Three agencies provided statewide data on youth in the juvenile justice system.

1. **Data analyzed:**
   - **Secure Detention**
     - Indiana Criminal Justice Institute (ICJI) provided data from the Log of Juveniles Held for the 19 juvenile detention facilities in Indiana. The Log of Juveniles Held is a database documenting the use of secure facilities for youth to ensure compliance with federal regulations.
   - **Placements and Community-Based Services**
     - The Department of Child Services (DCS) provided data on placements and community-based services for youth with a juvenile delinquency or juvenile status case.
   - **Commitments and Diagnostic Admissions**
     - The Indiana Department of Corrections (IDOC) provided admission, release, and standing population data for youth admitted for a commitment or diagnostic assessment.
2. **Timeframe:**
   - Findings include information from 2016 to 2019.
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 in focus groups and conversations over the last month.

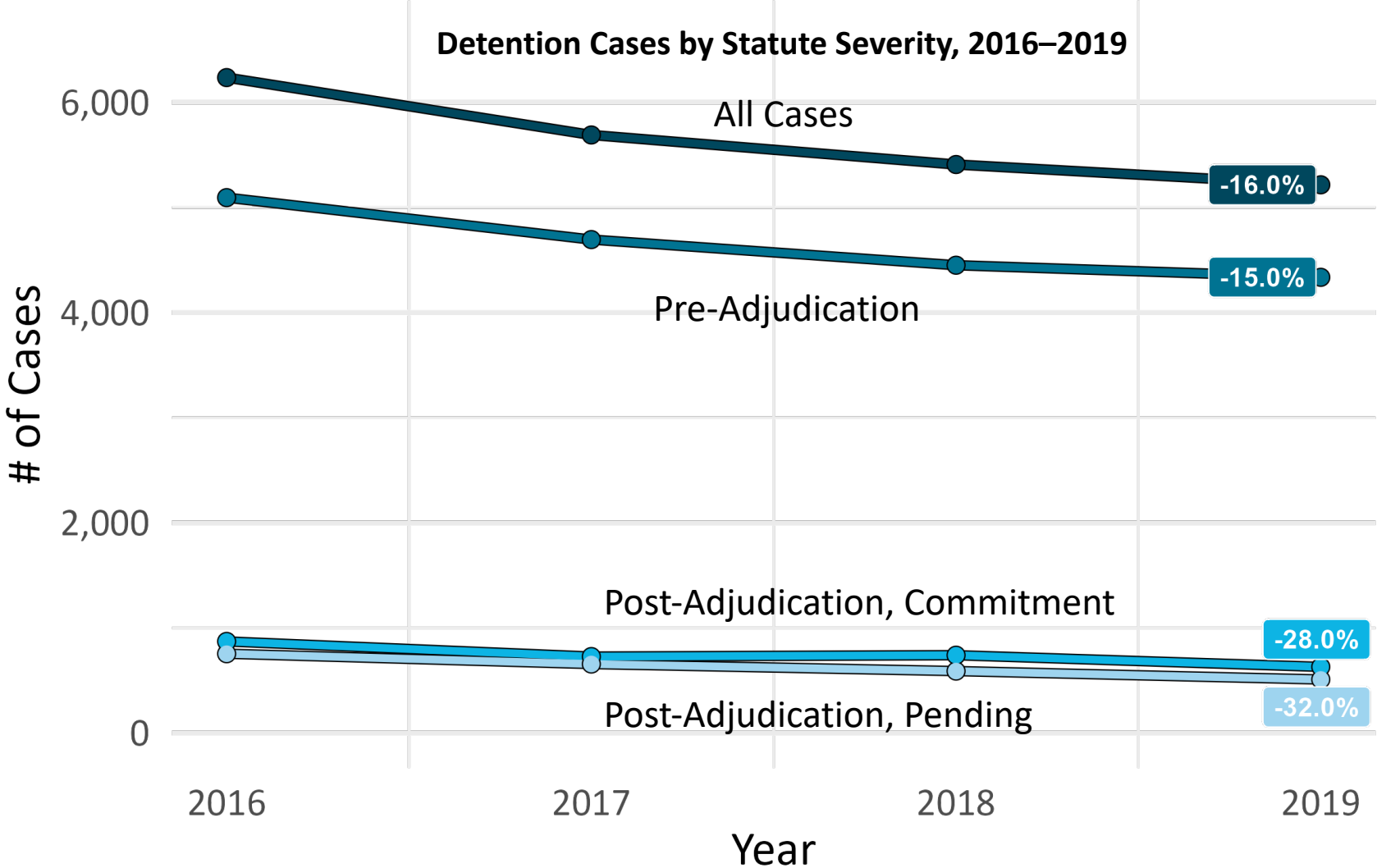| Juvenile Probation Officers	Detention Line Staff	Department of Corrections Leadership and Facility Line Staff
Public Defenders	Youth	Department of Child Services

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Key Finding #1:

Youth are detained for non-public safety reasons, and detention is being used as a sanction for probation violations and as a dispositional option.
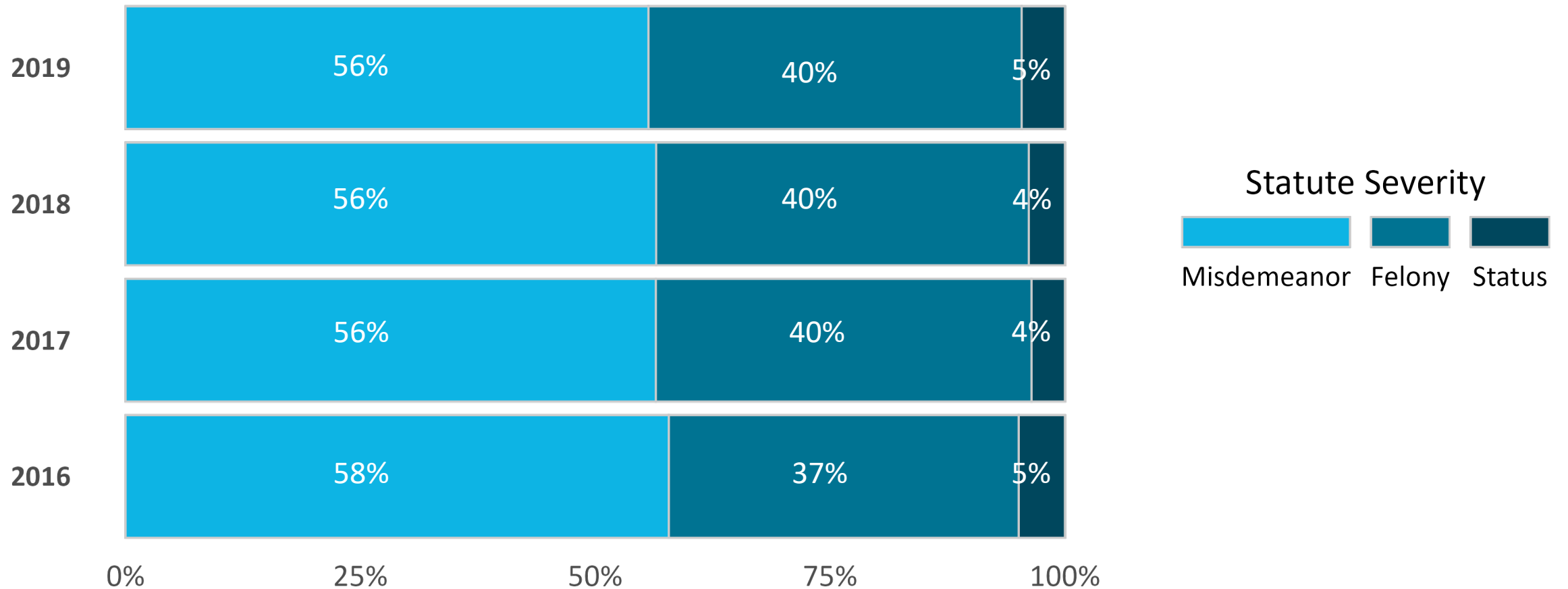
What are best practices in the use of detention?

❖ Reserve detention only for youth who <u>pose a direct risk to public safety or flight risk.</u>

❖ Use <u>validated screening instruments</u> to guide initial detention decisions and establish <u>specific criteria, policies, and training</u> on their use.

❖ Establish a <u>continuum of alternatives to detention supervision and services in the community that are matched to the risk and needs of youth.</u>

❖ <u>Eliminate the use of detention as a sanction, response to technical violations, or disposition</u>, unless youth are at imminent risk of harming others.

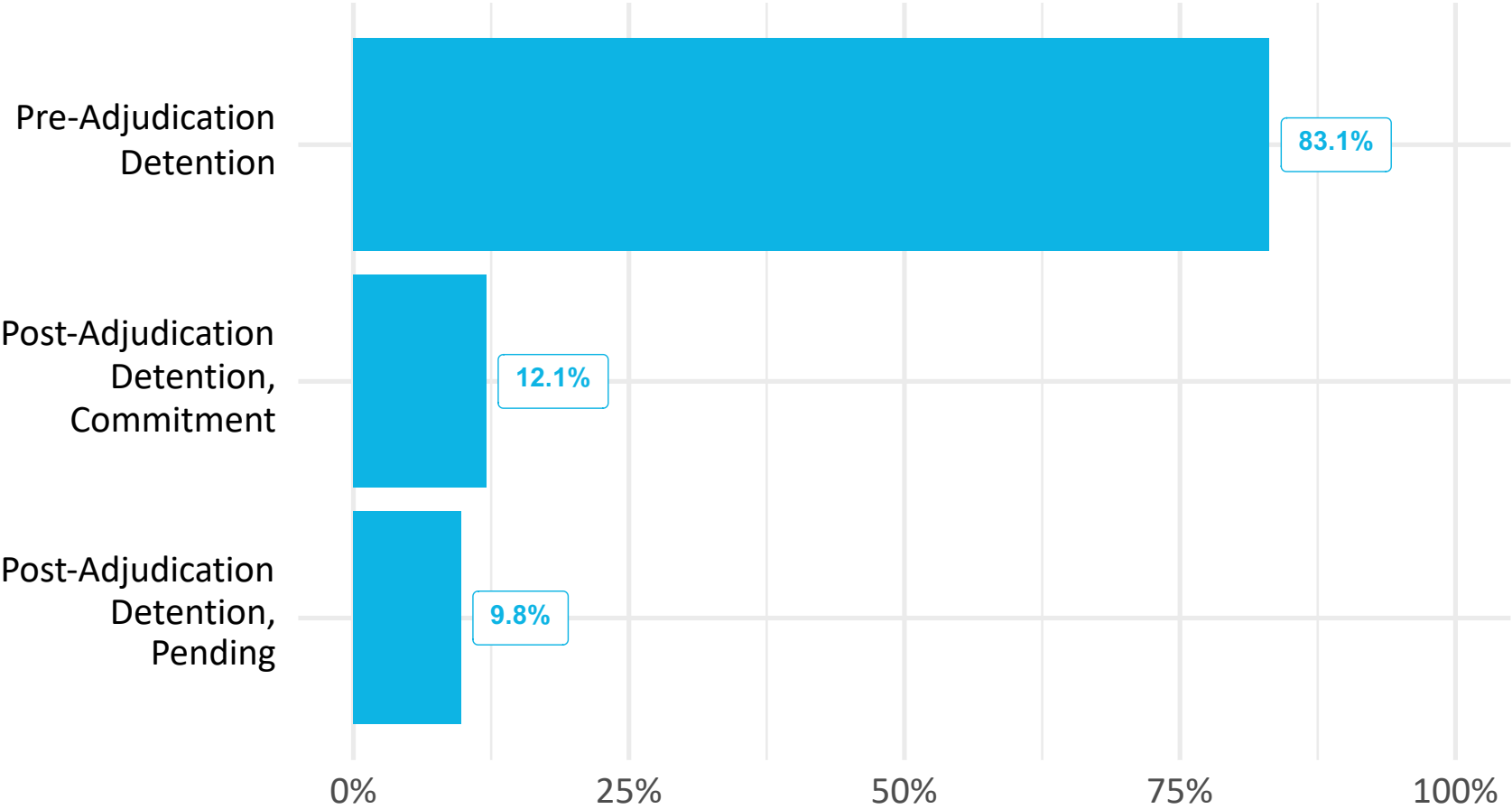# Overall, cases resulting in secure detention have declined 16 percent since 2016.

Detention Cases by Statute Severity, 2016–2019

All Cases — -16.0%
Pre-Adjudication — -15.0%
Post-Adjudication, Commitment — -28.0%
Post-Adjudication, Pending — -32.0%

# of Cases

Year

Over half of pre-adjudication secure detention use is due to a misdemeanor offense and this proportion has remained unchanged over time.

Pre-Adjudication Detention Cases by Statute Severity, 2019

Year	Misdemeanor	Felony	Status
2019	56%	40%	5%
2018	56%	40%	4%
2017	56%	40%	4%
2016	58%	37%	5%

Statute Severity

Misdemeanor Felony Status
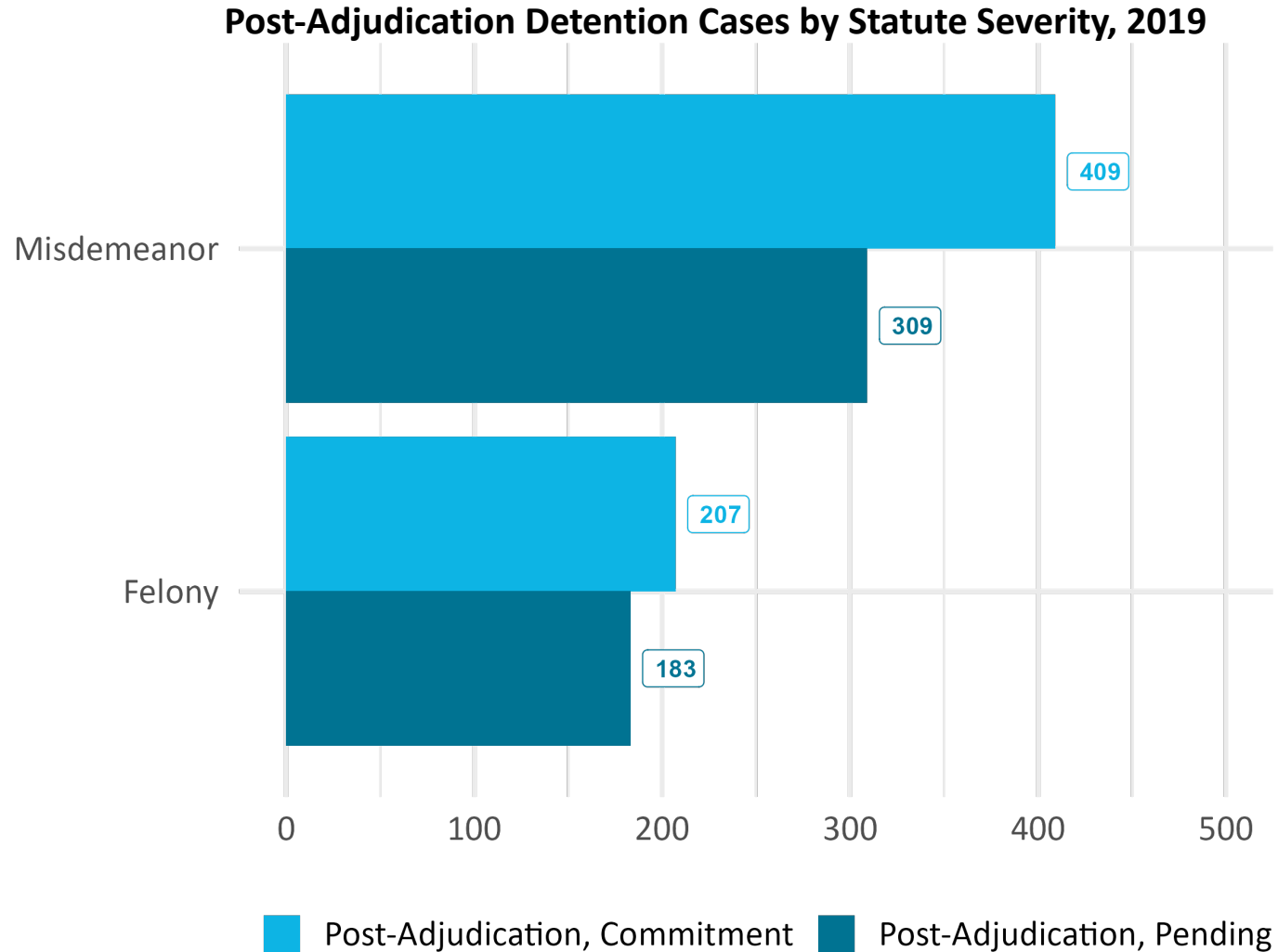
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While decreasing, in 2019, there were over 1000 cases of secure detention being used as a sanction for a technical violation or as a disposition.

Detention Cases by Type of Case, 2019

Pre-Adjudication Detention: 83.1%

Post-Adjudication Detention, Commitment: 12.1%

Post-Adjudication Detention, Pending: 9.8%

Nearly two-thirds of cases resulting in secure detention as a disposition are for misdemeanor offenses.

Post-Adjudication Detention Cases by Statute Severity, 2019

Legend: Post-Adjudication, Commitment · Post-Adjudication, Pending

Misdemeanor — Commitment: 409, Pending: 309
Felony — Commitment: 207, Pending: 183

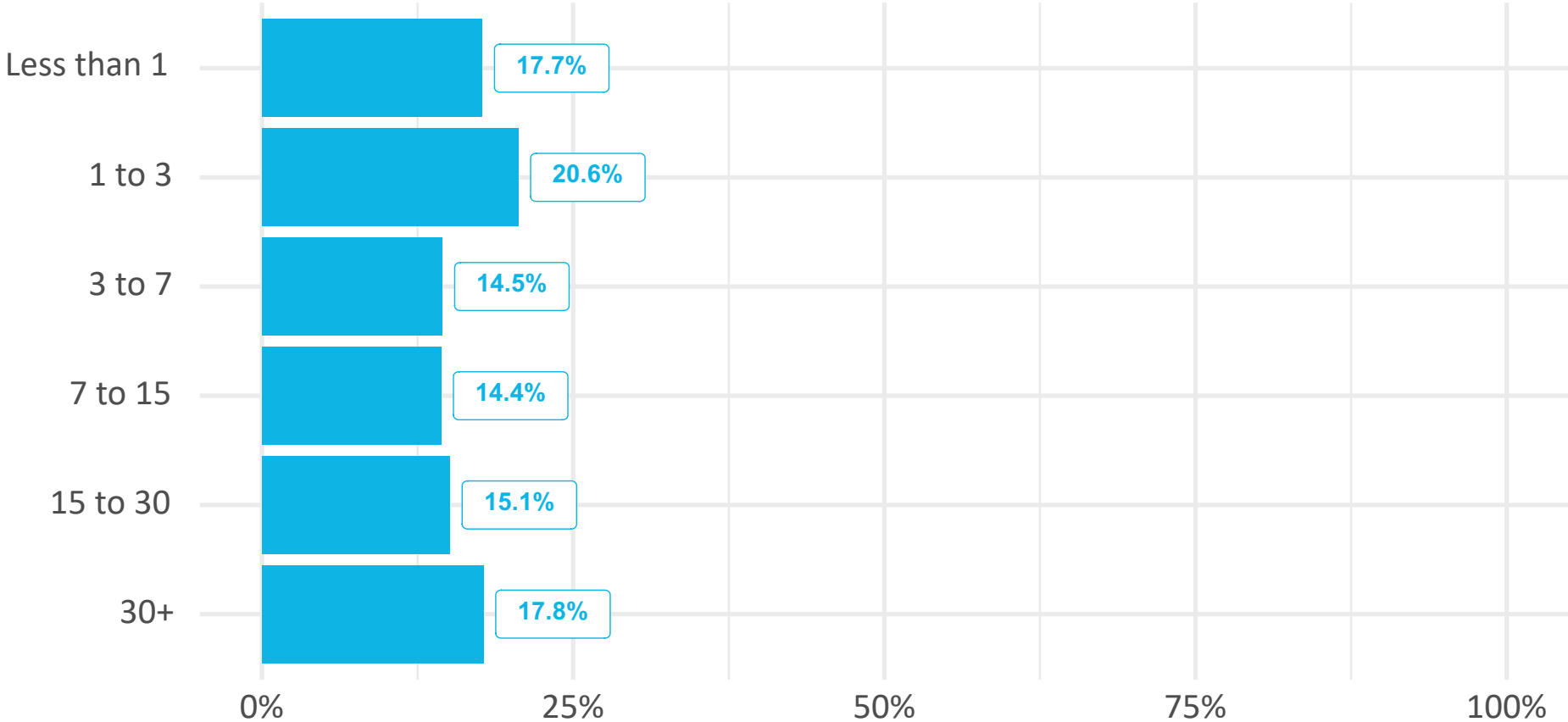# More than 160 cases resulting in secure detention are for youth ages 12 and under.

Detention Cases by Age, 2019
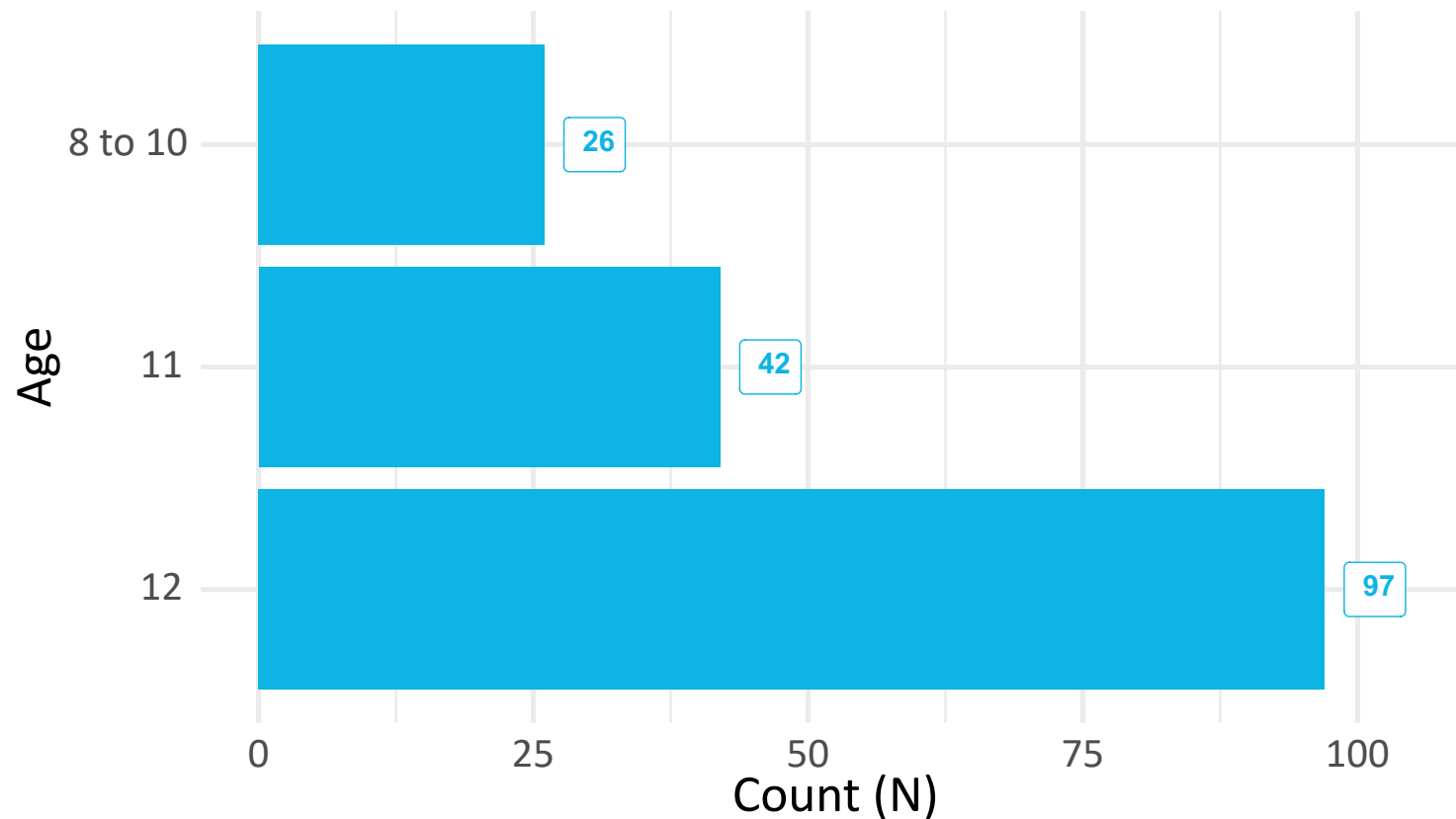
- **60 percent** of detention cases for youth 12 and under are for **misdemeanor offenses**, and **8 percent are for status offenses**.
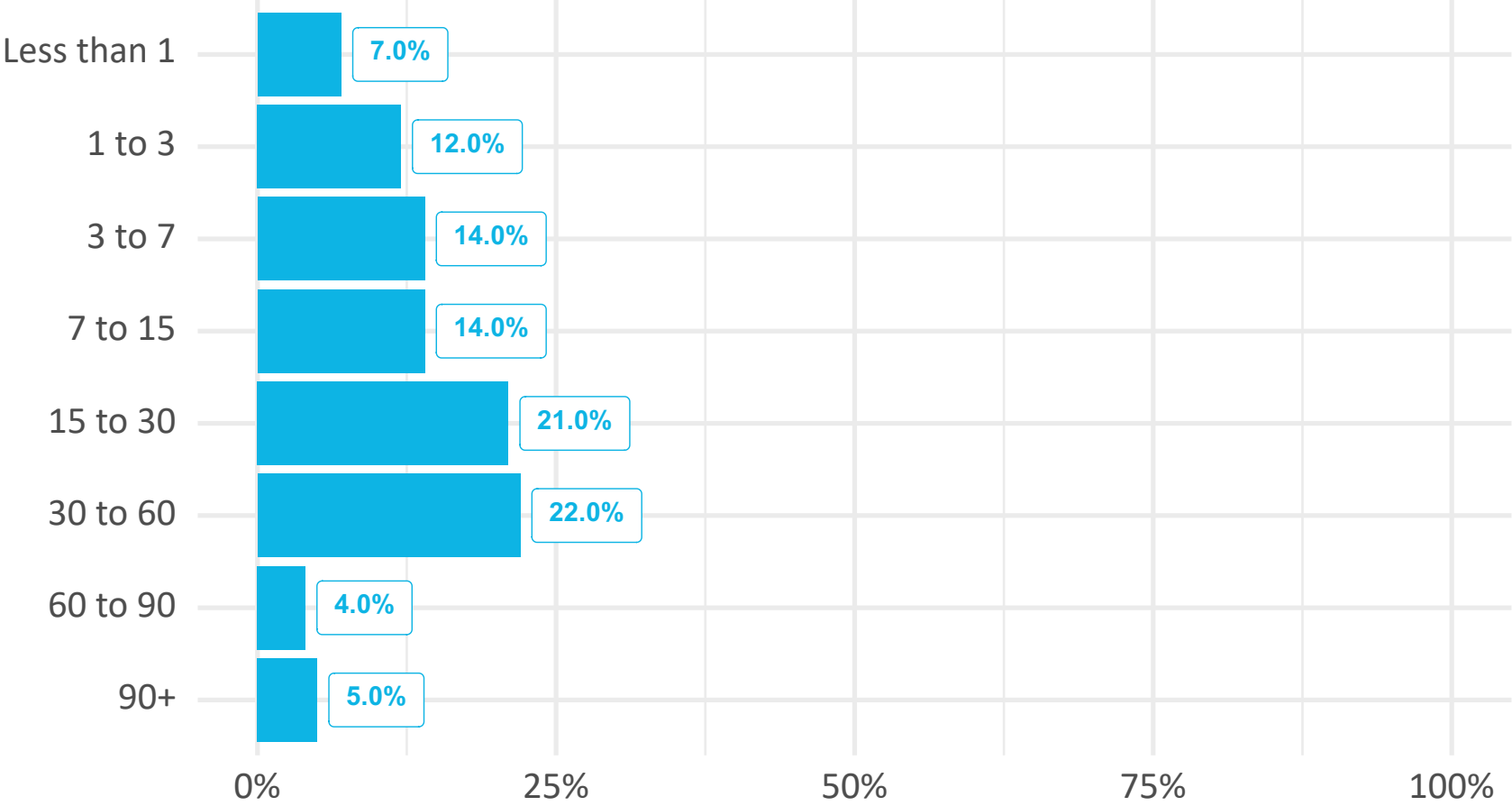
More than 38 percent of pre-adjudication detention cases have lengths of stay 3 days or shorter, and nearly 18 percent are longer than 30 days.

Pre-Adjudication Detention Cases Length of Stay, 2019

Length of Stay	Percent
Less than 1	17.7%
1 to 3	20.6%
3 to 7	14.5%
7 to 15	14.4%
15 to 30	15.1%
30+	17.8%

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For post-adjudication detention cases, more than 30 percent have lengths of stay that are longer than 30 days.

**Post-Adjudication Commitment Detention Cases Length of Stay, 2019**

Length of Stay (days)	Percent
Less than 1	7.0%
1 to 3	12.0%
3 to 7	14.0%
7 to 15	14.0%
15 to 30	21.0%
30 to 60	22.0%
60 to 90	4.0%
90+	5.0%

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

- Counties vary in their use of a detention screening tool. While some counties use a JDAI developed tool or the IYAS-Detention tool, other counties do not use any tool.

- Statute allows for broad discretion in the use of secure detention, and as a result, youth are placed in detention for non-public safety reasons, including for protection (particularly females or victims of trafficking), mental health issues or risk of self-harm, and parental refusal to pick up the child.

- The availability and use of community-based alternatives to detention and associated policies, including home-based supervision/services, kinship care, and emergency shelters, varies across the state.

- The above challenges contribute to youth being placed initially in detention but then released 1-3 days later, resulting in potential trauma and other negative effects.

- While some detention facilities are under the authority of the court, others are structured under the county government. Stakeholders report divergence in knowledge/use of research-based practices and changing philosophies with rotating leadership.

The 12 counties joining the JDAI initiative in 2016 saw a 50 percent decline in detention rates compared to no change in non-JDAI counties.

Detention Rates per 10,000 Youth, 2016–2019
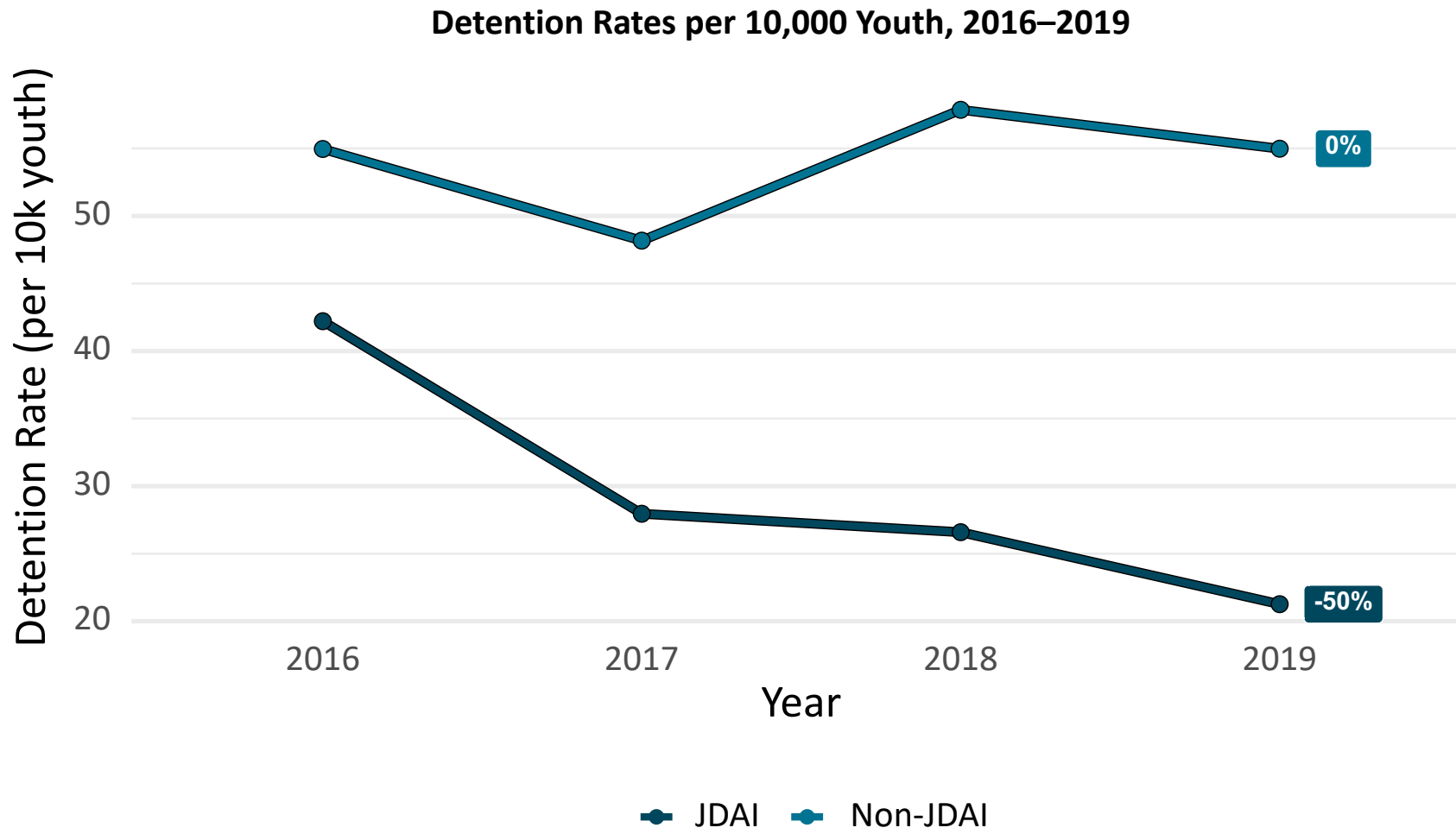
The discretionary use of detention for different reasons and populations has made it increasing challenging for facilities to meet youth's needs.

- Structural limitations in smaller detention facilities force the mixing of boys and girls, younger and older youth, pre- and post-adjudicated youth, and youth with varying degrees of offense severity in housing units and programming.

- Stakeholders identified that there has been an increase in the number of youth admitted to secure detention with intensive behavioral health needs, and that facilities lack the appropriate treatment to support these young people.

- The addition of direct file youth to juvenile detention is challenging facilities to rethink their structure and programming to support youth that are in detention for longer periods of time.
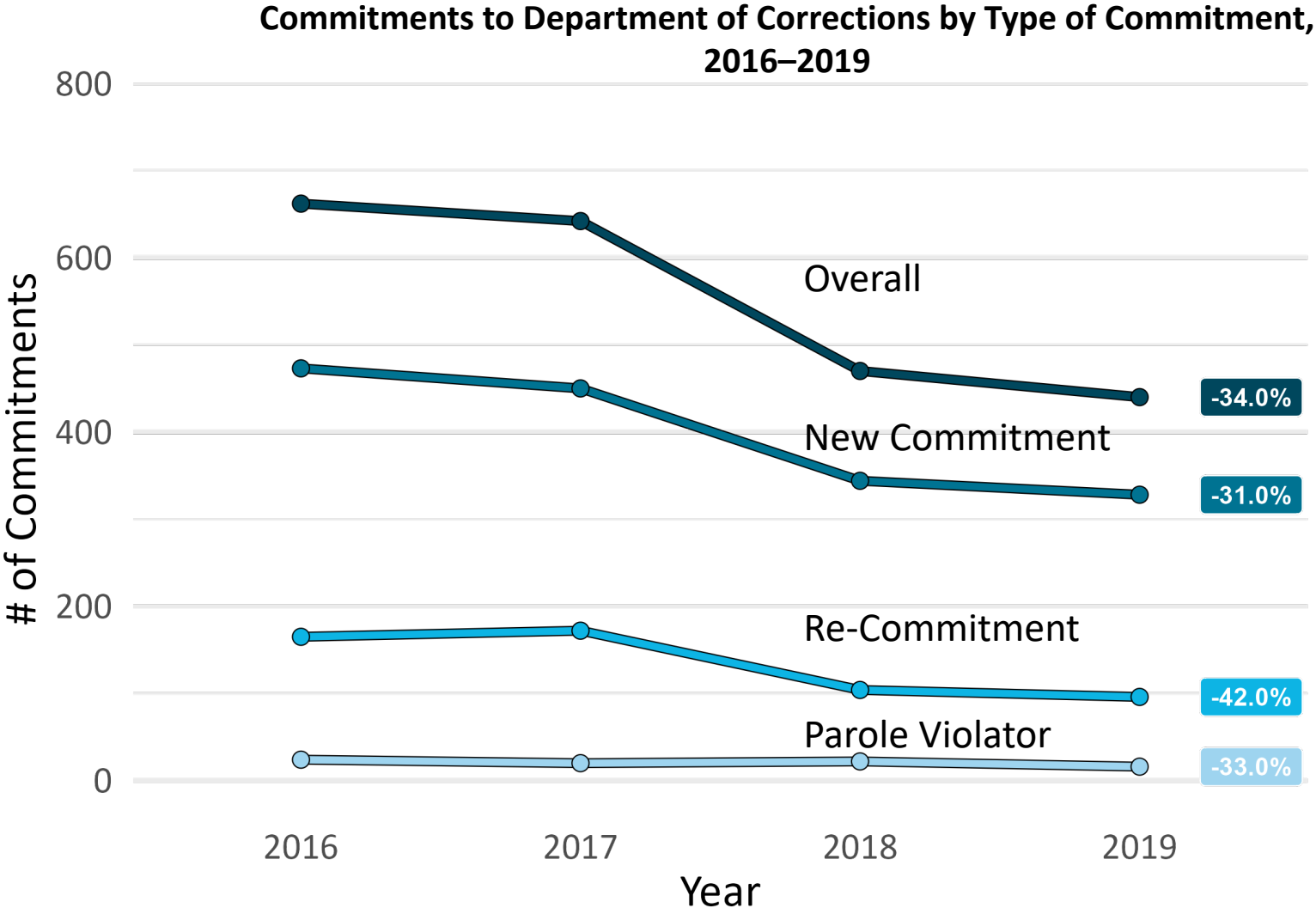
Key Finding #2:

Youth committed to Department of Corrections custody consist largely of moderate risk youth. Youth with low-level offenses are also being placed in secure facilities.

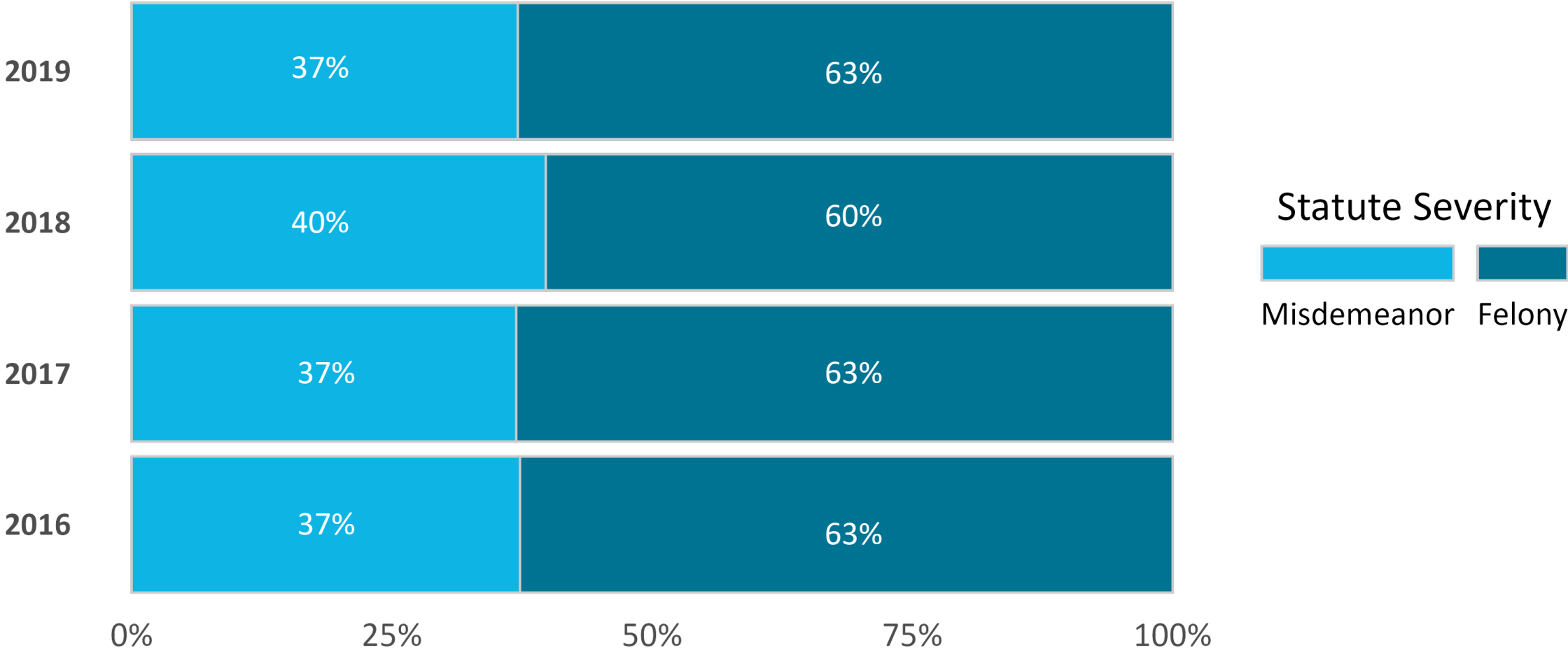# What are best practices in the use of out of home placement?

❖ Reserve all forms of out of home placement for <u>youth that have the highest risk of reoffending or require in-patient</u> behavioral health treatment

❖ Conduct <u>validated risk/needs assessments and behavioral health assessments prior to disposition</u> and share the results with all court parties to inform dispositional decisions.

❖ <u>Limit lengths of stay</u> to time necessary to provide appropriate treatment and mitigate risk.

❖ <u>Engage families</u> throughout youth's time out of home in case planning, services, and reentry.

❖ <u>Develop robust reentry plans that provide for a continuity of care</u> for youth's criminogenic, behavioral health, and practical needs when they return to the community.

Overall, commitments to the Department of Corrections decreased 34 percent between 2016 and 2019.

Commitments to Department of Corrections by Type of Commitment, 2016–2019

Overall **-34.0%**

New Commitment **-31.0%**

Re-Commitment **-42.0%**

Parole Violator **-33.0%**

# of Commitments

Year

More than one-third of DOC commitments are consistently for misdemeanor offenses, less than half of which are person or weapons offenses.

Commitments to Department of Corrections by Statute Severity, 2016–2019

Year	Misdemeanor	Felony
2019	37%	63%
2018	40%	60%
2017	37%	63%
2016	37%	63%

Statute Severity

Misdemeanor   Felony

0%   25%   50%   75%   100%

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Most youth in DOC custody are assessed as moderate risk, with one-third assessed as high risk.

Commitments to Department of Corrections by Risk Level, 2016–2019

Low — 4%
Moderate — 60%
High — 36%
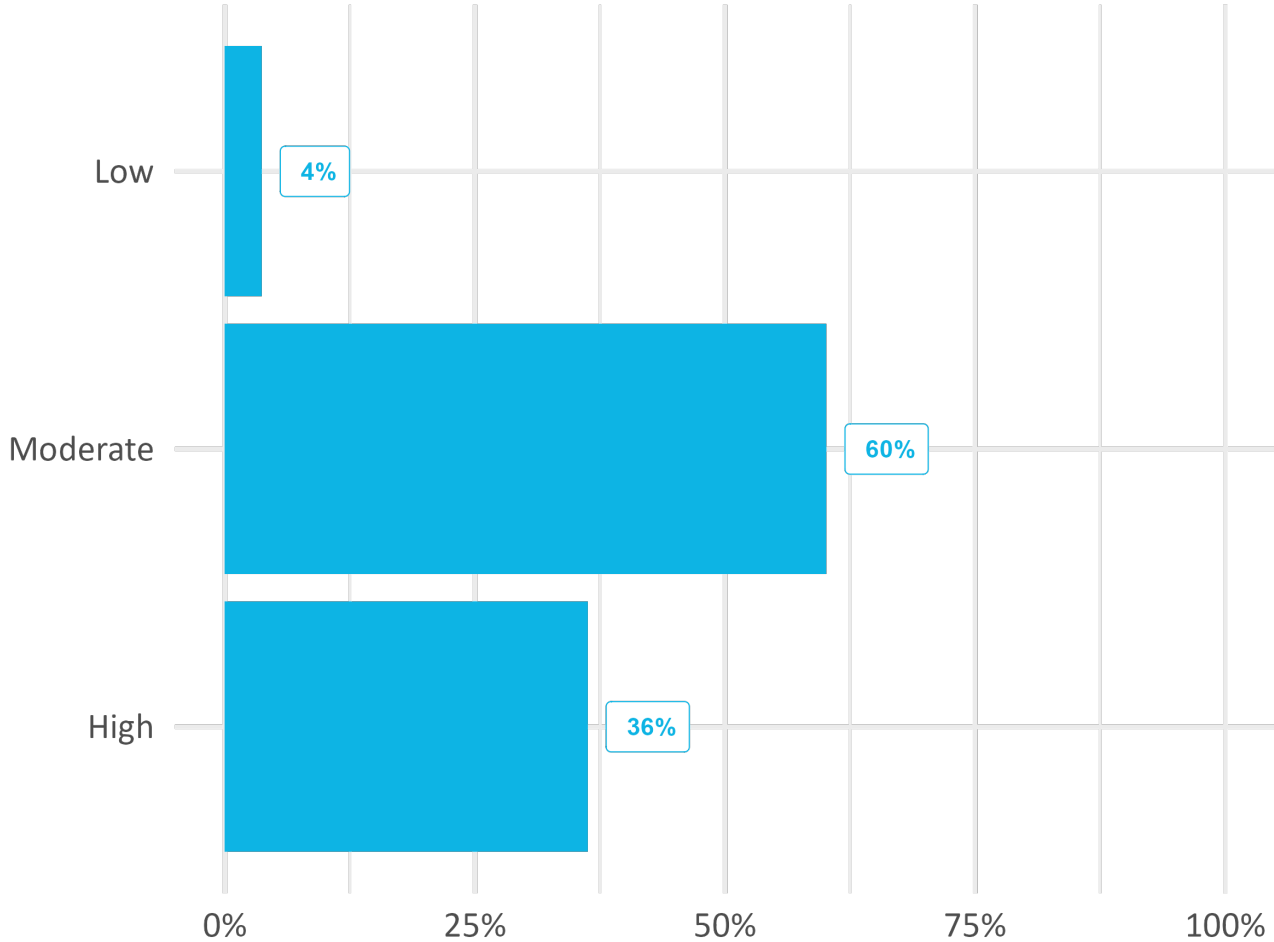
The average length of stay for youth in DOC custody increased nearly 67 days between 2016 and 2019, with a significant increase in 2019.

Year	Average Length of Stay
2016	207
2017	213
2018	217
2019	273

- **The average LOS for felony offenses in 2019 was approximately 26 days longer than for misdemeanor offenses.**

- **The average LOS increased 68 days for felonies during this time period and 66 days for misdemeanors.**

About 100 admissions to DOC annually are solely for the purpose of diagnostic assessments, a practice most states have eliminated.

- Youth can be court-ordered to receive a diagnostic assessment in a DOC facility prior to disposition. Over 60 percent of diagnostic intakes in 2019 were for misdemeanor offenses.

- Youth stay approximately 3 weeks to receive the diagnostic assessment. During this time, they are housed in intake units with youth that are disposed to DOC custody.

- Youth residing in smaller, more rural jurisdictions are more likely to be court-ordered to receive an assessment inside a DOC facility due to a challenges with obtaining a community-based assessment and the cost to counties should that assessment take place outside of DOC.

- Of the overall number of commitments in 2019, 6 percent were a new commitment with a prior diagnostic.

Key Finding #3:

Youth committed to Department of Corrections custody are not consistently receiving research-based, developmentally-appropriate services and supports, including for reentry.

Department of Corrections policies and practices are not fully aligned with the research on what works.

- Stakeholders report the potential need for additional training on conducting the IYAS assessment and reassessment and using the IYAS to inform the development of individual growth plans.

- Stakeholders report an increase in mental health needs in youth being admitted to DOC custody, and facilities are struggling to provide more intensive evidence-based programming to support these youth.

- For the most part, DOC facilities do not provide youth with postsecondary education or CTE/workforce opportunities.

- Some sanctions-based policies and practices employed by DOC have been deemed by research to be ineffective, including the utilization of a boot camp program and the use of segregation and isolation.

- DOC facilities do not utilize a formalized graduated sanctions/incentives system to address youth behavior. Consequences for misbehavior can include removal from education and other programming.

Most youth discharged from DOC custody are released directly into the community with no supervision and minimal support.

- 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.

- Reentry planning often begins shortly before a youth is scheduled for release rather than upon entry, leaving minimal time for DOC staff, family, and other stakeholders to make the necessary connections in the community.

- Transition coordinators/facility staff work with youth to make warm handoffs and connections in the community, but stakeholders report that without any formal aftercare system or contracted services, there can be a lack of follow-through and no accountability.

- Most stakeholders interviewed identified the lack of reentry and transitional supports and services, including housing, education, employment, and family therapy, as one of the biggest challenges impacting recidivism.
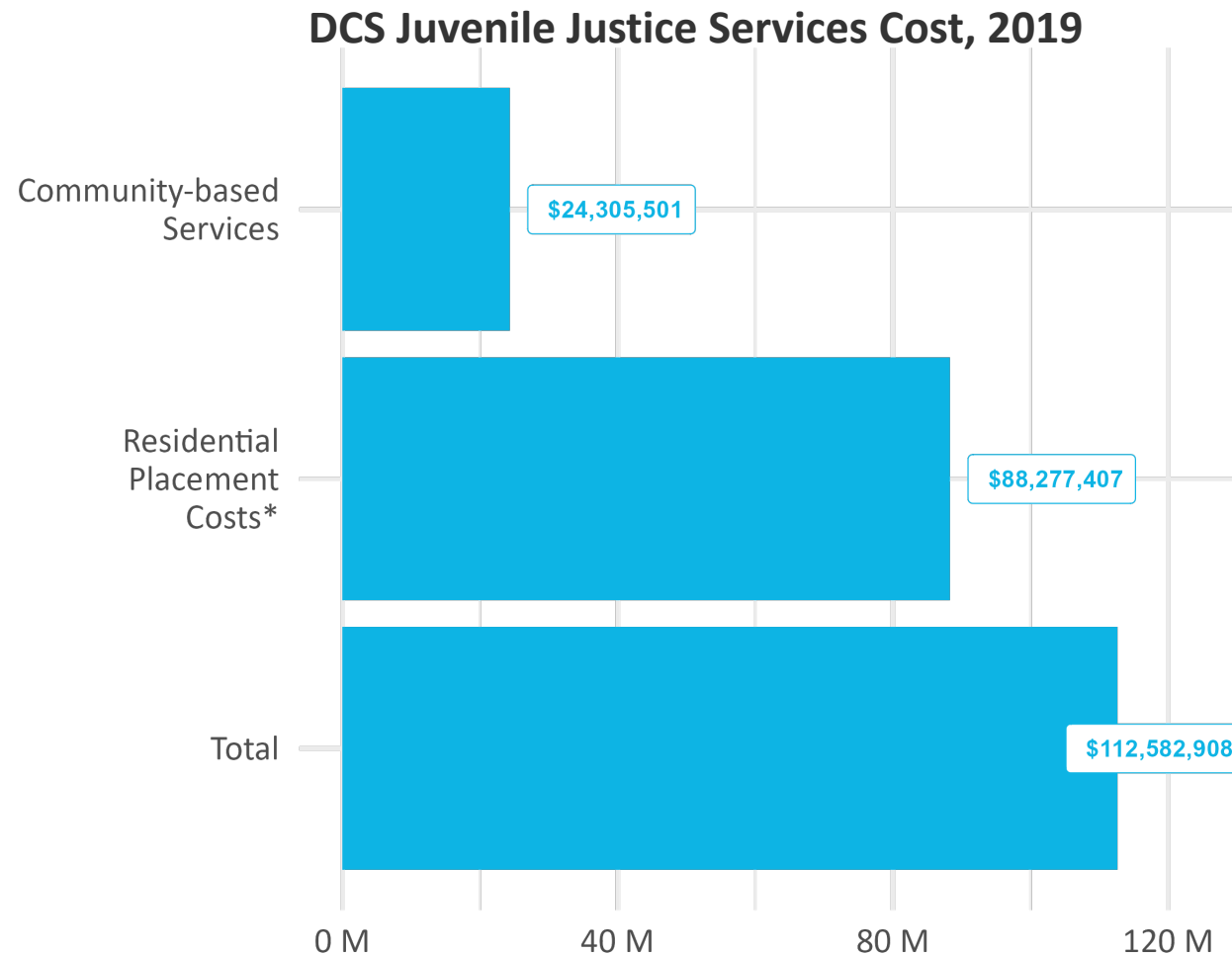
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Key Finding #4:

State juvenile justice funding is used primarily for residential services, and there are limited funding requirements, quality assurance protocols, or data processes in place to ensure that state dollars are used cost effectively.

What are best practices in service provision?

❖ Focus services on <u>moderate/high risk youth and on community-based services demonstrated by research as effective</u>.

❖ <u>Use funding to support/require/incentivize research-based policies and practices,</u> including the establishment of community-based alternatives to system involvement and incarceration.

❖ <u>Match youth to services</u> that address their key criminogenic and behaviorial health needs and ensure youth are are engaged in services and <u>receive the appropriate "dosage."</u>

❖ Use <u>funding, procurement processes, contracts,</u> <u>quality assurance</u>, and <u>data collection</u> to promote adherence to research-based practices and accountability for improved outcomes.

❖ <u>Evaluate service provider performance and youth outcomes</u> and direct resources accordingly.

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

DCS Juvenile Justice Services Cost, 2019

- Community-based Services: $24,305,501
- Residential Placement Costs*: $88,277,407
- Total: $112,582,908

Most youth in out-of-home placements are in a residential child care institution (CCI) or a privately run secure facility.

DCS Funded Residential Placements by Type, 2019
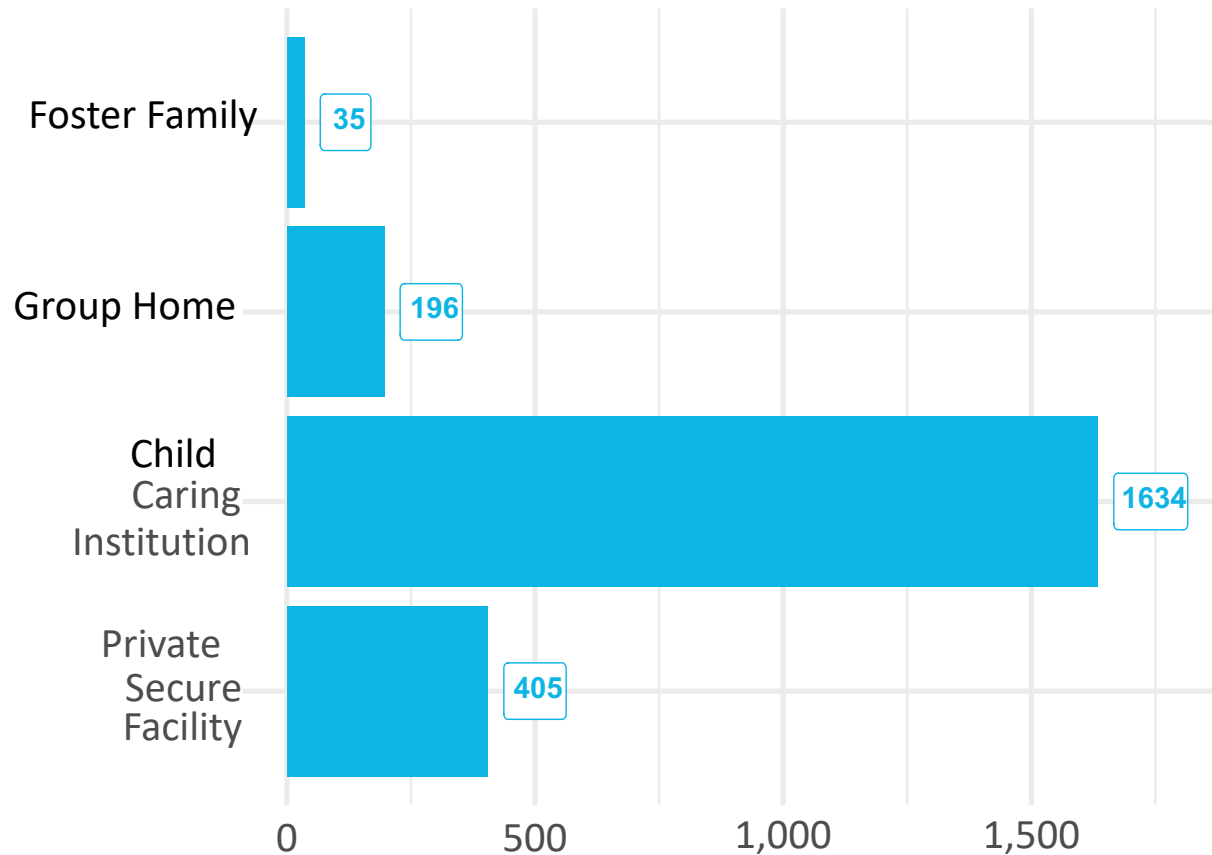
Placement Type	Costs in 2019
Foster Family	$458,382.04
Group Home	$6,961,669.80
Child Caring Institution	$50,827,814.02
Private Secure Facilities	$29,142,900.57
Additional Placement-Based Services	$886,640.29
Total	**$88,277,406.72**

Chart values: Foster Family 35; Group Home 196; Child Caring Institution 1634; Private Secure Facility 405.

Note: Number of placements shows the number of placements staring, while cost information is based on the number of youth in placement during the year. Placement provider costs and out of state costs are excluded.

Despite declining referrals, the use of CCIs and private secure facilities has not substantially decreased.

- show number of total court referrals vs. use of CCIs/private secure facilities from 2016-2019....show the numbers and that while there was a dip from 2016 to 2017, it has been flat since...

DCS-funded community-based services are more oriented for a child welfare population and less targeted toward addressing youth's criminogenic needs.

DCS Activity	Total Amount Paid, 2019
Cross-System Care Coordination	$7,651,153
Home-Based Family Centered Case Work Services	$5,509,544
Home-Based Family Centered Therapy Services	$2,503,600
Total	*$15,664,297*
Total for All Community-Based Services	**$24,305,500**

Regional Service Councils, responsible for identifying the service needs of their communities, for the most part, do not include representation from the juvenile justice system.

County stakeholders report that youths' complex needs, and a lack of services, drive system involvement and the use of residential placement, but state dollars are not used in an intentional way to address these challenges.

- Counties submit a general budget plan to DCS but there are no requirements or policies around the use of state dollars based on county size, population, risk level of their juvenile justice population, or local resources.
- State juvenile justice funding can't be used for pre-arrest or pre-court diversion.
- There are no funding requirements, stipulations, or incentives guiding how counties use state dollars to ensure resources are used in a research-based way, or cost effectively, other than a general review/approval process for use of residential placements.
- Counties report specific service challenges such as a lack of behavioral health services or service gaps in rural communities. Yet, because the use of state juvenile justice dollars is almost entirely discretionary, there have been minimal coordinated efforts at the state level to use funding more intentionally/creatively to address these challenges.
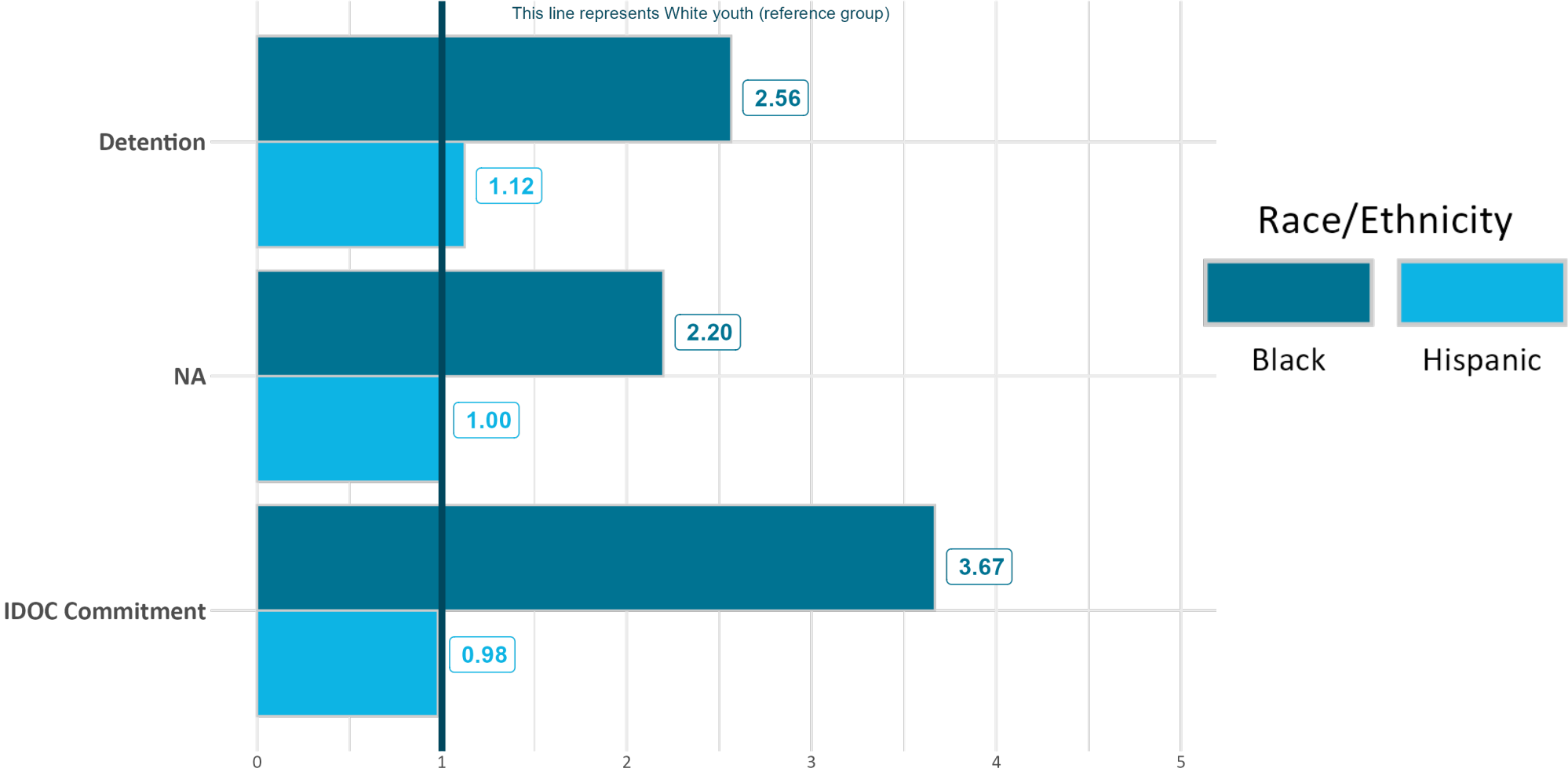
There is a lack of formal quality assurance and data collection processes to ensure state resources are used effectively.

- Statute lacks any requirements on the use of juvenile justice state funding for program and practices demonstrated by research as effective
- DCS has been striving to invest in more research-based programs and practices, but most services are still geared towards the child welfare population, and providers receive minimal training or guidance on best practices for serving justice-involved youth.
- There are limited ongoing quality assurance procedures in place to assess whether youth are matched to appropriate services based on their risk and needs, engaging with services, receiving the necessary "dosage" and completing programs successfully, and/or whether services are provided with implementation fidelity.
- Limited data is collected to enable either the state or counties to determine whether the services youth receive actually result in improved public safety and youth outcomes, and thus, whether over $100 million in annual state funding has any positive impact.

Key Finding #5:

Black youth are disproportionately likely to be placed in secure detention, in DOC custody, and in DCS residential facilities compared to their White peers.

Black youth are more than 2.5 times as likely as White youth to be detained, more than 3.5 times more likely to be committed to DOC custody, and more than twice as likely to be placed in a residential facility.

This line represents White youth (reference group)

Detention
- Black: 2.56
- Hispanic: 1.12

NA
- Black: 2.20
- Hispanic: 1.00

IDOC Commitment
- Black: 3.67
- Hispanic: 0.98

Race/Ethnicity: Black, Hispanic

Next Steps

Key Questions for Consideration

- What policies/practices are needed to ensure that services and the use of out-of-home placement is prioritized or reserved for the highest-risk youth?

- How can resources be allocated and used more intentionally to incentivize and support diversion and alternatives to detention and out-of-home placement?

- How can Indiana establish a more consistent, data-driven, equitable approach to detention and the out-of-home placement decisions statewide while maintaining county flexibility and customization?

- How can Indiana use its significant investment in juvenile justice services in a more intentional, cost-efficient, and equitable manner to match the right youth with the right level, type, and quality of services?

How have other states addressed these system challenges?

✓ Required the use of structured decision-making tools—such as validated detention screening and risk/needs assessments—to guide detention and dispositional decisions.

✓ Strengthened statutory limitations and processes around the use of detention and incarceration for public safety and not need-based reasons.

✓ Eliminated the use of all forms of out of home placement as a sanction, response to technical violations, and solely for diagnostic purposes.

✓ Required that state funding be used for evidence-based/promising practices.

✓ Established block grants, competitive grants, and incentive-based funding formulas to require/support/incentivize local diversion, use of evidence-based programs, and build a statewide continuum of community-based alternatives to detention, incarceration, and residential treatment.

✓ Conducted annual quality assurance assessments of juvenile justice services, established service provider performance metrics, and established continuous quality improvement and accountability processes for providers.

Next Steps

- Working groups will continue to review assessment data and start developing formal recommendations.
- Recommendations will be vetted with additional stakeholders.
- Recommendations will be shared with the task force chairs and members ahead of the November meeting.
- Working groups will present recommendations to the task force on November 29 for a vote to determine legislative priorities for 2022.
- <u>This meeting will be a full-day meeting and your attendance and active involvement is critical!</u>

Timeline of Activities

3rd Task Force Meeting (Services and Out-of-Home Placement)	Develop and Vet Recommendations through Working Groups	4th Task Force Meeting (Consensus)	Bill Drafting and Feedback
October 15	September–Early November	November 29	December

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