



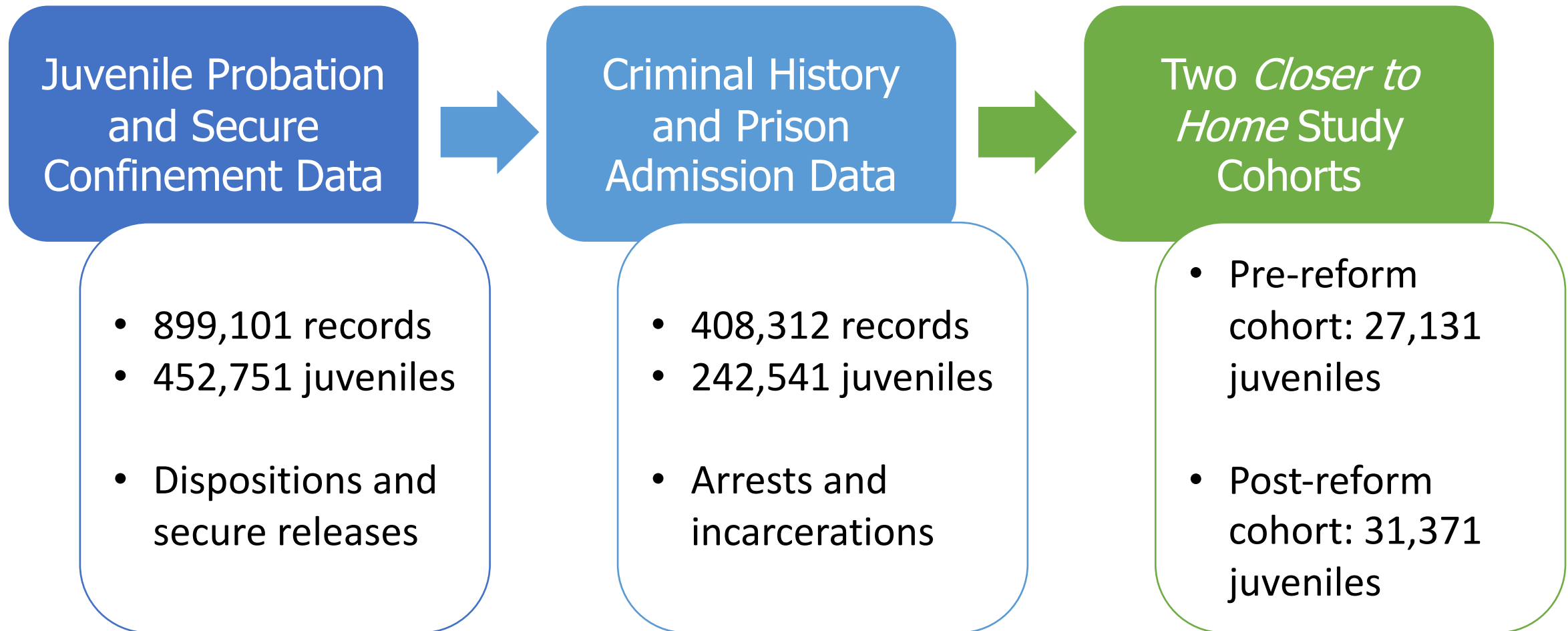
Justice Center

THE COUNCIL OF STATE GOVERNMENTS

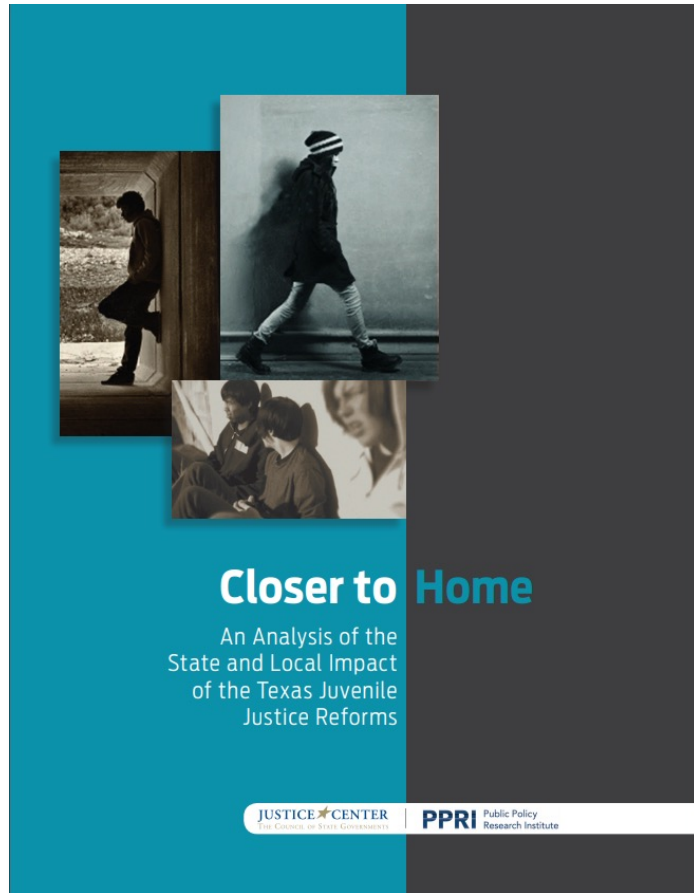
MICHIGAN JUVENILE JUSTICE REFORM TASK FORCE

THIRD TASKFORCE MEETING NOVEMBER 19, 2021

Texas Case Study: Examining the Impact of De-incarceration and Community Investment



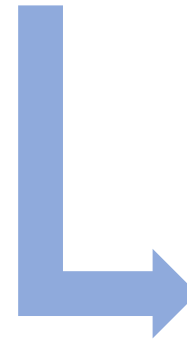
Community Supervision is a Better Public Safety Strategy than Incarceration



One-Year Probability of Rearrest

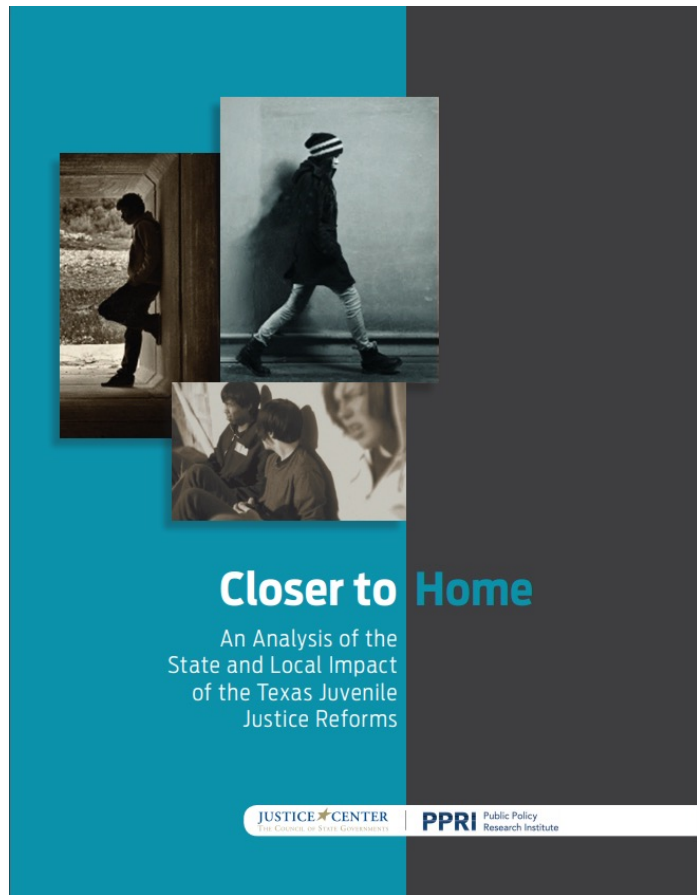
Released from State-Run Secure Facilities

Supervised in the Community



21% more likely to be rearrested

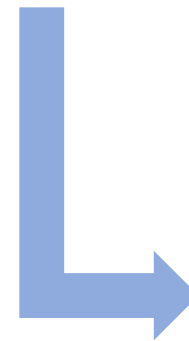
Community Supervision is a Better Public Safety Strategy than Incarceration



First Recidivism Offense a Felony

Released from State-Run Secure Facilities

Supervised in the Community



3x more likely to commit a felony when recidivating

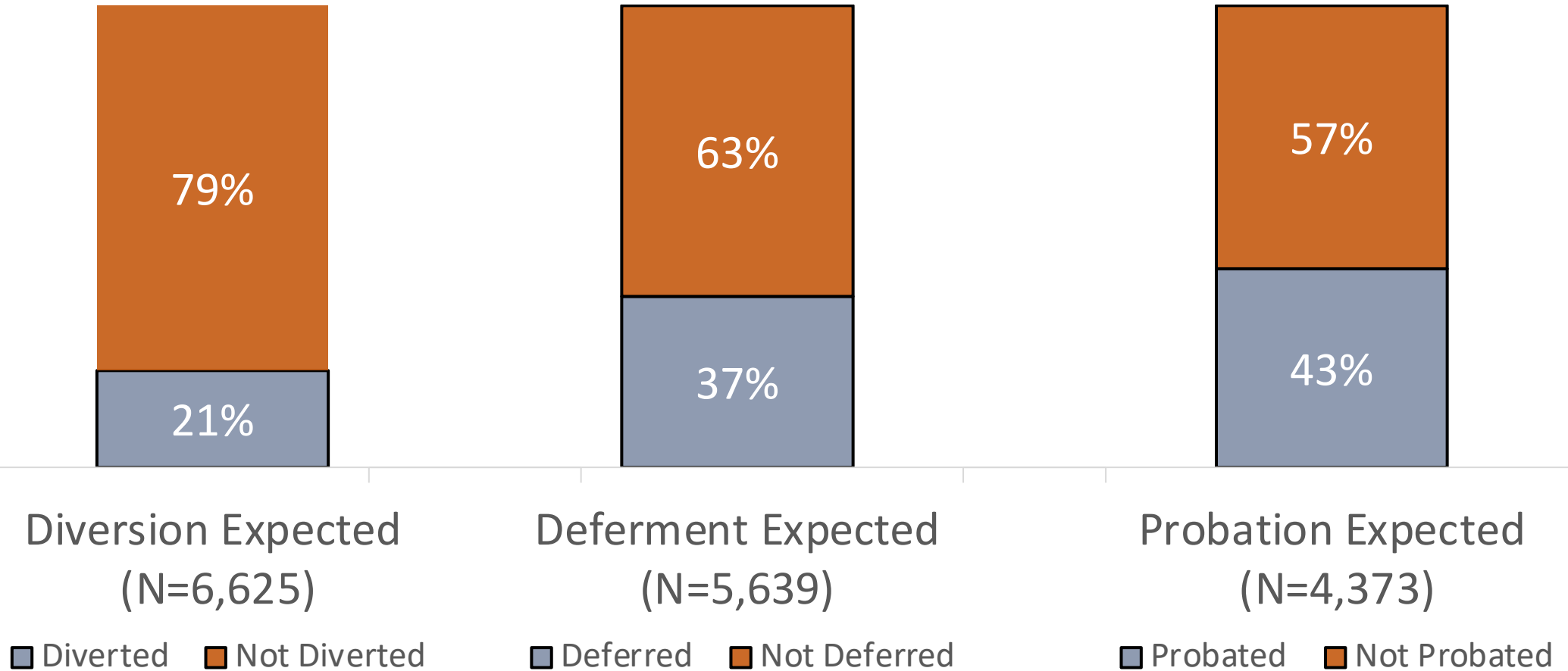
Texas Invested Significant Resources into Community Supervision and Services

	FY2005	FY2012	% Change
Expenditures adjusted for inflation – to 2014 dollars	\$4,337	\$7,304	68

Rearrest Rates Were Comparable Despite Resource Investments

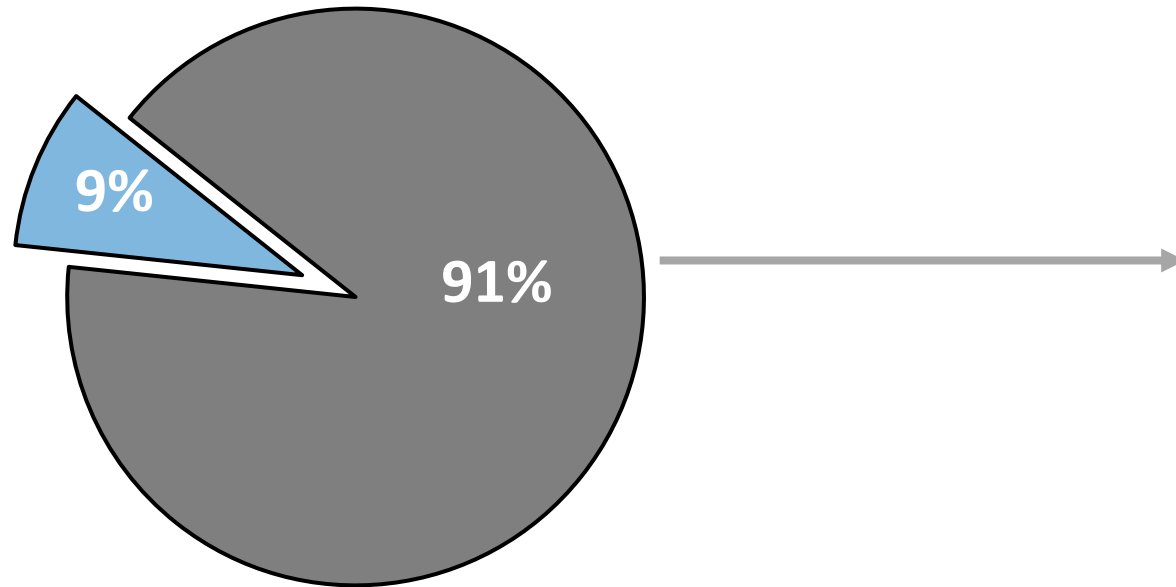
Intervention Type	Pre-Reform Study Group <i>One-Year Probability of Rearrest</i>	Post-Reform Study Group <i>One-Year Probability of Rearrest</i>
State incarceration	41%	41%
Skill-Based Program	29%	27%
Treatment Program	28%	30%
Surveillance Program	31%	29%
Secure County Placement	33%	34%
Non-Secure County Placement	35%	35%
No Intervention	33%	32%

Youth Consistently Received Higher Levels of Supervision than Warranted Based on their Risk Level



Youth were Detained at Far Higher Rates than Warranted

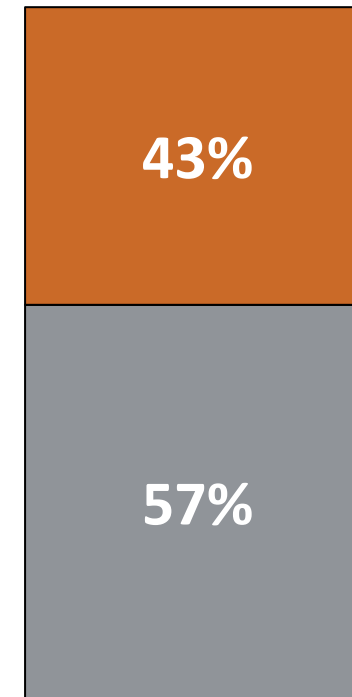
Percent of Cases Where Detention was Expected



Expected
(N=1,596)

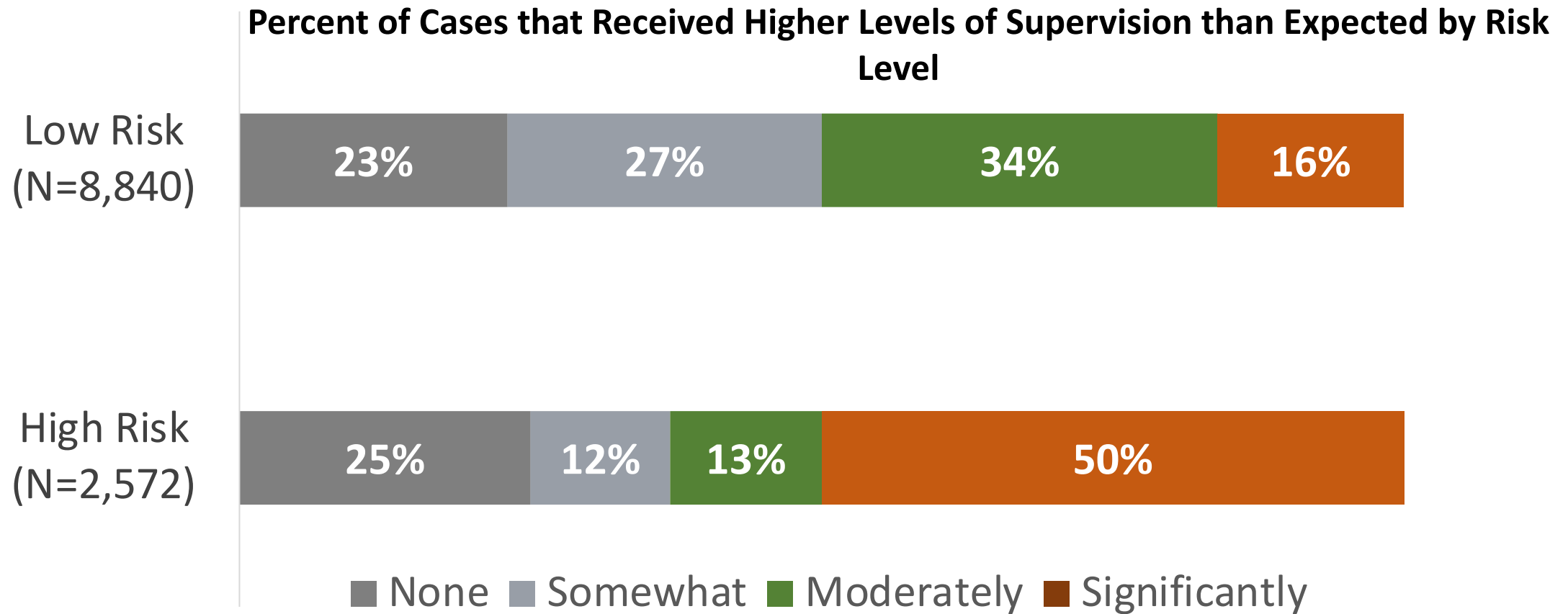
Not Expected
(N=15,344)

Percent Detained in Cases Where Detention Not Expected



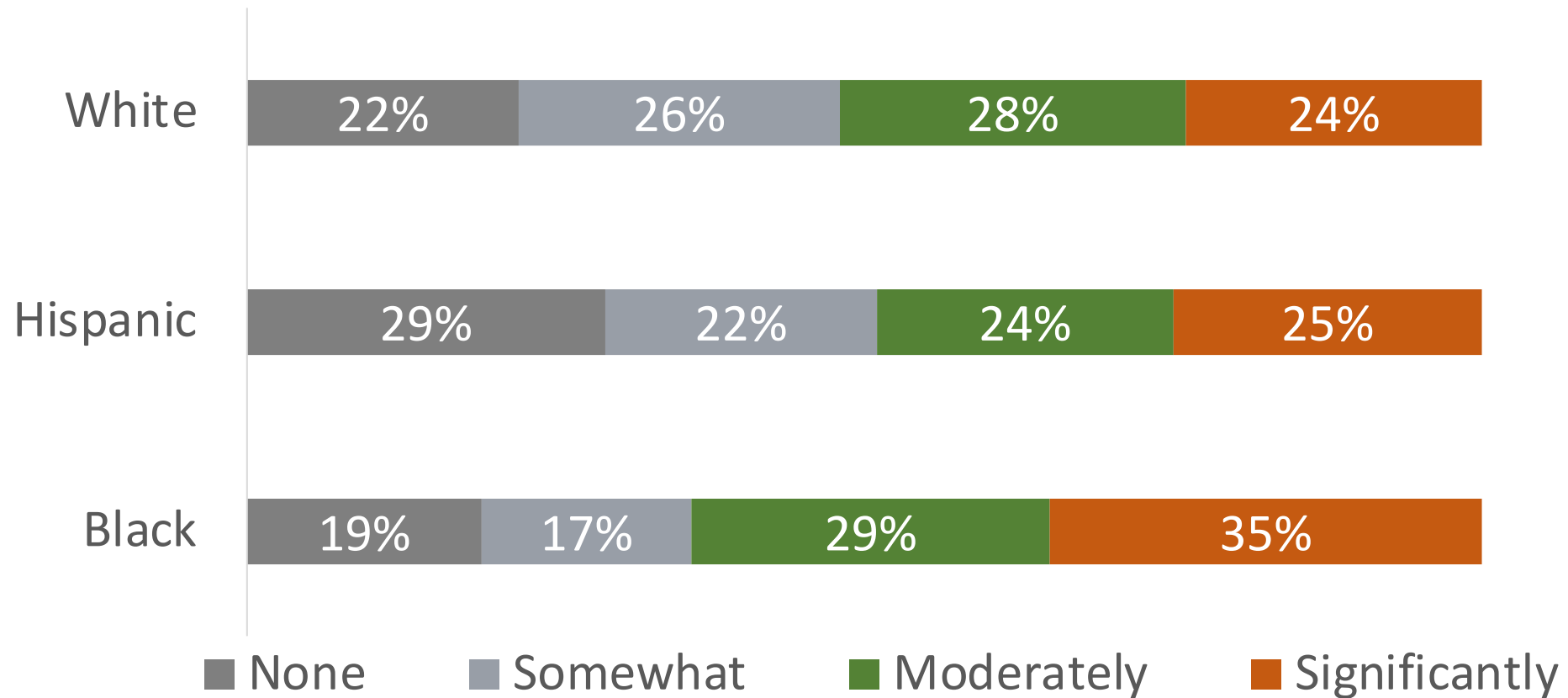
Not Detained Detained

Both Low and Higher Risk Youth Received Higher Levels of Supervision than Warranted



Black Youth Consistently Received Higher Levels of Supervision than Warranted Compared to their Peers

Percent of Cases that Received Higher Levels of Supervision than Expected by Race/Ethnicity



Low-Risk Youth Received Both Supervision and Services

County	% of Low-Risk Youth on Supervision in Programs	Low-Risk Youth, High-Need on Supervision in Programs %
Tarrant	44	11
Travis	71	22
Victoria	91	35
Harris	80	4
Lubbock	43	19
Cameron	40	20
Dallas	55	18
El Paso	77	4

Low-Risk Youth Stayed Longer in Programs

MEDIAN NUMBER OF DAYS SPENT IN A PROGRAM

County	Low-Risk Youth	High-Risk Youth
Tarrant	105	77
Travis	115	112
Victoria	125	69
Harris	75	104
Lubbock	167	118
Cameron	193	135
Dallas	94	124
El Paso	136	133

Youth Were Not Well Matched to Services

County	# of Youth Identified as Having a Substance Abuse Need at Referral	➔	% of These Youth in Substance Abuse Program
Tarrant	659		2
Travis	497		27
Victoria	0		0
Harris	3,731		12
Lubbock	131		32
Cameron	287		25
Dallas	1,835		23
El Paso	518		0

Lessons Learned

1 Keeping youth in the community whenever possible is the most cost-effective public safety strategy.



Lessons Learned

2

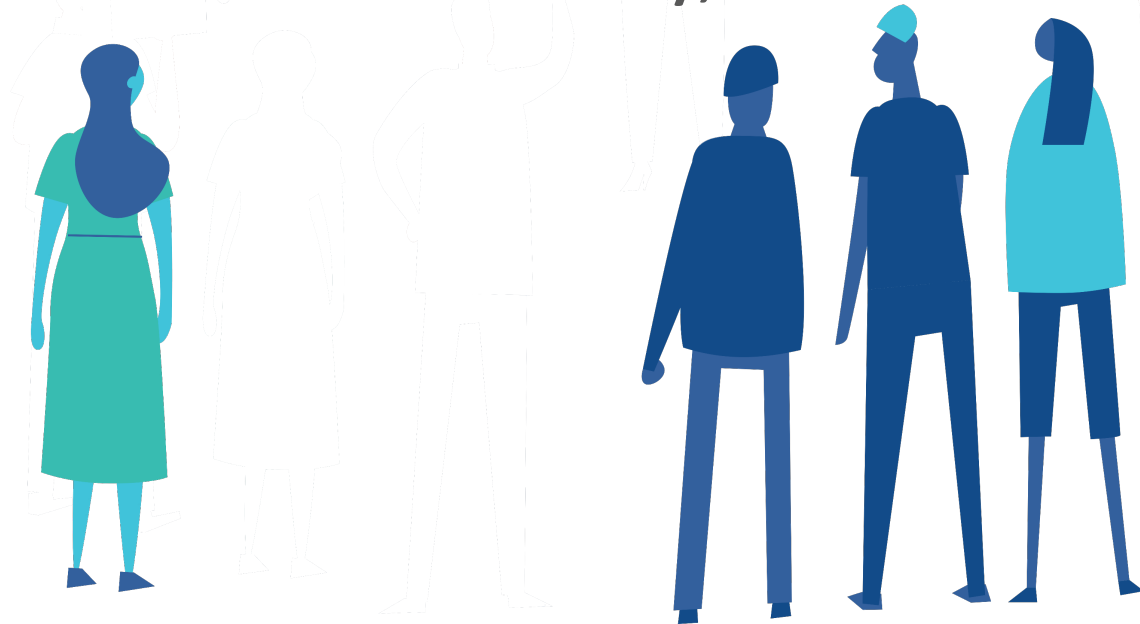
Youth—particularly youth of color—are often not well matched to the appropriate level and type of supervision and services.



Lessons Learned

3

Most jurisdictions struggle to ensure that the services that youth receive are actually based on research, implemented with fidelity, and effective.



Lessons Learned

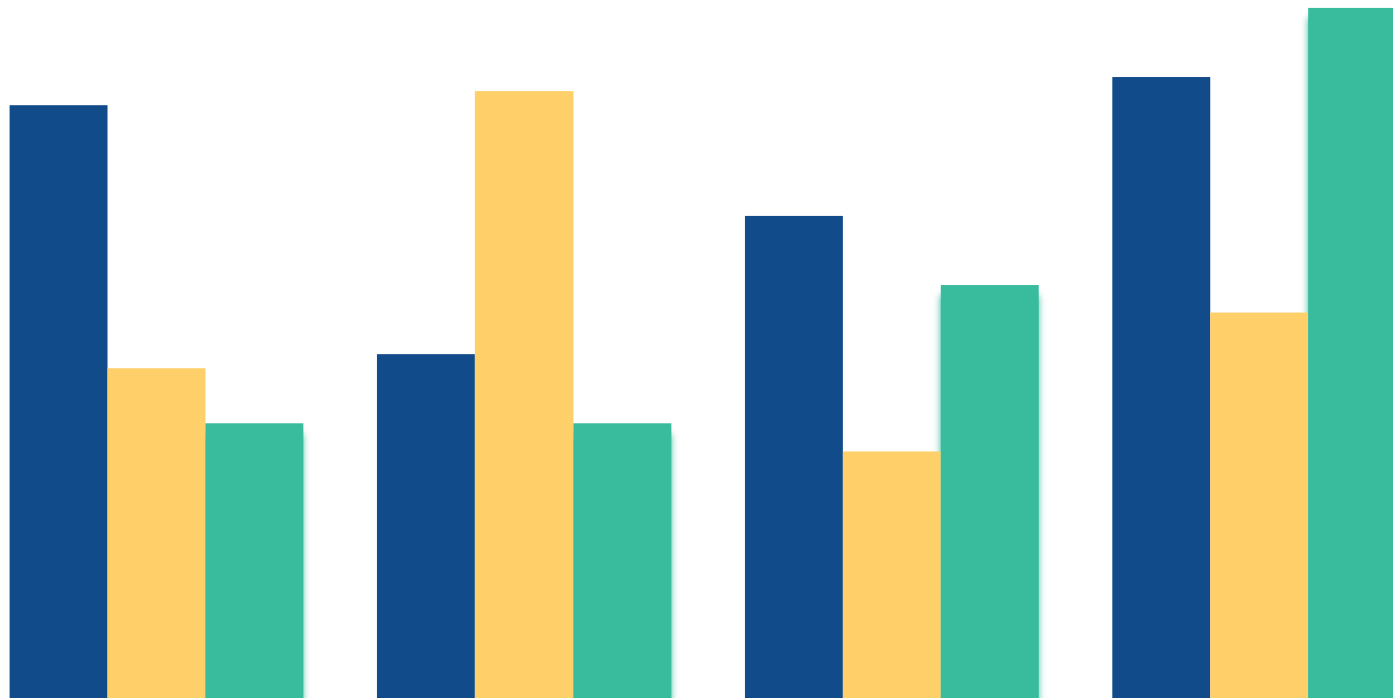
4 Resources alone are insufficient to improve public safety and outcomes for youth.



Lessons Learned

5

What doesn't get measured doesn't get done.



Dispositional Decisions, Community Supervision, and Service Delivery

How the Michigan Juvenile Justice System Works: Disposition Decisions

What is Disposition (similar to adult sentencing):

- After adjudication, a court hearing to **determine the youth's level/type of supervision/services.**

When is Disposition:

- Interval between adjudication/disposition is **discretionary** but required < 35 days if youth is detained.

How are Dispositions Determined:

- **No statewide criteria** on how decisions are made or dispositional (sentencing) guidelines
- Counties **vary in use of screening/assessment** tools/processes and information provided to the court
- Counties **vary in dispositional options**, lengths of time, supervision conditions, level of specificity of service orders, level of oversight/review hearings, and required court reports

How Michigan's Juvenile Justice System Works: Dispositional Options

What are the Dispositional Options (varies across counties):

- Warn and Dismiss

- Probation/Intensive Probation + Community-Based Services
 - **Court orders supervision terms and conditions**, including potentially for guardians
 - The court must order the juvenile to **pay the minimum state cost** prescribed by statute
 - Probation is typically **at least weekly contact**—often due to Child Care Funding requirements
 - **Limited state guidelines/standards for case planning, supervision, incentives/sanctions, or services**
 - **Access to and use of research-based services**, particularly for behavioral health services, varies statewide

- Out of Home Placement

How are Dispositions Tracked:

- **No statewide data repository** for detailing dispositions, data standards, or state aggregation/analysis/reporting

What are best practices in dispositional decision making, supervision, and services?

- ❖ Conduct validated risk/needs assessments and behavioral health assessments prior to disposition and use the results to match youth to the right level and type of supervision and services.
- ❖ Focus supervision on promoting positive youth behavior change rather than surveillance and sanctions.
- ❖ Focus services on moderate/high risk youth and on community-based services demonstrated by research as effective.
- ❖ Use funding to support/require/incentivize research-based policies, practices, and services.
- ❖ Partner across service systems to provide a coordinated approach to funding, case management, and service delivery.
- ❖ Provide ongoing quality assurance and collect data to assess and improve service fidelity and outcomes.

Key Questions for the Taskforce to Begin to Consider

1. Should all youth in Michigan receive a pre-dispositional risk and needs assessment and behavioral health screening/assessments to inform their disposition?
2. What if any statewide dispositional guidelines should exist to inform whether youth are placed on probation and for how long? Should youth/families be charged fees for their time on supervision?
3. Should there be consistent standards or statewide guidelines on probation practices? On specifically incentives and graduated responses, including the use of detention or other forms of incarceration as a response to non-law technical violations?
4. Should state funding be used to support/require/incentivize statewide policies and the use of programs and practices demonstrated by research to reduce recidivism for justice involved youth?
5. What formal policies, forums, or structures exist or are needed at the state and/or local levels to promote a more coordinated, cross-systems approach to funding and juvenile justice service delivery?
6. How can counties and service providers be best supported to adopt and effectively implement research-based programs and services? What kind of training, quality assurance, and technical assistance is needed?
7. What data should be collected on dispositions, supervision, and services and how should this data be reported?



Use of Out of Home Placement

How Michigan's Juvenile Justice System Works: Out of Home Placement Options and Criteria

Out of Home Placement Options :

- State-Run Secure Facilities
- Privately-Run Secure and Non-Secure Facilities
- County-Run or Court-Run Treatment Facilities
- Foster Care Placements
- County-Run or Court- Run Detention (sometimes used as a disposition)

What criteria guides courts in the use of out of home placement

- **No specific statewide criteria or restrictions on use of out of home placement**—including out of state placements by county courts--other than least restrictive alternative
- **No statewide policies on lengths of stay** in out-of-home placement—court orders are usually for indeterminate length of time and **release decisions are based on judicial discretion**

How Michigan's Juvenile Justice System Works: Out of Home Placement Process

What is the process for determining use of out of home placement:

- Youth can be placed either as a **state supervised ward or court supervised ward**
- Youth considered for residential placement as a state supervised ward must receive a **state risk assessment (MJJAS) and private third-party level of care assessment** (Maximus)
- The process for youth placed as a court supervised ward is up to **court discretion**

Other key issues for courts on the use of out of home placement:

- **Counties/state share the cost of out of home placement** approximately 50/50, and financial considerations can be a factor in court decisions
- **Availability of intensive community-based alternatives** to out of home placement ranges across counties
- Limited residential bed availability may cause extended stays **in detention** while awaiting placement

How Michigan's Juvenile Justice System Works: State Supervision

Organization of MDHHS Division of Juvenile Justice:

- Responsible for state supervised youth, **central office staff, and operates two state secure facilities.**
- Juvenile Justice Specialists work in local DHHS offices to provide assessment, case management, and reentry support for all state supervised wards, **and are under the direction of the local office.**
- MDHHS contracts with **private facilities for residential treatment in non-secure and secure settings.** All facilities are accredited and certified as Qualified Residential Treatment Programs.

Placement and case management process for state supervised youth:

- JJS submits referral to Assignment Unit, which make **placement assignment based on risk/offense/needs—** including community placements— **courts sometimes order youth to a specific level of care or facility.**
- State must obtain **local court permission for any change in placement** and for release decisions.
- **6 months of aftercare** provided by private facility staff, and through state contracts for state facilities.

How Michigan's Juvenile Justice System Works: Youth in Private Facilities

Private Facility Contracts:

- Services are based on **service agreements and state approved rates.**
- The Division has contracts with private providers for state supervised youth; **counties develop their own service agreements** with individual providers for individual youth.
- Private providers have **varying requirements for conducting risk/needs assessments, treatment, court reporting, and data collection** depending on wardship and referral source.
- Youth may have **varying access to state/local reentry services** depending on wardship or residence.
- **MDHHS (outside of the Division) licenses private facilities that serve child welfare and juvenile justice involved youth**, conducts annual licensing reviews, monitors facility incident data, and provides technical assistance to providers.

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

- ❖ Reserve all forms of out of home placement for youth that have the highest risk of reoffending or require in-patient behavioral health treatment
- ❖ Ensure out-of-home placements have clear treatment goals, are tailored to the needs of justice-involved youth, and employ programs/services demonstrated by research as effective.
- ❖ Limit lengths of stay to time necessary to provide appropriate treatment and mitigate risk.
- ❖ Engage families throughout youth's time out of home in case planning, services, and reentry.
- ❖ Develop robust reentry plans that provide for a continuity of care for youth's criminogenic, behavioral health, and practical needs when they return to the community.

Key Questions for the Taskforce to Begin to Consider

1. What if any statewide criteria should guide the use of out of home placement as a dispositional option? For out of state placements?
2. Should there be some level of statewide consistency in the assessment, review, and oversight processes for all youth placed out of home, regardless of whether youth are county or state wards?
3. Should there be statewide consistency in the service expectations/delivery, ongoing assessments, case management, reentry planning, services, and supports for all youth placed out of home, regardless of facility/wardship/county of residence?
4. How should lengths of stay in placement be determined, and should state guidelines inform these determinations?
5. How can residential service providers be best funded, supported, incentivized, and held accountable for implementing research-based, individualized, trauma-informed services and supports?
6. What type of juvenile justice specific training, policies, quality assurance protocols, and oversight is needed specifically for juvenile justice residential providers, and who should provide this oversight?
7. Should Michigan have statewide data on the number of youth placed out of home and their outcomes?

