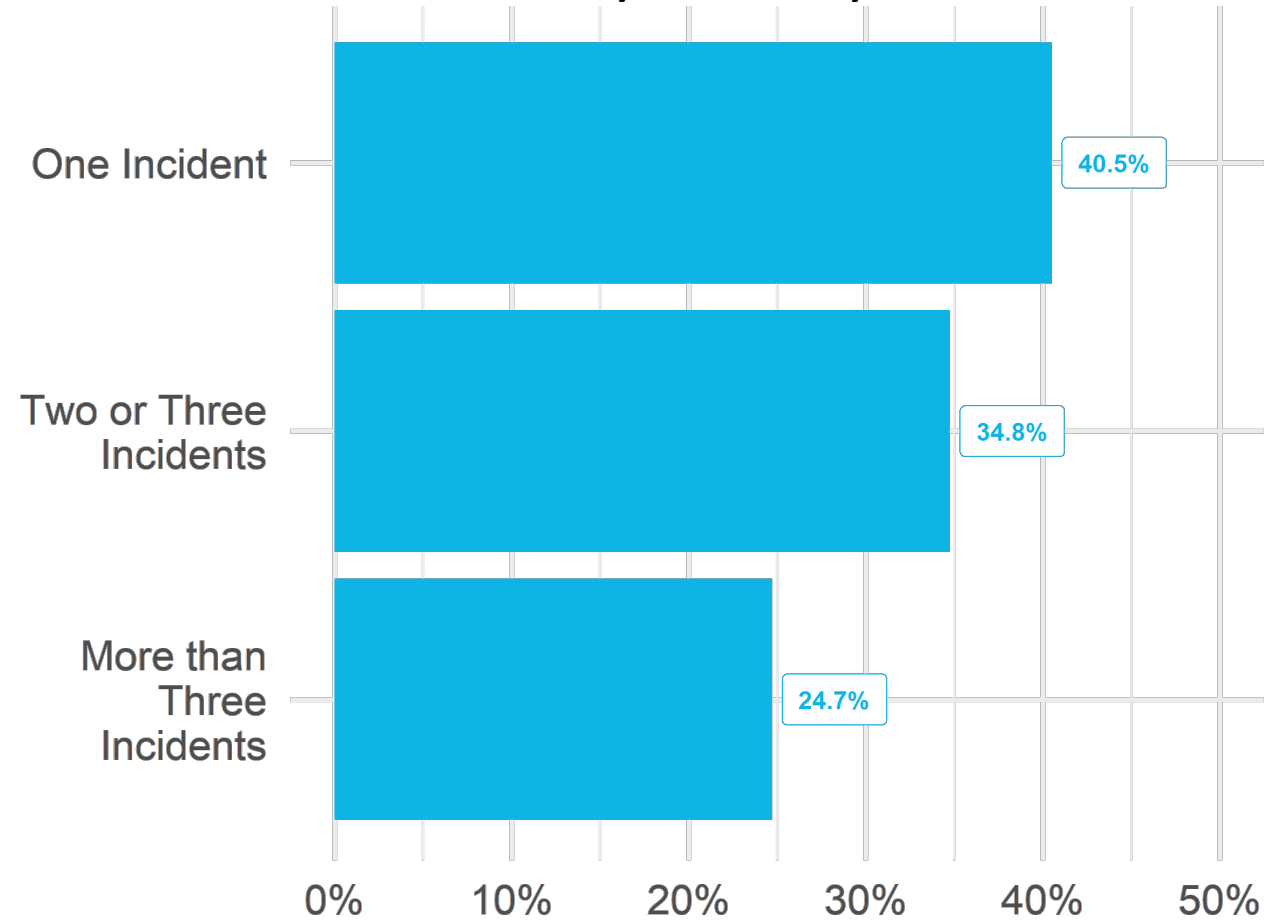


68 percent of youth starting probation are for misdemeanor or status offenses and 41 percent of youth have no prior incidents.

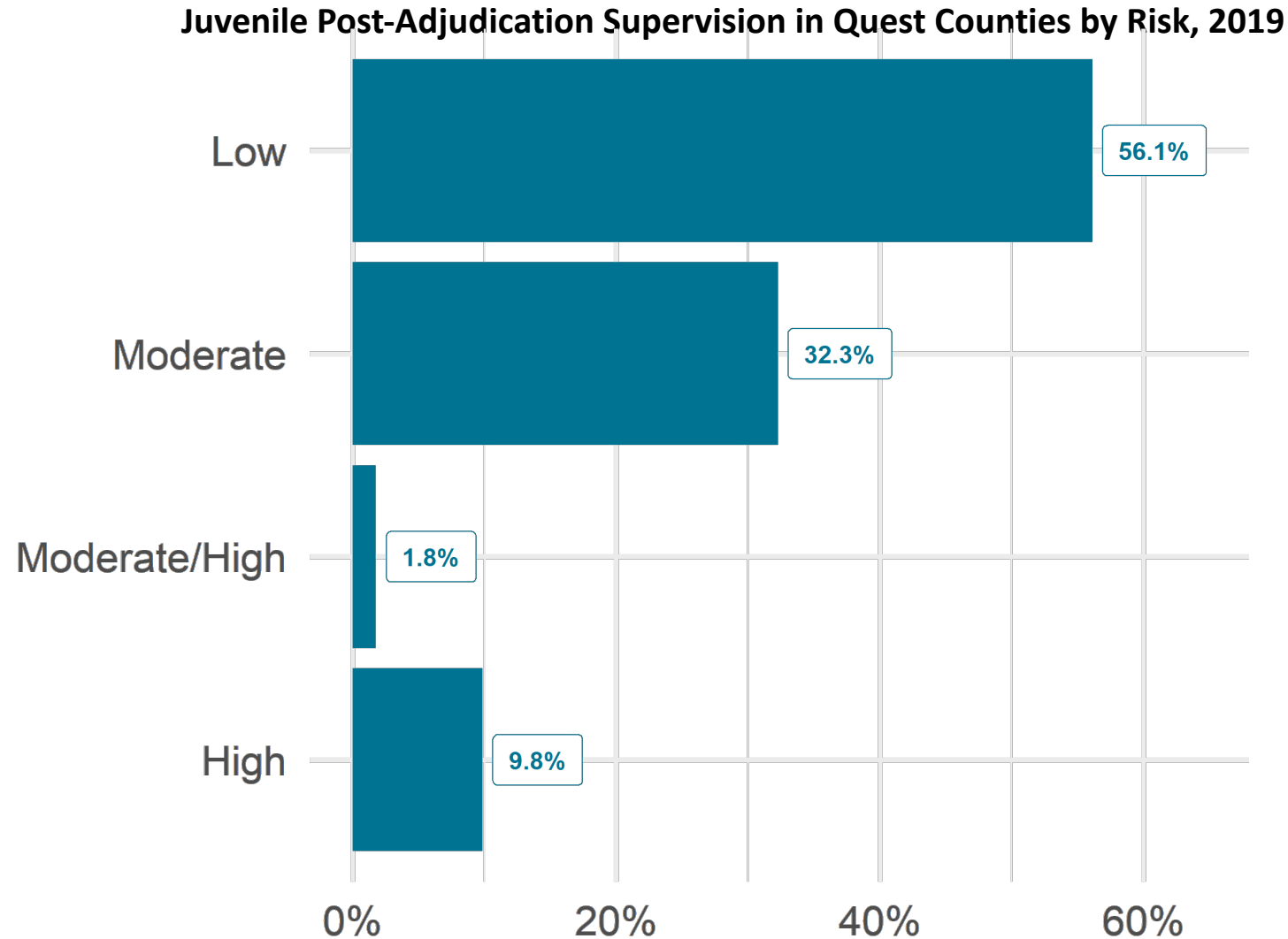
Juvenile Post-Adjudication Supervision in Quest Counties by Offense Severity, 2019



Juvenile Post-Adjudication Supervision in Quest Counties by Prior History, 2019

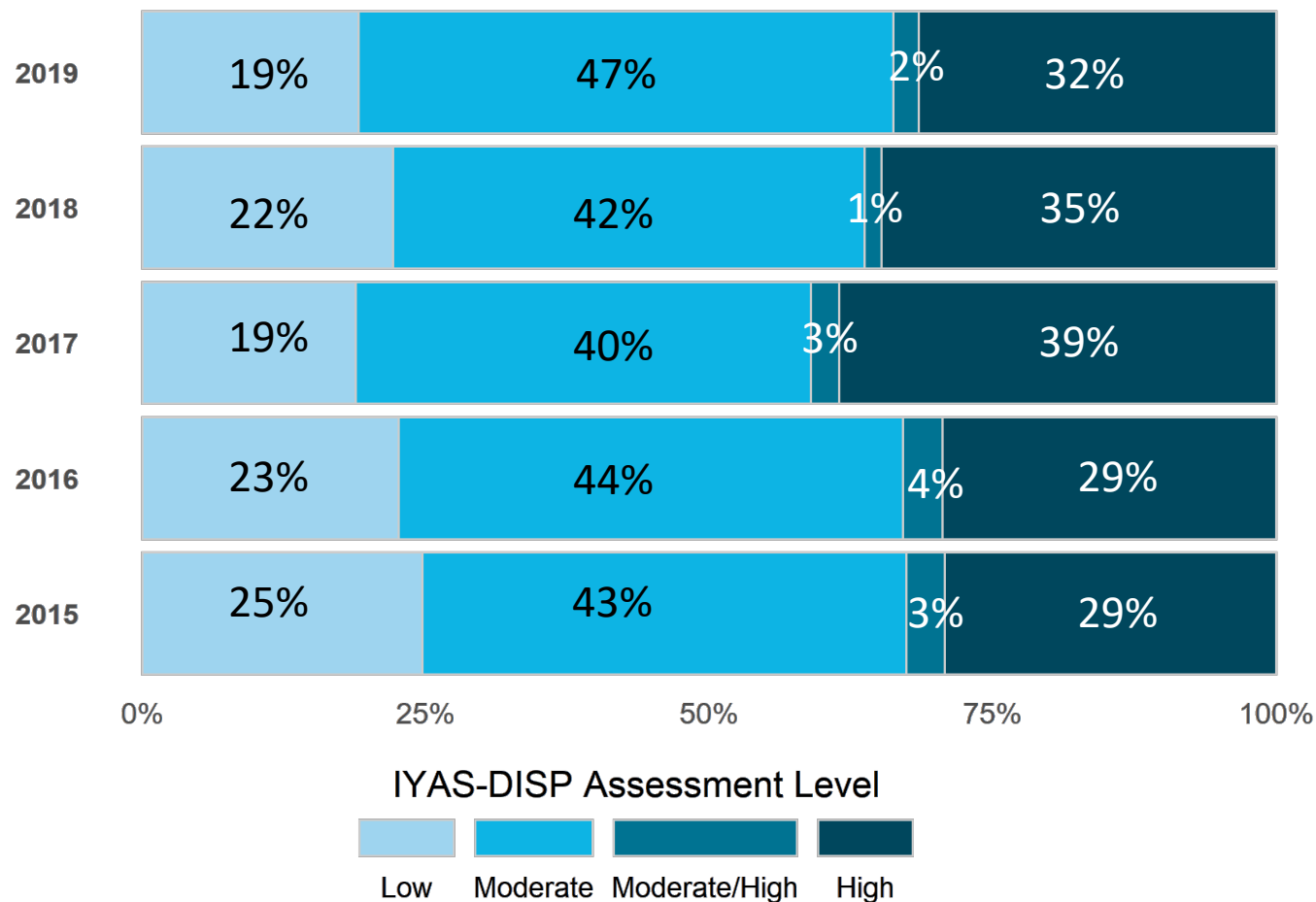


More than half of youth starting formal probation supervision are assessed as low risk to reoffend.



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

Juvenile Adjudication to Out-of-Home Placement in Quest Counties by Risk, 2015–2019



- 10% of misdemeanor adjudications and 28% of violations received out-of-home placement.
- Additionally, 11% of all adjudications in 2019 received a suspended commitment.

Technical violations of supervision are a key driver of continued/deeper system involvement.

- In 2018, 14 percent of youth with a post-adjudication supervision were placed out of home or committed to the Indiana Department of Corrections within a year of starting supervision.
- Of the youth placed or committed, 41 percent did not have a new misdemeanor or felony offense between the start of supervision and out-of-home placement or commitment (i.e., likely were committed due to a technical violation).
- Graduated responses and incentives are not used consistently across counties to respond to violations of supervision or to reward positive behavior.

Counties vary in their use of research-based policies and practices to guide supervision decisions and the use of out-of-home placement.

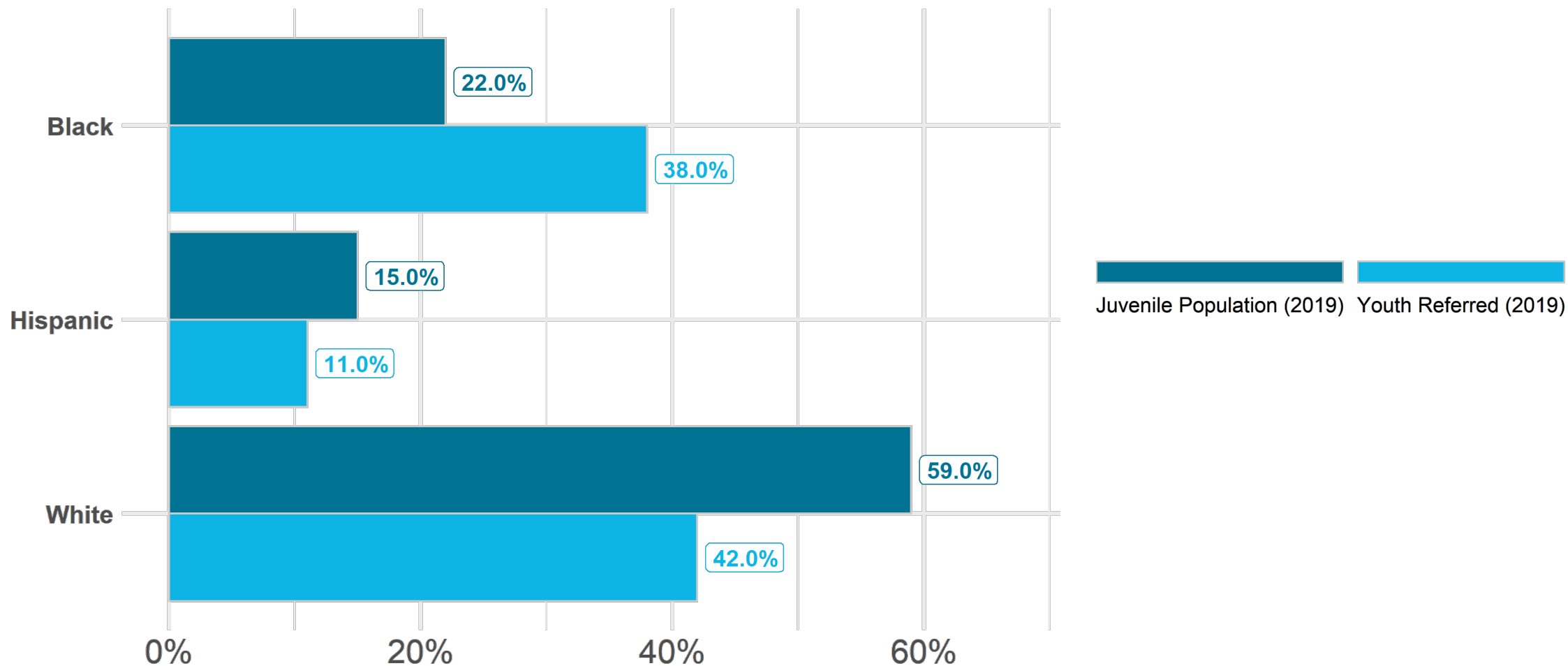
- Indiana lacks any requirements for the use of the IYAS and pre-dispositional reports to inform dispositional recommendations and decisions.
- When used, stakeholders don't give the results of the IYAS much weight in matching youth with supervision levels.
- Concerns have been raised with the validity of the IYAS for Indiana youth, including whether staff receive sufficient training and whether there is regular quality assurance on the accuracy/use of the tool.
- Most jurisdictions only have general language regarding when it is appropriate to use out-of-home placement, such as the "least restrictive setting," with no specific statewide guidelines on risk/offense or lengths of stay.
- Many probation staff have indicated that a lack of intensive community-based service options may lead to additional residential placements.

Key Finding #4:

Youth of color are disproportionately likely to be referred, adjudicated, and placed on probation compared to their White peers.

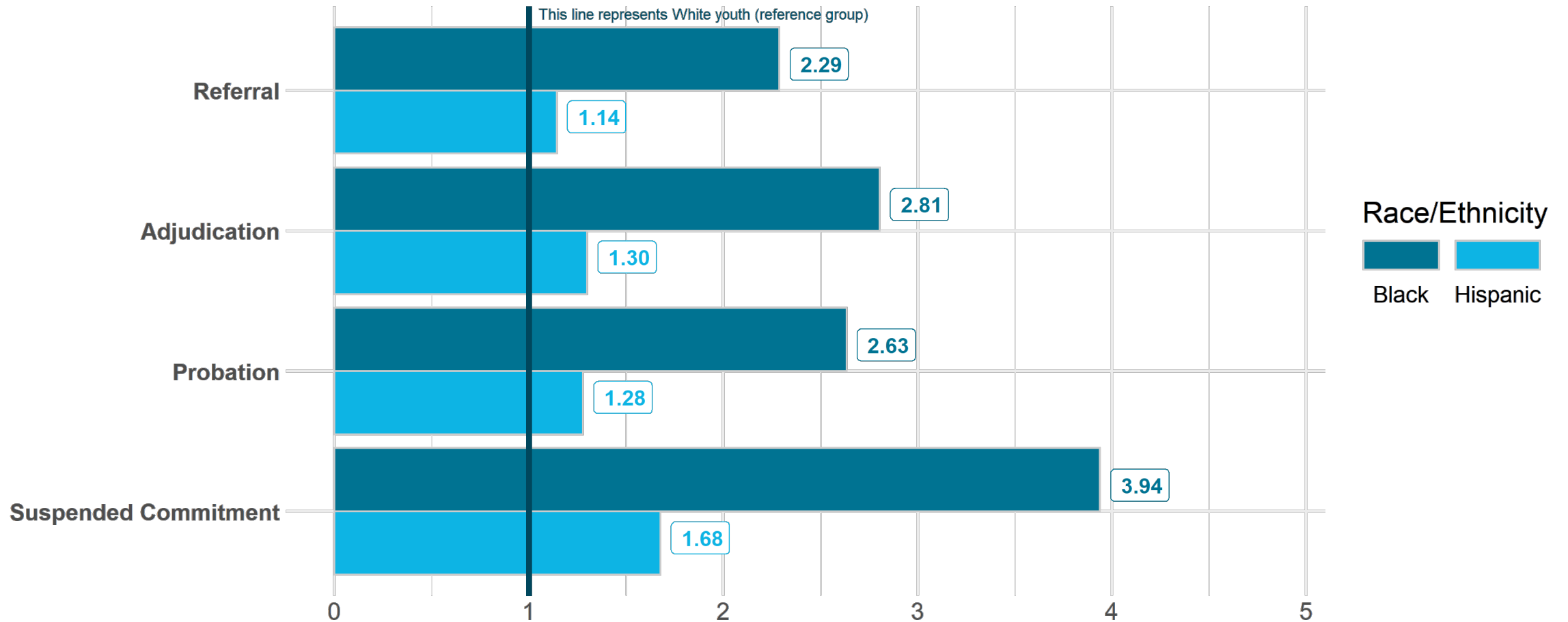
Black youth represent 22 percent of the juvenile population in Quest Counties but make up 38 percent of youth referred to juvenile court.

Juvenile Population and Youth Referred in Quest Counties by Race/Ethnicity, 2019



Black youth are more than twice as likely to be referred to juvenile court as their White peers, and nearly three times as likely to be adjudicated.

Relative Rate Index for Black and Hispanic Youth



Next Steps

Begin Considering Opportunities to Strengthen the “Front End” Of Indiana’s Juvenile Justice System

- What policies/practices are needed to focus the juvenile justice system on those youth that are a risk to public safety?
- How can resources be allocated to incentivize/support/require the diversion of youth with status offenses/low-risk youth so staff time and resources are focused on those youth that have the highest risk of reoffending/violence?
- How can Indiana establish a more consistent, data-driven, equitable approach to diversion and dispositional decisions statewide while maintaining county flexibility and customization?
- How can youth who are not a public safety risk, but may have service needs, get these needs met without necessitating an arrest/court referral?
- What policies/practices are needed to ensure youth, particularly low-risk youth, are not pushed deeper into the juvenile justice system, including placed out of home, for technical reasons when public safety is not at risk?

Next Steps

- Continue focus group conversations.
- Working groups review assessment data and start developing recommendations.
- Vet recommendations with additional stakeholders and share with Task Force chairs and members ahead of November meeting.
- Present recommendations to Task Force in November for a vote.

Timeline of Activities

