



**Preliminary Assessment of Indiana's Juvenile Justice System**  
**April 2021**

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**Background, Purpose, and Methodology**

The Council of State Governments (CSG) Justice Center partnered with the Commission on Improving the Status of Children in Indiana and its Juvenile Justice Reform Task Force to conduct a preliminary assessment of Indiana's juvenile justice system.<sup>1</sup> The goal was to identify shared priorities for improvement and opportunities to align state policy, practice, and funding with what research shows works to protect public safety, reduce disparities, and improve youth outcomes. A significant focus of this effort was also to assess the state's capacity to collect, track, analyze, and use case-level juvenile justice data to evaluate system performance and drive decision-making. In addition, this process is designed to promote stakeholder buy-in and create momentum for conducting a more comprehensive, data-driven assessment that would result in cross-branch, consensus-based statutory, administrative, and funding reforms.

To conduct the preliminary assessment, CSG Justice Center staff engaged in the following activities:

- Aggregated and reviewed analyses and reports related to past and current juvenile justice system improvement efforts, annual reports, strategic plans, and other available information, as well as relevant state statutes
- Conducted extensive virtual focus groups and interviews with state and local leaders across the juvenile justice continuum, including state policymakers; Department of Corrections (DOC) staff; Department of Child Services staff; Department of Education staff; juvenile court judges and magistrates; probation chiefs; prosecutors; public defenders; school resource officers; community-based and residential providers; staff from advocacy organizations; and other stakeholders representing the education, child welfare, and behavioral health systems
- Conducted focus groups with state agency and county court and probation departments' research and information technology staff on data collection and management

Based on these assessment activities, this memo summarizes preliminary takeaways regarding system strengths and challenges, offers recommendations for improvement, and proposes next steps.

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<sup>1</sup> The "juvenile justice system" as defined here does not represent a single agency, but instead, the collection of agencies, court actors, law enforcement, schools, other youth-family service systems, service providers, and branches of government that collectively shape the policies, practices, funding, values, and cultural norms that impact youth at risk of becoming involved or who are involved in the juvenile justice continuum.

## Research Framework Guiding the Preliminary System Assessment

This analysis of Indiana’s juvenile justice system is based on what rigorous research shows works to protect public safety and improve outcomes for youth,<sup>2</sup> including:

1. Use of risk and needs screening and assessment tools to match youth with the appropriate level/type of supervision and services, including minimizing system involvement for youth at low risk of reoffending and prioritizing system supervision and interventions for high-risk youth
2. Providing services that are research based and that address individual youth’s criminogenic and behavioral health needs and collecting data on system performance and youth outcomes and using this data to guide system decisions
3. Collaborating across systems to assess and address the full range of youth’s needs, including behavioral health, education, child welfare, and others
4. Employing a developmentally appropriate approach, including family engagement; positioning probation/parole officers as agents of positive youth behavior change; employing incentives, graduated responses, and restorative justice practices to hold youth accountable and repair harm caused to victims and communities; and engaging in ongoing efforts to assess and address racial, ethnic, gender, and other forms of system bias and disproportionality

## Indiana Juvenile Justice System Strengths

Statewide, Indiana’s juvenile justice system has made significant progress in the last several years. Between 2007 and 2017, Indiana reduced its committed juvenile population by more than 60 percent, and overall delinquency case filings declined by more than 45 percent from 2009 to 2018.<sup>3</sup> Individual counties in Indiana have also prioritized juvenile justice improvement. For example, Marion County is participating in the Transforming Juvenile Probation Certificate Program and is in the process of adopting and implementing best practices related to community supervision.

Additional strengths in Indiana include the following:

- Through the Juvenile Detentions Alternative Initiative (JDAI), Indiana decreased the number of youth placed in secure detention and established community-based alternatives. Currently, 32 counties participate in JDAI, and 70 percent of Indiana’s youth ages 10–17 reside in a JDAI county. Additionally, participating counties developed a standardized approach for collecting, reviewing, and reporting juvenile justice data that can serve as a foundation for creating a statewide vision for improved juvenile justice data collection.
- In 2018, Indiana created a dual status statutory framework to support youth involved in both the child welfare and juvenile justice systems. This framework improves coordination between

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<sup>2</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014)

<sup>3</sup> Indiana Youth Institute, *2020 Indiana Youth KIDS COUNT Data Book: A profile of Hoosier youth* (Indianapolis: Indiana Youth Institute, 2019).

local Department of Child Services (DCS) offices and local probation departments and establishes requirements for a Dual Status Assessment Team to make recommendations to the court on how to proceed with a youth's case.

- In 2013, Indiana created the Commission on Improving the Status of Children to further improve cross-systems and cross-branch collaboration and to study and make recommendations on issues related to vulnerable youth.

### **Key System Challenges**

Indiana's juvenile justice system faces six broad challenges—agreed upon by most interviewed stakeholders—that undermine system efficacy, the efficient use of resources, and improved public safety and youth outcomes. Underlying all of these challenges is the fact that Indiana lacks a statewide vision, purpose, and set of research-based principles to guide its juvenile justice system in statute, administrative policies, funding, and in actual practice. This lack of a statewide approach means that the administration of justice, adherence to research, and ultimately, system performance, equity, and outcomes differs significantly across the state.

#### **1. Limited capacity to collect, track, and use juvenile justice data to evaluate and improve system performance and youth outcomes**

Indiana's ability to evaluate juvenile justice system performance and guide system decisions is limited by its current data and analytical capacity. While focused initiatives and local efforts have produced isolated instances of using data to inform practice, there is no unified and coordinated vision statewide for data collection, analysis, reporting, or use. The largely county-run juvenile justice system uses multiple data systems, complicating the production of uniform performance measures. The lack of outcome data on the supervision, services, and placements youth receive means it is difficult to know if the juvenile justice system has improved public safety and achieved positive outcomes for youth. Key dimensions of the system's data challenges include the following:

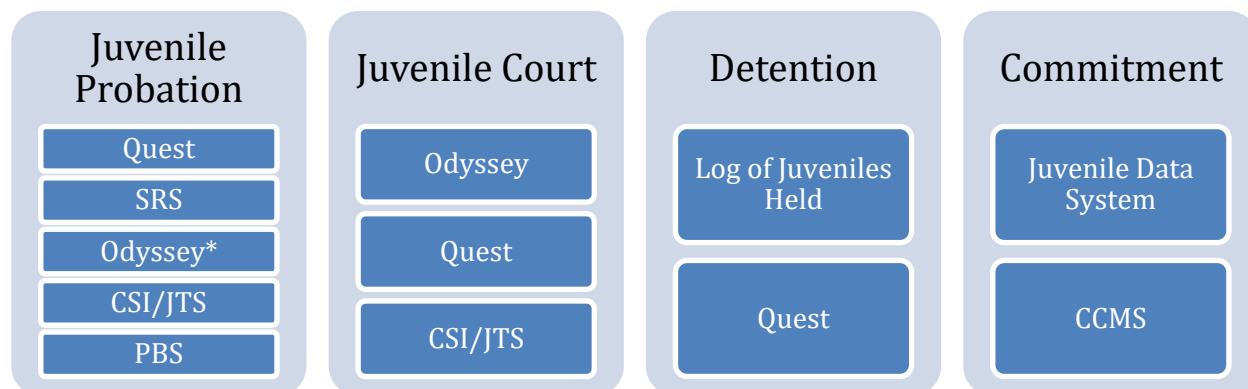
#### ***No statewide performance measures and lack of policies and processes to report and use data***

Indiana does not have statewide performance measures in place—whether detailed in statute, required for local recipients of state funding, and/or established through memorandums of agreement—to assess how the juvenile justice system is faring. Additionally, Indiana lacks standard data definitions and data standards and has minimal reporting requirements that could help facilitate the collection of statewide measures or make it easier to compare data across local juvenile justice agencies. As a result, policymakers and other state leaders can't evaluate system functioning or performance without engaging in a process that is complex, time consuming, and varies significantly across locales. In some cases, to answer essential questions about system performance, agencies have to develop workarounds or conduct hand counts. While JDAI counties have processes in place to support data-driven decision-making, the state does not have any formal policies or guidance in place to support agencies on how to use juvenile justice data to inform policy and practice.

*Inability to track youth across the juvenile justice system continuum*

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. Perhaps the most significant challenge is that data on youth in the juvenile justice system is collected in multiple data systems (see below). Juvenile probation departments and county juvenile courts collect data on youth in multiple systems between the point of intake through supervision, and the DOC uses a separate data system to capture information on youth in their custody. Additionally, there is no unique identifier number assigned to each youth in the juvenile justice system, so linking youth across data systems, let alone across counties, is a complex task. Even within the same county, data systems are often unable to share information with one another and may require duplicate data entry. And many counties rely on simple spreadsheets or supplemental databases to track necessary information on services and placements, which meets local needs, but presents challenges for producing statewide analyses.

**Juvenile Justice Data Systems in Indiana**



\*Some counties use a supervision component available in Odyssey.

*Inability to assess system performance or analyze youth outcomes*

Despite some efforts across the state to collect juvenile justice data, little system performance or youth outcome data at the state level exist. First, Indiana does not have a statewide definition of recidivism so system outcomes can't be compared across locales, and reported data may be misleading depending upon how recidivism is defined and the risk levels of the populations that are included. Second, where recidivism is tracked, it is often not tracked in a comprehensive manner. For example, while the DOC does calculate and report recidivism rates for youth in their custody, the agency is not using multiple measures or timeframes. Instead, it only uses reincarceration back into the juvenile system, which misses a whole host of youth who are making subsequent contact either through an arrest or adjudication or who reoffend in the adult criminal justice system. Most local juvenile justice systems are not calculating recidivism at all, and if they are, staff are hand-matching individual youth records due to poor data infrastructure. Third, most counties do not collect any data on positive youth outcomes, such

as educational or employment outcomes, and they cannot provide data on the impact of technical violations of probation as a key driver of probation extensions/new cases or out-of-home placement.

#### *Lack of data analytics capacity, accountability, and quality improvement processes*

Most counties lack the necessary capacity and dedicated analytical staff to produce performance measure reports and analyze the limited outcome data that may exist. Indiana also has minimal statutory requirements for how and when data must be reported or shared amongst system stakeholders and with policymakers. As a result, policymakers are unable to understand what is happening with youth in the juvenile justice system and how the overall system is performing, including whether state resources for services are being used efficiently or effectively. The consequence of not investing in building statewide data analysis capacity is that Indiana has limited ability to make data-driven decisions on how to improve system performance, equity, and outcomes and to hold local and state agencies, as well as service providers, accountable for improved public safety and youth outcomes.

#### *2. Lack of commitment and opportunity to divert low-risk youth from the juvenile justice system*

Indiana statute classifies status offenses—behaviors that are considered criminal only because of the youth’s status as a minor—as delinquency offenses, even though research shows that punitive responses to these behaviors are ineffective and that most youth committing these low-level behaviors never progress to committing more serious offenses.<sup>4</sup> In addition to truancy, status offenses in Indiana include curfew violations, leaving home without parental permission, habitual disobedience of parents or guardians, alcohol violations, and firework violations. In 2017, status offenses accounted for roughly 16 percent of all referrals to juvenile court in Indiana, and approximately 8 percent of all juveniles on probation supervision had committed status offenses.<sup>5</sup> In contrast, many states across the country have decriminalized status offenses altogether, and instead, meet youth’s needs through other service systems and community-based supports.

In addition, Indiana statute does not provide a framework or dedicated funding for pre- or post-arrest diversion, leaving it up to local communities to create and find resources for these programs. State statute also does not provide guidelines on informal adjustments to facilitate consistency or adherence to research across jurisdictions, aside from language about lengths of time that a young person can be on an informal adjustment and the process that can ensue should a young person fail to comply. As a result, counties in Indiana have varying approaches to how they initially respond to youth misbehavior and the opportunities they provide to divert youth away from the juvenile justice system.

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<sup>4</sup> “Literature Review: A Product of the Model Programs Guide,” Office of Juvenile Justice and Delinquency Prevention, [https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/status\\_offenders.pdf](https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/status_offenders.pdf)  
Shubick, Claire. (2010). *What Social Science Tells Us About Youth Who Commit Status Offenses: Practice Tips for Attorneys*. ABA Child Law Practice.

<https://www.aecf.org/blog/what-are-status-offenses-and-why-do-they-matter/>

<sup>5</sup> Indiana Criminal Justice Institute, *Juvenile Justice Plan 2018–2020* (Indianapolis: Indiana Criminal Justice Institute, 2018).

The lack of statewide standards or guidance results in variability and a lack of research-based approaches to system diversion, including:

- A number of counties in Indiana address status offenses with punitive measures, including sending these youth to secure detention as a scare tactic or placing them on probation.
- The majority of counties do not offer low-risk youth pre-arrest or pre-court diversion opportunities.
- While the state does have a diversion screening tool through the Indiana Youth Assessment System, the tool is only administered *after* a diversion decision has already been made, if it is used at all. Therefore, a youth's risk to reoffend is not used as a factor in determining diversion eligibility. Instead, eligibility for diversion is primarily based on offense—despite research consistently showing that the presenting offense is not correlated with reoffending—and criteria varies greatly by county. In one county, for example, youth with mental health needs or substance use issues are rarely offered diversion, while another county may have established a diversion program specifically geared toward youth who have committed low-level drug offenses. Additionally, some counties offer diversion only for youth who commit misdemeanor offenses and youth who have no prior offenses, while other counties consider youth for diversion who commit felony offenses and/or have prior referrals on a case-by-case basis.
- Informal adjustment is the primary vehicle for diversion; yet supervision conditions for youth on informal adjustments are often similar to those for youth on formal probation.

### 3. Detention of youth who do not pose a risk to public safety and persistent disparities in detention

Admissions to secure detention in JDAI counties in Indiana decreased 68 percent in 2019 compared to their baseline year (year before the county adopted JDAI), and the average daily population also decreased 59 percent during that same period. However, while overall admissions to detention decreased for youth of color as well, disparities compared to White youth persist. Additionally, the average length of stay in detention has actually increased 31 percent for all youth, and 50 percent for youth of color, compared to the sites' baseline years.<sup>6</sup> While this increase may in part reflect the higher-risk nature of youth being detained, it's unclear that there has been a systematic effort to identify the causes of this increased time, such as court processing delays or challenges finding appropriate placements, and to develop strategies to remediate it.

Indiana statute provides broad discretion for the allowable use of secure detention for non-public safety related reasons. Youth can be detained for their own protection if a parent cannot be located or is unwilling to pick up their child, or to receive medical care or behavioral health treatment. Additionally, under Indiana statute, detention can be imposed as a disposition for upwards of 90 days for youth up to age 17, and up to 120 days for youth older than 17, a policy that most states have eliminated. Detention

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<sup>6</sup> Indiana Juvenile Detention Alternatives Presentation – JDAI Data Slides - 2020

can also be used as a punitive response to a technical violation of probation, and law enforcement has the authority to detain youth for certain status offenses, such as curfew violations. Current law also does not stipulate a minimum age at which youth are eligible to be detained. Meanwhile, research consistently shows that detention, even for a single day, has a significant negative impact on youth's mental and physical well-being, as well as their education and employment outcomes.<sup>7</sup>

While implementation of the JDAI approach has helped counties in Indiana adopt research-based principles to reduce the use of secure detention, variability still exists across all counties in terms of who is detained and for what purposes. While some counties are using a detention screening tool to inform detention admissions—either the detention tool that is part of the Indiana Youth Assessment System or the JDAI developed screening tool—in most instances these tools are not validated on the local population, and the tool is often used after a decision has already been made to detain the youth. A number of counties in Indiana are still not using any decision-making tool or risk-based criteria to inform detention decisions, increasing the likelihood that detention decisions will be influenced by subjective factors including race/ethnicity/gender. Further, focus group participants acknowledged that even with a screening tool, law enforcement discretion and broad statutory language still allow young people to be detained even if they do not present a public safety risk.

4. *Supervision and dispositional policies and practices, including decisions to place youth out of home, are not always aligned to risk, need, responsivity principles*

County probation departments' approaches to community supervision vary, and policies and practices do not always adhere to research-based practices. Many stakeholders also described probation supervision as a one-size-fits-all approach. References to juvenile probation and community supervision in Indiana statute are minimal, and state probation standards are fairly general. Statute speaks only broadly to the roles and responsibilities of probation officers. And there is limited or no mention in statute of research-based policies or practices in the areas of risk and need screening and assessment, diversion and dispositional decision-making, case planning, supervision, service delivery, use of incentives/graduated responses, family engagement, reentry planning, and cross-systems collaboration. While some of the variability in policy and practice exists as a result of the decentralized nature of the state's juvenile justice system, the lack of adherence to research and best practices is also in part due to limited knowledge across agencies and branches of government. Focus group participants were often unaware of how the policies and practices of their counterparts in neighboring counties differed from their own. They also shared that training on juvenile justice research and best practice, as well as peer and cross-systems sharing, is limited.

While Indiana adopted the Indiana Youth Assessment System as their risk assessment instrument, many stakeholders interviewed do not feel that the tool is useful or credible. They also reported that the

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<sup>7</sup> Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Washington, DC: Justice Policy Institute), [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf).

results of the assessment tool are not given much weight in guiding court or probation decision-making. Additionally, only a few counties indicated that they are using risk-need-responsivity principles to match youth with the appropriate level and type of supervision, such as tailoring conditions of probation to youth's individualized risk, and in determining supervision contacts and probation term lengths. Most counties are also not using graduated responses and incentives to respond to probation violations or reward behavior. As a result, technical violations remain a large driver of system involvement. In 2017, 8.5 percent of all delinquency referrals and 25.6 percent of probation referrals were technical/administrative referrals.<sup>8</sup>

Indiana also lacks a consistent, research-based approach to making dispositional and supervision decisions for youth at risk of or who are placed in DOC custody, including the following:

- There is a lack of dispositional guidelines other than generally requiring that out-of-home placements be the least restrictive setting possible.
- While a pre-dispositional report is required to make an out-of-home placement recommendation, these reports do not have to include the results of validated risk/needs or behavioral health assessments.
- For youth placed in DOC custody, minimal criteria exist to guide release decisions and lengths of stay, and for the most part, stakeholders described transitional or reentry services as limited. As a result, youth struggle to get connected with education, workforce, housing, and other much needed services to facilitate a successful transition.
- Post-commitment supervision is only provided to a small number of youth. In a few counties, probation departments supervise youth upon release from the DOC. And for certain offenses, the DOC has the capacity to provide parole supervision.

Further, though Indiana has reduced its incarcerated population in recent years, disparities remain a concern. In 2019, 33.3 percent of youth in DOC custody were Black, while Black youth represent 15.2 percent of Indiana's juvenile population.<sup>9,10</sup> Additionally, the DOC's 2019 recidivism study demonstrates that approximately 32 percent of Black juveniles returned to the DOC, a higher rate than any other race or ethnicity.<sup>11</sup>

5. Lack of formal processes to ensure appropriate service matching and that state resources are being used effectively for services

Indiana has not established the necessary quality assurance/accountability policies and data infrastructure to ensure that resources are used efficiently to address youth's needs and improve public safety. Statute lacks any requirements on the use of state funding for evidence-based services, required

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<sup>8</sup> Indiana Criminal Justice Institute, *Juvenile Justice Plan 2018–2020*.

<sup>9</sup> Indiana Department of Corrections, 2019 Annual Report

<sup>10</sup> [https://www.ojdp.gov/ojstatbb/special\\_topics/stateprofile.asp](https://www.ojdp.gov/ojstatbb/special_topics/stateprofile.asp)

<sup>11</sup> Indiana Department of Corrections Juvenile Recidivism 2019



quality assurance assessments/processes, or required data collection and reporting on service use or outcomes. Further, statute also lacks any related block formula or competitive appropriations to incentivize, reward, or support statewide/local adoption of best practices or innovations in areas such as diversion, restorative justice, use of evidence-based service models, detention alternatives, community-based alternatives to incarceration, teleservices, or reducing system disparities.

Additional challenges to improving effective service delivery include the following:

- Services funded through DCS are primarily geared toward addressing the needs of youth in the child welfare system and are not always well suited for youth in the delinquency system. Under the current procurement process, Regional Service Councils (RSCs) develop plans that identify local service needs, and DCS releases an RFP based on these plans. However, RSCs typically consist mostly of DCS members (with the exception of the judge), with limited involvement from local probation departments or others with more robust knowledge of services that are effective for youth in the juvenile justice system. In addition, due to Indiana's data challenges, the identification of service needs and resulting resource allocation is based largely on anecdote rather than a data-driven assessment of the most prevalent criminogenic and behavioral health needs of the justice-involved population.
- While the state has a robust service funding mechanism in place through DCS, limited policies exist to inform how DCS-funded services are used by counties in terms of the amount of resources available based on county demographics, for which populations of youth (e.g., prioritizing higher-risk vs. lower-risk youth), for what needs, and for what purpose.
- Many probation departments have an overreliance on residential services, with little restrictions on the use of such services, despite community-based services generally being more effective at protecting public safety and improving youth outcomes for a fraction of the cost. Many stakeholders consider the use of such services to be a revolving door in which youth cycle in and out of multiple placements before potentially ending up in the DOC. In some locales, particularly outside of Indiana's urban centers, a lack of community-based mental health, substance use, and family-based treatment services exacerbate the overreliance on residential programs. Stakeholders admit that there is a need for additional training on the importance of keeping youth in the community whenever possible and limiting the use of residential treatment.
- The state does not have service matching guidelines or matrices that probation departments can use to ensure that the right youth are matched to the right services. For the most part, referrals to community-based and residential services are driven by relationships to particular providers or if a provider has a slot available. Additionally, referral processes for residential services are not standard across counties, and providers do not always receive enough information, such as results from the Indiana Youth Assessment System or needs assessments, about a young person to determine if the youth is an appropriate fit for their program. DCS standards for residential providers are also not aligned with the needs of the delinquency

population. Most residential programs serve a mix of youth in both the child welfare and juvenile justice systems and are not required to tailor their services to the needs of these distinct populations.

- Finally, Indiana lacks formal, ongoing quality assurance activities to assess whether youth are actually engaging with services, receiving the necessary “dosage” and completing programs successfully, and/or whether services are provided with implementation fidelity. Data on service participation, completion, and outcomes are tracked in informal ways, if at all, that don’t allow for regular and accurate reporting. As a result, Indiana can’t fully evaluate service provider effectiveness, support and expand strong providers, hold poor performers accountable, and make ongoing service and resource allocation decisions accordingly.

#### 6. Limited emphasis on ensuring a developmentally appropriate approach to supervision and services

There are multiple policies and practices in place in Indiana that are not aligned with a developmentally appropriate approach to addressing adolescent behavior. In the last several years, much research has been published on adolescent brain development and implications for the juvenile justice system. Research clearly demonstrates that youth are not mini adults; they are more susceptible to peer influence, more likely to engage in risky behavior, less likely to be able to self-regulate, and do not always think about the long-term consequences of their behavior.<sup>12</sup> At the same time, adolescence presents a period of opportunity that the juvenile justice system can capitalize on to help youth and young adults learn, grow, and change their trajectory. However, juvenile justice systems are not always designed with these developmental distinctions in mind.

First, Indiana does not have a minimum age for juvenile court jurisdiction nor a minimum age for secure detention, meaning children as young as five or six years old can be—and have been—processed in court as delinquents. In 2018, 9.5 percent of all referrals to juvenile court were for youth ages 12 and younger.<sup>13</sup>

Second, Indiana also lacks a developmentally appropriate approach to the imposition of fines and fees. Fines and fees as a result of juvenile justice system involvement cause added financial stress and harm to already vulnerable youth and families, and the inability to pay these costs can result in legal consequences that are overly punitive. In 2018, the Juvenile Law Center published a report<sup>14</sup> examining statutes in all 50 states with regard to fines and fees in the juvenile justice system. This report demonstrates that Indiana establishes seven of the nine different types of fines and fees that can be imposed on youth and families in state statute. Currently, statute establishes fines and fees in the following categories either mandatorily or through judicial discretion:

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<sup>12</sup> The Council of State Governments Justice Center, *Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems* (New York: The Council of State Governments Justice Center, 2015), <https://csgjusticecenter.org/wp-content/uploads/2020/01/Transitional-Age-Brief.pdf>.

<sup>13</sup> Indiana Criminal Justice Institute, *Juvenile Justice Plan 2018–2020*.

<sup>14</sup> “Debtors’ Prison for Kids,” Juvenile Law Center, <https://debtorsprison.jlc.org/#!/map>.

- Confinement, supervision, or treatment
- Cost of counsel
- Court costs
- Diversion/informal adjustment
- Evaluation/testing
- Probation/supervision cost
- Restitution

If youth and families are unable to pay these costs in Indiana, a number of consequences can ensue, including civil judgment, a youth's case remaining open for a longer period of time, accrual of additional debt, and the need to attend additional court hearings, which can result in further loss of income due to missed work or school.

Third, juvenile records in Indiana are not automatically expunged, which can result in a number of long-term education, employment, and other collateral consequences.<sup>15</sup> In Indiana, an individual may initiate a petition to expunge a juvenile record, and the local juvenile court has authority over that petition. State policy provides broad discretion for the courts about whether to agree and approve a petition for expungement. Additionally, juvenile records can be made available to the public without a court order in a number of instances, not only when a young person has committed a very serious offense. Records can be made publicly available for youth who have committed multiple misdemeanor offenses, regardless of the type and severity of the offense.

Fourth, Indiana implements a number of sanctions-based policies and programs that are demonstrated by research to be ineffective, and the state does not always use a developmentally appropriate approach to supervise and provide services to the highest-risk youth. Some of these policies and programs include:

- Statute authorizes the DOC to implement a boot camp program, a model that has been shown to not only be ineffective at reducing recidivism, but may actually increase recidivism rates.<sup>16</sup>
- Corrections policies state that youth can be involuntarily segregated from the general population of a facility or program if the DOC first finds that segregation is necessary for the youth's own physical safety or the physical safety of others.
- Driver's license privileges can be removed for multiple types of offenses, including those offenses that are not always related to motor vehicles.

Lastly, Indiana statute provides broad discretion for waivers to adult court and a fairly long list of offenses for which youth can be automatically transferred to the adult system. Youth as young as 14 can

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<sup>15</sup> [SB368](#) would "provide for the automatic expungement of certain juvenile offenses."

<sup>16</sup> "Practice Profile: Juvenile Boot Camps," National Institute of Justice, <https://crimesolutions.ojp.gov/ratedpractices/6#eb>.

be waived by the juvenile court to the adult system for offenses considered “aggravated or heinous” and if the “child is beyond rehabilitation under the juvenile justice system.” And children as young as 16 can be waived by the juvenile court for felony drug offenses, or if previously waived and convicted for a prior felony offense. Disparities at the deepest end of the system are even more pronounced. In 2019, Black youth comprised the majority of direct files at 66 percent, and for waivers to adult court, 70 percent were Black youth.<sup>17</sup>

Indiana statute also allows youth charged as adults to be housed in adult jails pretrial and provides broad discretion to transfer youth under age 21 convicted as adults into adult facilities if the youth is a safety or security risk.<sup>18</sup> These jurisdictional policies are in stark contrast with trends in other states across the country, as well as with what we know about adolescent brain development.

### **Initial Recommendations for System Improvement**

Based on this qualitative preliminary assessment, CSG Justice Center staff have identified the following initial recommendations to align system policies, practices, and funding with research and best practice:

1. *Develop statewide performance measures, data standards, quality assurance practices, and reporting requirements*

To evaluate juvenile justice system performance, Indiana needs to build a statewide foundation of good data practices, including consistent and agreed-upon performance measures, data definitions, and standard data collection, analysis, and reporting practices. Additionally, Indiana should create an infrastructure that supports ongoing quality assurance to ensure fidelity to these standards and to promote data-driven decision-making.

Indiana should consider developing and implementing a plan with a clear vision to promote expanded and consistent juvenile justice data that increases data capacity and standardizes data collection practices, including the following:

- Outlining key measures of juvenile justice system performance, including multiple measures of recidivism; technical violations; positive youth outcomes, such as employment and education; and measures that can help answer key questions to address racial and ethnic disparities
- Outlining key measures of system trends and demographics across the juvenile justice continuum, including creating uniform data definitions and standard data entry practices to guide data collection and reporting efforts across state and local agencies and locales
- Developing training and quality assurance processes and protocols to ensure that data collection is consistent across the state and data collection processes are aligned with the standards

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<sup>17</sup> Indiana Criminal Justice Institute, *Juveniles under Adult Court Jurisdiction Annual Report* (Indianapolis: Indiana Criminal Justice Institute, 2019).

<sup>18</sup> [SB368](#) would “prohibit a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial, with certain exceptions.”

- Requiring annual reporting on key system performance measures and facilitating data sharing across agencies and system stakeholders
- Creating processes for collecting feedback to improve data collection and adherence to the data standards and using this feedback to improve data collection and develop additional performance measures

2. *Build the capacity to use data from multiple systems to measure juvenile justice system performance*

Using data to inform policy and practice will require Indiana to integrate data from multiple systems, build strong information technology (IT) and analytic capacity, and improve collaboration across state and local juvenile justice agencies. This will require Indiana to invest in critical resources.

Indiana should consider:

- Collecting sufficient youth identifying information in each data system to allow for linkages across systems
- Investing in technology that will facilitate the integration of data systems, analysis, and data visualization
- Hiring in-house data analysts with a background in the social sciences and statistics (in addition to hiring more IT staff) at state and local juvenile justice agencies to ensure accurate messaging and to communicate the meaning of data effectively to policymakers and external partners
- Promoting data sharing and collaboration through formal agreements and establishing rules governing access to, and use of, data

3. *Incorporate information about system performance and youth outcomes into decision-making processes*

Ensuring that the juvenile justice system uses data to inform policies, practices, and continuous improvement efforts requires staff at all levels to believe that data can help them improve how they work. Cultivating confidence in data and building a culture of data-driven decision-making takes time to develop and requires strong leadership. Indiana can promote the use of data to guide decision-making across the juvenile justice system by:

- Gaining the participation, buy-in, and trust of system stakeholders across state and local juvenile justice systems on the importance of collecting, reporting, and using data
- Developing messaging about how each part of the system plays a role in contributing to the strategic plan and vision for improving data collection
- Building capacity and formal processes among stakeholders to interpret and use data in decision-making and providing them with technical support and training

4. Establish statewide policies to match youth with the most appropriate level of supervision based on their risk of reoffending

Court involvement for youth who have a low risk of reoffending takes limited resources away from focusing system interventions on youth whose behavior is actually a threat to public safety. To ensure that resources are spent most efficiently and reduce racial and ethnic disparities, youth must be matched with the most appropriate level and type of supervision based primarily on their risk of reoffending.

Youth who commit status offenses generally pose little risk to public safety but are a population in need of services. Indiana should restrict these youth from being arrested or court involved solely to obtain these services. Instead, Indiana should develop a statewide strategy and identify an agency or entities for overseeing the assessment, case planning/management, and service delivery for these young people outside of the justice system. In parallel, Indiana should establish clearer statewide policies on the roles and responsibilities of schools, law enforcement, the child welfare system, service providers, and other entities for managing, on their own, disruptive youth behaviors that don't rise to the level of public safety risks (e.g., truancy, school infractions, etc.) as opposed to using the juvenile justice system to address these issues.

Additionally, Indiana should establish statewide policies on diversion eligibility and screening and ensure that diversion opportunities are available to all low-risk youth across the state at multiple decision points. Indiana should consider:

- Adopting and using a locally validated risk screening tool and needs screening tools (such as mental health, substance use, and trauma) to objectively guide diversion decision-making and ensure that diversion opportunities are equitable across the state
- Creating more opportunities for pre-arrest diversion through a civil citation or other type of law enforcement diversion mechanism for youth who commit low-level/first-time offenses
- More consistently infusing restorative justice practices into diversion programs to hold youth accountable and repair harm caused to victims and communities
- Employing a coordinated approach across youth-serving systems, such as education, behavioral health, and child welfare, to leverage available resources and increase accessibility to services

Indiana should also ensure that secure detention and incarceration are used only for youth who pose a public safety risk (and flight risk for detention). Indiana should consider doing the following:

- Requiring the use of a detention screening tool to inform all detention decisions and validating these tools on the local population, including to ensure limited racial/ethnic bias
- Limiting allowable uses of detention that are not related to public safety and creating additional alternatives to detention in the community to address youth and family needs

- Restricting the use of detention as a dispositional option or as a sanction in response to technical violations of probation
- Establishing dispositional guidelines or matrices to inform supervision and placement decisions, including more detailed requirements on the use of incarceration

Lastly, Indiana should consider establishing more statewide guidelines to ensure that supervision practices are aligned with risk, need, responsivity principles, including:

- Creating statutory or administrative guidelines, based on risk level/offense, on lengths of stay on probation and in DOC custody, including extensions
- Tailoring conditions of supervision to youth's criminogenic risks
- Aligning supervision contacts with youth's assessed risk level
- Developing graduated response and incentive policies to address probation violations and reward positive behavior

5. Create juvenile justice specific guidelines, policies, and practices to ensure that services are effective and that resources are used efficiently

To ensure that the state has an effective continuum of evidence-based services that address the needs of youth in the juvenile justice system, Indiana needs to establish and/or strengthen quality assurance, resource allocation, and contracting policies and processes. Indiana should seek to create policies, standards, and practices tailored to the juvenile justice population for state-funded community-based and residential services, including the types of services and programs that can be funded and for which populations of young people, and how the funds shall be allocated and used. And these policies and allocation decisions should prioritize services that can address the intensive needs of higher-risk youth outside of residential placement.

To further reduce the state's reliance on out-of-home placement, Indiana should also facilitate the expansion/strengthening of more intensive community-based behavioral health and family treatment services, particularly in rural communities. Indiana would also benefit from a more uniform mechanism for referring youth to services, including establishing protocols for making referrals, and developing service registries or matrices based on youth's risk levels. Additionally, DCS, the courts, and local probation departments should identify opportunities to reinvest resources currently allocated to residential facilities back into the community and strengthen policies (including providing training to probation officers, judges, and others) to ensure that residential placement is utilized as a last resort.

Lastly, Indiana should strengthen fidelity monitoring and quality assurance protocols and establish continuous quality improvement and accountability processes, including conducting provider training

and establishing standardized information sharing/case planning protocols between providers and justice partners. To ensure that resources are allocated most efficiently and to those providers who are most effective at reducing recidivism and improving youth outcomes, the state should develop specific performance and youth outcome measures for service providers and require data analysis and reporting on these measures annually to leadership across branches of government.

6. *Align the juvenile justice system with a developmentally appropriate approach to addressing youth behavior*

Indiana should consider the most appropriate way to balance public safety with the benefits of employing a more developmentally appropriate approach to addressing youth behavior in a number of areas. These considerations should include the following:

- Establishing a minimum age for juvenile court jurisdiction for most, if not all, offenses as well as a minimum age for secure detention.
- Developing systems to support and serve the needs of youth no longer under the jurisdiction of the juvenile court as a result of establishing a minimum age, and their families
- Limiting fines and fees for youth and families, and instead, emphasizing a restorative justice approach to restore and repair harm
- Automatically expunging juvenile records or creating more specific guidelines for judges and a cost-free, timely administrative process for individuals seeking to expunge their records
- Strengthening the continuum of evidence-based services and interventions provided to youth in juvenile facilities and enhancing transitional services
- Matching the highest-risk youth with the most appropriate supervision by limiting the ways that youth can be supervised by the adult criminal justice system, including removing the ability to house youth in adult jails and prisons before trial

**Next Steps**

CSG Justice Center staff recommend the following next steps for improving Indiana's juvenile justice system:

1. Review and discuss the key findings and recommendations detailed in this memo and discuss priorities for reform with the Juvenile Justice Reform Task Force, Commission on Improving the Status of Children in Indiana, Interim Study Committee on Corrections and Criminal Code, Indiana Black Legislative Caucus, and other agencies and entities as appropriate.
2. Engage a statewide task force (similar to, or using the existing, Juvenile Justice Reform Task Force) to conduct a deeper dive quantitative and qualitative assessment of Indiana's juvenile justice system in key areas of priority reform as identified by the Task Force based on this



memo. The goal of this in-depth analysis is to share key findings with the Task Force and guide Indiana to adopt consensus-based statutory, administrative, and funding reforms. Potential initial priority areas for consideration include:

- a. Matching youth with the most appropriate level and type of supervision, including establishing diversion, detention, and dispositional policies and best practices
- b. Improving the delivery and effectiveness of evidence-based services
- c. Ensuring a developmentally appropriate approach to addressing youth behavior

As part of this in-depth assessment, CSG Justice Center staff will work with the Task Force to access case-level juvenile justice data, both at the state and local levels, and conduct more in-depth focus groups with stakeholders across the system. Even with the data limitations described above, CSG Justice Center staff will be able to conduct a focused analysis of statewide DOC data and DCS service data, as well as data from a select group of county court systems and probation departments. Over the course of 9–12 months, staff will present findings from this assessment to the Task Force in a series of presentations, along with examples from other states and research on best practices, and help state and local leaders identify, develop, achieve consensus on, enact, and potentially implement statewide system improvements.

3. In parallel with this process, CSG Justice Center staff propose to more immediately work with a new or already existing working group to develop and implement a strategic plan with short- and longer-term activities to build state and local capacity to collect, track, and use juvenile justice data to drive decision-making. In the near term, this will involve the identification of statewide system performance measures and data elements, uniform data definitions, and the creation of data collection standards.