

**REPORT TO THE  
UTAH LEGISLATURE**

Report No. 99-01

**A Performance Audit  
of  
Utah's Juvenile Justice System**

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Audit Performed by:

Audit Manager

John M. Schaff

Audit Supervisor

James P. Behunin

Audit Staff

John Darrow

Jennifer Hogge

Consultant

Dr. Barry Krisberg

# Table of Contents

	<b>Page</b>
Digest .....	i
Chapter I	
Introduction .....	1
Utah Needs a Comprehensive Strategy With Early Intervention and Intermediate Sanctions .....	1
Lack of Clear Roles and a Unified Strategy Has Been an Obstacle .....	6
Scope and Objectives .....	7
Chapter II	
More Emphasis Should be Placed on Early Stages of Delinquency .....	9
Early-intervention Programs Should Target Those Responsible for Most Crime .....	9
Many Juveniles in Community-Based Programs Could Receive an Intermediate Sanction .....	17
Savings Produced by Intermediate Sanctions Can Help Pay for Early Intervention .....	29
Chapter III	
Organizational Roles and Responsibilities Need Clarification .....	35
It's Unclear Which Agency Should Serve Juveniles At the Initial Stages of Delinquency .....	36
Juvenile Court and Youth Corrections Provide Similar Services .....	39
Lack of Continuity Occurs as Juveniles Move from One Agency to the Other .....	41
Lack of Clearly Defined Responsibilities Is an Obstacle to Cooperation .....	44
Legislature Could Clarify Responsibilities of Each Agency .....	46
Utah Should Adopt a Statewide Juvenile Justice System And Work Towards Local Governance .....	51

## Table of Contents (Cont.)

	<b>Page</b>
Chapter IV	
Placement Decisions Must be Based On the Results of An Assessment . . . . .	53
Assessment of Juvenile Offenders Is an Essential Part of Any System of Graduated Sanctions . . . . .	54
Utah Lacks a Systematic Way of Deciding Where to Place Juvenile Offenders . . . . .	56
Sentencing Guidelines Have Not Brought Consistency to the Sentencing Process . . . . .	63
Other States Perform Two Types of Assessments: One for Risk and Another for Classification . . . . .	67
Not Having a Formal Assessment Process Can Result in Serious Consequences . . . . .	70
Chapter V	
An Effective System Of Graduated Sanctions Is Needed . . . . .	75
Significant Disagreements Exist Regarding Juvenile Justice and Program Philosophy . . . . .	75
Programs That Work Should be Adopted . . . . .	78
Program Effectiveness Should be Monitored . . . . .	85
Appendices . . . . .	91
Responses . . . . .	117

# Digest of a Performance Audit of Utah's Juvenile Justice System

In order to reduce juvenile crime, the State of Utah needs to focus on the small portion of youthful offenders who are responsible for most serious youth crime. A small minority of all juvenile offenders are responsible for the majority of felonies committed by juveniles. There is growing evidence that the best way to control this population is to provide them with intervention services while they are still young and are at the early stages of delinquency. Unfortunately, confusion has risen over which agency, the Juvenile Court or the Division of Youth Corrections, should take the lead in serving this population. This confusion has made it difficult for the state to develop effective programs for juveniles at the early stages of delinquency.

This report recommends that the state develop a comprehensive strategy for serious, violent and chronic offenders. The strategy will require that the Legislature first clarify the roles of the Juvenile Court and the Division of Youth Corrections. Specifically, we recommend that the Legislature adopt legislation that clearly states that the Juvenile Court should have responsibility for the administration of justice while the Division of Youth Corrections or some other executive-branch agency assume responsibility for administration of all services, sanctions, and penalties issued by the Juvenile Courts.

Once the roles of each agency have been clarified, the state must then adopt better management practices so the juvenile justice system can function more effectively and efficiently. First, the Juvenile Courts must perform an assessment during the court intake process that identifies high-risk juveniles at an early age. In addition, the Division of Youth Corrections must perform an assessment of each youth offender who has been sentenced to a community-based program or secure confinement. This assessment will allow the division to place juveniles in the program that is most appropriate for their needs given the level of risk they present to the community. Finally, the division must hold providers accountable for the effectiveness of the intervention services they provide. Once these steps are taken, the state will be in a better position to develop a comprehensive strategy for juvenile justice that provides for the early intervention of youthful offenders, reduces the amount of crimes they commit, and reduces the number of juveniles that progress to the more intensive and costly levels of intervention.

The following summarizes the key findings and recommendations of this report:

**More Emphasis Should Be Placed on Juveniles at the Early Stages of Delinquency.**  
There are two reasons why Utah should place more emphasis on juveniles at the early

stages of delinquency. First, most serious juvenile crime is committed by a relatively small population of juvenile offenders. If these juveniles can be identified at an early age and offered intensive early intervention services, the state should be able to reduce the amount of serious and violent juvenile crime. A second reason to focus on juveniles at the early stages of delinquency is that many low-risk offenders are being moved into community-based programs because there are not enough intermediate sanctions for them. Juveniles who are having difficulty meeting the conditions of their probation may require a more intensive level of at-home supervision. However, because few intermediate sanctions are available, many juveniles end up in community-based programs even though they do not have a criminal record that would normally justify such a placement. These juveniles need a set of intermediate sanctions that provide more intensive supervision and treatments than probation can provide but are not as harsh as a community placement.

**Organizational Roles and Responsibilities Need Clarification.** The State of Utah will not be able to develop an effective set of early intervention programs and more intermediate sanctions until the roles and responsibilities of the Juvenile Court and the Division of Youth Corrections are clearly defined. Because neither agency has been given clear responsibility for providing services to juveniles at the early stages of delinquency, both agencies are developing programs and services aimed at this population. As a result, it has been difficult for the two organizations to provide continuity in the supervision and treatment they provide to juvenile offenders. As juveniles move through the continuum of services they are passed from one organization to the other. Additionally, the confusion over roles and responsibilities has been an obstacle to the effective implementation of the state-supervision program approved by the Legislature during the 1998 legislative session. Finally, some activities of the Juvenile Court and Division of Youth Corrections overlap. In our opinion, the overlapping responsibilities and lack of continuity is an impediment to both the efficiency and effectiveness of Utah's juvenile justice system.

**Placement Decisions Must Be Based on the Results of an Assessment.** The success of a graduated system of sanctions depends on the fair and consistent matching of juveniles with the various levels of intervention available. Before deciding the type of intervention program in which to place a juvenile offender, the state must develop specific selection criteria for each program and level of intervention. Then, an assessment should be made of each juvenile offender to determine which program is best suited to the risk they present to the community and to any treatment needs they may have. Although Utah uses a set of sentencing guidelines to determine the level of intervention, the sentencing guidelines do not account for all of the factors normally considered when deciding the specific type of intervention a juvenile should receive. This problem could be addressed if the state would use its sentencing guidelines in combination with a formal assessment and classification system that provides a consistent approach for matching individual juveniles with the various types of intervention they need. Because the state does not have a consistent process for matching juveniles with the types of intervention available, some

juveniles with relatively few offenses are placed in programs with juveniles who have relatively long criminal records.

**An Effective System of Graduated Sanctions Is Needed.** We question whether the state can develop a complete system of graduated sanctions unless there is more agreement regarding the state’s intervention strategy. We recommend two steps that can be taken to help stakeholders agree to a unified strategy of intervention. First, the state must require that when new programs are adopted, there must be evidence the program is effectively serving the target juvenile population. During the past year Utah’s Legislature appropriated \$6 million for programs targeting juveniles under “state supervision,” but in many cases, there was not enough research done before the programs were adopted to verify that the program design was a valid one. A second step that should help the state unite behind a common juvenile justice strategy is to perform an ongoing review of the effectiveness of individual programs and services. Each provider of youth corrections services should be held accountable for accomplishing a set of performance standards. This should reduce the disagreement regarding which programs are most effective at reducing juvenile crime.

# Chapter I

## Introduction

Because there is no simple solution to the problem of juvenile crime, it may be one of the most difficult challenges faced by public officials. Once young people have developed a pattern of serious and violent criminal behavior, it can be difficult for them to change. In spite of the time that youth offenders may spend in correctional programs and the thousands of dollars spent on rehabilitative services, most serious and violent offenders have difficulty adopting a crime-free lifestyle after they are returned to the community. Either they do not want to change, or because of drug addiction, negative peer relationships, lack of job opportunities or unsupportive families, these juveniles often have difficulty resisting the pressure to return to a delinquent lifestyle. In view of this condition, the emerging consensus among the experts is that the best way to curb juvenile crime is to intervene at an early age, when they first begin to demonstrate delinquent and criminal behavior. In addition to community-based rehabilitation programs and secure facilities, a successful juvenile corrections system must also develop a wide range of services and sanctions for juveniles who are at the early stages of delinquency. This report refers to this approach as a comprehensive strategy for juvenile crime.

### **Utah Needs a Comprehensive Strategy With Early Intervention and Intermediate Sanctions**

Many experts in the field of juvenile justice, including many in Utah, recognize the need to intervene earlier in the lives of juvenile offenders. For example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), an agency within the U.S. Department of Justice, has found that “a small proportion of offenders commit most serious and violent juvenile crimes” and that in most states “it is clear that the juvenile justice system does not see most offenders until it is too late to intervene effectively.” As a result, the OJJDP has developed a “Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders” that is gaining acceptance throughout the country. The “comprehensive strategy” is one that provides a broad continuum of sanctions and services for juveniles at all levels of delinquency. At one end of the continuum are *prevention* programs that target juveniles at risk of becoming delinquent. For juveniles who have committed a few crimes and who are at the early stages of delinquency, *early intervention* and *intermediate sanctions* are provided. At the other end of the continuum are *community-based programs* and *secure facilities*. They offer various levels of confinement for serious offenders who need intensive supervision.

Figure I provides an overview of the comprehensive strategy. Although many of the features of the comprehensive strategy have already been adopted by Utah, others have not yet been adopted or have not been fully developed.

## Figure I Overview of Comprehensive Strategy

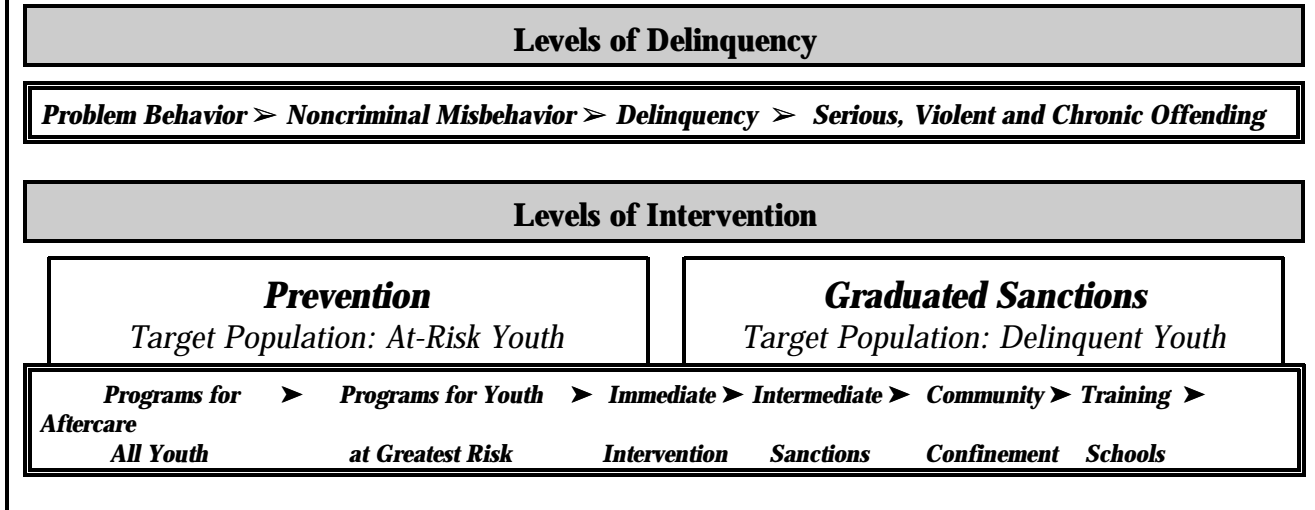


Figure I shows the components of the comprehensive strategy. As the level of delinquency increases, so must the level of intervention be increased. As a juvenile progresses from non-delinquent behavior such as *problem behavior* and *noncriminal misbehavior* into *delinquency* and *serious, violent and chronic offending*, then the level of intervention must be increased. At one end of the continuum are prevention programs that target at-risk youth. At the other is a system of graduated sanctions that target delinquent youth. The first step in the system of graduated sanctions is a set of immediate intervention programs for juveniles that are first demonstrating delinquent behavior. For high-risk offenders, immediate intervention means a set of intensive early intervention programs and services. For those who are not high-risk offenders, a set of fines, restitution or probation would be the most appropriate response. As juveniles advance to more serious levels of criminal behavior, so must the sanction levels increase. The step after *immediate intervention* is a set of *intermediate sanctions* that provide intensive levels of supervision and treatment to juveniles while they reside at home. After *intermediate sanctions* come *community confinement* in group homes and other out-of-home facilities. *Training schools* (or secure facilities) represent the highest level sanction in the continuum. Finally, juveniles should receive *aftercare* services when they eventually leave the system of graduated sanctions.

The National Council on Crime and Delinquency (NCCD), at the request of the Department of Justice, is advising several states and local jurisdictions regarding how they might implement the Comprehensive Strategy. At the advice of the National Conference of State Legislatures, we sought the assistance of Dr. Barry Krisberg, the Director of the NCCD. On several occasions, Dr. Krisberg visited Utah and advised the legislative audit staff



regarding how Utah might adopt some features of the Comprehensive Strategy. In addition, Dr. Krisberg suggested that the staff visit two jurisdictions that have already adopted many features of the Comprehensive Strategy. These are Orange County, California and the State of Massachusetts. To a large extent, the criteria used to evaluate Utah's juvenile justice system is based on the Comprehensive Strategy, the advice of Dr. Krisberg and the observations by legislative audit staff of the juvenile justice systems in Orange County, California and in Massachusetts.

Although Utah has not formally adopted the Comprehensive Strategy as described above, both the Juvenile Courts and the Department of Human Services are in the process of developing many of its components. The following describes ways in which both the prevention and graduated sanctions portions of the Comprehensive Strategy are being developed in the State of Utah.

### **Prevention Programs Help At-risk Juveniles Avoid Delinquency**

Many efforts are already underway to provide better delinquency prevention in Utah. For example, the "Utah's Promise" initiative is a prevention program sponsored by Governor Leavitt. The Big Brothers & Big Sisters program helps match high-risk children with adult mentors. Project Hope is a non-profit effort in Salt Lake County that is aimed at helping grade school children who come from high-risk families. Salt Lake City has sponsored a midnight basketball program as part of their crime prevention strategy.

Because prevention programs are primarily aimed at juveniles who have not yet committed criminal acts, they are not the primary responsibility of either the Juvenile Courts or the Division of Youth Corrections. As Governor Leavitt suggested to the Legislative Task Force on Juvenile Justice, prevention should be the responsibility of local government and private organizations. The Governor said that he views the Juvenile Court and other governmental entities as intervention agencies, not prevention agencies. He emphasized that while government agencies and the court serve as a network to the system, prevention requires a broad community effort. In fact, at the same time this audit was underway, the Department of Human Services was developing a process to coordinate the efforts of agencies that provide assistance to high-risk youth. We consider these efforts to be important components of the prevention side of the Comprehensive Strategy. However, because the Legislature asked for an audit of the interaction of the Juvenile Court and Division of Youth Corrections, this report mainly addresses the *graduated sanctions* portion of the Comprehensive Strategy for which the Juvenile Courts and the Division of Youth Corrections share responsibility.

### **Graduated Sanctions Target Delinquent Youth**

A system of graduated sanctions can be described as a continuum of sanctions and services. As juveniles commit increasingly serious crimes, they are placed somewhere along the continuum of increasingly severe sanctions. Depending on their behavior, juveniles can

then be moved along the continuum through a well structured system of sanction levels. Figure II shows the sanction levels proposed by the OJJDP's Comprehensive Strategy.

<b>Figure II</b> <b>A Comprehensive System of Graduated Sanctions</b>
<p><b>Immediate Intervention</b></p> <ol style="list-style-type: none"> <li>1. Fines and restitution</li> <li>2. Early intervention for high-risk offenders</li> <li>3. Probation and tracking</li> </ol>
<p><b>Intermediate Sanctions</b></p> <ol style="list-style-type: none"> <li>1. Short-term placement in community confinement</li> <li>2. Treatment and supervision at day-reporting centers</li> <li>3. Intensive at-home supervision</li> <li>4. Routine supervision</li> <li>5. Discharge to home and follow-up</li> </ol>
<p><b>Community Confinement</b></p> <ol style="list-style-type: none"> <li>1. Observation and Assessment centers</li> <li>2. Residential work programs</li> <li>3. Proctor care families</li> <li>4. Group homes</li> <li>5. Intensive residential treatment facilities</li> </ol>
<p><b>Secure Confinement</b></p> <ol style="list-style-type: none"> <li>1. Wilderness programs</li> <li>2. Vocational training schools</li> <li>3. Secure facilities</li> </ol>
<p><b>Aftercare</b></p> <ol style="list-style-type: none"> <li>1. Progressive responsibility and freedom</li> <li>2. Support from parents, community, schools and employers</li> <li>3. Independent living</li> <li>4. Post-release supervision</li> </ol>

Figure II shows the continuum of sanctions in OJJDP's Comprehensive Strategy. The objective of each sanction level is to prevent juveniles from progressing on to increasingly harsh and (and costly) levels of supervision. To the extent that a system is successful in this goal, there will be an decrease in the number of youth at each sanction level. For example, state officials should expect that the largest number of juvenile offenders to be effectively dealt with at the *immediate intervention* levels--through fines, restitution, probation or early

intervention programs. To the extent that immediate interventions are successful, there should be only a small portion that progress to the intermediate level. Intermediate sanctions might begin with brief confinement in a detention or observation and assessment center. They would then participate in a day-reporting center where they would receive schooling, therapy, drug treatment and testing, and any other treatments they need. Upon completion of the program at the day-reporting center, they would receive intensive at-home supervision which, if behavior improves, would gradually decrease to the point of being discharged from the system. Those who fail to improve at the intermediate level would require placement in an out-of-home community confinement, or in secure confinement. Once they have completed their time in community confinement or secure care, juveniles should receive *aftercare* services to help them make a successful transition back into the community.

This report suggests that Utah place greater emphasis on the *immediate intervention* and *intermediate sanctions* in order to prevent juveniles from progressing too far and too fast along the continuum of sanctions. Particular attention should be given to the development of *early intervention* programs that target the small minority of delinquent youth most likely to become serious, violent and chronic juvenile offenders. In addition, the state needs to continue the development of *intermediate sanctions* in order to prevent quite as many juveniles from progressing into community and secure confinement. With the assistance of Dr. Barry Krisberg, who is currently helping several states develop the Comprehensive Strategy, we have prepared a report that identifies the steps that Utah must take if it is to successfully develop early intervention and intermediate programs.

### **Utah Recognizes the Need to Develop Early Intervention and Intermediate Sanctions**

Officials from the Juvenile Courts and the Department of Human Services have already considered the need to provide prevention services, early intervention, and other programs that target juveniles at the early stages of delinquency. Some of their programs have already been approved by the Legislature. For example, during the 1997 legislative session the Legislature approved an appropriation of \$6 million for “state supervision” programs that target juveniles on the verge of entering the state youth corrections system. Although this shows that the state is committed to developing better programs for juveniles at the early stages of delinquency, we are concerned that state supervision still does not reach juveniles at a young enough age. The average age of juveniles in state-supervision programs is almost 16 years and they have, on average, been in the juvenile justice system for over three years.

The Legislature also passed a set of new sentencing guidelines that were drafted by the Utah Sentencing Commission. The primary goal of the guidelines is to protect society through two basic approaches: 1) earlier intervention, and 2) more intensive supervision. The additional funding that came with the guidelines was intended to provide more intervention for juveniles at an earlier age. We found, however, that the sentencing guidelines are not being applied uniformly and that most of the juveniles currently on probation, in state supervision

and in community-based programs do not have a criminal record that would, according to the guidelines, justify being placed at that sanction level. In addition, the sentencing guidelines do not allow the state to identify and provide early intervention to high-risk juveniles.

### **Lack of Clear Roles and a Unified Strategy Has Been an Obstacle**

We have identified two reasons why the state has had difficulty developing a set of early-intervention programs and better intermediate sanctions. The first is that the roles and responsibilities of the Juvenile Courts and the Division of Youth Corrections have not been clearly defined. The second reason is that there has been a lack of agreement among certain judges and youth corrections officials regarding the state's philosophy of intervention. Until these two issues are resolved, we do not believe that the state will be able to make significant progress in the development of early-intervention programs and a complete set of intermediate sanctions.

During the first meeting of the Legislature's Task Force on Juvenile Justice, several state officials encouraged task force members to clarify the responsibilities of the judiciary and executive branch agencies insofar as the juvenile justice system is concerned. According to the minutes of the June 12, 1996 meeting,

- Governor Leavitt discussed the natural tension that has existed between the Division of Youth Corrections and the Juvenile Court and noted that in some ways this tension has created an unproductive "gas and brake" environment. He suggested that the task force clearly define the responsibilities of the various participants in the system.
- Chief Justice Zimmerman observed that some have charged that the judges have been too lenient. Others have said that the judges have used the limited secure confinement facilities of the Division of Youth Corrections for minor offenders, which has hampered the division's efforts to deal more harshly with the worst offenders. The Chief Justice also suggested looking at the role of each branch of government, and addressing how these roles can be coordinated within the limitations imposed by the separation of power's requirement.
- Commissioner Brodrero also observed that the system suffers from a lack of necessary resources and conflicting philosophies with different members of their respective organizations. He suggested re-examining the roles and responsibilities of each in order to maximize effectiveness of limited resources while ensuring accountability.

Although the task force considered these issues, it was unable to come to an agreement regarding how they should be resolved.

## **Scope and Objectives**

This audit of Utah's Juvenile Justice System was requested by members of a Legislative Task Force on Juvenile Justice. The specific objectives of the audit were:

1. Evaluate the organizational structure of Utah's juvenile justice system.
2. Determine the degree to which there is duplication and overlap in the system.
3. Identify ways to make the system more efficient.

Task force members also asked the Legislative Auditor General to:

4. Determine whether juvenile offenders are being processed through the Juvenile Courts in a timely manner.

A second report, to be released at a later date, will address objective number four.

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## **Chapter II**

# **More Emphasis Should be Placed on Early Stages of Delinquency**

Utah can reduce the number of youth who require confinement in community-based programs and secure facilities if it places more attention on juveniles who are at the early stages of delinquency. Specifically, the state should develop early-intervention programs for high-risk juveniles and a set of intermediate sanctions that can be used to control juveniles who are failing probation without placing them into community confinement. This chapter identifies two reasons why greater emphasis is needed on these two types of intervention. First, most serious juvenile crime is committed by a relatively small population of juvenile offenders. In fact, just 7 percent of all the youth brought before the Juvenile Court are responsible for 67 percent of felonies committed by juveniles. If these juveniles can be identified at an early age and offered intensive early intervention services, the state should be able to reduce the amount of serious and violent crime committed by juvenile offenders. A second reason to target juveniles at the early stages of delinquency is that many low-risk offenders are being moved into community-based programs because there are not enough intermediate sanctions for them. Many juveniles are having difficulty meeting the terms of their probation and need a more intensive level of at-home supervision. However, because few intermediate sanctions are available, many juveniles end up in community-based programs even though they do not have a criminal record that would justify such a placement.

We recommend that the state develop early-intervention programs and intermediate sanctions similar to those described in the OJJDP Comprehensive Strategy. Utah currently does not have a set of early-intervention programs. As an example, this chapter describes the early-intervention programs developed by Orange County, California. We also recommend that Utah develop a complete set of intermediate sanctions. This was the goal of Utah's recent effort to develop state-supervision programs. Although the concept behind state supervision is a good one, it could be implemented more effectively. More needs to be done to create day-reporting centers and other types intermediate sanctions. To provide an example of effective intermediate sanctions, this chapter describes some of the programs developed by Massachusetts.

### **Early-intervention Programs Should Target Those Responsible for Most Crime**

A relatively small number of youth are committing most of the serious and violent crime. It is the members of this group that are committing the high profile, violent crimes that have raised public concern for juvenile crime in recent years. They are the reason why people feel

unsafe in their neighborhoods and schools. In contrast, many juveniles commit just a few crimes during their teenage years. They have a brief involvement with the Juvenile Court and do not return. For this reason, it is important to recognize that the problem of juvenile crime is not a matter of controlling the large population of juvenile offenders in the system. Instead, the challenge is to successfully intervene in the lives of a relatively small group of offenders who are responsible for most of the serious crime.

To address the needs of the relatively small group of serious and violent offenders, many states are developing early-intervention programs that target this critical population the first or second time they commit a crime. One of the first jurisdictions to develop such a program is the Probation Department of Orange County, California. They have shown that early intervention can significantly reduce the number of new offenses committed by young offenders. We recommend that Utah adopt a similar strategy.

### **Most Delinquent Youth Commit Just a Few Crimes**

The state's juvenile crime problem is sometimes portrayed as being more widespread than it actually is. The impression one might receive from local news accounts is that the juvenile justice system is ineffective in responding to juvenile crime and that it acts as a "revolving door" through which juvenile offenders cycle back into the community only to commit new crimes. In contrast, for many years Utah's Court Administrator has reported that most juvenile offenders have only a brief involvement with the courts and never return. Our tests support the court administrator's data. When we examined a cross section of juvenile offenders we found that 85 percent never even committed enough crimes to be placed on probation. Figure III shows the highest sanction issued to each juvenile offender who turned 18 in the year 1996 ---the age at which juveniles leave the jurisdiction of the Juvenile Courts.



**Figure III**  
**Highest Disposition for the "Class of 1996"**

Sanctions (from least to most severe)	Number who Received Sanction	Percent of Total
Referrals and other Administrative Actions	527	5.1%
Dismissed with no Other Action Taken	988	9.5
Stays and Suspensions	58	.6
Dismissed with Agreed Upon Action	82	.8
Fines, Work Hours, Counseling, Class work, etc.	5,701	54.6
Short-Term Detention	1,460	14.0
<b>Subtotal of Other Sanctions:</b>	<b>8,816</b>	<b>84.6%</b>
Probation	904	8.7%
<b>Subtotal of Probation:</b>	<b>904</b>	<b>8.7%</b>
DYC Community-Based Program	363	3.5%
DYC Secure Care	98	.9
Transferred to the Adult System	243	2.3
<b>Subtotal in State Custody:</b>	<b>704</b>	<b>6.7%</b>
<b>Total Juveniles Sanctioned:</b>	<b>10,424</b>	<b>100%</b>

Figure III identifies the toughest sanction issued each of the juveniles who turned 18 years of age during 1996 and who were committed to the Juvenile Court for a delinquent act. In this report, they are referred to as the "Class of 1996." Each juvenile is classified by the most severe sanction issued to them by the Juvenile Court. For example, in 527 (or 5 percent) of the cases, the matter was resolved through some sort of administrative action such as having the case assigned to a state human services agency or forfeiture of bail. For 988 juveniles, nothing more was done other than to have the case dismissed. In 5,701 cases, by far the majority, the juvenile received nothing more than a court-ordered fine, work hours, or counseling. In 1,460 cases the court went only so far as to lock the juvenile in a detention center for a few days. This data supports the observations that have been made previously by the Juvenile Courts that most juvenile offenders can be effectively handled through a minimum of state intervention. Most young offenders commit just a few crimes, are fined, may be placed in detention for a few days and then have no further involvement with the court.

**A Few Young Offenders are Responsible for Most of Utah's Serious Juvenile Crime**

Although most only have brief contact with the Juvenile Courts, there is a relatively small portion of young offenders responsible for the majority of the serious and violent juvenile crime. We found that just seven percent of juvenile offenders commit 67 percent of all felonies committed by juveniles. This is evident from the data in Figure IV. It shows the Class of 1996 in order, by percent, from the most serious to the least serious offenders and the portion of felonies for which each group was responsible.

<b>Figure IV</b>	
<b>7 Percent of Youth Commit 67 Percent of Felonies</b>	
<b>Percent of Juvenile Offenders In order of Felonies Committed</b>	<b>Cumulative Percent of Felonies Committed</b>
1%	23%
2	36
3	44
4	52
5	58
6	63
7	67
8	71
9	74
10	77
11	81
12	83
13	84
14	86
15	88
16	89
17	91
18	93
19	94
20	96
21	97
22	99
23	100
24% to 100%	100%

Figure IV shows the percentage of all felonies committed by each percentile of offenders in the Class of 1996 in rank order of how many felonies they committed. It shows that just one percent of all juvenile offenders were responsible for 23 percent of the felonies committed by juveniles. The top 7 percent were responsible for a full two-thirds of the felonies committed. The data also shows that the bottom 77 percent of juveniles did not commit or were not convicted of any felonies. This data suggests that most of the serious youth crime in Utah can be attributed to a small portion of juvenile offenders.

Policy makers may want to be mindful of this data when considering how they might consider the goals of Utah’s juvenile justice system. Certainly, the state should be gratified that a majority of juveniles have little involvement with the juvenile court after committing just a few crimes. This statistic clearly shows that Utah’s juvenile justice system is not a “revolving door” in and out of crime. On the other hand, the data suggest that the success of Utah’s juvenile justice system might best be judged in terms of how effectively it responds to the small portion of juvenile offenders responsible for most of the juvenile crime and who are costing taxpayers millions of dollars each year in court costs and incarceration expenses.

**Utah Has Difficulty Rehabilitating its Worst Offenders**

Utah, like many other states, continues to have difficulty providing an effective response to juvenile offenders at every level of intervention. From probation to secure care, most intervention strategies have not succeeded in discouraging juveniles from committing new crimes. Although these strategies offer some degree of public protection, if one of the goals of Utah’s juvenile justice system is to rehabilitate youth offenders, the state is not having much success. Figure V shows the rate that juveniles commit new offenses after leaving several different types of intervention.

<b>Figure V</b>			
<b>Percent of Youth Offenders that Commit New Crimes</b>			
<b>Program</b>	<b>Number Served</b>	<b>Average Days in Program</b>	<b>Percent that Re-offended</b>
Probation	1,340	378	70%
Home Detention	731	26	61
Genesis Work Program	57	64	63
Community Placement	433	339	70
Wilderness Program	47	95	71
Secure Facility	88	333	36

Figure V shows that out of the 10,424 juveniles belonging to the “Class of 1996”, 1,340 were placed on probation for an average of 378 days. Of those probationers, 70 percent committed another offense before they turned 18—the age the Juvenile Court no longer has jurisdiction. Each of the other programs that were tested had similar results. The data show that regardless of which sanction level that serious offenders received, most committed new offenses in spite of the state’s efforts to control and rehabilitate them. Furthermore, the data actually understates the rate of re-offense. Upon closer examination of the data, we found that a large portion of juveniles who did not re-offend had turned 18 years of age either while they were in the program or a few months after being released. This information was especially true of the juveniles in secure facilities. Although our data show that only 36 percent re-offended, many were released either after their 18<sup>th</sup> birthday or just a few month previously. This tends to artificially hold down the rate of re-offense. What the data suggest is that Utah needs a new strategy if the state is to lower the rate at which juvenile offenders commit additional crimes.

The OJJDP criteria suggest that the main reason that states are not as successful as they might otherwise be in reducing the number of new crimes committed by juvenile offenders is that most intervention is provided too late. They say that “in most cases, the intervention is provided at the end of the self-reported offending careers, when the crime-reduction potential is much lower.” For this reason, OJJDP suggests that states focus their intervention efforts on juveniles when they are at the initial stages of delinquency.

As recommended by our consultant, Dr. Barry Krisberg, Director of the National Council on Crime and Delinquency, we examined a number of programs that have achieved relatively low rates of re-offense among those released from their programs. One of these is the early intervention program operated by the Orange County, California Probation Department. Orange County has succeeded not only in identifying high-risk juvenile offenders at an early age, but it also provides a broad range of interventions designed to prevent them from progressing on to more serious levels of criminal behavior. As we report in the following section, the initial tests of this program have shown a significant reduction in the number of new crimes committed by those who have left the program.

### **Orange County’s Early Intervention Program Focuses on the “Top 8%”**

The “8 Percent Intervention Program” developed by the Orange County, California Probation Department is one of the first early-intervention programs. As its name suggests, this program targets the top 8 percent of juvenile offenders found to be responsible for most of serious and violent crimes in the area. Beginning in early 1980s, they began to develop a procedure for identifying high-risk juveniles the first time they enter the juvenile court system. These “potential 8 percent offenders” are then committed to an intensive day-time program that provides a set of interventions designed specifically for each juvenile’s unique needs. Their initial results show that the program reduced probation violations, the number committing new crimes, and the number of juveniles committed to correctional institutions.

**Risk Assessments Are the Key to the Program's Success.** According to Michael Schumacher, Director of the Orange County Probation Department, the program's success is largely due to an intake assessment process that allows the probation department to identify high-risk juveniles the first time the police bring them into the Juvenile Court. If the intake officers don't identify them the first time, the officers are confident a high-risk juvenile would be identified the second time they offend. Orange County has been able to accomplish this identification through years of research into the background and characteristics of serious and violent offenders. Each juvenile who enters the Juvenile Court is screened for a number of risk factors that can be used to classify the juvenile into one of three categories: (1) a juvenile who is likely to become an 8 percent re-offender; (2) a juvenile who is not likely to re-offend; or, (3) a juvenile with some risk factors but not enough to be classified as an 8 percent re-offender. The risk factors are listed on the assessment form that can be found in Appendix A of this report. To complete the assessment, the probation officer may need to review school and court records, interview the parents, educators, local police and anyone else who may be familiar with the juvenile's background. In contrast, Utah's Juvenile Courts do not use a consistent intake assessment tool and do not attempt any formal evaluation of the juvenile's risk of re-offending. Instead, probation officers prepare a written report with their own informal assessment of the juvenile's risk and needs.

**"8 Percenters" Are Offered Special Intervention Programs.** Once the Orange County intake officers have identified those who are likely to become 8 percent re-offenders, these juveniles (most are 12 to 14 years of age) are placed under the direction of a Youth and Family Resource Center. These multi-agency facilities house the probation officers, school instructors, mental health and health-care providers, and virtually all of the affiliated human services agencies that would otherwise try to serve this population from different sites. The probation officer performs the traditional task of making sure that juveniles carry out their specific "accountability" requirements such as restitution, fines, or community service. In addition, however, the probation officer also coordinates all of the specific programming that is designed to address the juvenile's risk factors. Although the programming may vary according to the needs of the juvenile, it is designed to strengthen the family, improve school performance, encourage positive social behavior, and address any other health or human services needs that a juvenile may have. The intervention typically takes 12 to 18 months to complete. After completing the program, the juvenile will then receive several months of "after care" during which he will periodically be visited by a case manager or probation officer.

The Youth and Family Resource Centers also provide a broad range of graduated sanctions for juveniles that re-offend or violate a specific court order. At one end of the continuum, the set of sanctions include relatively light restrictions such as mandatory school attendance, supervised afternoon homework assistance, community service, and home confinement. For juveniles who have more difficulty complying with program rules, tougher sanctions are available such as weekends at a special work camp and an intensive daily supervision program. When they are under intensive daily supervision, the juveniles are supervised by the program

staff the entire day and are confined to home during the evenings and weekends. Because the probation officers are given so many different options for dealing with each criminal or technical violations, they are able to prevent juveniles from progressing towards more serious offenses. The use of many sub-level sanctions also allows the probation department to reserve its toughest sanctions for those who are most persistent in violating the law.

According to Gwen Kurz, Director of Program Planning and Research for the Orange County Probation Department, and one of the architects of this program, the success of the “8 Percent Program” is that it identifies the critical population at an early age before they graduate to greater and more violent criminal activity. The program also brings different government agencies together to provide a wide range of services. She also said that “we think the success is due to our concentration on the family unit.” Often, stabilizing the family unit by helping the parents provide better supervision and overcome other personal problems, the county is helping the parents become more effective in controlling and supervising their own children. As a result, the family can assume greater responsibility for the child so the county does not have to.

**Initial Tests of the “8 Percent Program” Show Early Intervention Can Reduce Reoffense Rate.** In a 12-month test that compared 67 juveniles who were in the “8 Percent Program” to 42 comparable juveniles in the traditional justice system, Orange County Probation Department found that their early intervention efforts reduced the crimes and probation violations from 93 percent to 49 percent. New law violations dropped by nearly half; from 72 percent to 43 percent. Commitments to juvenile institutions were also cut in half; from 86 percent to 43 percent. Although these results are encouraging, they are not conclusive. The probation department is currently conducting a study with a controlled experimental design. Although the tests have not been finalized, when we last spoke with Dr. Michael Schumacher, he said that so far the juveniles enrolled in the “8 Percent Programs” had roughly half the new offenses as the control group participating in traditional programs.

Although the reduction in crime is the greatest benefit of an early intervention program, it is also likely that such a program can produce a cost savings for taxpayers. The Orange County Probation Department estimates that the annual cost of placing a juvenile in the “8 Percent Program” is \$14,000. This figure is much lower than the cost of placing a juvenile in the juvenile hall (equivalent to Utah’s detention centers) at \$54,000 a year, in a juvenile camp at \$41,000 a year and in California’s youth prison system at \$34,000 a year. A study of juveniles with a criminal record and profile eligible for the “8 Percent Program” indicated that prior to the development of the program, this population spent an average of nearly 20 months in some type of incarceration. While the county has yet to document the long-term costs of juveniles enrolled in the early intervention program, officials anticipate that cost of the program will easily be offset by the \$44,000 normally spent on these juveniles. According to Gwen Kurz, Director of the Probation Department’s Office of Program Planning and Research, “The little we spend on these services is a pittance compared to the money that we will have to spend later for police and prisons.”

We are confident that the State of Utah can also reduce the amount of crime committed by juvenile offenders if it can identify high-risk juveniles at an early age and provide them with a wide range of early intervention services. In addition to early intervention, another set of interventions that should be developed for those at the initial stages of delinquency are the intermediate sanctions that are described in the following section.

### **Many Juveniles in Community-Based Programs Could Receive an Intermediate Sanction**

Another reason why Utah needs to create more sanctions and services for juveniles at the early stages of delinquency is that many juveniles are being placed in community-based programs (such as proctor care, group homes and other residential facilities) when they could be controlled in their own homes through an intermediate level of supervision. The problem is that Utah's juvenile justice system has not effectively filled the gap in its continuum of sanctions between probation and community-based programs. As a result, many juveniles who fail probation end up being removed from their homes and confined to a group home, proctor family home, or some other residential facility because there is no step in between. As a result, these juveniles end up receiving a much more intensive level of supervision than they need and at a higher cost to the state. They also end up in the same facilities as other, more serious juvenile offenders who are likely to have a negative influence on them.

There are many juveniles involved in Utah's juvenile justice system mainly because they have difficulty obeying their parents and complying with school rules. Often described as "ungovernable" these youth often become involved with the juvenile court system for committing minor crimes and status offenses. Many continue to demonstrate ungovernable behavior after they have been placed on probation and have difficulty following the instructions of their probation officers. They may not follow the requirements of their home confinement and may run away from home for a few nights; they may not pay their fines; they may not perform their work hours or they may even continue to use tobacco or marijuana. Although they require intensive supervision and structure in their lives, they generally do not pose a sufficient risk to the community to justify placement in a community-based program. Nevertheless, their behavior often results in their being held in contempt of court and an increase in their sanction. Because there are few at-home alternatives beyond probation, court officials have a tendency to place these juveniles in community-based programs. Although a special category of state-supervision programs have been developed, these programs have not been adequate to address the needs of many of these juveniles.

According to Dr. Krisberg, OJJDP and officials in other states we contacted, an effective juvenile justice system must offer many different sanctions or "graduated" levels of intervention (such as those shown in Figure I on page 2 of this report) so that juveniles can be held accountable for their behavior without moving them up into more restrictive and

expensive programs than necessary. Because there are not enough intermediate sanctions, some juveniles move up through the system faster than they should. This quick progression through the continuum of sanctions not only adds to the cost of the juvenile justice system but also requires the placement of many low-level offenders into the same programs as juveniles with much more extensive criminal backgrounds who then introduce them to more serious levels of criminal behavior.

### **Review of 50 Community-based Placements Shows Many Could Have Received an Intermediate Sanction**

In order to evaluate the impact of not having sufficient intermediate-level sanctions, we conducted a review of juveniles in community-based programs such as group homes, residential facilities and proctor care. Fifty cases were randomly selected from all juveniles who had been placed in a community-based program sometime during March and April 1998. The test sample represents a fairly accurate cross section of all juveniles in the community-based system at that time. Through a careful review of each juvenile's Division of Youth Corrections (DYC) case file, the court legal and social files, and through interviews with the juvenile's case manager and probation officer, we were able to identify the circumstances surrounding each case.

As a result, we have concluded the following:

- According to the sentencing guidelines, most did not have a sufficient criminal record to justify being placed in that setting,
- Each juvenile had a treatment need or was so ungovernable that he or she required a higher level of intervention than he or she could receive while on probation, and
- A majority of the juveniles could have been effectively supervised and treated through an intermediate sanction if one was available.

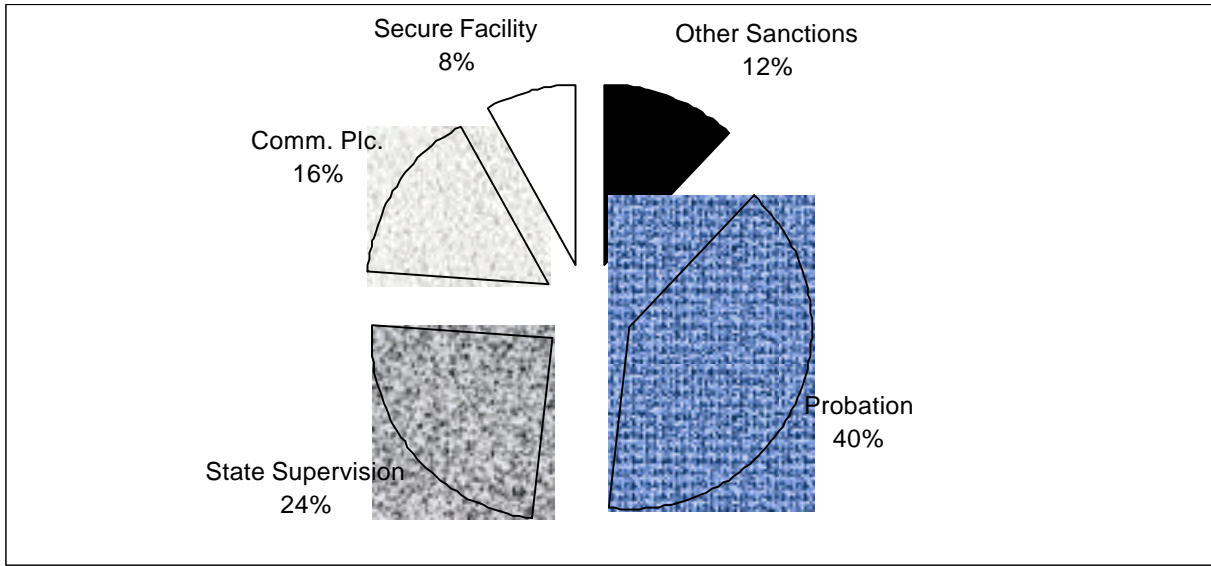
### **Most Juveniles in Test Sample Do Not Have Lengthy Criminal Records**

We found that the vast majority of juveniles in our sample had not been convicted of enough crimes to be sentenced to a community-based program. Utah's Juvenile Courts rely on a set of sentencing guidelines to identify the sanction a juvenile should receive. The sanction that would be recommended by the guidelines is mainly based on the seriousness of the offense before the court and the number and seriousness of the juvenile's past crimes. If a juvenile has committed only a few minor offenses, he or she may be issued a fine, required to pay restitution or receive some "other sanction." Juveniles with a slightly longer criminal record might be placed on probation or under "state supervision." Juveniles who commit serious crimes are typically taken into the custody of the Division of Youth Corrections (DYC) and



are placed in a community-based program or into a secure facility. According to the sentencing guidelines, juveniles are usually sentenced to a community-based program when they have been convicted of a felony offense and have a prior criminal record consisting of two or three other felonies or six to eight misdemeanor convictions. Figure VI shows the intervention level that would have been suggested by the sentencing guidelines at the time each of the 50 juveniles were placed in a community-based program.

**Figure VI**  
**Recommended Sanction for 50 Juveniles**  
**In Community-based Programs**



As Figure VI shows, only 16 percent of the 50 juveniles in a community-based program had a criminal record that, according to the state sentencing guidelines, would have required that level of a sanction. If the guidelines had been strictly followed, 24 percent would have been enrolled in a state-supervision program instead, 40 percent would have been placed on probation, and 12 percent would have received a fine, community work hours or some other sanction. In all, there were 84 percent who would have received something other than the community-based sanction if the sentencing guidelines had been strictly followed.

It is important to recognize that the courts are required to consider aggravating and mitigating circumstances when deciding what sanction should be imposed. For this reason, the state sentencing commission recognizes that there will be an “occasional” variance with the sanction recommended by the guidelines. However, in 76 percent of the cases we reviewed, the juvenile was given a harsher sanction other than the one recommended by the sentencing

guidelines. This data appears to be far above an occasional variance from the guidelines anticipated by the sentencing commission. This pattern has led us to conclude that: (1) the sentencing guidelines are not consistently followed, and (2) the sentencing guidelines may not bring about the consistency they were supposed to provide because there are other factors that usually override the sentence recommended by the guidelines. In the following section, we found that in nearly every case there was a reason given why the judge imposed a tougher sanction than what was recommended by the guidelines.

### **Each Juvenile Required a Higher Level of Intervention Than He or She Could Receive on Probation**

When we carefully examined each of the cases in our sample, we determined that there was a reason that justified placing each juvenile in a more intensive level of intervention than could have been provided by the courts through the assortment of sanctions available to them -- mainly probation, fines and restitution. Many juvenile offenders required some type of therapy such as drug or alcohol abuse counseling, or they were so ungovernable that they could not be effectively supervised through probation alone. As a result, they were placed in the custody of the Division of Youth Corrections. However, the division's lack of sufficient intervention options gave them no choice but to place offenders in a residential facility which, more often than not, provided a more intensive level of supervision than the juvenile required.

Many of the juveniles in our sample population did not have much of a criminal record but their parents and the probation officers had difficulty controlling them. Some consistently failed to show up to appointments with their probation officers, they would run away from home for a few days, or they would test positive for the use of marijuana. Although most of these juveniles presented little risk to the community, their ungovernability justified a more intensive level of supervision than they were receiving while under the court's supervision. At the time we conducted our test, each court district and the Division of Youth Corrections had state-supervision programs that were intended as an intermediate-level sanction for this population. However, for reasons explained later in this chapter, state supervision has not adequately met this need. As a result, many of these juveniles have been placed in community-based programs instead of remaining at home with more intensive supervision.

One 13-year-old juvenile in our sample had two marijuana possession charges. These offenses are normally not enough to require placing him on probation, let alone in a community-based program. Even so, court officials decided to place him on probation because of his ungovernability, his continued use of marijuana and his association with other delinquent youth. He quickly moved up through the system of sanctions because he refused to change his behavior and follow the requirements of his probationary status. Within just a few months, he was moved from probation to a community-based program and then to a wilderness program. After he failed the wilderness program he was placed in a group home and soon ran away. The judge who handled this case said that he considered sending the young man to a secure facility because he would not be able to run away from there. However, because the

secure care facility would not have kept a young man with just two marijuana possession charges, the judge decided to send the young man to an out-of-state training academy because he would be unlikely to run away.

It is clear that this young man's ungovernability and continued use of marijuana required a tougher sanction than probation. However, in just under one year he was moved through the entire range of sanctions and services that the state could offer. During fiscal year 1998 alone, the state spent \$20,000 on this juvenile. Now, at age 14, he is incarcerated in an out-of-state facility at a cost of roughly \$120 a day. During Fiscal year 1999 we estimate the state will spend over \$40,000 for the care of this juvenile. In the following section we suggest that many of the juveniles in our sample of cases could have been supervised through an intermediate-level sanction if the state had more such programs available.

### **Most of the Juveniles Sampled Could Have Been Controlled Through Intermediate Sanctions**

We found that many of the juveniles in our case sample were like the young man described above—they are ungovernable and have difficulty complying with the terms of probation. Some are likely to continue to be ungovernable even after months or even a year in an intermediate sanction. However, if nothing else, adding this level of intervention would at least allow the state to manage these juveniles effectively through a brief stay in a detention center, through day reporting centers and other intensive, at-home supervision programs as long as they do not commit serious crimes. In addition, it would allow the state to reserve its harshest sanctions for those juveniles who commit the most serious crimes.

When we ask correctional officials in other states what they do with a highly ungovernable juvenile, they describe a wide assortment of intermediate sanctions that have been developed. For example, we discussed the case of the ungovernable juvenile described above with an official in the Massachusetts Division of Youth Services. He told us that they would enroll the juvenile in one of their day-reporting centers and structure his daily routine with school, recreational activities, counseling, and so many other activities that “he wouldn't have a waking moment that he would be able to think for himself.” He said that day-reporting centers offer a high level of supervision so the juvenile can remain at home but receive various levels of supervision and treatment at a much lower cost than if the juvenile were placed in a residential care facility.

In order to determine how many in our sample might qualify for an intermediate sanction, we carefully reviewed each case file; interviewed those familiar with the case; and reviewed reports prepared by the observation and assessment centers. Based on the information provided, we were able to classify each juvenile into one of the three following categories:

1. The juvenile had a sufficient criminal record to justify placement in a community-based program.

2. The juvenile did not have a sufficient criminal record to be placed in a community-based program but did demonstrate aggravating circumstances such that he or she should be considered a risk to the community and would require confinement in a state-run residential facility.
3. The juvenile did not have a sufficient criminal record and did not pose a sufficient risk to society to justify a community-based placement. These juveniles could have been more effectively controlled through an intermediate sanction.

As each case was reviewed, we assigned to level 1 (described above) those juveniles that had a criminal record, according to the sentencing guidelines, that was sufficient to require a community-based placement. It is important to note, however, that a few of these might have qualified for an intermediate sanction anyway. Those placed in the second category described above were those who did not have a long enough criminal record to be placed in a community-based program, but who presented a serious threat to members of the community. For example, one young man brought a gun to school. Another young man had stalked and threatened his former girlfriend. In these cases, aggravating circumstances justified community confinement even though these juveniles did not have criminal history that would normally qualify them for a community placement. Juveniles were placed in the third group if there were no aggravating circumstances suggesting that the juvenile might present a risk to the community. Most of these were juveniles who were ungovernable and who, according to their probation officers and case managers, required more “structure.” Others were placed in community confinement because they required specialized treatment and counseling. When we reviewed some of these cases with our consultant Dr. Krisberg, other experts in Utah, and correctional officials in other states, we were told that these ungovernable juveniles and those with treatment needs can be effectively addressed through an intensive at-home supervision and outpatient types of treatment and counseling.

Figure VII shows the number of juveniles that fall into each of the three categories and the amount paid by the Division of Youth Corrections to the private providers of the community-based programs.

**Figure VII**  
**Test Results for 50 Juveniles in Community-Based Programs**  
**Number of Juveniles by Risk Category and Amount Spent**

Risk Category	Number in Sample	Total Spent in FY98 for Community-Based Care
Placement justified based on criminal record	12	\$266,245
Placement justified based on risk to community	11	232,215
Placement would not have been necessary if intermediate sanctions had been available	27	443,812
<b>Total:</b>	<b>50</b>	<b>\$942,272</b>

The results of our test, in Figure VII, shows that a majority of the juveniles placed into state custody and into a community-based program could have been supervised at an intermediate level. The problem is that this is not an option that judges, probation officers and DYC case workers can consider because Utah does not have enough programs at this intermediate level. When we told judges and DYC staff of the intermediate sanctions developed by Massachusetts Division of Youth Services, which is described below, most of them told us that they wish they had these alternatives so they could more effectively respond to the needs of each youth.

**Massachusetts Places a Greater Emphasis on Intermediate Sanctions than Utah**

The Massachusetts Division of Youth Services is a good example of a youth corrections agency that relies heavily on intermediate sanctions. Dr. Krisberg suggested that we consider the Massachusetts system because it offers a broader range of graduated sanctions than the Utah system. Dr. Krisberg also pointed out that a comparison between Massachusetts and Utah might prove beneficial because the two state systems were once quite similar. During the early 1980s, the two states were both recognized nationally for their efforts to move juveniles out-of-state institutions and into community-based programs. Although both Massachusetts and Utah have continued to develop additional sanctions and services, Massachusetts has done so at a slightly faster pace. In fact, the Central Region of the Massachusetts Division of Youth Services has received a grant from the U.S. Justice Department to implement the OJJDP's comprehensive strategy. Some of that grant money is being used to develop early-intervention programs such as those described in the previous section. Perhaps the most notable difference between Utah and Massachusetts is that a large percentage of juveniles in the Massachusetts system are managed through an intermediate sanctions--mainly through day-reporting centers.

**Day-Reporting Centers Provide Intensive Supervision.** The day-reporting centers provide an intensive level of supervision while juveniles reside at home. In fact, because the day centers do not bear the cost of providing the residential portion of the care, they are able to put much more money into the treatment and supervision of juveniles.

At the encouragement of Dr. Krisberg, members of the audit team made a visit to Massachusetts in order to observe first hand some of the intermediate levels of intervention available. We were impressed by the level of supervision and structure that juvenile offenders are offered through day-reporting centers. Some juveniles enrolled in day-reporting centers have their entire daily routine directed by the staff at the center. For the most part, juveniles spend their day either at school or at the day-reporting center, and some day-reporting centers provide school at the center itself.

Based on their behavior, juveniles are allowed to function at several different levels of supervision. When they first enter the program, they are placed under a relatively confined status that requires them to wear an electronic monitoring device and to make frequent calls to the center. Based on their compliance with the program rules, juveniles can gradually work their way to less intensive levels of supervision and eventually to increasing amounts of unsupervised time.

At one of the day-reporting centers we visited, each juvenile is required to participate in a highly structured system of penalties and rewards. The center relies on a point system to determine whether a juvenile will be allowed greater freedoms or whether he or she will receive a more intensive level of supervision. Based on their behavior, juveniles are awarded or are penalized through points they must earn to receive a less restrictive status. In addition, they have a clearly defined sanctions for every minor infraction. If a juvenile is tardy or refuses to participate in an activity, or if he or she is disrespectful to staff, a minor sanction is issued. Juveniles are penalized, depending on the severity of the infraction, with a loss of points that they need to earn a less intensive level of supervision, or they may be penalized with days added to the time they are required to be in the program.

One of the most important features of the Massachusetts program is that juveniles know exactly what the consequences are for any good or bad behavior. They know ahead of time, for example, that if they test positive for drug use there will be a specific, predetermined set of consequences. Similarly, if they are caught away without leave, they know the specific punishment they will receive. To make sure they are aware of the program's requirements and system of sanctions, each juvenile is given a client handbook which specifically spells out the rules of the day-reporting centers, the consequences of poor conduct and the benefits of following the rules.

In contrast, we found that juveniles in some of Utah’s community-based programs are not always held accountable for their actions. If a juvenile is away without leave or is tested positive for drug use, each case manager or group-home staff decide on his or her own what the response, if any, should be. In many DYC programs, juveniles do not clearly understand the specific consequences for inappropriate behavior.

**Intermediate Sanctions Allow More Juveniles to Be Supervised at Home.** When compared to Utah’s approach, the difference that intermediate sanctions make on the Massachusetts system is very clear. Intermediate sanctions make possible supervision of juveniles in the least restrictive setting. In Utah, few options are available for juveniles who fail probation. By contrast, Massachusetts’ use of intermediate sanctions allows the state to supervise juveniles without removing them from the home. Figure VIII shows a comparison of the placement of juveniles in the Utah and Massachusetts systems.

<b>Figure VIII Comparison of Placements in Utah and Massachusetts Juvenile Justice Systems</b>				
	<b>UTAH Division of Youth Corrections</b>		<b>MASSACHUSETTS Division of Youth Services</b>	
	<b>Average Daily Population FY1996</b>	<b>Percent</b>	<b>Average Daily Population</b>	<b>Percent</b>
<b>Non-Residential Community Placement</b>	136	14%	1,156	45%
<b>Out-of-Home Community Placement</b>	560	59	772	30
<b>Run Away/Unaccounted For</b>	63	7	126	5
<b>Secure Care and Detention</b>	187	20	522	20
<b>Total In State Custody in ‘96</b>	<b>946</b>	<b>100%</b>	<b>2,576</b>	<b>100%</b>

Figure VIII shows there is a significant difference between how Utah’s Division of Youth Corrections and the Massachusetts’ Division of Youth Services manage juveniles within their systems. In Massachusetts, a larger percentage of the juvenile offenders are supervised through non-residential community placements in which juveniles reside in their own homes

but receive intensive, day-time supervision through such programs as the day-reporting centers described previously. In Figure VII of this report we suggest that 27 of 50 juveniles, or roughly half of the juveniles in community-based programs, could have been placed in a non-residential community placement. If this held true for the entire 560 juveniles in community-based programs, it means that the state would have had half as many, or 280 juveniles, in community-based programs and a total of 416 in non-residential programs. This would bring the distribution of juveniles to roughly the same levels as those in Massachusetts. Utah's Division of Youth Corrections would have 44 percent of its juveniles in non-residential placements and 30 percent in out-of-home community placements. We conclude, therefore, that if Utah had intermediate sanctions such as those we have described in Massachusetts, more juveniles would be supervised at the intermediate level than in out-of-home, community-based facilities.

**The Use of Intermediate Sanctions Reduces the Cost of the System.** Based on what we have learned from Massachusetts, the use of intermediate sanctions also helps reduce the cost of intervention because more juveniles are supervised through less-expensive, non-residential programs. As shown in Figure IX, Massachusetts pays an average daily cost of \$130.56 for juveniles housed in non-secure *community-based residential* programs such as proctor care and group homes; \$155.33 for staff-secure residential programs; and \$164.34 for secure care facilities that are hardware secure. In contrast, it only costs \$27.22 per day to supervise juveniles through a community-based, non-residential facility.

<p align="center"><b>Figure IX</b>  <b>Massachusetts Department of Youth Services</b>  <b>Distribution of Resources by Service Type</b></p>		
<b>Type of Facility</b>	<b>Capacity</b>	<b>Average Daily Cost</b>
Community-based, Non-Residential	1,482	\$ 27.22
Community-based, Residential	352	130.56
Facility-based, Staff Secure	359	155.33
Facility-based, Hardware Secure	531	164.34

The advantage of adding these non-residential alternatives, such as day-reporting centers, to the residential alternatives, is that it allows Massachusetts to manage its offender population more efficiently and effectively than it could otherwise. Only those juveniles who require a more intensive level of supervision need to be housed in the more secure community and secure placements. It is important to recognize that just as many, if not more, juveniles in the



Massachusetts system spend some time in a residential facility. In fact, every juvenile offender must spend at least 30 days in an observation and assessment center. In addition, for most types of criminal offenses, a juvenile offender will spend at least some time in a group home or other residential facility.

The principle that underlies the Massachusetts system is that all juveniles must be held accountable for the crimes they commit. Juveniles that commit certain types of crimes must spend a certain amount of time in the Division of Youth Services system. The severity of their crimes will determine, in part, the level of restriction in which they are initially placed. However, as soon juveniles demonstrate good behavior they will soon be placed in a less restrictive setting. Those who do not behave appropriately will be moved to progressively more restrictive levels of care. In contrast, Utah does not have as many sanctions at the intermediate level as Massachusetts and cannot as effectively move juveniles up and down the continuum of sanctions as they demonstrate better or worse behaviors. As a result, young offenders in Utah are more likely to remain in a community-based programs for longer periods of time than in the Massachusetts system. When they are released, they are more likely to be returned directly to their homes without a gradual reduction in the level of supervision.

### **Implementation of the State Supervision Fund Could Be More Effective**

The Legislature's funding of special state-supervision programs is an effort to provide intermediate sanctions to a specific population of juveniles. We realize that the state-supervision programs have only been in existence for a little over a year at the time of this audit. We also believe the concept of state supervision funding can, in-time, provide quality programs that fill the gap between probation and the community-based programs. However, the effectiveness of the state-supervision program, as it has been initiated to date, is compromised because of the following concerns:

1. The funding is split between two government entities---the Juvenile Courts and DYC--- both trying to accomplish the same goal but going in different directions.
2. A significant portion of the funding is spent on community-based programs rather than programs to assist juveniles on probation which is contrary to the objectives of the program.
3. Many of the programs created to assist juveniles on probation are unproven and have no indicators of effectiveness or future analysis.
4. The profile of state supervision youth may be somewhat unclear to juvenile justice officials.

The Legislature appropriated about \$6 million dollars in fiscal year 1998 for the state-supervision programs with the objective of providing a more intensive level of intervention than standard probation but less intensive or restrictive than a community placement within NYC. The program was designed to divert juvenile offenders in need of high structure and close supervision from being put in an out-of-home placement. We believe this type of program is necessary and can be beneficial if implemented properly. However, the program needs to consider the above concerns and serve a broader base of juveniles rather than just those defined as "state supervision."

**Funds Are Divided Between Two Agencies to Accomplish the Same Goal.** The Legislature has divided the funding for state-supervision programs between both the Juvenile Courts and NYC. This division creates two different organizations working toward the same objectives but with very different agendas. The Juvenile Courts have historically supervised juveniles in the home and at a generally lower level of intensity. NYC, on the other hand, has supervised youth in its custody at a much higher level of intensity, usually in out-of-home placements. State supervision funds were divided between the two agencies to develop and use programs that accomplished the purpose of state supervision: to deliver an intensified level of intervention for juveniles who have reached a delinquency level defined by the guidelines but who are not yet ready for long-term removal from their homes. This type of funding arrangement requires optimum coordination between the Juvenile Courts and NYC, but historically this level of coordination has been lacking in some areas of the state. We have found areas in the state where the staff from the two organizations do not even meet to discuss cases for which they have a common interest.

**Majority of NYC State Supervision Funds Are Spent on Out-of-Home Placements.** NYC and the Juvenile Courts have continued in these roles in their use of state supervision funds for program development and use. For example, the courts are contracting with private providers for services to assist the juvenile while on probation. These services can range from specific treatment for substance abuse or can be classes for the juvenile and/or parents on life skill programs. The courts are also spending money on more staff and equipment to support the probation effort. All of these programs and services are designed to serve the juvenile in the home. In contrast, NYC is spending 85 percent of its share of the state supervision funds on more of the same type of highly structured programs that take the juvenile out of the home. Some of these are new programs, such as Elbow Ranch in Region III, but most are existing programs with increased capacity. NYC Region II offers placements into proctor homes, group homes, and wilderness programs. However, in our opinion, many of the NYC programs do not meet the basic objective of keeping the youth in the home or providing a less restrictive environment than community placement. In addition, these programs are more expensive.

**Programs Are Unproven.** Many of the programs operated by the courts are unproven, and few effectiveness measures have been established to determine if the program provides valuable services to the juvenile. Few of the district juvenile court administrators could cite

any type of model or study to verify the effectiveness of the programs developed. One district adopted a program for all state supervision youth based on the outcome of using it with one young person. According to our consultant Dr. Krisberg, in the larger districts an assessment should be completed to determine the needs of the juveniles, and then models of successful programs readily available should be selected for implementation. Because DYCS for the most part merely expanded its current services for State Supervision youth, we did not closely examine effectiveness measures of its programs. In general observations of DYCS programs and services, however, we found little indication any formal effectiveness studies had been performed.

We expected all contracts would include some effectiveness indicators such as the rate at which juveniles commit new crimes or the rate which graduate from high school. Including such indicators would allow analysis of the program after a few years, perhaps a comparison with other models or determination of changes in treatment approach. However, we found the contracts generally did not consider any effectiveness measures or require future analysis of the program's success. One chief probation officer did not know if a particular state supervision program used in his district had any outcome measures, but he doubted it did. The court executive in that district felt outcome measures were a very weak link in how probation and the courts do business. Both DYCS and Juvenile Court officials indicated they do plan to include effectiveness measures in future contracts.

**Profile of State Supervision Youth is Somewhat Unclear.** In our sample of 100 youth in probation state supervision, only 25 youth had a criminal history that would place them in the state supervision category. Of the 100 in our sample of DYCS state supervision youth, only 18 had a corresponding criminal history (see B5 - B6 in Appendix). Because so few of the youth on state supervision actually have the criminal history to be placed in state supervision, we question whether or not the profile of state supervision youth is clear to juvenile justice officials.

We believe the objectives of the state supervision funding are good. However, the funding needs to be controlled by one organization rather than two with programs that meet the objectives. Finally, all programs should be proven to have impact upon the juveniles, and effectiveness or outcome measures should be developed.

### **Savings Produced by Intermediate Sanctions Can Help Pay for Early Intervention**

The greater use of intermediate sanctions should significantly reduce the amount spent on community-based programs. On average, enrollment in a community-based program costs \$76 a day. In contrast, intermediate sanctions generally cost half that amount. For example, Figure IX shows an average daily cost of \$27.22 for juveniles in Massachusetts' community-

based, non-residential programs. Massachusetts also reports that while juveniles are enrollment in the day-reporting centers it costs \$38 a day per juvenile. Other intermediate sanctions already being used in Utah such as Detention Diversion, DART, and TASC cost far less. We estimate, therefore, that there would be substantial savings if the state were to supervise juveniles at the intermediate level who do not require a community-based placement. We recommend that the Legislature apply these savings to the development of early intervention and other specialized programs that target populations not currently being served effectively. There will be start-up costs to develop early intervention and intermediate sanctions. However, over the long run these programs should reduce or at least hold steady the cost of operating Utah's juvenile justice system.

Earlier in this chapter we provide information that shows that about half of the juveniles who are currently in community-based programs in Utah could be effectively supervised at home through an intensive intermediate-level program. For example, Figures VI and VII on pages 19 and 23 respectively, suggest that about half of the juveniles in community-based programs could be supervised in an intensive intermediate sanction. Figure X, on the following page, shows how this reduction might change the distribution of juveniles in the various types of intervention in Utah's juvenile justice system.

**Figure X**  
**Population at Each Sanction Level**  
**If Suggested Programs were Adopted**

Levels of Intervention	FY 1998 Enrollment		Daily Cost of Intervention
	Actual Daily Population	Estimated Daily Population with Suggested New Sanctions	
<b>Early Intervention</b>	<b>0</b>	<b>300</b>	<b>\$38</b>
<b>Probation</b>	<b>2,438</b>	<b>2,438</b>	<b>\$11</b>
<b>Intermediate Sanctions</b>	<b>192</b>	<b>433</b>	<b>\$27</b>
• Day-Reporting Center	0	241	38
• Intensive at-home Supervision	90	90	12
• Discharge to Home and Follow-up	145	145	5
<b>Community-based Programs</b>	<b>561</b>	<b>317</b>	<b>\$76</b>
• Observation and Assessment	79	79	105
• Residential Work Programs	16	16	90
• Proctor Care	212	106	49
• Residential Facilities/Group Homes	254	127	78
• Wilderness Programs	17	8	120
<b>Secure Confinement</b>	<b>180</b>	<b>180</b>	<b>\$123</b>

Figure X shows how distribution of juvenile offenders in Utah's youth corrections system might have been different had there been intermediate sanctions available. Based on our test of 50 juveniles placed in community-based programs and on the distribution of juveniles in the Massachusetts system, we have assumed that half of the juveniles currently in proctor care, residential facilities, and wilderness programs could have been supervised through an intermediate sanction. Specifically, we estimate that in 1998 there may have been as many as 241 juveniles housed in community-based facilities who could have been supervised through a day-reporting center or through other intermediate sanctions. Instead of spending

\$76 a day, the cost would have been \$27 per day for a total reduction in the cost to the juvenile justice system of roughly \$4.3 million annually.

We recommend that the state begin developing more intermediate sanctions for juveniles who need more supervision than probation can provide but who have not committed serious enough crimes to normally justify a placement in a community-based program. We also recommend that any savings that result should be used to pay for early intervention and for other gaps in the service continuum. Orange County reports that it costs about \$14,000 a year to enroll a juvenile in its early intervention program. At that rate, the \$4.3 Million saved by creating intermediate sanctions would cover the cost of providing early intervention for 300 juveniles a year. Eventually the early-intervention programs should also help reduce the cost of the juvenile justice system. As Orange County found, early intervention prevent about half of the youth offenders in the program from progressing further into the system. If Utah's program had the same results, young offenders now 12 and 13 years of age would be prevented from progressing on to more serious levels of delinquency. Eventually there will be a reduction in the criminal activity among this population and the rate at which they are incarcerated. However, any cost-savings would not be realized for several years.

In conclusion, we recommend that Utah develop a set of intermediate sanctions that fill the gap in services between probation and community-based programs. The \$6 million appropriated for state supervision should be used to address this need. In addition, during the 1997 legislative session the Legislature provided special funding of \$585,000 so the courts could sentence juveniles to the Division of Youth Corrections for contempt. These funds were not spent during fiscal year 1998 and should be available to develop additional intermediate sanctions as well. Although the division may require an initial infusion of funds to develop a complete set of intermediate sanctions, we anticipate that the amount spent on community-based programming will eventually decline by \$4.3 million. The savings should be applied to the development of early-intervention programs that target high-risk juveniles at an early age or for other special populations that are currently under served. On the other hand, if other sources of funding can be made available for early intervention, the Legislature should immediately require the development of those programs as well.

### **Recommendations:**

1. We recommend that the Legislature require an executive-branch agency (described in Chapter III) to develop a set of intermediate in-home sanctions for juveniles who are not effectively controlled on probation but who are not in need of the level of intervention provided by community-based programming. At least some of the development costs for these programs should be paid for from funds already appropriated for state supervision and other programs that target this population.

2. We recommend that the Legislature require an executive-branch agency (described in Chapter III) to develop a set of early-intervention programs for high-risk juvenile offenders at the earliest stages of delinquency. The development of these programs can be paid for through a combination of new funding and through the savings generated by the development of intermediate sanctions.

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## **Chapter III**

# **Organizational Roles and Responsibilities Need Clarification**

Neither the Juvenile Court nor the Division of Youth Corrections have been given clear responsibility for providing services to juveniles at the early stages of delinquency. As a result, both agencies have developed programs and services aimed at this population. This has created the following problems and concerns:

- As juveniles move through the continuum of services they are passed from one organization to the other. As they are handed off from one set of case managers and therapists to another, it is sometimes difficult to provide continuity in the supervision and treatment provided.
- The confusion over roles and responsibilities has been an obstacle to the effectiveness of the state-supervision program approved by the Legislature during the 1998 legislative session.
- Some of the functions performed by the Juvenile Court and the Division of Youth Corrections overlap.

In our opinion, the lack of continuity and the overlap in the services provided are an impediment to the efficient and effective operation of Utah's juvenile justice system. The State of Utah will not be able to develop an effective set of early-intervention programs and more intermediate-sanctions until these organizational problems are addressed.

In order to improve the efficient and effective operation of Utah's Juvenile Justice System, we recommend that the Legislature clarify the responsibilities of the Juvenile Court and Division of Youth Corrections. Specifically, we recommend that the legislature clearly define which responsibilities should be carried out by the judicial branch and which should be carried out by the executive-branch agencies. We believe that the juvenile court, as a judicial branch agency should limit its activities to those responsibilities specifically granted by the state constitution. That is, the Juvenile Court should focus on the adjudication of juvenile crime. One or more executive-branch agencies (which may or may not include a Division of Youth Corrections) should administer the sanctions issued by the courts. Neither branch of government should assume the responsibilities of the other or exercise undue influence over how the other agency carries out its responsibilities.

## **It's Unclear Which Agency Should Serve Juveniles At the Initial Stages of Delinquency**

Although once distinct, the roles of the Juvenile Courts and the Division of Youth Corrections have become blurred during the past decade. Traditionally, DYC has been responsible for juveniles removed from their homes and placed into state custody. In contrast, the Juvenile Courts have had jurisdiction over juveniles while they are in the custody of their parents. Except for providing supervision through its probation staff, the courts have traditionally not had responsibility to provide intervention services to youth offenders. As a result, neither the courts nor the Division of Youth Corrections had a distinct responsibility to provide the early intervention and intermediate sanctions that we now recognize are needed.

Recognizing the need to provide additional services to juveniles at the early stages of delinquency, both agencies have gradually increased the services they provide to juvenile offenders still in the custody of their parents. The Division of Youth Corrections has begun to provide services to juveniles who are not removed from the home and who have not yet been placed into state custody. Even though they are a part of the judicial branch of government, the Juvenile Court has begun to provide intervention services to juveniles under court supervision. As explained later in this chapter, this has created an overlap that is not only inefficient but also makes it difficult to provide juveniles with a consistent and effective set of intervention programs.

### **Division of Youth Corrections Provides Services To Juveniles Who Are Not in State Custody**

During the past ten years, the Division of Youth Corrections has gradually increased its oversight of juveniles in the early stages of delinquency and who are not under the traditional jurisdiction of DYC. In the past, juveniles not in state custody fell under the jurisdiction of the Juvenile Courts. Technically, the state cannot remove a juvenile from the home until the court issues an order that temporarily deprives the parents of custody and guardianship of their child and places the juvenile into the temporary custody of the state Division of Youth Corrections who then may either place the juvenile in a community-based program or in a secure-care facility. In recent years, the Division of Youth Corrections has begun to serve juvenile offenders who do not have sufficient criminal records to be placed into DYC custody and who fall outside the division's traditional jurisdiction. Like many others, the division has recognized that juveniles are less likely to require harsher sanctions such as community-based placement and secure care if intervention can be provided at an earlier age. However, providing such services requires that the division become responsible for juveniles not placed into state custody. Technically speaking, these juveniles, most of whom still reside in their own homes, fall under the traditional jurisdiction of the Juvenile Courts.

The transformation of the division's traditional role to the role it performs today has been a gradual one. Traditionally, the Division of Youth Corrections was the state's prison system for youth offenders. The division first began providing services to juveniles not technically removed from the custody of their parents when it was given responsibility for detention centers previously operated by local governments. Detention centers are a place to hold juveniles awaiting trial or who otherwise need to be detained. Many juveniles in detention are not serious criminal offenders, have not been taken from the custody of their parents, and do not fall within the traditional jurisdiction of the Division of Youth Corrections. Even so, it was decided that detention centers were similar enough to secure-care facilities that they should be the responsibility of the Division of Youth Corrections.

Soon after the division began operating detention centers, which are lock down or "hardware secure" facilities, the division began operating receiving centers. Receiving centers are different from detention centers because they do not physically restrain juveniles but provide a "staff secure" environment. Receiving centers provide local law enforcement with a location where they can place juveniles caught committing status offenses such as truancy, curfew violations, or other minor offenses not considered serious enough to require detention placement. Because the residents of detention and receiving centers are usually not in state custody, the division's oversight of these facilities required that it step out of its traditional role of supervising only those juveniles who have been removed from the custody of their parents.

In recent years the division has continued to increase the services it provides to juveniles at the early stages of delinquency. These services target juveniles requiring intermediate-level sanctions as described in Chapter II. For example, the division was asked to convert the women's prison in Draper into a facility that could be used for a semi-secure residential work program called Genesis. Most of the juveniles at the Genesis facility have been on probation but have failed to pay their court-ordered fines and other restitution and are technically under the jurisdiction of the Juvenile Courts.

More recently, DYC has created special programs that provide a short-term, intensive level at-home supervision to juveniles. These programs include, among others, *TASC*, *DART* and *Detention Diversion*. Although the programs were initially designed to relieve detention center overcapacity, they are often used by judges as a separate type of juvenile sanction. These intermediate-level sanctions bear many similarities to the probation services operated by the Juvenile Courts. Finally, the division has also been asked to develop state-supervision programs for juveniles under court state supervision. For example, most of the juveniles at the Elbow Ranch facility in Wayne County are not in the custody of the Division of Youth Corrections but are under the supervision of court probation officers.

## Juvenile Courts Have Begun to Provide Intervention Services

Like the Division of Youth Corrections, the Juvenile Courts have also become increasingly involved in providing services to juveniles at the initial stage of delinquency. As a judicial branch agency, the Juvenile Courts do not have the mandate or the funding to provide intervention services. Juveniles on probation receive a limited amount of at-home supervision from the probation units operated by the Juvenile Courts. They are regularly interviewed by their probation officers and receive periodic visits from trackers. Historically, if additional intervention services such as drug-abuse counseling have been needed, probation officers had to refer juveniles to other government agencies for those services. However, like the Division of Youth Corrections, the Juvenile Courts have begun to recognize the benefits of providing services to juveniles at the early stages of delinquency and have sought the opportunity to administer those services.

The allocation of special funding for juveniles under state supervision is the most recent example of the Juvenile Court's efforts to become a provider of intervention services to juveniles in their jurisdiction. However, the appropriation of state supervision funds to the Juvenile Court has required the court to step out of its traditional role and into the administration of intervention services. As a result, the courts provide many of its juvenile offenders with services similar to those offered by a human services agency. Like the Division of Youth Corrections, the courts use their state supervision funds to pay for services and programs aimed at substance-abuse treatment, family counseling, and other rehabilitative programs. Additionally, the courts have established a special fund entitled *delegation* or *wrap-around services* which court administrators can draw from to pay a juvenile's personal needs, which if not satisfied, may serve as an obstacle to their leading a successful, normal life. These funds pay for services such as eyeglasses, bus passes, clothing, medical services, psychosexual evaluations, drug treatment programs, domestic violence classes, tutoring, and summer day camps. While these services may be necessary to help juveniles avoid committing additional crimes, they take the Juvenile Court out of its traditional role as a judicial branch agency and require the Court to function more like a human services agency.

In summary, both the Division of Youth Corrections and the Juvenile Courts recognize the need to provide additional services to juveniles at the early stages of delinquency and both have begun to offer services to these juveniles even though doing so requires that they step out of their traditional roles. In the following sections we describe some of the specific areas in which the Juvenile Court and DYC overlap in the services they provide and the functions they perform.

## Juvenile Court and Youth Corrections Provide Similar Services

Because both the Juvenile Courts and the Division of Youth Corrections seek to target juveniles at the initial stages of delinquency, the two agencies serve overlapping functions in several areas. Both agencies provide at-home supervision, case-management services, administer contracts to private outside providers who offer intervention services and treatment, and both supervise juvenile work programs. This is not an efficient way to operate a continuum of graduated sanctions and services. It results in unnecessary administrative costs, unnecessary use of staff time and the duplication of case files. Figure XI lists a few of the areas in which the Division of Youth Corrections and the Juvenile Courts provide similar programs and services.

<b>Figure XI</b>		
<b>Service Areas in Which DYC and the Juvenile Courts Overlap</b>		
<b>Types of Services Provided</b>	<b>Example of Juvenile Court Providers</b>	<b>Examples of DYC Providers</b>
Supervision of Juveniles in the home and in the custody of parents	Trackers/probation	DART, TASC, Detention Diversion
Case Management	Probation Officers	DYC Case Managers
Evaluation and Assessment	Weber County Mental Health	Region I Observation and Assessment Center
Sex-Offender Counseling	Weber County Human Services	ARTEC
Family Preservation	Utah Youth Village	Alternative Behavioral Learning Environment
Substance-Abuse Therapy	Valley Mental Health	Odyssey House
Work Programs	2 <sup>nd</sup> District Antelope Island Work Program	Region I Antelope Island Work Program

The above figure lists several services that are administered by both the Juvenile Court and the Division of Youth Corrections. A few of these are discussed in further detail below.

## **Probation Officers and NYC Case Managers Perform Similar Functions**

Both the Division of Youth Corrections and the Juvenile Court have staff who perform case-management functions. Juveniles under the court's jurisdiction are supervised by teams of probation officers and trackers. When juveniles are transferred into state custody, a case manager from the Division of Youth Corrections assumes many of the responsibilities for the juvenile that were previously performed by the probation officer--they monitor the progress of juveniles in the home with the support of trackers. For example, probation officers sometimes describe their role as that of a "broker of services" in that they match the juvenile with providers who can meet treatment needs; case managers also fill that role. Both probation officers and case managers conduct regular interviews with the juveniles to evaluate their progress. Both contact providers to monitor the services offered to juveniles under their supervision and to determine if the juvenile is making progress. Both make reports to the judge when juveniles appear in court for a review hearing for a new trial. Finally, both probation officers and case managers function similarly, in that they both provide supervision of juvenile offenders in the home.

Court officials recognize that there are similarities between the programs offered by the two agencies but believe the populations served are significantly different. Although most juveniles in community-based programs and in secure care are clearly more serious offenders than those on probation, there are some areas in which the case managers and probation officers are servicing identical populations. For example, we examined a sample of 28 juveniles on probation with the courts and 30 juveniles enrolled in the NYC detention diversion programs. We found that both juvenile populations were similar in average number of offenses, misdemeanors, and felonies. We conclude, therefore, that the two agencies are operating programs that provide similar services to the same offender population.

The overlap between probation and the detention diversion programs is further evidenced by the fact that 26% of the juveniles in our test sample were being monitored by both court probation officers and case managers simultaneously. When asked to explain why this would be the case, one probation officer told us that some judges feel that if one program is good then two are better. Thus, when juveniles are sentenced to both agencies' programs they receive visits from trackers from both systems and are required to have interviews with a probation officer as well as a case manager. Two sets of files and reports are also generated by the different agencies. The only difference we could find in the programs is that the courts program is of a longer duration and the NYC program is more intense in frequency of contacts.

Although some judges may believe it is better to provide a juvenile with two different trackers and case managers rather than one, there is no reason why staff from a single agency could not provide a more intensive level of supervision or a longer duration of supervision depending on the needs of the juvenile. Overseeing one juvenile by two different agencies at

the same time is not only inefficient, in our opinion, but both the administration and program development can result in an inefficient use of resources.

### **Court and Division of Youth Corrections Operate Similar Work Programs**

We found both the Juvenile Court and the Division of Youth Corrections have several programs which allow juveniles to participate in work projects so they can pay off their restitution requirement. Many of these programs have similar functions. For example, both the Juvenile Courts and DYC operate work programs at Antelope Island. Our examination of the two programs revealed that the juvenile populations were similar in terms of criminal history and the programs performed comparable job functions. The only major difference between the two programs is the way a juvenile is referred by the court. DYC's program is part of a detention diversion program operated by Sunset's day and night reporting center. These youth are sentenced to DYC's temporary custody for 30 days to work off fines and restitution. On the other hand, the court's program is run out of the Second District Juvenile Court. This program is set up for youth who have been given fines, restitution or work hours by the court.

We realize that there are some differences among the at-home supervision programs and the work programs operated by the courts and DYC. They are not always identical in the function they serve or in the target populations they enroll. However, it would be far more efficient and effective to have all programs and treatment within the juvenile justice system consolidated under one organization. Such a structure would reduce administrative costs, reduce the overlap in the function and services provided and improve continuity within the juvenile justice system.

### **Lack of Continuity Occurs as Juveniles Move from One Agency to the Other**

The current structure of Utah's juvenile justice system makes it difficult to provide continuity in the treatment as juveniles move from one system to the other. For example, some juveniles are enrolled in sex-offender programs while they are in the custody of the Juvenile Court. Once they are transferred to the Division of Youth Corrections it is likely that they will be placed in a different sex-offender program operated by the division. A similar situation would exist for juveniles receiving drug therapy while on probation. When they are placed into DYC custody they are assigned to the therapist that is under contract with the division. Thus, there is not only the problem having both the courts and the Division of Youth Corrections administering overlapping intervention services, but there is a potential problem that the organizations may also provide inconsistent treatment.

## **Lack of Continuity Is Obstacle to Effective Intervention**

As juveniles progress through the Utah's continuum of sanctions and services, it is typical that some juveniles placed on probation will eventually work their way up to a more severe sanction within the Division of Youth Corrections. In fact, the reason that many juveniles are placed in the Division of Youth Corrections system is that they have failed to comply with the terms of their probation or have committed additional crimes. This means that there is usually a handoff of juveniles from probation staff to DYC staff. A problem occurs when Juvenile Court probation officers follow a certain approach to intervention and then pass juvenile's over to a case manager who may follow a different approach.

**Courts and DYC Disagree on Level of Supervision for Some Juveniles.** Often juveniles on probation commit additional crimes or violate the terms of their probation. When this happens, the court often decides that the juvenile requires a tougher sanction and orders the juvenile to a DYC community-based program. As mentioned, this requires that the juveniles be placed in a DYC program and be assigned to a new case manager.

Officials in the Juvenile Court have often expressed concern that a transfer to a DYC program does not always represent a harsher sanction. Often case managers conclude that juveniles sent to them by the probation department do not warrant an out-of-home placement. In fact, they often conclude that the juvenile requires nothing more than enrollment in one of the intensive, at-home supervision programs operated by the division. In contrast, judges and probation officers complain that such action does not communicate to juveniles that they are receiving a harsher sanction for their poor behavior while on probation. On the other hand, DYC staff tell us that they often feel uncomfortable placing a juvenile in a relatively harsh community setting when the juvenile does not have a sufficient criminal history compared to those normally placed with the Division of Youth Corrections. For this reason, DYC staff may try to provide intensive supervision in the juveniles' own homes before resorting to a more intensive out-of-home placement recommended by the court. These disagreements regarding the proper sanctions that should be offered can lead to a lack of continuity in the system. As juveniles are moved up through the various levels of sanctions, those responsible for carrying out those sanctions are not always in agreement regarding the level of supervision that juveniles require.

**Lack of Continuity, Frequent Transfers Can Make it Difficult to Stabilize a Juvenile Offender.** Often the justification for removing juveniles from their homes is that the parents are unable to adequately control them and they need greater stability and structure in their lives. However, given the lack of continuity in the juvenile justice system and the frequent transfers not only from probation to DYC but also within the DYC system, we question whether the system is able to provide the level of stability that juveniles need. For example, we question how much stability can really be provided when individual probation officers and case managers within the two systems disagree on how to best intervene in the lives of youthful offenders.



We also question how much stability can be offered to juvenile offenders when they are moved from one facility to another on a frequent basis. We found that juveniles who are committed to the custody of the Division of Youth Corrections are usually placed in several different types of group homes, proctor care, and other residential facilities. In the "class of 1996" test population described in Chapter II, we found there were 675 juveniles placed in community-based programs. When we counted the number of different residential facilities, group homes, wilderness programs, and detention centers that juveniles had been placed in, we found that the average juvenile committed to the Division of Youth Corrections resides in 12 different locations. Although one of the reasons that juveniles are often placed into DYC custody is that their parents cannot control them and they need more structure in their lives, we question whether the state is able to provide much more stability and structure in their lives when they are being placed in so many different types of settings in the correctional system. The separation of the continuum of services between the courts and DYC only adds to the lack of stability that juvenile experience as they are moved through the system.

**The Lack of Continuity May Make it Difficult to Create a Comprehensive System.**

The lack of continuity in the juvenile justice system will be a serious obstacle to the development of a comprehensive system of graduated sanctions--particularly if the state tries to develop early intervention and more intermediate sanctions. OJJDP suggests that if a system of graduated sanctions is to be effective, it must follow a consistent philosophy from one level of intervention to the next. OJJDP states:

For intervention efforts to be most effective, they must be swift, certain, consistent and incorporate increasing sanctions, including the possible loss of freedom. As the severity of sanctions increases, so must the intensity of treatment. At each level, offenders must be aware that, should they continue to violate the law, they will be subject to more severe sanctions and could ultimately be confined in a secure setting, ranging from a secure community-based juvenile facility to a training school, camp, or ranch.

We have concluded that dividing the continuum of care between the courts and the Division of Youth Corrections makes it difficult for Utah's juvenile justice system to provide the consistent and graduated approach to intervention suggested by OJJDP. As juveniles move from the supervision of the courts to DYC and back again, they experience changes in the approach to intervention that may render the intervention less effective.

**Lack of Continuity Is Inefficient**

The lack of continuity in the supervision of juvenile offenders is not only disruptive to the juvenile's course of treatment but is also inefficient because a certain amount of time is required for the new case manager, drug abuse or sex-abuse counselor to become familiar with the case and develop a treatment plan. In addition, the transfer of the case from the courts to the Division of Youth Corrections requires the creation of a new set of case files that results in

the existence of two sets of case files; one for the courts and the other for the Division of Youth Corrections. We believe the existence of two case files for each juvenile is unnecessary and inefficient. In addition, both case managers and probation officers complain that they sometimes do not get all the information needed when juveniles were transferred from the other agency. Consequently, the risk of communication breakdown can further hinder the continuity of the supervision and services provided. OJJDP suggests one way to provide greater consistency to the system would be to require that case management be performed by a single individual.

Case management leads to the coordination of services and a high level of accountability. One person-the case manager-must follow each youth through the various stages of the continuum of graduated sanctions and be responsible for all key decisions concerning that youth.

We found during our review of some case files that we had to access both the DYC case file and the court's case file if we wanted to obtain all the information surrounding a juvenile's case. The challenge in sharing information between case files from different organizations is just one example of the problems the staff from both the courts and DYC encounter as they attempt to coordinate their efforts at the individual case-management level. In the following section we suggest that this same lack of coordination is also observed at a much broader level when the two agencies try to work together to manage the system as a whole.

### **Lack of Clearly Defined Responsibilities Is an Obstacle to Cooperation**

As mentioned in Chapter I, the Governor, Chief Justice, and Commissioner of Public Safety have encouraged the Legislature to clarify the responsibilities of the Juvenile Court and the Division of Youth Corrections. In addition, we determined through interviews with juvenile court and youth corrections staff that the lack of clearly defined roles and responsibilities is a major obstacle preventing the courts and youth corrections staff from working effectively together. As a result, the juveniles may not receive a consistent and effective course of intervention as they are passed from one agency or program to another. In addition, that lack of clearly defined responsibilities has made it difficult for the two agencies to develop the basic administrative tools that are necessary to effectively manage the juvenile justice system.

### **DYC and Courts Have Different Philosophies of Intervention**

We found that the philosophical differences between the two agencies are quite pronounced. For example, one judge told us that the number one problem between the courts and DYC is their differences in correctional philosophy. He said that DYC's fundamental

approach to juvenile justice is a “treatment based” or “medical model” of intervention. The judge suggested that as long as NYC retains this philosophy, the two agencies will never really be able to work effectively together. There are also pronounced differences in philosophy among the individual judges regarding how best respond to juvenile offenders. In general, the debate between the two agencies revolves around the perception that NYC is too treatment oriented and follows a “medical model” of intervention that ignores the need to protect the public. In contrast, some criticize the Juvenile Court for focusing too much on punishment while ignoring the benefits that treatment offers to juvenile offenders in helping them overcome the problems that initially led them to delinquency.

The debate over philosophy is not simply an academic exercise. It is a problem that arises whenever the Juvenile Court and the Division of Youth Corrections must decide how to respond to the unique circumstances surrounding a juvenile’s case. Usually, the two agencies do not have much difficulty agreeing on whether a juvenile should go to probation or the Division of Youth Corrections. However, there are often cases in which there is no clear indication whether the juvenile belongs in the court system or in the Division of Youth Corrections. Some judges and probation officers feel they need to issue a court order directing the division to place juveniles into a certain level of intervention. In addition, some judges specify by name the program into which the juvenile should be placed even though program placement is clearly the prerogative of the Division of Youth Corrections. Although judges tell us that they are reluctant to prescribe the specific program a juvenile should be enrolled in, they feel this action is sometimes necessary when the division does not appear willing to provide juveniles with the level of intervention that the judge feels is needed. Sometimes, court officials fear the division staff are concerned more about keeping costs down rather than providing the level of intervention and services juveniles need.

### **Lack of Continuity Is an Obstacle to Effective Intermediate Sanctions**

The lack of clearly defined roles and responsibilities have also prevented the state from developing an effective set of intermediate-level sanctions. For years officials have recognized the need for special programs that target juveniles who are failing probation but are not serious enough to be placed into state custody. For this reason, officials from both the Juvenile Court and Division of Youth Corrections encouraged the Legislature to allocate \$6 million for special programs to this population. The previous chapter describes some of the concerns we have with the way that state supervision is carried out. In our view, the concept of state supervision is a good one but has not been carried out effectively because there is not a clear understanding regarding which agency is responsible for providing intermediate sanctions. Until the roles and responsibilities of the Juvenile Courts and the Division of Youth Corrections are clearly defined, the state will not be in the position to develop a complete continuum of intervention that includes early intervention and intermediate sanctions. The following information offers some suggestions for how the Legislature could proceed.

## **Legislature Could Clarify Responsibilities of Each Agency**

As Justice Zimmerman advised the Juvenile Justice Task Force, the best way to clarify the roles of the Juvenile Court and the Division of Youth Corrections is to consider the separation-of-powers doctrine. This principle is contained in the **Utah Constitution** and is stated indirectly in the **U.S. Constitution**. It requires that if a person exercises power in a particular branch of government, that person should not exercise any power in either of the other branches of government. Specifically, Article V Section 1 of the **Utah Constitution** states that:

The powers of the government of the state of Utah shall be divided into three distinct departments; the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

In applying this model to Utah's Juvenile Court system, Article V Section 1 suggests that the Juvenile Court, as a unit of the judicial branch of government, and the Division of Youth Corrections, as a unit of the executive branch, have clear and separate responsibilities to perform. The Juvenile Court should focus its attention on its role of adjudicating criminal acts committed by youth offenders as well as other judicial functions related to the administration of justice. The executive branch should focus its activities on the administration of the youth corrections system. The Juvenile Courts should not administer correctional programs and services nor should the executive branch attempt to sanction juvenile offenders beyond those sentences issued by the Juvenile Court. The Legislature should consider this fundamental principle of government and clarify the responsibilities of the two agencies.

### **Juvenile Court Should Be Responsible For the Administration of Justice**

One of the reasons that the State of Utah has had difficulty developing early-intervention programs and intermediate sanctions is that one of the traditional responsibilities of the Juvenile Court has been to administer intervention services to juveniles on probation. However, it is not the role of the Juvenile Court to provide correctional services. The Juvenile Court judges and court administrators are appointed for their understanding of the law and the administration of the courts. The laws that address juvenile crime and the court rules and procedures that govern the Juvenile Court relate to the administration of justice not to the provision of intervention services. The Juvenile Courts are not responsible for the administration of the state's youth correctional system; this is the responsibility of the executive branch. For this reason, we believe the executive branch should assume responsibility for the administration and development of the state's graduated system of intervention.

The separation of powers doctrine is actually designed to protect the court's independence. In order for the courts to act as an impartial finder of fact and an interpreter of the law, they must distance themselves from any parties that might appear before them. However, if the courts were to administer a portion of the state's youth correctional system, such as an early-intervention program, it is conceivable that a judge might be called on to issue a decision with one of his or her own staff or agencies acting as a party in the matter. If, for example, a juvenile had cause to seek relief from his commitment to a day-receiving center operated by the courts, perhaps due to the alleged misconduct of those administering the center, the court would be placed in the position of having to issue a decision for or against its own staff. Additionally, individual judges do not have the benefit of understanding the specific purpose and criteria for placement within each intervention program in the state. Later in this report we describe some of the problems that occur when individual judges decide the specific type of program in which a juvenile should be placed. In Chapter IV we point out that judges use different criteria for deciding where to place juveniles in the system. As a result, the state has juveniles with different criminal profiles being housed in the same facility. This lack of uniformity hinders the effectiveness of intervention because providers cannot expect that a specific type of juvenile offenders will be sent to their program.

Probation services have traditionally been provided by the Juvenile Courts. The justification for this is that the role of the probation officer is to carry out the orders of the court. Only recently have probation officers assumed responsibility for administering intervention services. Because it appears that this trend is likely to continue, it may be an appropriate time for probation officers to operate from the executive branch of government. Patterns for this practice are found in Utah and in other states. For example, in Utah's adult correctional system, probation officers are part of the executive branch. In addition, the early-intervention programs administered in Orange County (referred to in the Chapter II) were developed by the Orange County Department of Probation, an executive agency within the county government.

According to Dr. Krisberg, the trend among states who are adopting the Comprehensive Strategy is to have these programs developed and administered by an executive-branch agency. He said that although "there are a couple of places where the judiciary oversees the administration of services. In Pennsylvania and Connecticut, for example, the judges run everything and it works pretty well." However, he said that the "trend is towards creating a centralized operation in which a department of youth services or some other executive branch agency assumes responsibility for administering the services. Most states have gone in that direction rather than giving the courts responsibility for the administration of services."

We recommend that the Legislature clarify the duties of the Juvenile Courts by requiring the Juvenile Court to assume responsibility for judicial functions that relate to youth offenders as well as the other matters assigned to it under state law (i.e. child custody, dependency, neglect and abuse cases). The scope of the Juvenile Court's responsibilities for these matters of law should be the same as that of other units of the state's judiciary. Their primary concern

should be the fair and timely adjudication of cases. If there are questions regarding which juvenile court functions belong to the judicial branch and which belong to the executive branch, officials should take the adult system as their guide in making such decisions.

### **Executive Branch Should Manage System of Graduated Sanctions**

Utah's juvenile justice system needs to expand its continuum of graduated sanctions to include a broader range of sanctions and services. The state also needs to improve its management of the system. To provide continuity in the administration of the broad system of sanctions, we believe the system should be administered by a single executive-branch agency. In order to provide continuity in the management of individual juvenile offenders, to the greatest extent possible, a single case manager should guide a juvenile through the system of interventions. These objectives can best be accomplished by giving the executive branch the responsibility for the administration and further development of Utah's continuum of sanctions and services.

In the previous chapter we have recommended the development of two new levels of intervention--early intervention and intermediate sanctions. However, other areas in the continuum of services also need to be developed. For example, we have been told that there is a need for additional programs for young female offenders. The Juvenile Justice Task Force has also considered the need for additional aftercare services. There are probably other specific target populations for whom additional sanctions and services need to be developed. These are areas for which an executive-branch agency should assume responsibility.

In addition to improving the overall administration of the state's system of youth correctional services, bringing the system under one agency can also help bring more continuity to the administration of individual cases. The management of juveniles through the entire continuum of sanctions should be handled by the fewest case managers possible. As mentioned previously in this chapter, a shared responsibility for case-management functions has not only been an obstacle to consistent case management but is also inefficient.

### **Success Will Require the Combined Effort Of Many Different Interest Groups**

Although the three branches of government perform separate functions, they are dependent upon one another to make government processes function effectively and efficiently. While the executive branch must oversee the administration of sanctions, it cannot administer a system the Legislature is not willing to support through new legislation and funding and which the judiciary must approve as just and fair. To succeed, the state's juvenile justice system must balance the interests and perspectives of all three branches of government. As a result, the planning and development of the system must reflect the combined wisdom of each branch of government.

An effective juvenile justice system not only requires the combined effort of the three separate branches of government, but also requires collaboration with local interests. For example, many youth offenders have substance-abuse problems, perform poorly in school, may suffer from mental illness or may have a difficult home environment. A single agency, with its staff of case managers, cannot begin to address all the problems that these youth face without the support of other local agencies and interest groups. As a result, the solution to juvenile crime must draw on the expertise of mental health experts, educators, family services experts, local law enforcement, Juvenile Courts and a wide range of community groups.

To develop cooperation among the wide range of interest groups, OJJDP suggests that a successful juvenile justice system must foster the coordinated effort of many diverse groups. They point out:

Formal and informal relationships must be forged with all agencies that will provide services to youth in the model. These agencies include schools, community programs, and other juvenile justice programs. Strained relations with these organizations can be extremely harmful to the success of the Comprehensive Strategy.

OJJDP also states that the relationship between these agencies should be clearly defined in a formal agreement. They note, "Formal agreements should be made with [schools]...mental health services, medical resources, drug and alcohol treatment, parental support groups, and legal services. Case managers should receive a document listing agencies, their services and procedures to obtain these services for their clients." Thus, even though the executive branch should have primary responsibility for administering the system of intervention, their success depends largely on their ability to draw from the expertise of a wide range of interest groups.

There are already several coordination efforts underway in the area of human services in general and in juvenile justice specifically. The FACT program is designed to help various government agencies in their efforts to serve high-risk juveniles. We view FACT primarily as a prevention effort but it includes many of the same parties that would be involved in any coordination effort that targets youth in the juvenile justice system. In addition, the Commission on Crime and Juvenile Justice is also charged, by virtue of its relationship with the OJJDP, to promote the coordination of juvenile justice efforts locally. This suggests that some effort is already underway to coordinate the efforts of agencies involved in juvenile justice.

### **Three Organizational Models That the Legislature Could Consider**

An executive-branch agency should be responsible for the administration and development of the entire system of graduated sanctions--from early-intervention services to aftercare. All services along the continuum of graduated sanctions should be administered by the executive branch agencies.

Through a review of the organizational structure of other state juvenile justice systems, we have identified three basic organizational models for this executive branch function.

- 1. Decentralized Juvenile Justice System.** In states that operate a decentralized juvenile justice system, both the judicial process and the administration of sanctions and services are largely a local function. Most of the continuum of intervention is administered by local government, usually the county government. Early intervention, services, probation, case management, and the process of administering contracts with group homes are performed by the local county executive. In the states that decentralize their juvenile justice systems, the role of the state youth corrections agency is limited to the administration of the state prison system for the most serious youthful offenders. Often the states provide these services much the same way a private contractor would. The local jurisdiction is charged a fee for the services provided by the state correctional agency. States that operate the decentralized systems are usually much larger than Utah. California, Ohio, and Pennsylvania are examples of states that administer juvenile justice through a decentralized organizational structure.

If the decentralized model were adopted in Utah, we assume that each Juvenile Court district would be closely affiliated with a juvenile probation department within a county government or association of governments. Each unit would have its own budget and local case managers who would perform the case management of youth offenders through the full continuum of services. The local units would decide which juveniles would be placed in the secure-care facilities or other residential care facilities provided under contract with the Division of Youth Corrections. The local units would either be charged a fee for each placement or they would be allocated slots based on a formula established by the Legislature.

- 2. A Statewide Juvenile Justice System.** In a statewide system, a single state agency would be responsible for administering all services and sanctions provided to juvenile offenders. Everything from probation services to secure care would be administered by the state youth corrections or “services” agency. Because it would be a statewide system, programs throughout the state would be more consistent. They would also reflect the policies of the Legislature and Governor more than they would in a decentralized model. A statewide assessment and classification system would be used to ensure that juveniles throughout the state would be treated in a consistent manner.

If this model were to be adopted in Utah, the Division of Youth Corrections would likely become responsible for administering the full range of sanctions and services for juvenile offenders. The oversight of juveniles on probation would also become the responsibility of the executive branch of government, probably the Division of Youth Corrections. As in Orange County, California, which is similar in population to the State of Utah, the probation staff or case managers would be responsible for



administering all early-intervention programs. The Juvenile Court, through its intake process, would perform assessments of juveniles who enter the court system for the first time to determine if they qualify as a high-risk juvenile that is eligible for early-intervention services. If Utah adopts the statewide model, we suggest that the Governor be allowed to decide how to organize the administration of those different types of services, whether it be from within the Department of Human Services or through a separate department.

- 3. Statewide Juvenile Justice System with Local Governance.** Some states combine the benefits of the statewide and local models. The state of Florida, for example, has a single state agency that establishes policy, monitors performance, and allocates funds to independent regional offices. Each region is administered by a local governing board consisting of representatives of the various groups such as human services agencies, schools, local law enforcement, court administrators, as well as the public at large. Funds are allocated to each region after state approval of the local strategic plan. Approval and funding is granted for plans that conform with state policy established by the Governor and the Legislature. However, the development of innovative new programs to fill the gaps within the continuum of services is the responsibility of the local governing boards. The State of Florida requires that the local strategic plans identify the contribution that each stakeholder group is going to make towards the implementation of the region's strategic plan for juvenile justice.

### **Utah Should Adopt a Statewide Juvenile Justice System And Work Towards Local Governance**

The State of Utah may not have a large enough population to justify a decentralized approach to juvenile justice. The states that follow this model tend to have much larger populations than the State of Utah. However, if legislators feel that juvenile crime is best addressed at the local level and that the state should be responsible for the incarceration of the most serious and violent juvenile offenders, then a decentralized model would be appropriate. Some states have also used the decentralized model to reduce costs and encourage home-based interventions. For example, Ohio has accomplished this by allocating a budget to local jurisdictions and then requiring them to pay a fee for each juvenile placed in the state correctional system.

On the other hand, we believe that a statewide system would be the best way to develop a consistent, efficient and well-managed system of graduated sanctions. If a single executive-branch agency were responsible for the administration of the sanctions and services statewide, programs throughout the state would be more consistent. The state would also be in a better position to provide a wider range of sanctions and services than local governments could on their own. In addition, if all sanctions and services were administered from within a single

state agency, the juvenile justice system would directly reflect the policies of the Governor and the Legislature more than a decentralized system would. In addition, a statewide system would give the Legislature more direct control over the spending priorities for juvenile justice than it would under the decentralized model.

On the other hand, if legislators choose the statewide model, this choice might make it more difficult for local interests to develop a local strategy to address juvenile crime. As suggested previously, a successful juvenile justice system requires the collaboration between local interests. To encourage local collaboration, the state may wish to create a state agency that administers the broad policy development and funding requirements but gives local interests the ability to develop their own plans.

The development of a comprehensive strategy with early intervention and intermediate sanctions will require that the state's juvenile justice system undergo significant change. For this reason, we recommend that the Legislature require that a state executive-branch agency assume responsibility for administering the entire continuum of sanctions and services for juvenile offenders. Once the major issues described in this report have been addressed, the agency should then take steps to encourage local coordination through the development of local governing boards. First the state should develop an assessment and classification system such as the one used in Orange County, California so high-risk juveniles can be identified and placed into early-intervention programs. A better set of intermediate sanctions should be developed and other gaps in the service continuum, such as after care, should be addressed. In the follow chapters a number of additional administrative tasks are identified which must be resolved if the state's system of graduated sanctions is to operate effectively. Once these steps have been accomplished, the state could then start to delegate certain decisions to local governing boards.

### **Recommendations:**

1. We recommend that the activities of the Juvenile Court be limited to intake and adjudication of juvenile offenders.
2. We recommend that the administration of all sanctions handed out by the Juvenile Courts be provided by an executive-branch agency, preferably a state agency, such as the Division of Youth Corrections.
3. Once the state executive-branch has developed a comprehensive system of sanctions, we recommend that an effort be made to encourage collaboration among local government agencies, law enforcement, Juvenile Courts, schools and other organizations that have an interest in juvenile justice. An efforts should be made to draw on existing coordination efforts, if possible.

## Chapter IV

# Placement Decisions Must be Based On the Results of An Assessment

The success of a graduated system of sanctions depends on the fair and consistent matching of juveniles with the various levels of intervention available. Before deciding the type of intervention program in which to place a juvenile offender, the state must develop specific selection criteria for each program and level of intervention. Then, an assessment should be made of each juvenile offender to determine which program is best suited to the risk they present to the community and to any treatment needs they may have. Although Utah uses a set of sentencing guidelines to determine the level of intervention, the sentencing guidelines do not account for all factors normally considered when deciding the specific type of intervention a juvenile should receive. This problem could be addressed if the state would use its sentencing guidelines in combination with a formal assessment and classification system that provides a consistent approach for matching individual juveniles with the various types of intervention needed. Because the state does not have a consistent process for matching juveniles with the types of intervention available, some juveniles with relatively few offenses are placed in programs with juveniles who have relatively long criminal records.

The Juvenile Courts should continue to use a set of sentencing guidelines to place juveniles at each broad level of intervention, such as probation, intermediate sanctions, community confinement and secure confinement. However, the Division of Youth Corrections<sup>1</sup> should develop an assessment and classification system to determine the specific programs and types of intervention a juvenile should receive within each level of intervention. Specifically, a formal *risk assessment* of each juvenile offender should be used the first time a juvenile is introduced to the juvenile court. This risk assessment should help intake officers identify the top 7 percent of offenders who need to be targeted by the state's early-intervention programs. A separate *placement and custody assessment* should be performed for each juvenile offender sentenced to community confinement or secure confinement. Those sentenced to community-based programs should receive an assessment at an observation and assessment center for 30 to 45 days so that a thorough risk and needs assessment can be performed. The results should then guide the division's decision regarding where in the system the juvenile should be placed. Juveniles placed in secure care facilities should continue to receive their formal risk and needs assessments while residing there.

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<sup>1</sup>The text of this chapter assumes that the Division of Youth Corrections will be the executive-branch agency responsible for administering the state's system of sanctions and services. However, we recognize that another executive-branch agency -- either a state agency or local government agency -- could also assume this responsibility, depending on which of the organizational models in Chapter III is chosen.

## **Assessment of Juvenile Offenders Is an Essential Part of Any System of Graduated Sanctions**

Adopting a formal assessment process will not only help decision makers treat similar cases consistently, but it will also help state officials manage the juvenile justice system more effectively. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP),

...any system predicated on graduated, differential interventions...must include...:

- Clearly specified selection criteria for the various programs and levels of intervention.
- Adequate methods for assessing the degree to which individual youth meet those criteria.
- A selection process that ensures that youth intended for a particular level of intervention will, in fact, be served at that level.<sup>2</sup>

This statement suggests that a successful system of graduated sanctions must have different levels of intervention targeting specific populations of juveniles. After all, an intervention program for low-risk, ungovernable juveniles is not likely to be successful if the state enrolls juveniles who generally have extensive criminal backgrounds. Providers of youth corrections services must also identify the specific populations they will serve so that juvenile offenders can be enrolled in programs with others with a similar risk level and needs. Otherwise the younger, less experienced juveniles may end up mixing with a set of more hard-core offenders who may teach them inappropriate behaviors.

### **Assessments Can Also Serve as an Effective Management Tool**

In addition to helping youth corrections caseworkers decide where to place a juvenile within the juvenile justice system, a formal assessment process can also help administrators evaluate the design of the state's continuum of services. By combining the results of all of the state's assessments, public officials can identify the number of juveniles at each risk level and the different treatment needs the state's juvenile offenders may have. This information would be a useful tool in deciding the number and type of intervention programs required at each level within the state's continuum of sanctions and services. For example, several juvenile court judges told us that the state needs additional programs for young female offenders. If the state had been conducting a regular assessment of each juvenile as he or she entered the DYCS system, it would know how many female offenders are in state custody in each region of the state; their risk level; how many have severe drug dependency problems; how many are

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<sup>2</sup> **Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders**, page 189.

ungovernable; and so forth. The state would then have the information needed to develop an effective set of interventions aimed at this population.

A formal assessment process is also essential if the state is going to make a fair evaluation of the performance of the various sanctions and programs offered. Unless providers serve the population of juveniles their programs were designed for, it would not be fair to compare their effectiveness to that of other providers serving the same population. Otherwise, one provider may do extremely well only because several low-level offenders are placed in the program.

These are just two examples of the importance of an assessment and classification system. Figure XII shows that the assessment process is the first of five steps necessary for the effective management of a juvenile justice system.

<b>Figure XII</b>	
<b>Steps in Effective Management of the Service Continuum</b>	
<b>Steps</b>	<b>Action</b>
1	Assess the Risk and Needs of Juveniles Entering the Youth Corrections System
2	Place Juveniles in Programs Proven to be Effective for Their Target Population
3	Evaluate the Success of Each Program In Serving its Target Population
4	Formulate a New Intervention Strategy based on What Programs Work Best
5	Modify the Assessment Tool and Develop New Programs and Services that Reflect the New Intervention Strategy

The five steps described in Figure XII represent a continuous process of evaluating the needs of juveniles entering the system, developing programs that meet those needs, assessing the success of those programs, and modifying the state’s intervention strategy based on what works. Our consultant, Dr. Krisberg suggested that one of Utah’s problems may be that the state officials can not even take the first step towards operating an effective juvenile justice system because they do not have an adequate understanding of the types of juveniles entering the system. As a result, the state is not able to decide which types of programs are needed most. In addition, without a consistent assessment and classification system, the state is not as uniform as it should be in placing certain types of juveniles in programs specifically designed for them. This lack of consistency has made it difficult to determine the effectiveness of specific types of intervention. And because no one seems to know which programs work and which do not, state officials find it difficult to agree on a consistent set of intervention strategies.

Until the state begins to perform formal assessments of its juvenile offenders, it will continue to have difficulty administering its continuum of graduated sanctions. One result, described in the following section, is that even though the state has adopted a set of sentencing guidelines, decision makers continue to have difficulty agreeing on what types of juveniles should be placed into which types of programs.

## **Utah Lacks a Systematic Way of Deciding Where to Place Juvenile Offenders**

Utah's juvenile justice system does not have a systematic way of deciding where to place a juvenile in its youth corrections system. On one hand there is often confusion among judges, probation officers and DYC caseworkers about what exactly they should do with certain juvenile offenders. As a result, they each tend to rely on their own personal philosophy about juvenile justice when deciding where to place juveniles in the system. In addition, because the state is not performing evaluations of its juvenile offenders, this task is usually performed by providers after the juvenile has been placed in a residential facility. According to the statute, it should be the Division of Youth Corrections and not providers who perform evaluations of juveniles. And finally, because there has been confusion about the role of the Juvenile Courts and the role of the Division of Youth Corrections, there has been a tendency for some judges to prescribe the specific program into which a juvenile should be placed. The placement of youth into specific correctional programs is the statutory responsibility of the Division of Youth Corrections.

### **Judges, Probation Officers and Caseworkers Must Rely on Their Personal Discretion**

Because of the lack of formal assessment process, the burden has largely fallen to the individual judges, probation officers and caseworkers to decide the type of sanction a juvenile should receive. Most judges realize that they often do not have the information they need to make an appropriate placement decision. For this reason, most judges rely on the Observation and Assessment Centers (O&A) run by the Division of Youth Corrections to advise them of youth offenders clinical needs. Juveniles are sent to O&A for up to 90 days so they can receive a formal evaluation based on a wide range of tests. More often, however, judges must rely on the recommendations of probation officers and any Division of Youth Corrections staff who may be involved in the case. Unfortunately, probation officers and caseworkers have not been given much guidance in what sanctions to recommend. Often caseworkers and probation officers base their placement decisions on the results of interagency staff meetings where they confer with others about how to approach a case. As a result, most placement decisions in Utah's juvenile justice system are based on the personal views and impressions of individual decision makers.

**Judges Must Rely Too Much on Their Own Personal Philosophy About Juvenile Justice.** Utah’s juvenile court judges are not provided with sufficient guidance regarding what levels of intervention work best with what types of juvenile offenders. As a result, each judge has been forced to develop his or her own philosophy for how to make decisions in court. Some judges are more prone to follow one certain philosophy regarding juvenile crime, while others tend to follow another. For example, one judge believes the best response to juvenile crime is to provide each juvenile offender with vocational education and assistance in finding a job. In contrast, other judges follow what some refer to as the “medical model” of juvenile justice. That is, the primary objective of any intervention should be to treat the underlying causes for a juvenile’s delinquent behavior. A few other judges take a more punitive approach---what some refer to as the “restorative justice” model. That is, juveniles need to recognize that there are consequences for their bad behaviors and should receive a punishment commensurate with their crimes. These judges often emphasize the need for a youth offender to fully compensate their victims. Some judges described their approach as more “balanced” in that they try to meet the juvenile’s therapeutic needs, while at the same time holding them accountable for their actions.

The influence that each judge’s personal style has on decision making is also evident in how they use the various programs in the system. For example, there are just two judges who account for about 40 percent of the out-of-state placements that are made. Some judges are also much more likely than others to place juveniles in secure care and community-based programs.

The personal styles of the judiciary are also reflected in their use of the Observation and Assessment centers. We asked each judge to describe the type of juveniles that are appropriate to send to an O&A center. Of the 22 judges we interviewed, six said they liked to send younger offenders with relatively few offenses to O&A in an effort to quickly understand what types of problems the youths might have. Eight judges tend to limit their placements to O&A to the most serious youth offenders after they have committed many different offenses and have repeatedly failed their youth corrections programs. The other eight judges said they send youths to O&A at any age or for any level of offense. In addition to sending different types of juvenile offenders to O&A, the judges are also using it for different purposes. Most judges reported they use O&A as an evaluation tool. However, two judges said they occasionally will use O&A as a punitive sanction and a “time out” for youths when the judge is lacking a good intermediate sanction.

**Probation Officers Often Anticipate The Sanction Preferences of Judges.** Probation officers are also aware of the differences among the judges they serve. They know which judges might be more willing to put a juvenile into treatment and which are more likely to be more punitive in the dispositions they issue. Probation officers also know that certain judges prefer some programs and sanctions over others. Probation officers have told us that it pays to know the style of the judge and what they want so their recommendations conform to the judge’s personal philosophy. One probation officer told us that he alters his recommendations

depending on the judge he is preparing the case for. He said one judge that he knows expects a certain type of recommendation for a certain type of crime. In contrast, he said that he probably wouldn't make the same recommendation to other judges in the district.

The judges also seem to recognize each other's differences in philosophy. For example, one judge told us that he occasionally travels to another district to assist another judge who has a heavy caseload. He told us that when he sits on the bench in that other judge's district, he attempts to make his decisions conform to the style of the judge in that district. He said that the staff in that other district expect certain cases to be disposed in a certain way, and he doesn't want to give a sanction that is different from what a probation officer are accustomed to carrying out. Even though, he said, he would handle those same cases differently in his own district.

In our view, the personal style of each judge should be reflected somewhat in how each carries out the responsibilities of the office. After all, there is an important reason why judges are asked to make these decisions and not clerks. Decisions made in a court of law are serious, and the public expects such decisions to reflect the insight and reasoning of those who have been trained in the law. However, the Legislature has a responsibility for providing some direction so judges are not left without guidance in making these important judicial decisions. Unfortunately, the sentencing guidelines do not appear to be providing the level of guidance that judges need.

**Probation Officers Each Have Their Own Approach for Performing Their Jobs.** It is important not to underestimate the role that probation officers play in the court's decision-making process. Judges rely heavily on the recommendations of probation officers who are allowed to review the juvenile's social services information that judges are not allowed to review. When we asked probation officers how they decide what to recommend to a judge, many of them told us that they base their decisions on personal experience. That is, they know from experience what types of sanctions work best with each type of juvenile offender. In addition, many described their decision-making process as that of making a "gut feel" decision regarding the case.

There are also significant differences in the information that probation officers collect when preparing a case for court and in the significance that probation officers give that information. If probation officers are not consistent in the type of information they collect, this inconsistency may also result in certain types of cases being handled differently. Before each court hearing is held, the probation officer will conduct a preliminary interview with the juvenile and his or her parents. The result of this interview might be to schedule a court hearing or to simply fine the juvenile and close the case. We asked 12 probation officers from throughout the state what questions they ask juvenile offenders when they are brought into the court for a preliminary inquiry. We found that different intake officers use different forms in the intake process and that each tends to emphasize different issues. Some said that they focus on certain drug use, school attendance and sexual activity. Others told us that they focus on



other issues such the condition of the home and family life or the level of remorse a juvenile seems to feel for his or her crimes. Some probation officers conduct a very lengthy interview of the juveniles while others conduct rather brief interviews.

Beside placing emphasis on different areas of needs and risk during the preliminary inquiry, probation officers also lack a standard risk and needs assessment to use after a youth is sentenced to probation. Almost all 30 probation officers said that the level of supervision is not determined by any type of formal risk assessment, but rather how long the youth has been on probation. For example, when the juvenile is first placed on probation, the probation officer will have contact with the youth several times per week. As the juvenile progresses on probation and is compliant with court orders and the probation agreement, the probation officer makes fewer contacts. The needs assessment is also lacking. Probation officers review the intake report, but these reports may provide just a few details or a significant amount of information depending on which probation officer performs the intake. Other information might be gathered from an interview with the youth and the parents. Again, different probation officers place emphasis on different areas of needs and risk.

**Case Managers Also Have Different Philosophies about How to Best Deal with Juvenile Offenders.** Significant differences also occur in how NYC case managers carry out their decision making responsibilities. We interviewed several case managers throughout the state and found that they, like their counterparts in the court system, are largely left to their own discretion in how to handle their cases. Often, their decision making is influenced by their own personal views regarding juvenile justice.

One case manager, for example, told us that he, unlike his colleagues, does not place juveniles in group homes. He believes that kids do not get enough attention in group homes. For this reason, he prefers to place juveniles in proctor homes where juveniles reside with a single family. In addition, some case managers do not hesitate to issue a pick-up order on juveniles whenever they are not where they are supposed to be. When found by the police, these juveniles are placed in detention for a few days. Other case managers are less willing to issue pick-up orders unless the juveniles show a blatant disregard for the restrictions placed on them.

### **Some Providers, Not NYC, Are Performing Evaluations of Juveniles**

Another concern is that NYC does not fully carry out its legally mandated responsibility to perform evaluations of each juveniles in its custody. As OJJDP has suggested, the placement of each juvenile in a system of graduated sanctions must be based on “a selection process that ensures that youth intended for a particular level of intervention will, in fact, be served at that level.” However, because the state is not performing these evaluations before the placement decision is made, this task has fallen to the private providers to perform. It would be much better to have the assessment done before the juvenile is placed into a program so that the state can be confident the juvenile fits the type of intervention offered by the provider.

Additionally, it is a conflict of interest for private providers to be responsible for both evaluating the needs of juveniles in their custody and to be the provider of services to meet those needs.

According to **Utah Code** section 62A-7-116 (3):

The division shall place youth offenders committed to it for community-based programs in the most appropriate program based upon the division's evaluation of the youth offender's needs and available resources.

Although the division may be in technical compliance with this requirement, division staff do not appear to be providing the type of evaluation intended in statute. DYC simply requires that its caseworkers fill out the DYC Client Service Needs Assessment and Service Plan before a juvenile is placed in a community-based program. An example of this form is shown in Figure XIII. However, the process of filling out this form does not, in our view, constitute a complete evaluation of the juvenile's needs. Typically, case workers only have two days to find a provider for a juvenile after he has been added to his or her caseload. As a result, the "evaluation" often consists of little more than an interview with the juvenile and a discussion with the probation officer who handled the case. In fact, sometimes there is little variation from one evaluation form to another, as if some kind of "boilerplate" entries were being used. A true evaluation of the juveniles would resemble the kind of assessments currently being provided by the division's observation and assessment centers. They would consist of a formal assessment and classification of the juvenile in terms of his risk of committing additional crimes and of any treatment needs the juvenile may have.

## Figure XIII Client Service Needs Assessment and Service Plan



### DYC CLIENT SERVICE NEEDS ASSESSMENT & SERVICE PLAN

**CLIENT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**CLIENT CASE #:** \_\_\_\_\_ **MEDICAID #:** \_\_\_\_\_  
**CASE MANAGER:** \_\_\_\_\_

Juvenile requires treatment and services from a variety of agencies and providers to meet his/her documented medical, social, educational, and other needs. There is reasonable indication that this client will access these needed treatment/services ONLY if assisted by a targeted Case Manager, who will locate, coordinate and regularly monitor the services.

Check Identified Need		Service Plan Objective	Service Provider	Time Frame	Result
<b>Case Management Supervision</b>	X	To coordinate, assess, link and monitor the treatment needs for (youth) through the identified services of this plan.		On going	Progress/result will be reported in the 90 day progress review
<b>Legal Issues</b>	X	Coordinate and review treatment and service needs for (youth) through court personnel and legal representatives.		6 Months or as needed	Client ordered into the custody of Youth Corrections to help them access needed Treatment services.
<b>Observation &amp; Assessment</b>					
<b>Out of Home Placement</b>	X	Provide a stable and structured setting for juvenile. Home visits will be arranged with family to facilitate return home.	For the Youth	On going	Progress/results will be reported in the 90-Day Progress Report.
<b>Tracking/Intensive Supervision</b>	X	Provides support, monitor behavior in school, job, and community activities.	For the Youth	On going	More responsible behavior. Progress will be reported in the 90-Day Progress Report.
<b>Educational Plan</b>					
<b>Vocational Plan</b>					
<b>Employment Plan</b>					
<b>Restitution Plan</b>					
<b>Individual Therapy</b>	X	Juvenile will participate in individual therapy to address treatment issues such as grief and loss issues, thinking errors, substance abuse, and coping skills,  (4 ) times a month.	For the Youth	On going	Reduction and/or elimination of problematic behaviors.
<b>Group Therapy</b>	X	Juvenile will participate in group therapy to address treatment issues such as substance abuse, thinking errors, and peer relations,  (8) times a month	For the Youth	On going	Reduction and/or elimination of problematic behaviors.
<b>Psychiatric Service</b>					
<b>Psychology Service</b>					
<b>Family Therapy</b>	X	Juvenile will participate in Family Therapy to address problematic behaviors that have created discord within the family.	For the Youth	On going	Improved family relationships.

Because the Division of Youth Corrections does not perform a comprehensive evaluation of the juvenile's needs, this task usually falls to the private providers to perform. Typically, the provider's own staff therapist will perform an evaluation of the juvenile's needs and then prepare a treatment plan that is approved by the caseworker. The problem is that having providers perform the evaluation may place them in a conflict of interest position. They are in effect taking responsibility for deciding the services that the juvenile should receive and receiving payment for providing those services. There is a risk that juveniles under such a system may remain in a program longer than is necessary or they may receive treatments that are not needed. In addition, as long as the provider is in effect deciding how much services are needed, there may be a tendency for the expense for treatment services to be higher than necessary.

During a review of DYC case files we came across one juvenile offender who had been placed in a community-based placement for over two years. We determined that this placement was largely due to a lack of adequate supervision of the juvenile's case by the case manager. It appears that the case manager was far too willing to let the provider decide whether the juvenile should continue in the program and whether or not he was making progress. Allowing the provider to make these decisions would not likely happen in a well structured juvenile justice system in which the youth corrections agency: (1) evaluates the juvenile's needs, (2) specifies the objectives of the treatment in a treatment plan, and (3) regularly monitors the progress of each case. When a youth corrections agency relinquishes these tasks to those who provide the treatment, it places the providers in a conflict of interest position.

### **Some Judges Tend to Make Placement Decisions**

Although the statute does not give judges the authority to place a juvenile into a specific community-based program, a few judges have been known to do this on occasion. These specific placements do not happen on a regular basis, but when it does, it has been a source of friction between some judges and the DYC staff. As mentioned in Chapter III of this report, it has been difficult for the state to provide a consistent course of intervention when the executive and judicial branch agencies are in conflict about the level of intervention a juvenile should receive.

Because DYC staff are not inclined to go against the wishes of a judge, they usually comply when the judge requests that a juvenile be placed in a specific program---even when the placement violates DYC's own internal policies. On the other hand, if DYC is not inclined to place a juvenile in the program that the judge feels is needed, judges sometimes use several procedural tactics to make sure their intentions are carried out. For example, we observed cases in which a judge wanted a juvenile in a specific out-of-state facility. Realizing that DYC staff were not inclined to place the juvenile in that facility, the judge sentenced the juvenile to secure care and then stayed that sentence on the condition that

DYC place the juvenile in the specific program preferred by the judge. Rather than placing the juvenile in secure care, a much harsher sanction than was appropriate, the DYC caseworker decided that he had no choice but to go with the judge's less severe alternative.

The reason some judges feel they need to get involved in decisions regarding the specific placement of a juvenile in the youth corrections system is they do not feel confident that division staff make good placement decisions. For example, judges have expressed concern that the division returns high-risk juveniles to their homes without adequate supervision, or that they do not provide certain juveniles with the level of intervention needed. To the judges, it appears that the division staff are more concerned about dealing with budget limitations than in protecting the public from the likelihood that juveniles may re-offend. Some judges are also concerned that DYC's placements are based more on whether there is space available rather than if the program is appropriate for the juvenile.

While judges have raised some valid concerns about the decision making within the youth correctional system, we do not believe it is a workable solution to have 22 judges making separate decisions regarding which juveniles should go into specific programs. As OJJDP has suggested, programs need to be designed for specific populations of juvenile offenders, which means there needs to be a systematic way of determining when a juvenile fits criteria for any given program. It would be difficult for the Division of Youth Corrections to provide juveniles with a specific course of intervention if it did not have full control over where juveniles are placed in a program.

On the other hand, if the division wants to discourage judges from dictating the type of placement a juvenile should receive, then the division should earn the confidence of the judges by developing a more structured and systematic approach for identifying both the risk and the needs of juveniles. Based on the results of these assessments, DYC needs to place juveniles into programs that are proven to be effective. The following section describes some of the reasons why the sentencing guidelines have not been an effective tool for providing consistency in the state's sentencing practices.

### **Sentencing Guidelines Have Not Brought Consistency to the Sentencing Process**

During the past several years, the Utah Legislature, largely through the prompting of the legislative task force on juvenile justice, has sought to bring more consistency to sentencing juvenile offenders. They have encouraged the juvenile court system to adopt a set of sentencing guidelines which were put into effect on July 1, 1997. According to the Utah Sentencing Commission, the guidelines were developed with the intent to provide "equity in the system...earlier incapacitation of chronic and serious juvenile offenders" and to bring

“more accountability to the system.”<sup>3</sup> Unfortunately, during the first year since they have been implemented, the guidelines have fallen short of achieving these objectives. During the spring of 1998, about eight months after the guidelines went into effect, most of the sanctions juveniles received were not consistent with those recommended by the guidelines. For example, only 25% of the juveniles sentenced to state supervision actually had a criminal record that should have, according to the sentencing guidelines, earned them that level of a sentence. The problem is that other concerns enter into the decision-making process that usually override the recommendations of the sentencing guidelines.

Although the sentencing guidelines might be used to promote consistency in the court’s sentencing practices, we believe that the actual placement of juveniles within the youth corrections system should be decided by youth corrections authorities after they have made a thorough assessment of a juvenile’s risk and needs.

### **Most Placements Do Not Follow the Sentencing Guidelines**

We tested a random sample of juveniles placed into several different types of programs during the spring of 1998. We compared the sanction that they actually received to the sanction that would have been recommended by the sentencing guidelines. For example, we identified a random sample of 100 juveniles who were sentenced to probation during the first six months of 1998. Using a database developed by the Commission for Criminal and Juvenile Justice and by verifying the results independently, we compared the highest-level sanction that would have been recommended prior to the date of the hearing when the sentence was issued.

Any evaluation of the sentencing guidelines is difficult because the recommended sanction is based in part on the offense currently before the judge. In a significant number of cases we found that juveniles were being sanctioned to probation, community-based programs and to other sanctions in hearings for which there was no presenting offense that, according to the guidelines is used to determine the recommended sanction. These include administrative review hearings, hearings for status offenses or contempt charges. When juveniles were sentenced to probation or community-based programs during one of these hearings, we identified the highest sanction that had been recommended at any prior hearing for which there was a presenting offense.

Of the 100 juveniles placed on probation, we determined that 46 percent had a criminal background that would have resulted in their being placed on probation. Another 38 percent had a criminal history that was less than what would normally be required of someone placed on probation. Another 16 percent of those sent to probation had a criminal history which would have resulted in a placement in a community-based program or secure care. Figure

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<sup>3</sup>**The Juvenile Sentencing Guidelines Manual**, Utah Sentencing Commission, pages ii and iii.

XIV describes the results of our test of juveniles placed in several different types of programs. The reason there are only 84 juveniles in our sample of secure care placements and only 24 in our sample of sex offender placements is that these represent the entire population that were in those facilities at the time the test was performed.

<b>Figure XIV</b>				
<b>Comparison of Recommended Sanctions vs Placement Juveniles Actually Received</b>				
<b>Type of Placement Sampled</b>	<b>Number of Youth in Sample</b>	<b>% Receiving Recommended Sanctions</b>	<b>% Who Should Have Received Lighter Sanction</b>	<b>% Who Should Have Received Harsher Sanction</b>
<b>Probation</b>	100	46%	38%	16%
<b>State Supervision</b>				
Probation/State Supervision	100	25	66	9
DYC State Supervision	100	18	72	10
<b>Community-based Programs</b>				
Proctor Care	100	14	76	10
Intensive Residential Programs	100	18	67	15
Residential Sex-Offender Programs	24	13	46	41
<b>Secure Facilities</b>	84	72	28	n/a

Figure XIV shows that for most of the sanctions issued during the first half of 1998, juveniles received a harsher sanction than would have been recommended by the sentencing guidelines. Many of the juveniles who ended up in a state-supervision program sponsored either by the Division of Youth Corrections or by the Juvenile Courts did not have a criminal history that should have resulted in that sanction. In addition, most of the juveniles in the three types of community-based programs tested did not have enough of a criminal history to be placed in proctor care, in an intensive residential facility or in a special sex-offender program. Tests of other types of DYC programs can be found in Appendix C.

Based on our tests of the sentencing practices of Utah's juvenile court, we conclude that the vast majority of juveniles in each level of intervention has not accumulated a criminal history that is sufficient to justify a placement according to the sentencing guidelines. In most cases,

the sanction issued was more severe than the one recommended by the sentencing guidelines.

### **Aggravating and Mitigating Circumstances Usually Override the Sentencing Guidelines**

The most common reason why juveniles receive sanctions different from those recommended by the sentencing guidelines is that there are aggravating or mitigating circumstances that call for a different sanction. In most cases, there was an aggravating circumstance that required a higher sanction rather than a mitigating one. During a review of 50 juveniles who had been sent to community-based programs (the tests previously discussed in Chapter II), we found that the two most commonly cited aggravating circumstances were that: (1) the juvenile was ungovernable or (2) the juvenile required specialize treatment. While ungovernability **is** cited as an aggravating circumstance in the sentencing guidelines manual, Chapter II of this report suggests that the state could at least try to place ungovernable youths in an intermediate-level sanction before moving them up to community-based placement. In addition, the need for treatment is not a sufficient reason to move a juvenile into a community-based program. According to the **Juvenile Sentencing Guidelines Manual**, the need for treatment is actually listed among the mitigating circumstances that could be used to justify a lower level sanction than would normally be issued.

The **Juvenile Sentencing Guidelines Manual** also suggests that any deviation from the standards should be an exception, not the rule. It states that “There are occasionally circumstances that compel deviation from the guidelines.”<sup>4</sup> The fact that most juveniles sent to community-based programs have a shorter criminal history than normally is required to justify a community placement suggests that the sentencing guidelines do not address all of the issues that court officials need to consider when issuing sanctions. While this is not a reason abandoned the sentencing guidelines, if the state wishes to bring more consistency to sentencing practices, it needs to develop a formal process that considers a broader range of issues than merely computing the juveniles’ offense history as the sentencing guidelines do.

When we asked Dr. Krisberg to comment on Utah’s sentencing practices and the use of sentencing guidelines, he suggested that a set of sentencing guidelines was not the best way to achieve the sentencing commission’s goals to increase equity, provide early intervention and encourage greater accountability. Dr. Krisberg also pointed out that most states are moving towards the use of assessment and classification tools to match juveniles with the appropriate type of intervention. Dr. Krisberg said that he knew of no better way to target kids for early-intervention programs and to bring equity to the system than through the use of an assessment process. Specifically, he suggested that we consider the types of assessments used by Massachusetts and Orange County, California.

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<sup>4</sup>Sentencing Commission **Juvenile Sentencing Guidelines Manual**. Page ix



## **Other States Perform Two Types of Assessments: One for Risk and Another for Classification**

We investigated the assessment and classification systems used by other jurisdictions recommended by, Dr. Barry Krisberg and other experts familiar with the assessment procedures used in other states. We found two basic types of assessments. We recommend that Utah adopt both.

The reason there are two separate assessments is they are used for two different purposes. The first assessment is for the youngest offenders involved with the court system for the first or second time. Its purpose is to determine the number of risk factors in the lives of these young offenders so the state can determine the likelihood that they may become serious, violent and chronic offenders. Those who are at a highest risk level can then be offered a wide range of early intervention services to prevent them from progressing on to more serious levels of criminal behavior, then becoming serious offenders who are to be removed from their homes and placed into state custody.

The second type of assessment is referred to as a placement and custody assessment and they should determine two things: (1) the level of security that a juvenile requires; and, (2) the treatment needs of each juvenile offender. As Ohio and Massachusetts have done, we recommend that each juvenile taken into state custody be placed for 30 to 45 days in an Observation and Assessment center. During that time, the juvenile would receive a wide range of tests that would help state correctional officials identify the risk and needs of a juvenile before he or she is placed somewhere in the corrections system. Depending on the availability of funds, juveniles might also be placed in an O&A center prior to placement in an intermediate sanction as well.

### **Orange County Uses an Assessment to Identify Potential High-Risk Offenders During First Visit**

The probation department in Orange County, California has received national recognition for developing an early intervention program. As mentioned in Chapter II, an important feature of Orange County's early intervention program is an intake process that successfully identifies high-risk offenders at a young age so appropriate services can be provided to help them avoid becoming chronic re-offenders. After years of studying this population, the Orange County Department of Probation has developed a fairly accurate profile of those who are most at risk of becoming serious, violent and chronic offenders. This information was used to develop an intake assessment that allows the court to determine the very first time a juvenile comes to the juvenile court whether he or she is likely to become an "8 percenter." These juveniles are age 15 or younger when they commit their first offense and have three or more of the following risk factors:



- Poor school behavior or performance including truancy, suspensions or expulsions, and/or failing grades.
- Chronic family problems that are typically demonstrated by a lack of adequate parental supervision, structure, and support for pro-social activities.
- Drug or alcohol use including any consistent use, regardless of the amount.
- Pre-delinquent factors including a pattern of running away from home, a history of stealing and/or associating with gang members.

A copy of Orange County's intake assessment form is included in Appendix A. As mentioned previously in Chapter II, the assessment may take several days or weeks to complete, but can usually be completed before the juvenile's hearing date. Although this assessment requires a significant investment in staff time, it gives the probation department the information needed to intervene in the lives of these juveniles before they progress onto more serious criminal activity and become a greater problem for law enforcement.

### **Massachusetts Conducts an Assessment of Each Juvenile Before He or She is Placed in the Youth Corrections System**

In addition to conducting a formal assessment during the intake process as Orange County does, many states also conduct a separate kind of "placement" or "custody assessment" before a juvenile is placed within their youth correctional system. For example, the Massachusetts Department of Youth Services determines the type of intervention a juvenile should receive based on the results of the 30 to 45-day assessment. During this time, tests are conducted to identify the level of risk a juvenile may present to the community. In addition, special tests are used to determine a juvenile's level of drug addiction and his or her clinical, social and educational needs. The assessment report also includes essential data and records from social services agencies, school, home, police and the Juvenile Courts. All of this information is summarized on a "Risk/Needs Assessment" form that tabulates a risk score as well as a need level.

These risk and need scores are considered along with the severity of the juvenile's offense to determine the level of intervention a juvenile should receive while in the youth corrections system. For example, a juvenile that scores very low on the risk and needs assessment and has a relatively minor criminal record may receive supervision and treatment services from a day-reporting center while he or she resides at home. High-risk juveniles would fall in a programming pattern that begins with a secure facility and then, over time, gradually moves the juvenile through to less restrictive levels of confinement based on behavior.

Although the observation and assessments in Massachusetts bear similarities to those performed in Utah, there are two significant differences. The first is that each juvenile offender in Massachusetts is required to go to an O&A facility prior to placement in the system. By contrast, in Utah, O&A systems are part of the system, and juveniles are sent to

O&A centers at the request of the judges. Second, the O&A tests in Massachusetts are applied more consistently and contain the results of specific tests prescribed by the department. In Utah, there are differences in how some of the therapists prepare their O&A reports and what information is provided.

According to Scott Taberner, Assistant Commissioner in the Massachusetts Department of Youth Services, there are two primary benefits to having a consistent assessment and classification system. First, it offers a greater degree of equity and fairness in how the state responds to specific types of juvenile crime, and second, it helps juvenile court judges feel confident that juveniles are being held accountable for their crimes when they are sentenced to the Department of Youth Services.

### **Utah Should Be Able to Adopt Both Assessments Without Increased Spending**

Although there may be some shifts in the flow of funds, the state should be able to perform a placement and a risk assessment of each juvenile without a significant increase in funding. Currently, the Division of Youth Corrections operates three Observation and Assessment (O&A) Centers with a total capacity of 106 beds. DYC has needed this large capacity because juveniles are held there for up to 90 days. The average length of stay in the O&A centers is 70 days. In contrast, other states have far fewer beds considering the number of juveniles they have in state custody, and they require that every juvenile receive a formal assessment. For example, with a capacity of 110 beds, the O&A centers in Massachusetts have just a few more beds than the Utah system does. However, Massachusetts has nearly three times the number of juvenile offenders in state custody. The reason that all juveniles in the Massachusetts system are able to receive an assessment is that they reside at the O&A centers for only 30 or 35 days. Similarly, juveniles in Ohio will spend from 30 to 45 days in the O&A centers.

If Utah, like Massachusetts, were to perform its assessments in just 35 days, the state would have the capacity to place 1,100 youth in its O&A centers during a single year. In fiscal year 1998, there were 867 youth committed to the Division of Youth Corrections. Of these, we assume there were some who were returning to DYC for a second time and may not require even a 30-day assessment before a placement decision could be made. As a result, we have concluded that DYC should be able to place each juvenile in one of its O&A facilities for 30 to 40 days without any increase in the budget.

Requiring a risk assessment of each juvenile during the intake process may require some additional staff time and expense for the juvenile court. However, as mentioned, intake officers already perform assessments of each juvenile as he or she enters the court system. The intake process for first time offenders would need to be expanded to ensure more issues are covered, and each intake officer uses a consistent form to report the results. Some intake workers are already visiting with the parents, school officials, and others who know the juvenile. For them, the new assessment process would not require much work other than to

gather the information in a more organized fashion.

### **Division of Youth Corrections Has Recognized the Need for Assessments**

The need for a formal assessment of each juvenile offender is something that the Division of Youth Corrections has recognized for some time. In a 1995 annual report, the division recommended that there be a “strong up-front assessment” of juveniles as they enter the Youth Corrections System. The report states that:

A realistic continuum of services needs to be based on accountable assessment. Strong implementation of risk assessment at entry to the system will lead to appropriate placements based on clear and uniform guidelines.

Moreover, the state statute requires the division to perform an “evaluation” before each juvenile is placed in a community-based program. **Utah Code** section 62A-7-116 (3) states that:

The division shall place youth offenders committed to it for community-based programs in the most appropriate program based upon the division's evaluation of the youth offender's needs and available resources.

Although the division does operate several O&A centers so juveniles can be evaluated, a majority of juveniles placed in DYCS are not given a formal assessment of their risk and needs. This lack of assessment has made it impossible for the state to ensure juveniles are placed in an appropriate intervention, that programs are evaluated fairly, and, in a broad sense, that the state has a clearly defined intervention strategy for each level of juvenile offender.

### **Not Having a Formal Assessment Process Can Result in Serious Consequences**

Before leaving the subject of assessments and classification, it is important to recognize the consequences that can result from not performing a formal assessment of juveniles before the state decides what type of intervention a juvenile should receive. According to OJJDP, several problems can occur when a state does not use a formal assessment process.

When assessment and classification procedures consistently fail to link youth with the interventions designed for them, there are a number of potentially negative consequences.

Consequences include the following:

- Increased risk to public safety because high-risk and/or violent youth are placed in a setting not sufficiently restrictive to control their behavior.
- Inefficient use of resources resulting from the placement of nonviolent youth or youth who are not high risk in overly restrictive settings.
- Inequities resulting from placing youth with similar offense, risk and need characteristics at different levels of intervention.
- Negative or inconclusive evaluations of the system and/or individual interventions because of “net-widening” or other evidence of failing to serve intended target populations.

Many of these problems may occur in Utah if the state does not use a proper assessment that makes sure each juvenile is placed at the level of intervention appropriate for them.

### **Increased Risk to Public Safety**

One of the risks of not performing an assessment on each juvenile offender is that there is a chance that the state may not identify high-risk juveniles and may allow them to remain in a community setting where they might commit additional crimes. The majority of juveniles who commit serious criminal acts in Utah already have prior experience with the juvenile court system. For example, during fiscal year 1998 there were 334 juveniles who committed an aggravated criminal offense. Of those, 86% had prior involvement with the juvenile court. Of those, 97% of the cases of initial involvement in the juvenile court were for misdemeanor offenses. This figure suggests that the state usually has the opportunity to identify high-risk juveniles early in their careers. The benefit of a careful screening process is that it can help the state identify juveniles who are most at risk of committing additional crimes.

This lack of identifying high-risk juveniles early in their careers raises a concern about the use of sentencing guidelines without an assessment process. Because they are based on the juvenile’s criminal history, the guidelines do not consider other factors that might predict whether the juvenile is likely to progress onto more serious crimes in the future. Some of these predictive factors include: (1) truancy, (2) early age of first offense, (3) friends who engage in delinquent behavior, (4) substance abuse, and (5) poor connection to a parent or other care giver. In contrast, an effective set of assessment tools can provide state officials with the predictive information needed to identify juveniles most likely to become serious, chronic and violent offenders. As mentioned previously, if the state is to further reduce the amount of crime committed by juveniles, it must identify those most likely to re-offend and provide them with the intervention services needed.

### **Inefficient Use of Resources**

The opposite problem of not identifying high-risk juveniles early enough is the problem of placing non-violent juveniles in an overly restrictive setting. When such placement occurs, it not only is unfair to the juvenile, but also a waste of state resources. Chapter II suggests that

the state has spent \$4.3 million more than it needed for juveniles placed in a community-based program when they could have been placed in a lower level of intervention such as in an intermediate level sanction.

### Inequitable Punishment

Consistent sentencing practices is also important to avoid placing juveniles with brief criminal records in the same facilities as juveniles with extensive criminal backgrounds. We do not want to risk having inexperienced offenders develop peer relationships and learn from those with more extensive criminal backgrounds. Our tests show that this is in fact happening. Figure XV identifies the facilities where the 100 juveniles were placed in intensive residential programs. Using the juveniles' criminal history, this figure identifies the suggested sanction recommended by the sentencing guidelines for 100 juveniles in our sample.

**Figure XV**

**A Comparison of the Criminal Profiles for 100 Juveniles  
in Intensive Residential Group Homes**

Actual Placement			Placement Recommended by Sentencing Guidelines				
Residential Group Home Facility	Location	Total	Other Sanctions	Probation	State Supervision	Community Placement(1)	Secure Facility
IYC Group Home	Ogden	2	1	1			
Safe House	Ogden	2		1			1
Madison House	Ogden	1			1		
Jefferson Group Home	Ogden	6		4		1	1
D&A Group Home	Ogden	15	2	2	4	3	4
Odyssey House	SLC	8		6	2		
CBS Phases Group Home	SLC	7		2	2	2	1
Vista Youth Services	Magna	22	2	9	2	6	3
Sandhill Group Home	Orem	8		2	1	2	3
Mona Group Home	Mona	20	2	9	5	3	1
Lindon Group Home	Lindon	4		2	1	1	
Provo Group Home	Provo	5	1	2	1		1
<b>TOTAL</b>		<b>100</b>	<b>8</b>	<b>40</b>	<b>19</b>	<b>18</b>	<b>15</b>

(1) community placement is the sanction level consistent with a placement in an intensive residential group homes.

Figure XV shows the criminal profile for the same sample of 100 juvenile offenders placed in Intensive Residential Group Homes that are described in Figure XV. Figure XVI shows that some juveniles with relatively brief criminal records might have received an “other sanction” (such as a fine or community work hours) or juveniles who might have been placed on probation are in the same facilities as juveniles who have extensive criminal backgrounds and who could have been placed in a secure facility. For example, the Vista Youth Services program has a mix of juveniles that span the Sentencing Guidelines categories. Two of the youth have a criminal history that would place them on the “other sanction” level, and two others in the same program had a criminal history that could have sent them to a secure facility, if the sentencing guidelines were strictly followed. Specifically, one of the youth in the Vista program had been convicted of nine felonies and 14 misdemeanors in 20 separate criminal episodes. The offenses included auto theft, burglary of a vehicle, and home burglary. This juvenile was housed in the same facility as youth with just a few crimes. For example, one youth had one Class B misdemeanor assault, a Class B misdemeanor theft, and a drug paraphernalia offense but was housed with this more serious offender.

### **Incorrect Evaluations of the System**

One final problem with Utah’s inability to consistently match juvenile offenders with the types of intervention designed for them is that inconsistent matching makes it impossible for the state to judge the performance of each different program. In Chapter V we suggest that the state’s private providers of youth corrections services need to design their programs for a specific target population of juvenile offenders. We also recommend in that chapter that we evaluate the performance of each provider in the state. However, it will be difficult for the state to objectively assess the performance of a provider’s organization if it is not consistent in which juveniles are sent to any given program.

If, for example, the state were to place juveniles in a program who do not fit the profile for which it was designed, the provider would not only have a difficult time providing the correct set of services, but the state would have difficult time deciding whether the program was successful or not. A program may perform very poorly on all of the state’s performance requirements. However, the state would not be able to tell whether poor performance was because the provider failed to offer the correct services, to properly train the staff or whether it was because the juveniles were placed in the program requiring a higher level of supervision and services than the program was designed for. Until the state has a consistent approach for matching juvenile offenders with intervention programs designed for them, the state will have difficulty evaluating the effectiveness of those programs.

### **Recommendations:**

1. We recommend that each juvenile committed to the Division of Youth Corrections for community-based programming receive a placement and custody assessment at one of its Observation and Assessment (O&A) Centers.



2. We recommend that the Division of Youth Corrections use the assessments performed in the O&A Centers to place the offender into the most appropriate level of intervention as required by **Utah Code 62-7-116 (3)**.
3. We recommend that the Juvenile Court Administrator develop an intake assessment process that identifies juveniles who are most likely to become serious, violent and chronic offenders.
4. We recommend that each juvenile court district evaluate juvenile offenders when they first enter the juvenile court system using the intake assessment tool developed by the court administrator.

## **Chapter V**

# **An Effective System Of Graduated Sanctions Is Needed**

The success of Utah's system of graduated sanctions depends, in part, on its ability to create effective programs for each different level of offender. As mentioned in previous chapters of this report, there are not sufficient programs that target juveniles at the early stages of delinquency. We recommend the development of early intervention and intermediate sanctions as a way to address this problem. However, there has been much disagreement among Utah's juvenile justice professionals about the state's philosophy of intervention that we question whether the state can develop a complete system of graduated sanctions unless there is more agreement regarding the state's intervention strategy.

Two steps can help create a greater consensus on which programs are effective. First, the state must require that when new programs are adopted, there must be evidence the programs have been proven to be effective at serving the juvenile population targeted by the program. During the past year Utah's Legislature appropriated \$6 million for programs targeting juveniles under "state supervision," but in many cases, there was not enough research done before the programs were adopted to verify that the program design was a valid one. A second step to create more agreement among judges, probation officers and case managers is to perform an ongoing review of the effectiveness of individual programs and services. Each provider of youth corrections services should be held accountable for accomplishing a set of performance standards. If these two steps are taken, those who administer Utah's juvenile justice system will be more likely to agree about how they should carry out their responsibilities. Additionally, public confidence will increase in Utah's ability to ensure the juvenile justice system is performing its role.

### **Significant Disagreements Exist Regarding Juvenile Justice and Program Philosophy**

Until state officials can reach an agreement regarding the state's basic philosophy of intervention, we question whether the state will be able to develop the new early-intervention programs and intermediate sanctions needed. As mentioned in Chapter I, the need to bring the state's juveniles justice system under a common strategy was discussed at the initial meeting of the Legislature's Juvenile Justice Task Force. In addition, we attended many interagency meetings in which we observed the significant differences of opinion officials have regarding how to perform juvenile justice. Finally, as we conducted interviews with administrators, officials, and staff throughout Utah's juvenile justice system comments were made regarding the conflicts over juvenile offenders and how best those conflicts should be resolved.

We interviewed several people from both the Juvenile Courts and DYC who expressed concerns about the conflicting philosophies among those who administer juvenile justice. One of the most common complaints of judges, probation officers and case managers is that others in the system were not using appropriate types of sanctions or services in dealing with juvenile offenders. For example, we heard an O&A therapist state that a certain judge would often ignore his recommendations that a juvenile not be placed into DYC custody. We heard staff in the detention centers complain that judges and probation officers are overly zealous in placing relatively young, low-risk offenders in detention.

We also found that many judges and probation officers are concerned with the unwillingness of DYC staff to accept juveniles who are failing probation and need to be placed in a more structured environment. In return, some DYC case managers complained that probation officers are often unwilling to work long enough with juveniles on probation and more willing to pass on those juveniles too difficult to handle to DYC. A few judges have expressed frustration that DYC is not willing to get tough on juvenile offenders at an early age. They say DYC's policy of not taking juveniles until they clearly have fallen under their jurisdiction does not recognize the need to respond early in the lives of these juveniles. One judge told us he believes that the conflicts between the courts and DYC will never be resolved until the two agencies share a common philosophy of juvenile justice.

### **Juvenile Justice Agencies Need More Consistency When Using Sanctions**

The differences in philosophy between individual judges, probation officers and case managers have made it difficult for Utah's system of graduated sanctions to be used consistently. OJJDP suggests that the success of a system of graduated sanctions requires a "clearly specified selection criteria for the various programs and levels of intervention." Due to the conflicting views and philosophies of the individuals within the juvenile justice system, treatment programs are not always used consistently when dealing with juveniles. As a result, there appears to be little criteria for determining which juveniles should be placed into which programs.

As mentioned in Chapter IV, some judges send juveniles to O&A centers to provide the juvenile with a brief out-of-home sanction. Some judges and case managers like to place ungovernable juveniles into wilderness programs even though they do not have a serious enough criminal history to justify an out-of-home placement. According to one judge, such a program is used as a way to "get the juveniles' attention" and make him or her more willing to comply with the requirements of the juvenile court. We found that different levels of offenders are sent into wilderness programs and we question whether such a program is being used for the type of juveniles it was designed for. Additionally, one judge told us that he likes to place juveniles in state-supervision programs after they have been in a secure care facility or wilderness program because it makes an excellent after-care program. State-supervision programs have been designed to serve relatively low-risk offenders, not as an after-care sanction.

## **Sanctions Are Not Being Used for Specific Populations**

Because there are so many different views regarding how each sanction and service is to be used, it is difficult for the state to operate a system of graduated sanctions in which each level along the continuum serves a specific target population. In theory, as juveniles progress in their delinquent behavior, they should have higher levels of supervision. However, as long as individual decision makers (i.e. probation officers, case managers, etc.) in the system are free to use each program as they like, it is difficult for providers to target a specific client population.

Through a written survey of group home providers, we found that there is a tendency for providers to define their target population very broadly. We sent a survey to 25 providers asking them to describe the objectives of their programs (some providers operate more than one program), and the profiles of the juveniles they serve in each of those programs. We found that many are not attempting to serve specific populations of juvenile offenders. For example, of the 22 programs that responded to our questionnaire, 14 said that they serve clients of both the Division of Child and Family Services and the Division of Youth Corrections. We learned that many of the providers we surveyed accept relatively serious offenders. We are concerned that DCFS clients with low-level criminal offenses are being housed in some of the same facilities.

We are also concerned that some residential group homes for sex offenders accept clients from both the Division of Youth Corrections and the Division of Child and Family Services. As a result, we may have juveniles who have been convicted of sex offenses housed in the same facilities as DCFS juveniles with much less serious problems. This is a concern because there have been instances in which juveniles in these sex-offender programs commit additional sex crimes (often consensual) with other residents in the facility. We know of at least one case which involved a DCFS client and a DYC client.

While we are hopeful that case managers from DYC and DCFS have been told which types of juveniles should be placed in each group home, we believe there is a significant risk that poorly matched offender populations may be enrolled in the same facilities because the case manager does not have a more viable placement option available. To protect the state and the juveniles in its custody, we believe there must be clear rules regarding which types of offenders are placed in these group homes. There could be a serious problem if the state were responsible for housing a perpetrator of abuse in the same facility as someone with a history of being a victim of abuse and if abuse were then to occur.

Finally, our survey shows that some group homes house juveniles of widely different ages. Case managers have told us that they try to avoid placing very young juvenile offenders in the residential programs that target older juveniles. However, of the 22 group home providers that we surveyed, eight told us that they would accept juveniles as young as age 12 and as old as age 18. We also verified through a review of DYC placement records that there have been

several cases in which juveniles as young as age 13 have been placed in the same facility as other juvenile offenders as old as age 18. Dr. Krisberg suggested it is not a wise practice to mix different populations of juvenile offenders, especially those at different stages of development and levels of delinquency.

One reason that some juveniles with widely different backgrounds are placed in the same facilities is that case managers do not have enough options, particularly in some rural areas throughout the state. Some providers told us that DYC case managers sometimes ask them to accept a juvenile who does not fit the offender population that they normally prefer to serve. They told us that they usually accept these juveniles into their programs as a favor to the case manager. Several case managers have also expressed a concern that they sometimes have difficulty finding an appropriate location to place their juveniles. When this happens, they have told us that they will either place the juvenile in detention or with a provider who has the space available even though the juvenile does not fit the program.

Several providers have complained that some judges and probation officers do not have a clear understanding of the types of juveniles they can accept in their programs. For example, the director of one of the state's mental health centers told us of his frustration with a judge who "sentenced" a juvenile offender with Downs Syndrome to his mental health center because the judge assumed that the center had the ability to treat the youth. The treatment was not available, and the center had a very difficult time deciding what to do with a developmentally disabled young man with delinquent tendencies. The director also told us that the same judge once sentenced a sex offender to his mental health center even though the center did not, at the time, have a sex-offender program. In Chapter IV we have already pointed out that there is a lack of continuity in the services provided because different case managers, probation officers and judges have different perspectives on how to respond to juvenile crime. In the following section we suggest that the best way to bring greater consistency to the system is to identify which programs and methodologies are proven to be effective.

### **Programs That Work Should be Adopted**

Once a formal assessment and classification system is adopted to identify and target juvenile offenders, the next step is to establish a set of interventions that have been proven to be effective in treating specific types of populations. While Dr. Krisberg warns that more research needs to be done to identify which programs are most effective, there are a number of intervention strategies that research has shown to have at least some success. Dr. Krisberg suggests that these are the programs that Utah should adopt. In contrast, we found that some court administrators and Regional Directors at the Division of Youth Corrections have little formal evidence to show that newly adopted programs are proven effective.

## **Expert Research Shows Effective Components of Intervention Strategies**

Those who question whether it is appropriate to try to rehabilitate juvenile offenders need to consider the research showing that certain types of intervention can be effective in reducing the rate of re-offense among juvenile offenders. The research by Mark Lipsey, Professor of Public Policy and Psychology at the Vanderbilt Institute for Public Policy Studies, has shown that some intervention programs can reduce the rate at which juvenile offenders commit new offenses. Similarly, the OJJDP has concluded through careful research that several types of programs are proven to be effective in reducing the rate of re-offense among juvenile offenders. This research has leads us to conclude that there is, in fact, a role for a “medical model” of intervention in a state’s juvenile justice system.

### **Mark Lipsey’s Research Shows the Most and Least Effective Types of Interventions.**

Mark Lipsey’s “meta-analysis” is based on a study of 443 delinquency studies of different intervention programs. The objective of his study was to draw the common trends or factors in programs that have the greatest impact on program effectiveness. Lipsey’s results show that three types of intervention were most effective with juveniles in non-institutionalized settings, and two types of programs were effective with juveniles who had been institutionalized. Several types of programs were also classified as having “weak or no effects” on the rate of re-offense. These programs are identified in Figure XVI

<b>Figure XVI</b>		
<b>Most and Least Effective Types of Interventions with Non-Institutionalized Offenders and Estimated Effects on Recidivism</b>		
<b>Intervention Type (N)</b>	<b>TX Control Recidivism*</b>	<b>Estimated Percentage Change</b>
<b>Positive Effects, Consistent Evidence</b>		
Individual Counseling (8)	.28/.50	44%
Interpersonal Skills (3)	.29/.50	42
Behavioral Programs (7)	.30/.50	40
<b>Positive Effects, Less Consistent Evidence</b>		
Multiple Services (17)	.36/.50	28
Restitution, Probation and Parole (10)	.43/.50	14
<b>Weak or No Effects Inconsistent Evidence</b>		
Reduced Caseload Probation/Parole (12)	.52/.50	-4
<b>Weak or No Effects Consistent Evidence</b>		
Wilderness Challenge (4)	.44/.50	12
Early Release, Probation & Parole (2)	.48/.50	4
Deterrence Programs (6)	.53/.50	-6
Vocational Programs (4)	.59/.50	-18
<i>* Recidivism of intervention group in comparison to assumed control group recidivism of .50.</i>		

Figure XVI shows the results of Mark Lipsey's research into the effectiveness of different types of intervention. He found three types of programs that consistently show positive effects on non-institutionalized offenders. They are programs that offer (1) individualized counseling that teaches juveniles how to take charge of their lives in a constructive manner; (2) interpersonal skills where youth had the opportunity to participate in job skills training, tutoring, community social events; and (3) behavioral programs that focus on modifying existing behavior problems with the involvement of juvenile justice workers and parents and teachers as needed.

In parenthesis are shown the number in each type of program tested. Lipsey estimated the difference in re-offense rates that could be achieved by these different programs when compared to a control group. For example, assuming that a control group would have a re-offense rate of 50 percent, Lipsey calculated that the individual counseling programs would reduce recidivism to 28 percent. The effect is shown as a 44 percent reduction in rate of new criminal offense.

The interventions that were consistently found to be ineffective were wilderness programs, early release from probation and parole, deterrence programs, and vocational programs. Lipsey's description of each program found to be consistently effective are provided in Appendix C of this report. Lipsey's analysis of programs aimed at institutionalized offenders is shown in Figure XVII.

<b>Figure XVII</b>		
<b>Most and Least Effective Types of Interventions with Institutionalized Offenders and Estimated Effects on Recidivism</b>		
<b>Intervention Type (N)</b>	<b>TX Control Recidivism</b>	<b>Estimated Percentage Change</b>
<b>Positive Effects, Consistent Evidence</b>		
Interpersonal Skills (3)	.31/.50	38%
Teaching Family Home (6)	.33/.50	34
<b>Positive Effects, Less Consistent Evidence</b>		
Behavioral Programs (2)	.34/.50	32
Community Residential (8)	.36/.50	28
Multiple Services (6)	.40/.50	20
<b>Weak or No Effects Inconsistent Evidence</b>		
Employment Related (2)	.43/.50	14
Drug Abstinence (5)	.46/.50	8
Wilderness Challenge (5)	.46/.50	8
<b>Weak or No Effects Consistent Evidence</b>		
Mileau Therapy (3)	.46/.50	8
<i>* Recidivism of intervention group in comparison to assumed control group recidivism of .50.</i>		



Figure XVII shows two programs that were consistent in achieving positive effects with institutionalized juvenile offenders. These programs addressed “interpersonal skills” and those referred to as “teaching family homes.”

**OJJDP Identifies Effective Program Components.** OJJDP has also identified programs that, according to the research, have been proven to be effective at reducing juvenile delinquency at all stages in the continuum of care. OJJDP says that even though for many years there was a perception that “nothing works” they report that “a substantial and growing body of evidence now suggests that some rehabilitation programs do work with juvenile offenders...” The important components that OJJDP lists as effective include the following:

- Programs that address a juvenile’s unique developmental problems.
- Programs that work with the offender and targeted community support system (families, school, peers, and employers) on qualities needed for the constructive interaction and the youth’s successful community adjustment.
- Programs that provide frequent and accurate feedback for both positive and negative behavior to youth on their progress.
- Programs that are holistic, dealing simultaneously with many aspects of a youth’s life.
- Programs that are intensive, often involving multiple contacts weekly, or even daily with at-risk youth.
- Programs with a case management component that begins at intake and follows youth through various program phases until discharge. Management components could include individual case planning that incorporates family and community perspectives, intensive surveillance and services, and a balance of incentives and graduated consequences.

In contrast, the research has shown that there are common threads among programs that have proven ineffective at reducing the number of new crimes committed by juvenile offenders:

- Programs that return the juvenile back to the community with little opportunity for work.
- Programs that offer only a one-time or short-term contact with offenders and fail to address key social or personal problems that contribute to a youth’s delinquent behavior.

- Programs that focus on individual psychological counseling in or out of the juvenile justice system.
- Programs that use deterrence strategies such as “scared straight.”
- Programs that rely on peer group counseling sessions without substantial intervention and individual counseling to address the juvenile’s underlying issues.

The research provides encouraging evidence that certain types of intervention can be effective in rehabilitating juvenile offenders. Our concern is that not enough research is being done before new programs are being adopted to verify such programs are effective in dealing with the specific target populations that are being served. For example, when we asked several court districts how they decided which programs to create with their state supervision funds, several told us that they conducted a survey of staff and asked them what types of programs they should create.

Dr. Krisberg suggested that the process of developing new correctional programs should be performed in a more formal manner. First, the state should identify the population that is to be served and then identify which types of programs, based on the research, have been proven to be effective with that population. In our view, a state executive-branch agency should be given responsibility for issuing guidelines and for overseeing the development of correctional programs in the state. This could be the role of Division of Youth Corrections, the Commission of Crime and Juvenile Delinquency or another executive branch state agency. Local agencies should have some flexibility in the types of programs that they adopt. Additionally, there should be a state-level agency responsible for identifying those types of programs proven to be effective with certain types of offender populations and that will be eligible for state funding. We recommend that this be the same agency that assumes responsibility for monitoring the overall effectiveness of youth corrections programs in the state.

### **Public Protection Must Always Be Addressed Before Treatment**

Although the research has shown that intervention can rehabilitate a juvenile offender, it is important to recognize that the state’s first obligation is to protect the public from juvenile offenders, not to provide therapy. The risk that a juvenile presents to the public should be of primary consideration when deciding the type of setting and level of restriction a juvenile should receive. Regardless whether a juvenile has treatment needs, as long as they present a risk to the community, they must be placed in a setting that is sufficient to prevent further crimes. If a juvenile does not pose a risk to the community, he or she should be supervised at home, as long as the parents are not encouraging criminal behavior.

**There Must Not Be a Tradeoff Between Treatment and Public Protection.** Dr. Krisberg has been very clear in advising us not to attempt to strike a “balance” between

treatment and public protection as some have suggested. He noted that the first step in deciding what level of intervention a juvenile must receive, is to determine the level of supervision necessary to protect the public. Dr. Krisberg said the state should have a policy of placing juveniles in the least restrictive setting possible that will provide the supervision needed to protect the public. In Dr. Krisberg's view, the need for treatment should never outweigh the need to place juveniles in the level of intervention necessary to ensure public safety.

Even though many of the state's most serious and violent offenders may need treatment for drug and alcohol abuse or therapy to help them address mental illness, if a secure facility is the best place to control them, than this is where they should be placed---even if it is not the best environment to provide the treatment. We discovered, during our review of 50 community-based placements, that one of the most common justifications for placing juveniles into NYC residential programs was that it was the best place to provide the treatment that a juvenile needed. Even though it was determined that some of these juveniles presented little risk to society, they were placed in state custody because the therapists thought that it would be the best place to provide the treatment the juvenile needed. Instead, the state should identify the least restrictive setting necessary to control the juvenile and then provide whatever treatment or counseling is needed in that setting.

**Offenders Should Be Placed in the Least Restrictive Setting - at Home If Possible.**

Research has shown that some types of out-of-home intervention is very effective at controlling delinquent behavior, this altered behavior usually does not continue after the juvenile is returned to the home. In addition, research shows that even some homes that most people would describe as "uncaring" can actually be the best setting to provide intervention. For these reasons, the experts suggest that juveniles be supervised at home if at all possible.

The research of Dr. Robert Blume (who spoke at the 1998 Annual Meeting of the National Conference of State Legislatures) shows that the home serves as a "protective factor" against other risk factors that may foster a juvenile's delinquent behavior. He warns that removing juveniles from their homes and placing them in a state-run facility, may take away one of the juvenile's best defenses against delinquent behavior. Dr. Blume said that even if the parents are not very attentive and do not provide adequate supervision "for most kids, a bad natural home is better than a good institution because of some of the bonds that are created..." He went on to suggest that if a juvenile must be removed from the home, an effort must be made to provide him or her with as much continuity as possible. Dr. Blume observed that "the average kid who is placed out of the home will have seven plus out-of-home placements over the course of his or her trajectory. What really then happens, as a consequence of that, is that you have no bonds, you have no connections at all."

In summary, we suggest that the Utah juvenile justice system should adopt a consistent strategy of intervention based on the types of intervention that have been proven to be effective. The need for treatment, however, should never supercede the state's obligation to

protect the public. Juveniles should be provided with whatever level of therapy or treatment they require in a setting necessary to adequately control them. In addition, however, the need for treatment should not be used as a justification for moving a juvenile to a higher level sanction. If at all possible, juveniles should be controlled in the home and receive supervision and treatment in that setting.

### **Program Effectiveness Should be Monitored**

In addition to requiring local administrators to demonstrate that their new programs have a proven track record elsewhere, the state should also require that each program be held accountable for its performance. We recommend that the state adopt two sets of performance measures for each type of sanction or program offered. The first set of performance indicators would measure a program's success in achieving its short-term objectives. For example, the state could require programs to identify how many juveniles complete the goals in their treatment plans, how many juveniles test positive for drug use, and how many juveniles run away from a program. A second set of performance measures would be a set of long-term indicators of how effective a program has been. These indicators might include the re-offense rates among juvenile offenders by program, their success in school and in obtaining employment.

### **Immediate Objectives Should Be Stated in the Treatment Plan**

In order to evaluate their short-term effectiveness, each provider of youth corrections services should be required to have specific measurable treatment objectives for the juveniles in their care. It would be the responsibility of DYC case managers to first develop a treatment plan that includes specific objectives and a time line for their accomplishment. This treatment plan should then be agreed upon by the juvenile, his parents and the provider. Case managers should then receive a report from the provider each month indicating whether the objectives in the treatment plan have been met.

Both the treatment plans and the monthly progress reports currently in use do not provide the kind of information needed to objectively measure a juvenile's progress. The majority of the treatment plans that we reviewed were prepared by the providers themselves. In many cases, the treatment objectives were often stated in very broad terms and there was no indication as to how long it would take to complete the treatment. Figure XVIII identifies a few of the objectives that we found in the treatment plan for juveniles in community-based programs.

The goals in Figure XVIII came from an actual client treatment plan. They contain some goals and objectives that would be difficult to determine whether they have been accomplished or not. When we asked Dr. Krisberg to review some of the treatment plans from some of DYC's case files, he suggested that the treatment plans did not contain goals and objectives

that could adequately be measured. He expressed concern that it would be difficult to determine whether or not the treatment has been provided and whether the juvenile has reached the objectives. He also raised questions as to whether the treatment goals were meaningful to begin with. For example, he questioned whether the goal of “Robert will learn appropriate social skills” was a meaningful or measurable objective. Dr. Krisberg suggested that a better approach would be to require specific behavioral goals that the juvenile could understand, such as “complete the GED” by a certain date, or “do not go to certain places where gang members hang out.” These kinds of objectives can be clearly defined by the therapist. The juvenile, his parents and the case manager would be able to recognize whether the juvenile had accomplished them. For example, Dr. Krisberg suggested we compare the type of general statements contained in Utah’s treatment plans to those in the sample treatment plan in Figure XIX.

**Figure XVIII**  
**Actual Treatment Plan**  
**by a Community-Based Provider**

Client: R.M.  
Date: 5/23/199x  
Placement: Proctor

**AREA:** Skills Development

**GOALS:** R.M. learn appropriate social skills and be a responsible member of society

- OBJECTIVES:**
- 1) R.M. will attend weekly therapy,
  - 2) R.M. will take his medication daily,
  - 3) R.M. will respect others property,
  - 4) R.M. will be honest with himself and others,
  - 5) R.M. will use appropriate language,
  - 6) R.M. will obey all laws and guidelines

**AREA:** Anger Management

**GOALS:** R.M. will manage his anger in non-disruptive ways and express himself appropriately

- OBJECTIVES:**
- 1) R.M. will identify three appropriate means of dealing with conflict or aggression and then implement one of these as a trial for one week,
  - 2) R.M. will identify impulsive behaviors and discuss how these behaviors have a negative impact on his life,
  - 3) R.M. will have therapy once a week,
  - 4) R.M. will take his medication as prescribed

**AREA:** Oppositional/Defiant Disorder

**GOALS:** R.M. will have positive attitudes towards authority figures and comply with adult requests/rules without argument

- OBJECTIVES:**
- 1) R.M. will participate in individual therapy weekly
  - 2) R.M. will take his medication as prescribed
  - 3) R.M. will bond in relationships through genuine communication and trustworthiness
  - 4) R.M. will disclose an honest account of actions and intentions to peers and authority figures
  - 5) R.M. will demonstrate the ability to follow the directions from others

**FOR ALL GOAL AREAS:**

<b>Staff Responsible:</b>	Tracker, Proctor, Therapist
<b>SDS X</b>	Medication
<b>Frequency/Duration:</b>	R.M. will work on this goal 15-30 minutes per day
<b>How often measured:</b>	Daily
<b>How it is documented:</b>	Tracker, Proctor, and therapy notes
<b>Targeted date of completion:</b>	6 months

## Figure XIX Treatment Plan with Measurable Objectives

**Client** JJ  
**Phase:** 2  
**Date** 8/1/91

**Area:** Family  
**Goals:** To return home by 10/1 and remain in home with minimal conflict with mother.

**Phase:** 1. To achieve pre-release status at Group Home by 9/1 and release by 10/1.  
**Objectives:** 2. To complete all chores and adhere to 7p.m. curfew while on weekend passes at home during September.  
 3. To not argue with mother about restrictions on peers in the home.  
 4. To attend all family counseling sessions in September and October.

**Steps:** N/A

**Responsibilities:** CM complete court papers for release from group home.  
 Mother attend family counseling and ISP parents group.

**Resources:** Group home and ISP staff, Mr. Johnson at Lighthouse Center, CM.

**Area:** Education/Work  
**Goals:** Get GED and enroll in vocational school by end of Phase 4.

**Phase:** 1. To complete remedial work in math and reading (and pass tests) at ISP school by 10/1  
**Objectives:** 2. To complete GED prep work at Roxbury H.S. by 2/15/92 (test on 3/2/92).  
 3. To obtain brochures and applications for vocational schools by 11/1.

**Steps:** Continue with tutor; enroll in GED at Roxbury; clarify vocational interests.

**Responsibilities:** CM identify area vocational schools and sources of scholarships/funding.  
 Tutor available 3 times per week next 2 months.

**Resources:** Tutor, Mrs. White at Roxbury, Joint Vocational, Electronics Academy, ISP school staff.

**Area:** Peers  
**Goals:** Disengage from McGruder St. crowd.

**Phase:** 1. To have no contact with Ray B., Raheem, and Rabbit on weekend passes and after return home.  
**Objectives:** 2. To finish work on "easily influenced" problem in group.  
 3. Once home to meet with mentor three times per week.  
 4. Complete scuba course or weightlifting program at YMCA.

**Steps:** N/A

**Responsibilities:** Mentor available three times per week; mother and surveillance staff monitor friends

**Resources:** Mentor, ISP group, YMCA

Figure XIX shows a sample treatment plan with goals that are explicitly stated. Dr. Krisberg also suggested that a treatment plan and a contract should be developed by the case manager and signed by the youth, the youth's parents, and the provider. The contract should be written in specific terms and specify any rewards and sanctions given as a result of complying or not complying with the contract. If this process is followed, everyone including the juvenile, the parents, the provider, and the case manager should be able to clearly recognize whether or not the juvenile has accomplished the objectives of the treatment plan. The Division of Youth Corrections should also be able to document the extent to which individual providers are successful in completing the goals in the treatment plan. Providers could be issued a rating on their success in accomplishing those goals.

### **Measure the Providers' Achievement of Other Expectations**

Dr. Krisberg also suggested that the state should monitor a program's success in achieving some of the division's other expectations. For example, the state might determine how many juveniles commit new offenses, the frequency in which juveniles are away without leave, or the number that test positive for using drugs while in the custody of the provider. These indicators should also be used to rate the performance of the state's providers.

We found that the state has not closely tracked the performance of providers in these areas and, in some ways, they are given an incentive not to. For example, when a juvenile runs away from a group home or other type of facility, the Division of Youth Corrections will continue to pay providers for up to ten days after the juvenile has run. DYC staff states that such a payment is used to ensure the provider will keep the space available for the juvenile upon their return. However, we found that DYC generally does not return the juvenile to the program from which he or she ran, even though the provider was paid to keep the slot available. This practice gives providers little incentive to try to prevent juveniles from running away from their facilities.

Dr. Krisberg said that there are other states that emphasize the need for provider to prevent juveniles from running away from their programs. Once providers are given an incentive to do something about the problem, these states have found that providers can be quite successful in preventing juveniles from running away. If the Division of Youth Corrections were to make such issues a part of a regular program evaluation, we believe that the state's private providers and state-run facilities would become more effective at preventing juveniles from running away from their programs and committing new crimes.

### **Use Re-offense Rates and Success at School as Long-term Measures of Performance**

In addition to measuring a program's success in achieving the division's short-term goals and expectations, the state should also measure each program's success in achieving their long-term goals. Ultimately, the goal of the juvenile justice system is to help juveniles avoid committing additional crimes and instead, to begin making a contribution to society. Traditionally, the most common indicator of a program's effectiveness has been the rate at



which juveniles commit new offenses after they leave the program. This rate can be measured in terms of the total number who commit new crimes in the year or two after completing a program. Some have also measured the rate at which crime is suppressed among the juvenile population. To determine the rate at which crime is suppressed requires a comparison of the frequency and severity of criminal activity prior to incarceration to the rate and severity of crimes after release.

Another set of long-term indicators of performance can be developed around the juveniles' success in school or in finding employment. Indicators of educational success might include the increase in grade-point average during the year after exiting the program, the rate of graduation from high school or completion of GED exams. Success in finding employment could be measured in terms of how many find jobs and their average salary. In order to perform these tests the juvenile justice system would have to collaborate with the state's education system and the Department of Workforce Services.

### **Recommendations:**

1. We recommend that the Legislature designate a state agency such as the Commission on Crime and Juvenile Justice or the Division of Youth Corrections as the state agency responsible for approving the development of new youth corrections programs. That agency must require local jurisdictions to show that their new programs have been proven to be effective before they can be come eligible for state funding.
2. We recommend that the Legislature designate a state agency to monitor the performance of programs and agencies that provide youth corrections services. Performance should be measured in terms of each program's success in achieving both short-term and long term objectives.

## **Appendices**

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**Appendix A**  
**Assessment Worksheets for Orange County California's**  
**Probation Department**

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**INTAKE ASSESSMENT WORKSHEET**

DATE \_\_\_\_\_

J- \_\_\_\_\_

DPO \_\_\_\_\_

NAME \_\_\_\_\_ DOB \_\_\_\_\_ Refer to 8% log: 1) 8% Potential; 2) 8%?; 3) No

CITY OF RESIDENCE \_\_\_\_\_ AGE AT REFERRAL \_\_\_\_\_ Ethnicity \_\_\_\_\_

**3. FAMILY ISSUES**

1. **Lack of Supervision & Control** Yes No Unk

2. **Criminal Family Influence** Yes No Unk

3. CHILD ABUSE (Reports Physical/Sexual/Neglect) **300 Petition Filed** \_\_\_\_\_  
 Description - (When, Where, Who) \_\_\_\_\_  
 Telephone Report to CAR Date \_\_\_\_\_ Written report submitted \_\_\_\_\_  
 Person \_\_\_\_\_

4. **Family Stressors (Divorce/Death/Abandonment/Frequent Relocations/  
 Financial Problems/Illness/Substance Abuse)**

Language Barrier Yes No Unk

E. Positive Case Factors (i.e., Job, sports) Yes No Unk

II SCHOOL - TYPE School Cony. Cont. Indep.  
 A. **Attendance Problems** Truancies \_\_\_\_\_ Skips Classes Yes No Unk

B. **Academic Problems (failing 1 or more classes)** Yes No Unk

C. **Behavior (Suspension/Expulsion)** Yes No Unk

D. Learning Disabilities A.D.D. \_\_\_\_\_ Dyslexia \_\_\_\_\_ Yes No Unk

III **SUBSTANCE ABUSE** (indicate frequency of use, e.g., 2xwk) Yes No Unk  
 Alcohol Cocaine Marijuana Heroin Meth PCP LSD Other  
 Per Parent \_\_\_\_\_  
 Per Minor \_\_\_\_\_  
 Age of 1<sup>st</sup> use: \_\_\_\_\_

IV **DELINQUENCY FACTORS**

A. **Gang Member** Yes No Unk  
 Name \_\_\_\_\_ Known \_\_\_\_\_ Admitted \_\_\_\_\_ Denied \_\_\_\_\_ Moniker: \_\_\_\_\_  
 Associated with \_\_\_\_\_ Known \_\_\_\_\_ Admitted \_\_\_\_\_ Denied \_\_\_\_\_  
 Tagging Crew Name \_\_\_\_\_ Known \_\_\_\_\_ Admitted \_\_\_\_\_ Denied \_\_\_\_\_ Moniker: \_\_\_\_\_

2) **Stealing Pattern** Yes No Unk

3) **Runaway Pattern** Yes No Unk  
 1. Frequency \_\_\_\_\_ 2. Reasons \_\_\_\_\_

D. Association (Delinquent) Yes No Unk

E. Prior Record Yes No Unk

**SUMMARY OF THE OFFENSE:**

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**VICTIM:**

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**COLLATERAL, PSYCHOLOGICAL, & MEDICAL INFORMATION (source):**

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**MINOR'S STATEMENT:**

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**PARENT'S STATEMENT:**

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**EVALUATION:**

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**RECOMMENDATION:**

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**654 CONSIDERATION:**

654 inappropriate because:

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. Seriousness of offense      | 2. Out of county            |
| C. Needs long-term supervision | 4. Prior informal probation |

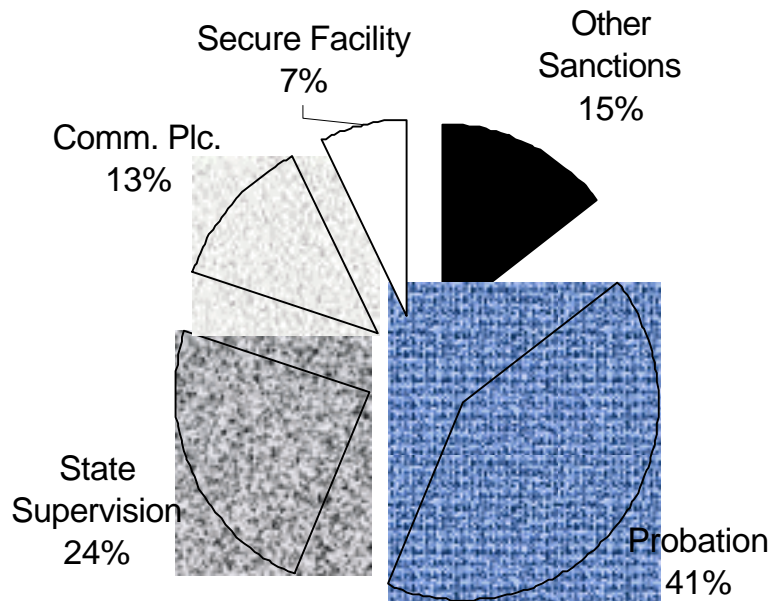
**Appendix B**  
**Recommended Sanctions for Juveniles**  
**In Various Levels of Intervention Programs**



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## CASE SAMPLE OF 55 YOUTH IN COMMUNITY PLACEMENT

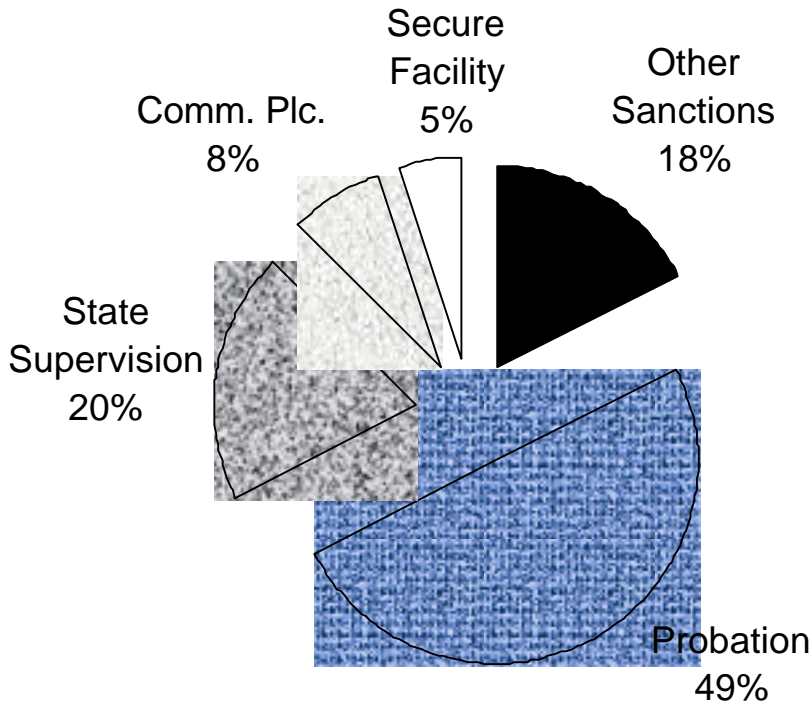
The sanction recommended by the Sentencing Guidelines for 55 juveniles in our  
**Case Sample of 55 Youth in Community Placement**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	8	0.00	0.13	0.00
Probation	23	0.09	1.26	3.04
State Supervision	13	0.31	2.38	3.62
Community Placemt	7	0.86	1.86	4.43
Secure Facility	4	1.50	2.75	3.25
<b>TOTAL</b>	<b>55</b>			

**40 YOUTH IN THE 5<sup>TH</sup> DISTRICTS  
STATE SUPERVISION**

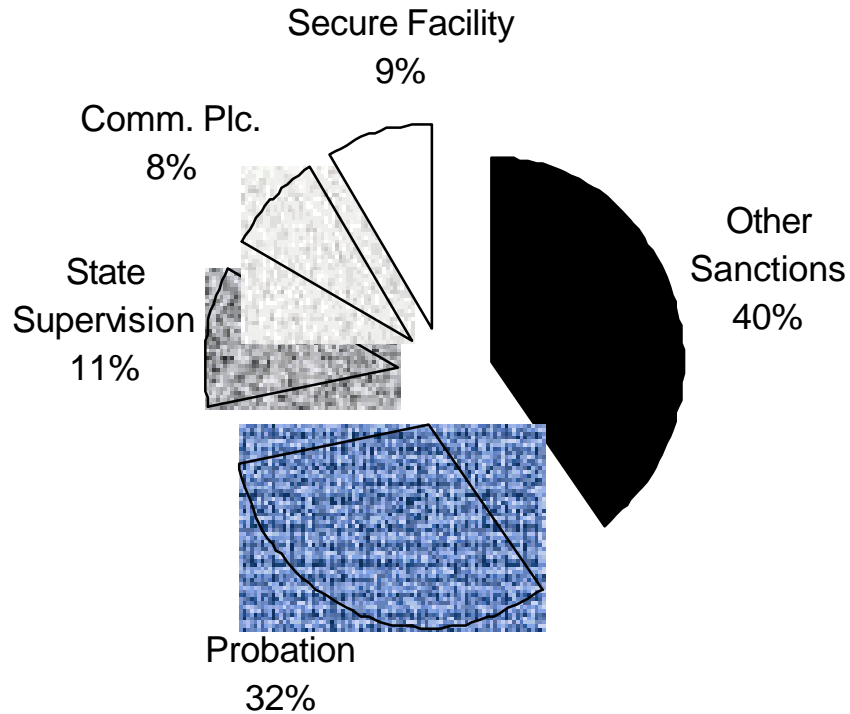
The sanction recommended by the Sentencing Guidelines for  
**40 Youth in 5<sup>th</sup> District State Supervision**



<b>Sanctions</b>	<b>Number of Youth</b>	<b>Average Person Felonies</b>	<b>Average Total Felonies</b>	<b>Average Misdemeanors</b>
Other Sanctions	7	0.00	0.14	3.43
Probation	20	0.05	0.95	4.70
State Supervision	8	0.25	2.25	2.63
Community Placemt	3	1.00	2.67	4.00
Secure Facility	2	2.00	2.00	1.00
<b>TOTAL</b>	<b>40</b>			

# DETENTION

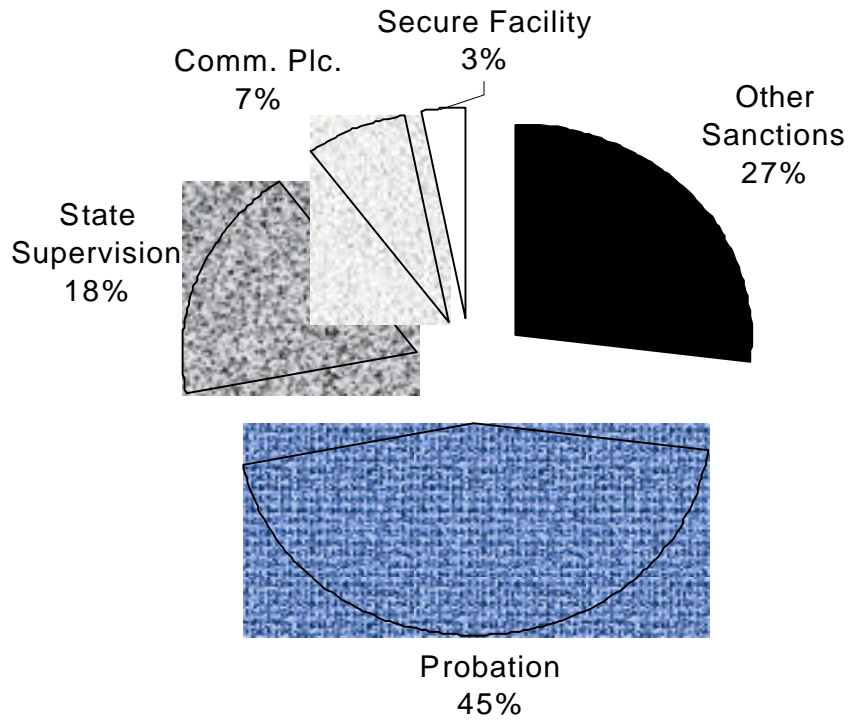
The sanction recommended by the Sentencing Guidelines for 100 youth in  
**Detention**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	40	0.00	0.15	1.80
Probation	32	0.19	1.00	2.59
State Supervision	11	0.36	1.82	3.18
Community Placemt	8	0.88	2.00	3.88
Secure Facility	9	1.38	2.22	3.33
<b>TOTAL</b>	<b>100</b>			

# 100 YOUTH SENTENCED TO DYC'S STATE SUPERVISION

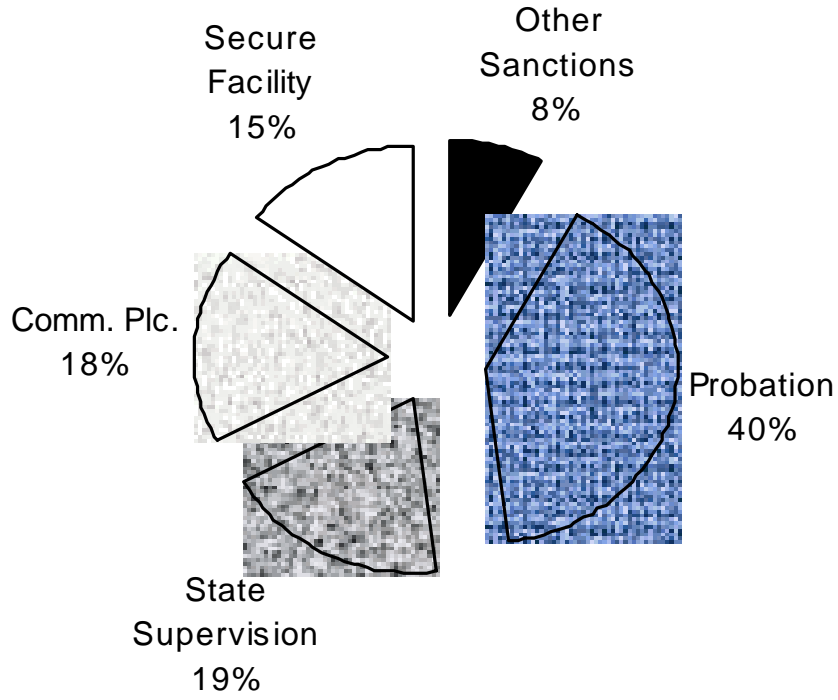
The sanction recommended by the Sentencing Guidelines for 100 juveniles in  
**DYC State Supervision**



<b>Sanctions</b>	<b>Number of Youth</b>	<b>Average Person Felonies</b>	<b>Average Total Felonies</b>	<b>Average Misdemeanors</b>
Other Sanctions	27	0.00	0.22	2.96
Probation	45	0.11	1.27	3.56
State Supervision	18	0.11	2.22	4.28
Community Placemnt	7	0.57	1.71	7.14
Secure Facility	3	0.33	4.67	4.00
<b>TOTAL</b>	<b>100</b>			

# 100 YOUTH IN INTENSIVE RESIDENTIAL PROGRAMS

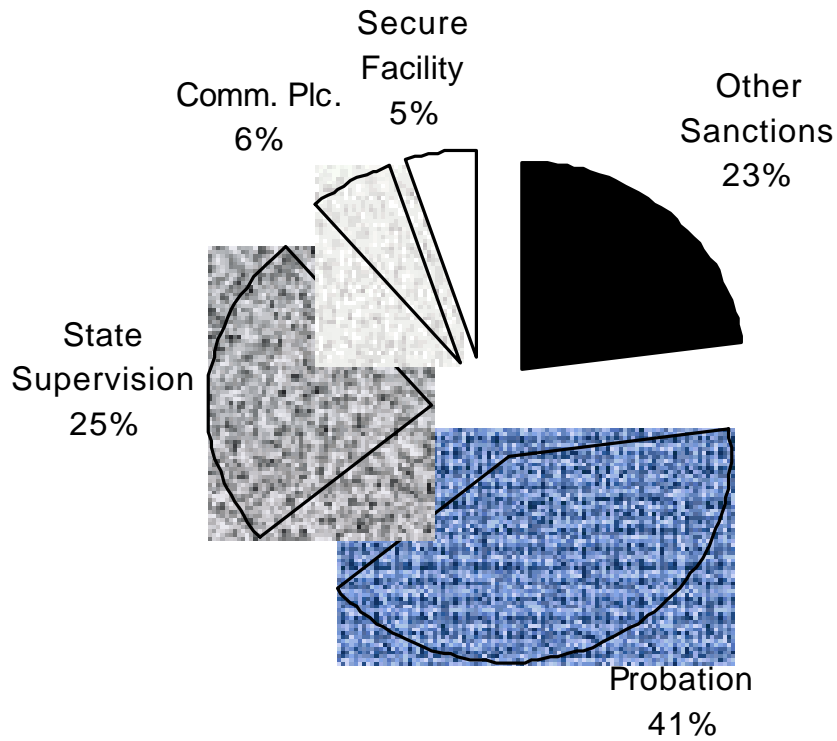
The sanction recommended by the Sentencing Guidelines for 100 youth in



## Intensive Residential Programs

Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	8	0.00	0.00	2.88
Probation	40	0.08	1.00	3.73
State Supervision	19	0.26	2.37	3.84
Community Placent	18	0.61	1.44	6.78
Secure Facility	15	0.93	3.40	4.67
<b>TOTAL</b>	<b>100</b>			

## OBSERVATION AND ASSESSMENT

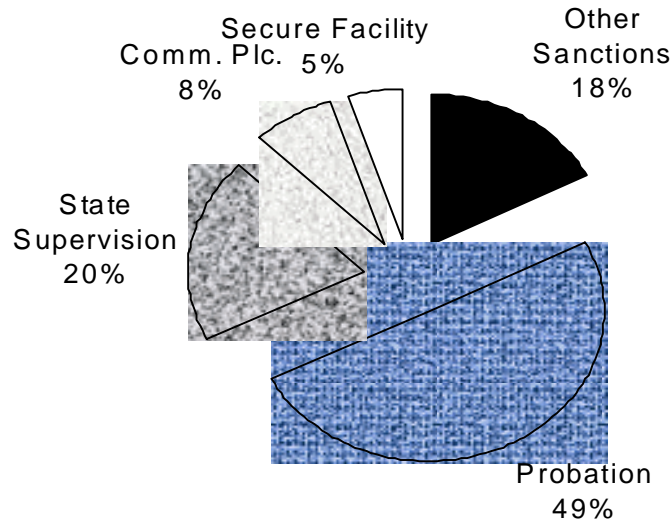


The sanction recommended by the Sentencing Guidelines for 100 youth in  
**Observation and Assessment**

Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	23	0.00	0.13	2.17
Probation	41	0.22	1.05	3.51
State Supervision	25	0.56	1.64	3.80
Community Placemt	6	0.83	1.50	3.33
Secure Facility	5	1.80	2.80	3.60
<b>TOTAL</b>	<b>100</b>			

# 5<sup>th</sup> DISTRICT PARENT MENTORING PROGRAM

The sanction recommended by the Sentencing Guidelines for 40 youth in  
**5<sup>th</sup> District Parent Mentoring Program**

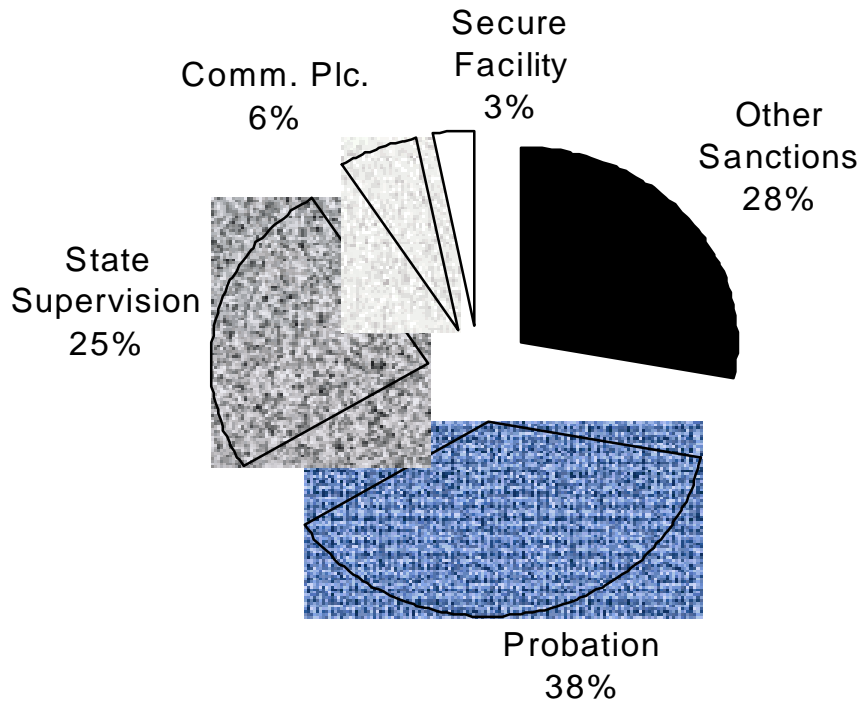


Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	7	0.00	0.14	3.43
Probation	20	0.05	0.95	4.70
State Supervision	8	0.25	2.25	2.63
Community Placemt	3	1.00	2.67	4.00
Secure Facility	2	2.00	2.00	1.00
<b>TOTAL</b>	<b>40</b>			



# 100 YOUTH SENTENCED TO PROBATION'S STATE SUPERVISION

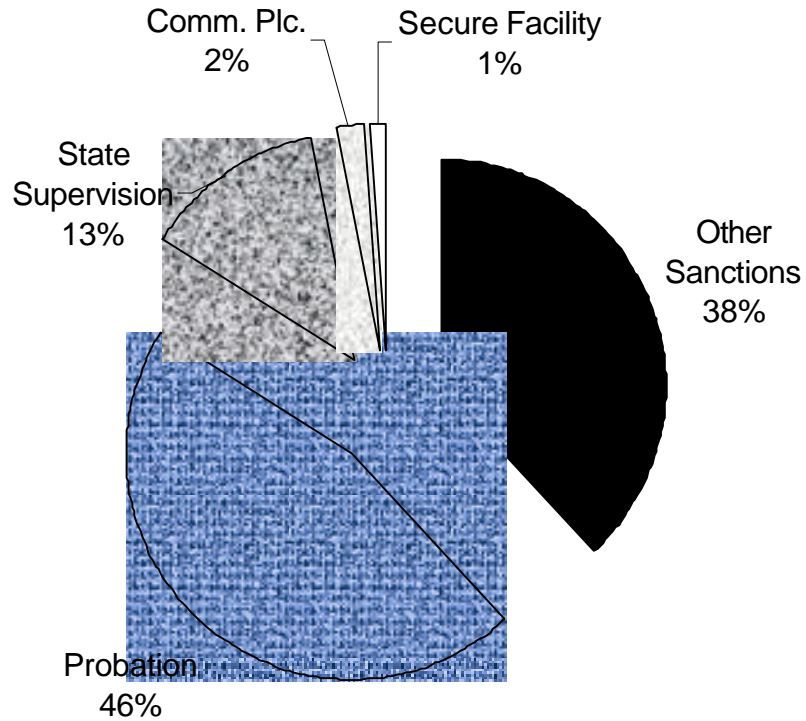
The sanction recommended by the Sentencing Guidelines for 100 Youth in  
**Probation's State Supervision**



<b>Sanctions</b>	<b>Number of Youth</b>	<b>Average Person Felonies</b>	<b>Average Total Felonies</b>	<b>Average Misdemeanors</b>
Other Sanctions	28	0.00	0.29	2.46
Probation	38	0.08	1.03	3.97
State Supervision	25	0.32	2.08	2.68
Community Placent	6	0.83	2.83	2.83
Secure Facility	3	0.67	2.33	4.67
<b>TOTAL</b>	<b>100</b>			

# 100 YOUTH SENTENCED TO PROBATION

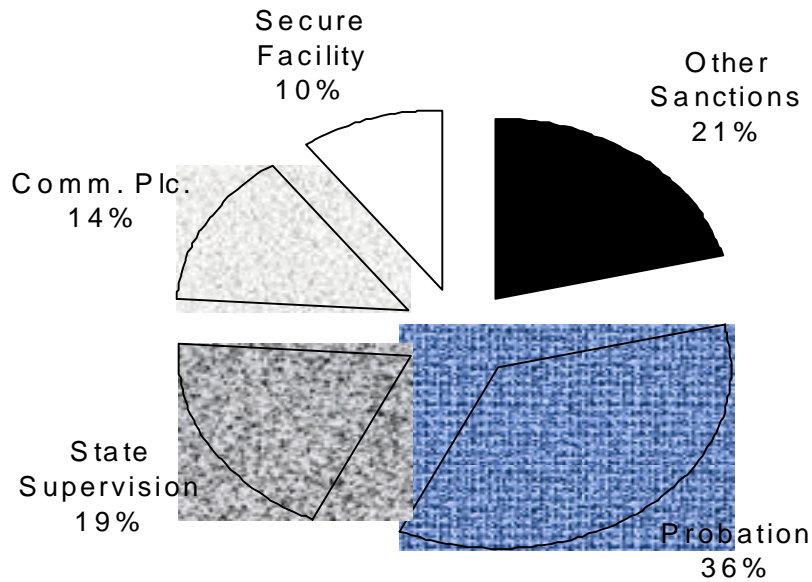
The sanction recommended by the Sentencing Guidelines for 100 youth on **Probation**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	38	0.00	0.16	2.13
Probation	46	0.09	0.93	3.02
State Supervision	13	0.23	2.69	1.77
Community Placemnt	2	0.00	1.00	11.00
Secure Facility	1	2.00	2.00	2.00
<b>TOTAL</b>	<b>100</b>			

# 100 YOUTH PROCTOR CARE

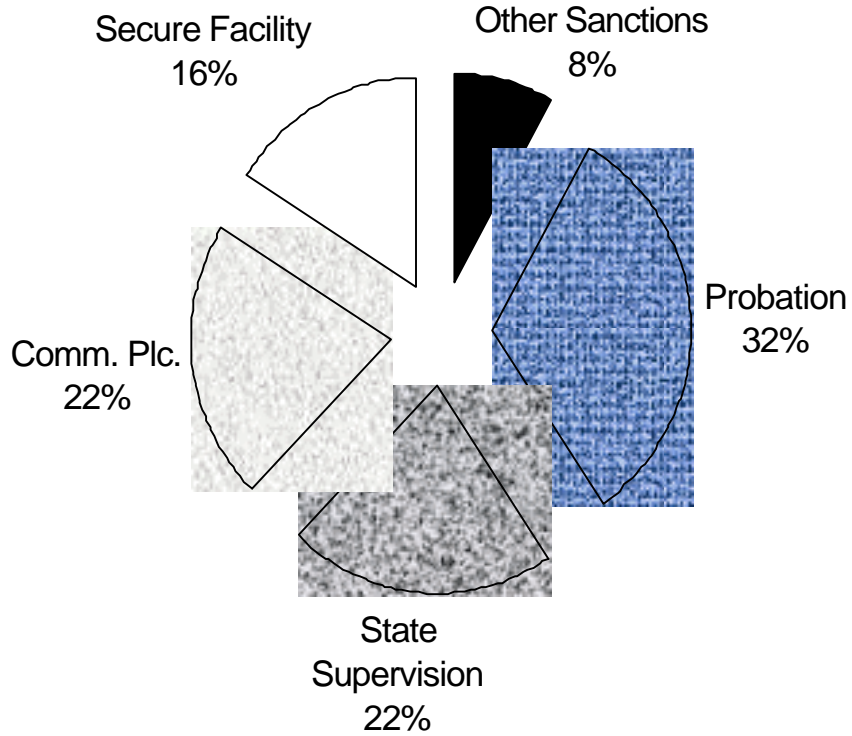
The sanction recommended by the Sentencing Guidelines for  
100 youth in **Proctor Care**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	21	0.00	0.05	2.62
Probation	36	0.17	1.08	3.33
State Supervision	19	0.42	1.95	3.74
Community Placemt	14	0.57	2.29	6.29
Secure Facility	10	1.10	3.90	5.60
<b>TOTAL</b>	<b>100</b>			

# 37 YOUTH IN RESIDENTIAL GROUP HOME

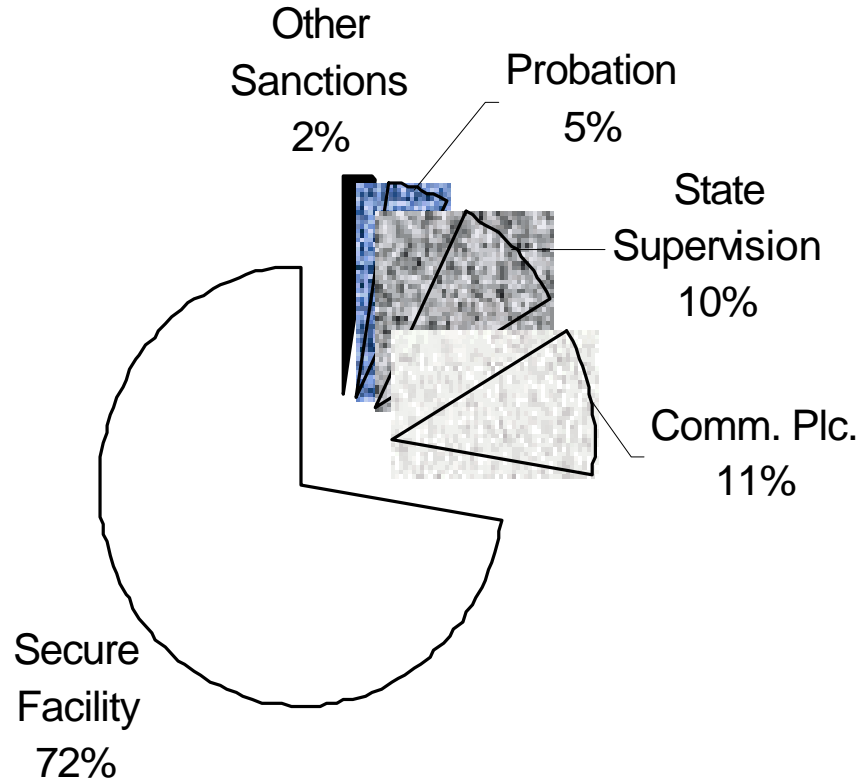
The sanction recommended by the Sentencing Guidelines for  
37 youth in **Residential Group Home**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	3	0.00	0.00	2.67
Probation	12	0.08	1.08	5.50
State Supervision	8	0.13	1.75	5.00
Community Placemnt	8	0.75	2.63	7.88
Secure Facility	6	0.33	7.67	6.00
<b>TOTAL</b>	<b>37</b>			

## 84 YOUTH IN SECURE FACILITIES

The sanction recommended by the Sentencing Guidelines for 84 youth in

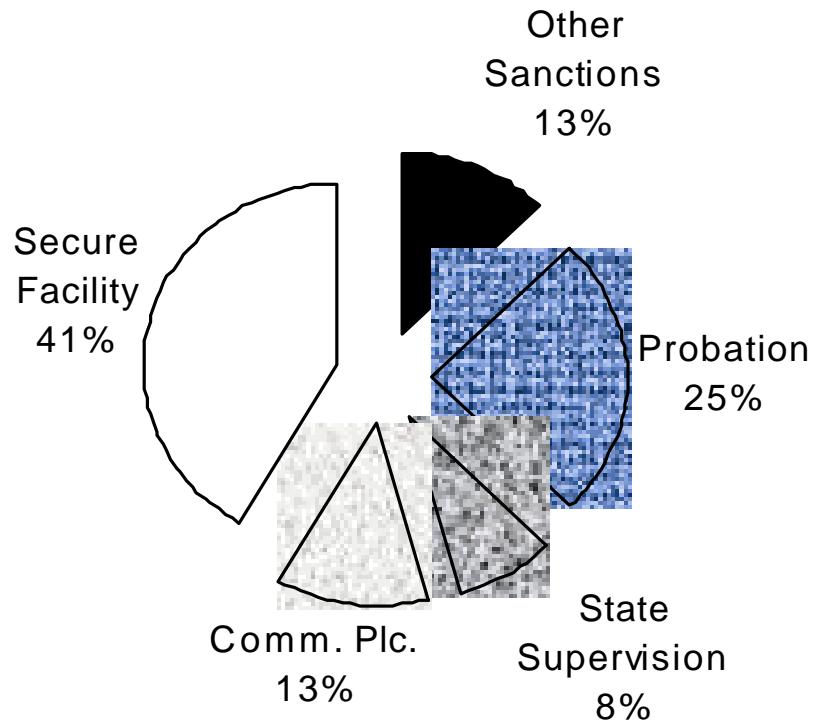


### Secure Facilities

Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	2	0.00	0.00	2.00
Probation	4	0.50	1.00	4.30
State Supervision	8	0.60	2.40	4.10
Community Placemt	9	0.70	2.80	6.20
Secure Facility	61	0.90	4.20	6.70
<b>TOTAL</b>	<b>84</b>			

## 24 YOUTH IN SEX OFFENDER PROGRAMS

The sanction recommended by the Sentencing Guidelines for  
24 youth in **Sex Offender Programs**



Sanctions	Number of Youth	Average Person Felonies	Average Total Felonies	Average Misdemeanors
Other Sanctions	3	0.00	0.00	4.00
Probation	6	0.33	1.33	3.83
State Supervision	2	1.00	1.00	1.00
Community Placemt	3	1.00	2.00	3.33
Secure Facility	10	2.00	2.50	2.70
<b>TOTAL</b>	<b>24</b>			

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**Appendix C**  
**Mark Lipsey's Analysis of Effective Juvenile Justice Programs**



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## **Program Descriptions From Study Reports for the Best Types of Intervention With Noninstitutionalized Juvenile Offenders**

### *Individual Counseling*

- ! A program for juvenile probationers that used citizen volunteers in conjunction with regular probationary supervision to counsel offenders on a one to one basis. The volunteers were screened and matched with offenders based on sex, ethnicity, educational background, intellectual level, vocational aspirations, and recreational interests. (Moore, 1987).
- ! Reality therapy counseling was given in weekly hour-long sessions for twelve weeks by two female graduate students enrolled in post-masters level counseling courses. The reality therapy involved recycling eight steps until clients learned to take charge of their lives in a constructive manner: involvement/goal setting, behavior assessment, behavior evaluation, concrete plans of action, commitment to action plans, no excuses, no punishments, and no giving up with resistant clients. (Bean, 1988).
- ! Juvenile sexual offenders were treated under multi-systemic therapy. Each youth or family received 21 to 49 hours of therapy in which doctoral students in clinical psychology attempted to ameliorate deficits in the adolescents' cognitive processes (denial, empathy, distortions), family relations (family cohesion, parental supervision), peer relations, and school performance (Borduin, et al, 1990).

### *Interpersonal Skills*

- ! An experimental training program used drama and the making of video films as vehicles for helping delinquent juveniles see themselves from the prospective of others and as remedial training in deficient role-taking skills. There were ten training sessions occurring once a week for three hours each at a neighborhood storefront. Sessions were run by three graduate students who facilitated the efforts of the participants while enforcing certain ground rules: (a) the skits must be about real life situations involving people of the participants' ages, (b) everyone gets a part, (c) everyone gets a chance to play every role, and (d) the video recordings are viewed to look for areas of improvement (Chandler, 1973)
- ! An intensive ten-day course in a large group camp or church retreat facility for juveniles. The course included: lecture and discussion, group demonstrations and learning processes, daily exercise, challenging outdoor activities, discussion of responsible behavior in the context of the group setting, opportunities for voluntary group service and leadership. The follow-up phase involved a commitment to one or more personal and community projects. For a twelve month period the youth participated in monthly meetings, personal counseling, tutoring, sponsored social events, job skills training, involvement in production of future courses, and special workshops. (Delinquency Research Group, 1986).

## **Program Descriptions From Study Reports for the Best Types of Intervention With Institutionalized Juvenile Offenders**

### *Interpersonal Skills*

- ! Adolescent boys living in a community home school participated in 12 one-hour sessions of social skills training over a six-week period. Training was carried out in groups of four and involved the use of instructions, discussion, modeling, role-played practice, videotaped feedback, social reinforcement, and homework tasks. (Spence & Marzillier, 1981).
- ! Adolescent boys at the Youth Center participated in Aggression Replacement Training, a multi-modal, psycho-educational intervention. The intervention was made up of three components: structured learning training, anger control training, and moral education. There were 30 sessions over a 10 week period. (Glick & Goldstein, 1987).
- ! The Social Interactional Skills Program was a structured didactic program that encouraged youths to recall past experiences which were problematic and identify the aversive social stimulus which impinged on their social interaction. This was followed by systematic desensitization using imagery techniques and cognitive reappraisal. They were then taught to enhance their behavior repertoire by experimenting with new behaviors. (Shivrattan, 1988)

### *Teaching Family Home*

- ! Achievement Place was community based, family-style, behavioral modification, group home for six to eight delinquents. This program was administered by a couple, referred to as “teaching-parents,” who develop positive teaching relationships with the youths in order to impart needed behavioral skills, assume responsibilities for the youths, and act as advocates for them in the community. Youths were able to return to their own homes on the weekend and remain in the local schools. (Kirigin, Braukmann, Atwater, & Worl, 1982).
- ! Adjudicated delinquents went to a community-based, family-style, behavioral modification group home where “teaching parents” utilized a token economy while closely monitoring the youth’s progress in school and working individually to counsel the youths on difficulties they have in their lives. (Wolf, Phillips, & Fixson, 1974).

## Responses

