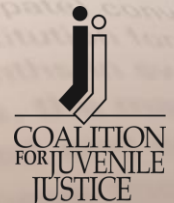




# Responding More Effectively to the Needs and Behaviors of Youth Charged with Status Offenses

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# Deinstitutionalization of Status Offenders (DSO) Core Requirement

## One of the Original JJDPA Core Requirements

Youth charged with status offenses (and youth who are alleged to be dependent, neglected or abused) shall not be placed in secure detention or correctional facilities.

- Persons in Need of Supervision (PINS)
- Children in Need of Services (CHINS)
- Conduct Indicating a Need for Supervision (CINS)
- Families With Service Needs (FWSN)
- Families in Need of Services (FINS)

# Valid Court Order Exception (VCO)

## Amended the JJDPA in 1984

Youth charged with status offenses who violate a valid court order may be held in a secure juvenile facility for the period allowable by state/local law.

# Is the VCO exception still used?

## The nation is divided:

- ❑ In all, 28 states and territories prohibit or choose not to use the VCO exception in practice. Of these, 17 have state laws citing prohibitions.
- ❑ In 2008, 27 of 55 states recorded allowable uses of the VCO exception as part of their JJDPA compliance efforts.
- ❑ **Additionally:**
  - ❑ Wyoming is the only state that does not participate in the JJDPA – appears to lock-up many status offenders.
  - ❑ Some non-VCO states are struggling with JJDPA compliance due to detentions of minors in possession of alcohol.

# Is the VCO exception still used?

- ❑ **Approx. 9,850 VCO-related detention orders are issued annually in the 27 jurisdictions.**
- ❑ **Typically a few courts or jurisdictions are responsible for the VCO-related detention orders.**
- ❑ **According to OJJDP data from 2007-2008, nearly 60% of all such VCOs occur in 3 states: Arkansas, Kentucky and Washington.**



# Nationwide concerns about status offender detention

## ***When detained, there are safety concerns:***

- Nearly 20% of status offenders are placed in living units with youth who have killed someone;
- More than 25% reside with felony sex offenders;
- Half participate in programming with youth who have been charged with murder and/or rape.

## ***When detained, there are poor outcomes:***

- Re-offense rates increase;
- School engagement and success are diminished;
- Emotional, social, familial and other problems are exacerbated.

# JJDPA reauthorization push to improve outcomes for youth

**Phase-out use of the VCO exception** to the DSO core requirement;

**Prohibit detention** of children under the custody of child protection/child welfare agencies;

**Place strict limits on lengths of stay** in secure detention for all non-delinquent youth, including status offenders;

**Provide funds to enrich the continuum of services** for community based and/or family-connected care for status offenders.

# **National, state and local trends are moving toward deinstitutionalization:**

- ❑ Preventing non-delinquent children from entering locked facilities where they are housed with more serious offenders;**
- ❑ Reducing out of home placements and incarceration of youth charged with delinquent offenses;**

# **Trends are moving toward deinstitutionalization, cont.:**

- ❑ Reducing reliance on secure custody for the full range of juvenile offenders, with community supervision and case management approaches: therapeutic, educational and/or skill-building components;**
- ❑ Family and community-connected services/interventions produce the most positive outcomes for youth development and community safety.**

# Which states have made recent changes to avoid detention of status offenders?

- ❑ **Recent efforts in VCO states – such as Alabama, Louisiana, Ohio, Utah and Washington – are cutting VCOs by 50% or more with practice changes and alternatives to detention.**
- ❑ **Other states have enacted legislative changes to move status offenders away from the delinquency system, such as Connecticut, New York and Pennsylvania.**

# Key Areas of Reform

## The Problems

- Courts overcrowded with Status Offense Cases
- Usage of Detention
- Lack of Immediate Crisis Response/Service Resources
- Sense that youth would be better served elsewhere
- Kids best served at home and in community
- Cost

# Key Areas of Reform

## The Solutions

- Make Court the Last Resort
- Provide Immediate Crisis Response
- Provide Services that are Tailored, Community-Based, and Evidence-Based
- Avoid Detention
- Track Outcome Data



# Connecticut

## What Prompted Reform?

- Juvenile court system was overwhelmed with status offense cases
- They wanted to do better by youth and families
- State passed legislation prohibiting the detention of youth charged with status offenses (FWSN)
- 2005 Legislation did not provide the alternative

# Connecticut

## How did they reform their system?

- In 2007 passed legislation that diverts youth charged with status offenses from the courts in the first instance
- FWSNs are diverted to Family Support Centers (FSCs)
- Youth and families receive case management, family mediation, education advocacy, counseling, respite care
- Formal court petition filed only if behaviour escalates or there are continued offenses
- As last resort, court can order staff secure detention

# Connecticut

## Key Results

- ❑ In first six months, status offense court referrals fell by 41%.
- ❑ In first year, average annual status detentions fell from 300 to 0.
- ❑ In 2010, of the cases referred to probation departments, less than 25% became formal judicial matters.

# Florida

## What Prompted Reform?

- Juvenile court system was overwhelmed with status offense cases
- There were insufficient resources to meet the needs
- Youth were falling through the cracks
- They wanted to do better by youth and families

# Florida

## How did they reform their system?

- ❑ Created a FINS (families in need of services) system that serves as a pre-cursor to a CINS case that could trigger detention
- ❑ Contracted with a statewide nonprofit to provide immediate crisis intervention to FINS referrals
- ❑ Passed legislation to provide funding specifically for status offender services

# Florida

## Key Results

- ❑ In fiscal year 2007-2008 only 6% (947) of FINS cases were petitioned to court as CINS.
- ❑ 96% of youth are offense-free while in the FINS program
- ❑ 90% of successful completers were offense-free for six months after exiting the program
- ❑ Estimated that the new system saved \$30+ million in one fiscal year

# Kentucky

## What prompted reform?

- ❑ State was on the verge of being deemed out of compliance with the DSO core requirement of the JJDP
- ❑ State learned that it was one of the top three users of the VCO nationwide
- ❑ State didn't want to fall out of compliance and wanted to do better by youth

# Kentucky

## How are they reforming their system?

- ❑ Created Detention Alternative Coordinators (DACs)
- ❑ First funded pilot with a grant from JJDPA funds; later built into the Kentucky DJJ operating budget
- ❑ Work with the Administrative Office of the Courts to help judges identify detention alternatives
- ❑ In the first year, reduced their VCO cases by almost 300

# Thank You

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