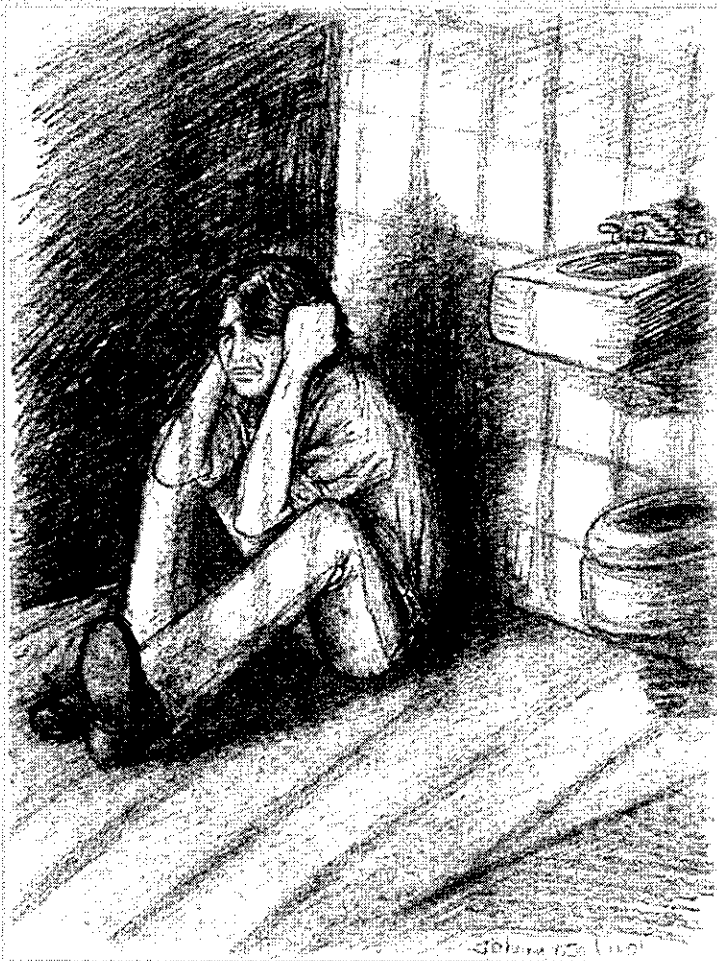


ARKANSAS JUVENILE JUSTICE TRANSFORMATION Recommendations and Strategies



Arkansas Youth Service Provider Network

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Arkansas Juvenile Justice Transformation

Summary of Recommendations

The state of Arkansas's juvenile justice system has two primary responsibilities: to ensure public safety and to habilitate and/or rehabilitate youthful offenders. Since the 1980's, the leadership within the Division of Youth Services has publicly reported to support the rehabilitation model, however the financial resources provided by the State have not followed to fund the necessary community based youth services as alternatives to institutionalization. The system has relied, to a great degree, on a confinement, corrections-based model to meet these responsibilities, despite the alarming statistic that as many as 70 percent of children in the Arkansas Juvenile Court System have a mental health and/or substance use disorder (Hammond, 2007).

Mental health screenings and a trauma-informed care approach are critical elements for improving outcomes for these children.

Evidence clearly shows that confinement, in secure lock-up, while more costly, is not effective or productive rehabilitation for children and youth (Arthur and Hartney, 2012).

Despite the lack of financial support at the State level, there are successful community based treatment models throughout the state.

Unfortunately, these programs are being eroded and diluted as time passes without periodic infusions of financial support. Juvenile courts and community based providers in many areas of the State work together to promote a more positive and therapeutic model of rehabilitation. However, the limited State funding to this system has not increased significantly in almost a decade. In almost all counties, there remains a shortage of intensive community alternatives for the highest risk, highest need youth. Such intensive services, if supported and managed effectively are MUCH less expensive than the cost of incarceration. The challenge lies in finding the best method to redirect funds from confinement to community-based services and still provide a safety mechanism that protects the community and minimizes the services gap.

Approximately 500 youth enter Arkansas institutional placement facilities each year at an estimated annualized cost of over \$90,000 per child (Kelly, 2013). While data is very limited,

experts and practitioners in the field of Juvenile Justice estimate that an even greater number of children are placed in county detention centers and other secure placements each year. These costs are paid by either the state and/or the county depending on the child's legal custody or status. Further, with an overwhelming majority of institutional placements being classified as nonviolent offenses, (Arthur and Hartney, 2012 p 22) it is also suspected that county incarcerations are of even greater proportions for nonviolent offenses.

Institutionalizing young people should be the choice of absolute last resort, reserved only for those who pose such a serious threat that no other solution would protect public safety.

Compounding the incarceration problem is the fact that there is no standardized statewide system in Arkansas for comprehensive risk assessment, mental health screening, or disposition tracking of children in the juvenile justice system. Arkansas is clearly behind the national trend toward implementing such structured and model decision making practices.

This confinement or corrections-based approach is failing the young people it is meant to serve. Youth are placed in secure facilities miles away from the support network of their families and communities. By incarcerating hundreds of children in facilities, the state of Arkansas is harming children, wasting taxpayer's money and endangering public welfare. The Juvenile Justice system can and should do better.

Arkansas schools also have a critical role to play in Juvenile Justice Transformation.

It has been said that the delinquency courts are "the default means of managing school misbehavior". This is typically referred to as the "School to Prison Pipeline" (Sample, 2013).

As such, models of positive disciplinary and truancy prevention programs need to be implemented where possible. Alternative Learning Environments and Special Education policies also need to be reviewed and reformed where appropriate to better manage such misbehavior. The goal should always be to keep children out of the juvenile court system whenever possible. The system should not be structured to encourage adjudication as a means to obtain services.

Within the past several years, there have been influential leaders, specific focus groups and some concerted efforts launched with the intent to bring change to the Arkansas Juvenile Justice System. While the Youth Service Providers acknowledge and agree that the underlying philosophy of these efforts is on target, many of the strategies and approaches have missed the mark. However, these efforts were not without merit as they have brought significant attention, enthusiasm and new energy to this important issue.

Organizations such as the Arkansas Advocates for Children and Families, the Annie E. Casey Foundation, the Youth Law Center and members of the Arkansas General Assembly not previously focused on Juvenile Justice in Arkansas have come to the forefront of these discussions providing new momentum for change.

The new leadership at the Division of Youth Services provides the best opportunity to move forward toward juvenile justice transformation.

A number of juvenile judges, probation staff, and youth service providers have also visited other states and piloted successful community based alternatives such as the Youth Advocate Program, Multi-Systemic Therapy and Juvenile Drug Courts. Their work continues to show

dividends in reduced incarcerations and has further opened the door for Juvenile Justice Reform in Arkansas. The network of youth service providers is certainly much more prepared for a transformation to a more community based model, less punitive and more trauma-informed system of care by building on and expanding the current continuums that are in place.

The Youth Service Providers in Arkansas make-up a network comprised of 13 non-profits that are community based service organizations contracting with the Division of Youth Services (DYS) and covering the entire state to provide casework, emergency shelter, sanctions, interventions, outpatient, aftercare and residential treatment services to at risk children/youth in the Arkansas Juvenile Justice system. The majority of the agencies under contract with DYS have 30 or more years of experience in the provision of community based youth services in Arkansas. These agencies' Youth Service workers are on the frontline of battlefield each and every day advocating for the least restrictive alternative that is most appropriate to prevent young people from unnecessary incarceration. Throughout the history of the Arkansas juvenile justice system, the Youth Service Providers have witnessed

turnover of DYS Directors and staff, elections of new judges, juvenile court staff changes, etc. Through all periods of transition, the Youth Service Providers have remained the primary constant in the vigil to provide needed services to youthful offenders and their families in their home communities or as close to home as possible, whenever possible. It is the position of the Youth Service Providers that because of the stability of this network of service providers and due to the relationship and support from the juvenile court staff, that Arkansas has been able to remain at or below the national average rate for incarceration of youth. The Youth Service Providers further attribute this level of success to the effective community based services that have been provided consistently over the past 30 years, especially when compared to other states. The Youth Service Providers know what services are effective, what services are needed and what components of the juvenile justice system need to be repaired.

Arkansas is quite unique in its approach to youth service provision. Youth services have been contracted by the Arkansas Department of Human Services - Division of Youth Services for over three decades. Although a "bid" or "request for proposals" process is used, the contracts are issued primarily to these same

community based non-profit agencies that have demonstrated the capabilities to respond more quickly to community needs than a state or government-run service. These organizations are governed by local Boards representative of the communities that they cover. The Youth Service Providers believe this is a major strength of the Arkansas juvenile justice system and one that should be built upon and appropriately funded.

Recently a number of states have also received national recognition for making improvements in reducing their incarceration rates, primarily during periods when juvenile arrests rates have been declining as well (OJJDP, 2012). In most cases, these same states are finally catching up with the success in Arkansas while others have implemented important incarceration-reducing reforms which Arkansas remains reluctant to act upon.

To reduce incarceration rates even further, the Division of Youth Services must fund more community alternatives for high risk, high need children.

The juvenile court system also needs financial assistance to meet the demands of implementing a much needed Structured Decision-Making (SDM) program to include

standardized risk and needs assessment as well as a mental health screening tool assessment and statewide dispositional matrix reporting (Arthur and Roche, 2008 p. 19). Further, the return of the use of Memorandums of Understanding between courts and service providers is a critical tool for clear communication of roles and responsibilities and the overall quality of service delivery.

Sentencing restricting legislation is also critical if Arkansas is serious about the immediate and significant reduction in youth incarceration rates.

While initially unpopular with juvenile courts, such restrictions have been extremely effective in many states. Mississippi, for example, reduced their youth incarceration rate to one of the lowest in the United States with the assistance of sentencing restrictive legislation (KCDC, 2013). The Youth Service Providers are confident that Arkansas can further reduce incarcerations with a combination of the above reform measures. However, these measures will absolutely require additional funding for

adequate and appropriate community based services and a strict, multiyear timetable to do so. The Youth Service Providers believe this can be accomplished with a combination of additional new monies or start-up funds from the Arkansas General Assembly combined with savings from reduced incarcerations.

The Youth Service Providers believe that the optimum approach to reaching these systematic goals of transformation is by partnering with the leadership at Department of Human Services- Division of Youth Services, the Governor, the legislators and the judicial leaders in hopes that all will recognize that Arkansas's juvenile justice system, while near the national average today, will continue losing ground if the juvenile justice system does not explore and implement more incarceration-reducing policies. At the same time, we must learn to leverage cost savings and secure other funds to implement community based alternatives for the significant demands created by the reduction in the incarceration rate.

The following is a list of recommendations from the network of Youth Service Providers:

Recommendations and Strategies

1 The Essentials of Transformation

Recommendation 1: Reduce the use of institutional placement, downsize institutions, and reinvest in community alternatives.

Strategy 1-1: The Division of Youth Services must continue the base and essential core services in all 28 judicial districts. These services include: casework, emergency shelter, aftercare, sanction services and interstate compact.

Strategy 1-2: The Division of Youth Services must provide resources to reopen community group home and shelter beds and to increase the intensity and level of care as needed to serve the population in need.

Recommendation 2: Improve and/or implement Structured Decision Making to include statewide comprehensive risk assessment, statewide mental health screening, and statewide dispositional matrix guidelines for the juvenile court system.

Strategy 2-1: Support and/or offer funding assistance to the Administrative Office of the Courts to develop and implement a comprehensive Structured Decision Making program throughout the Arkansas juvenile court system. **Strategy 2-2:** Provide training and technical assistance to court and community based provider staff on selected instruments and guidelines.

Recommendation 3: Reduce the numbers in the School to Prison Pipeline where the juvenile justice system is being used as a default means of managing school misbehavior.

Strategy 3-1: Appoint a multidisciplinary Taskforce of school personnel, juvenile judges, probation officers, youth service providers, etc., to recommend improvements in school discipline systems, truancy laws, truancy prevention programs, treatment of Aftercare students, special education testing, etc.

Recommendation 4: Continue to improve Data Collection and Outcome Measurement Systems for youth in the Juvenile Justice System.

Strategy 4-1: Improve data reporting of youth served, services received, court dispositions, outcomes, etc. and make this data readily accessible to all stakeholders and by the entire state. Improved reporting will help us all make more informed decisions...courts, providers, administrators, legislators, etc.

2 Keeping More Kids at Home: A Shift to Community-based Services

Recommendation 5: Reserve Institutional placement for youth who pose a significant risk to public safety and ensure that no youth is placed in a secure facility because of social service or mental health needs.

Strategy 5-1: Amend Arkansas Juvenile Code to include the following provision for delinquency dispositions:
"No child, having been adjudicated delinquent for a nonviolent felony or fewer than 3 misdemeanors, shall be committed to DYS state custody unless the child is rated as a high risk offender based on the established standardized Statewide Risk Assessment tool."

Strategy 5-2: Amend Arkansas Juvenile Code to require implementation of Arkansas Court Information System (AOC, 2013) in all juvenile courts in Arkansas. This system is critical for accurate tracking of dispositions.

Strategy 5-3: Amend Arkansas Juvenile Code to require Structured Decision Making in Arkansas to include a validated risk assessment (Hoge and Andrews, 2013), Statewide dispositional matrix guidelines (FDJJ, 2013) and a mental health screening tool (TJFC, 2013) to measure risk to public safety, need for mental health treatment, and guide placement decisions.

Strategy 5-4: Track and report on adherence to dispositional matrix guidelines each month to monitor effectiveness by county or to identify problem areas. (FDJJ, 2013)

Strategy 5-5 Specifically prohibit the use of "Violation of a Valid Court Order" as a reason for incarceration. In addition, a taskforce be charged with reviewing the recently published *National Standards for the Care of Youth Charged with Status Offenses* and make further recommendations for the Arkansas Juvenile Justice System.

Recommendation 6: Develop and expand community based alternatives to institutional placement.

Strategy 6-1: Expand the use of best practice and proven effective alternatives to institutional placement, especially for high risk, high need youth.

Strategy 6-2: Re-establish commitment reduction financial incentives to use community based services as an alternative to secure placement.

Strategy 6-3: Require written Memorandums of Understandings between juvenile courts and community based providers to promote better communication and collaboration.

3 Rethinking Institutional Placement

Recommendation 7: Place youth as close to home as possible.

Strategy 7-1: Establish a policy and practice that requires all youth who must be placed in a residential/institutional facility to be placed in their home community or in the facility closest to their home community. Also, provide community based resources for a broader continuum in each catchment area.

Strategy 7-2: Assign a taskforce to develop a comprehensive plan to reduce secure confinement beds and propose a system of adequate community alternatives (using savings generated) e.g. strategically placed therapeutic group homes beds. This plan should be based on cost/benefit analysis and national best practices for serving the displaced population.

Recommendation 8: Require all facilities culture, treatment and physical environments to be conducive to positive youth development and more rehabilitation.

Strategy 8-1: Make the physical appearance of facilities less punitive and more nurturing.

Strategy 8-2: Some youthful offenders have special needs because of learning disabilities. These youth should not require separate residential and secure placement programs to meet these special needs.

4 Fiscal Realignment

Recommendation 9: Redirect cost savings from reduced incarcerations into community based provider contracts to fund more community based alternatives.

Strategy 9-1: All community based provider contracts should share in savings according to current funding formula (based on youth population and poverty). This is critical for rewarding current and future service excellence.

Strategy 9-2: Service provider contracts in counties home to the highest number of incarcerations should include a clear plan to meet the demand of community alternatives for high risk, high need youth. Alternatives such as Evening Reporting Centers, Youth Advocate and Mentoring Programs, Multi-systemic Therapy, Electronic Monitoring, etc., are some examples of effective programing to address this issue.

Recommendation 10: Maximize federal funding for expanding community alternatives to incarceration.

Strategy 10-1: DYS should deliver a fiscal plan/strategy to assure the system in Arkansas is maximizing federal funding for juvenile justice spending. Such a strategy should include an analysis of Office of Juvenile Justice and Delinquency Prevention (OJJDP), Temporary Assistance for Needy Families (TANF), Social Services Block Grant (SSBG), and Social Security Act Title IVe funding opportunities. A number of states appear to be utilizing these funds for community juvenile services more effectively than Arkansas.

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