

RAISE THE AGE

18

Shifting to a safer and more effective juvenile justice system

ACKNOWLEDGMENTS

ABOUT THE ORGANIZATION

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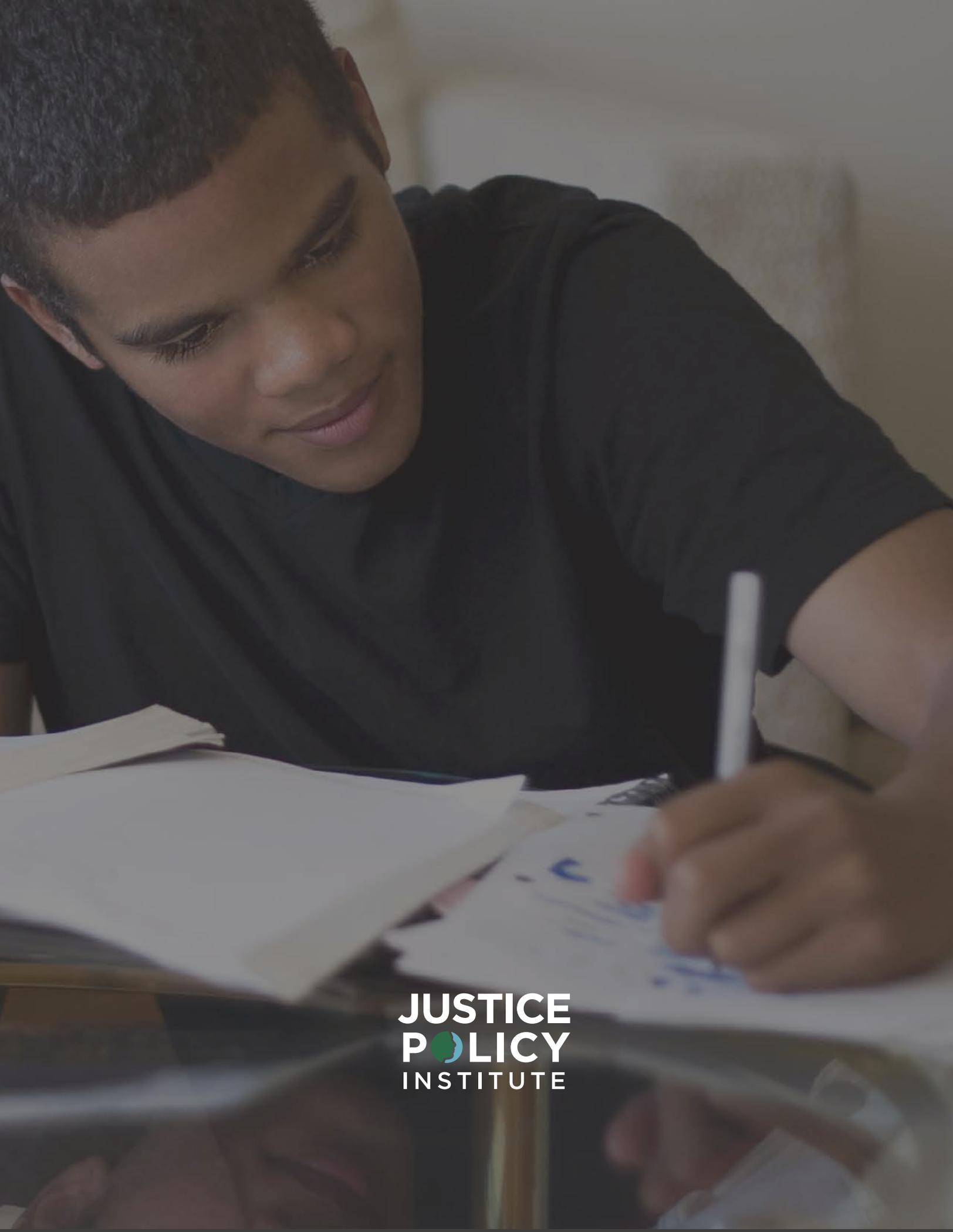
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INTRODUCTION

RAISING *THE* AGE

“If I were kept in the juvenile system, I would’ve already been home with a trade and or a college degree in child counseling, showing I can be a good citizen in society. Instead, I’m being labeled and wrote off as a lost cause.”

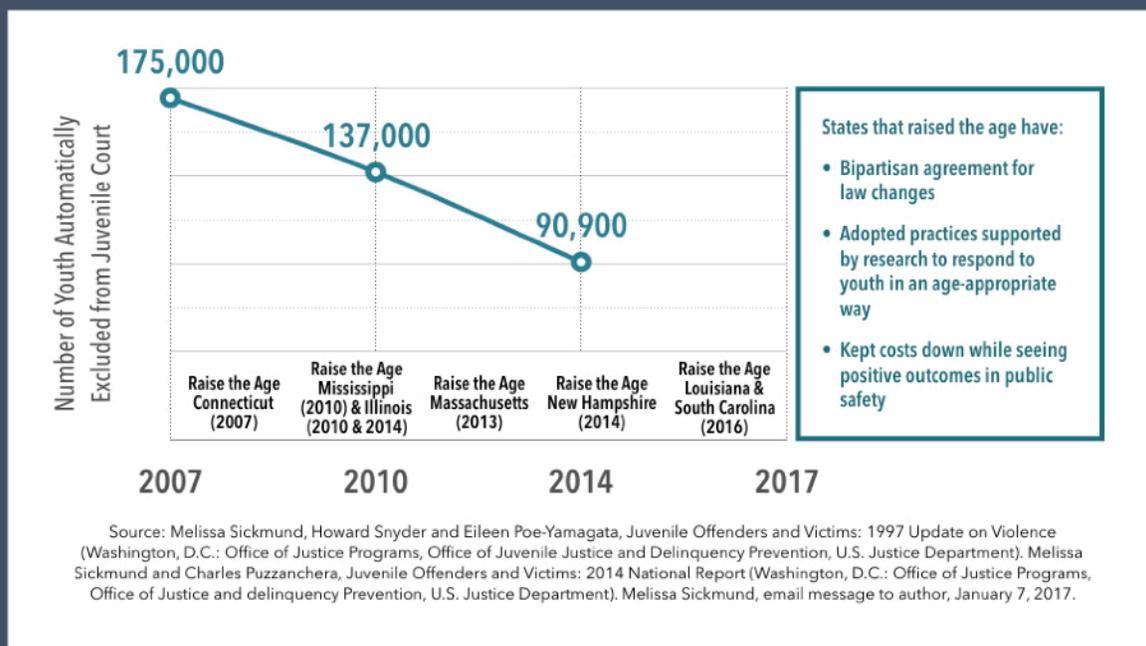
–17-YEAR-OLD IN A JAIL IN MISSOURI¹

STATES ARE MOVING TOWARDS “RAISING THE AGE” OF ADULTHOOD

Since the establishment of juvenile court at turn of the 20th century, what defines the age of adulthood has been arbitrarily set between the ages of 16 and 18. Over the past two decades more research has emerged showing that justice-involved teenagers are more likely to move past delinquency and successfully transition to adulthood if they are served by a juvenile justice system, not the adult criminal justice system.²

The pathway that feeds the most 16-and-17-year-olds into adult court, adult jail, or adult prison is automatic exclusion of young people from the juvenile justice system solely based on their age.

GRAPH A. DECREASE IN YOUNG PEOPLE AUTOMATICALLY EXCLUDED FROM JUVENILE COURT (2007-2014)



The number of young people automatically excluded from juvenile court due to their age has dropped by nearly half.

Of the estimated hundreds of thousands of young people who ended up in the adult court and corrections system in the mid-1990s, most landed there because of laws that excluded them from the juvenile justice system almost entirely based on age.³ In the mid-1990s—a time when many states made it easier to transfer youth to the adult system—there were 14 states that designated the age of criminal responsibility below 18 years.

However, over the past ten years, half of the states that once saw all 16- and/or 17-year-olds excluded from juvenile court based solely on their age changed their laws. Now, unless a young person is charged with or convicted of the most serious behavior, it is presumed that most youth who touch the justice system will fall under the jurisdiction of the juvenile justice system. Since 2007, Connecticut, Illinois, Louisiana, Massachusetts,

Mississippi, New Hampshire, and South Carolina have all passed laws to “raise the age” so that most young people will be in the juvenile justice system—not the adult justice system. Two states (Louisiana and South Carolina) passed raise the age laws just in 2016. This leaves the fewest number of states—seven—in several decades that set the age of criminal responsibility lower than age 18.

Underlining the bipartisan nature of the issue, Republican legislators and governors and have voted for and signed raise the age legislation. Conservative and Democratic lawmakers agreed to change policy in light of increasing research on what works to help a young person move past delinquency and information showing that it is more cost effective to serve youth who touch the justice system at home through improved local approaches.

“Here’s the reality: Raise the age resulted in a significant decrease in the number of cases, and today I am proud to report that: we now have the lowest number of juveniles in pre-trial detention. We now have the lowest ever population at the Connecticut Juvenile Training School. The number of inmates under the age of 18 at Manson Youth Institute is also at its lowest ever....”

–CONNECTICUT GOVERNOR DANIEL P. MALLOY ⁴

During this past decade when seven states raised the age, the number of young people excluded from the juvenile justice system solely because of their age was cut in half.

In *Reforming Juvenile Justice: A Developmental Approach*, the National Research Council of the National Academy of Sciences stated that raising the age is part and parcel of the kind of developmentally appropriate juvenile justice approach that all youth justice systems need to be moving towards. ⁵ A developmentally appropriate juvenile justice approach is one that diverts as many young people as possible from the justice system, addresses a young person’s mental health challenges in the community, and reduces the use of pretrial detention and post-adjudication facilities so resources can be focused on serving youth in their communities. A developmentally appropriate juvenile justice approach also keeps young people safe by complying with federal laws aimed at protecting youth from sexual violence—such compliance is accomplished when a state raises the age and thereby removes youth from adult prisons and jails. Jurisdictions can further embrace a more developmentally appropriate juvenile justice approach by improving how young

people’s needs are assessed and using that information to manage resources more effectively.

The pace of legislative changes with regard to age of juvenile court jurisdiction is accelerating: in 2017, most of the seven remaining states that set the age of juvenile jurisdiction below age 18 are expected to consider raise the age proposals for certain groups of teenagers (Georgia, Michigan, Missouri, New York, North Carolina, Texas, and Wisconsin). The reason for this continuing change is a growing acknowledgement that raising the age is good public policy, and because today there are increasingly more scientifically proven and cost-effective ways to address delinquency by relying on *developmentally appropriate juvenile justice approaches*. Because these approaches lead to more youth being served in their home communities, and not placed in more expensive, more restrictive, and less effective settings, an increasing number of states have seen that initial concerns about escalating costs have not materialized, and there are cost-effective pathways to serve 16- and 17-year-old youth in their juvenile justice systems.

A developmentally appropriate juvenile justice approach is more cost effective.

As juvenile justice systems have come to rely on more developmentally appropriate juvenile justice approaches, the number of young people in confinement has been halved, freeing up resources to serve and support youth in their homes or home communities.

Each of the three states that led the national trend in raising the age— Connecticut, Illinois, Massachusetts— managed to contain costs, reduce confinement, reallocate funds to more effective approaches that keep most young people in the community, and enhance public safety.

States raised the age without overwhelming their juvenile justice systems.

Prior to raising the age, juvenile justice stakeholders in Connecticut, Illinois, Massachusetts, and New Hampshire said that taking on responsibility for 16- and 17-year-old youth would come with multi-million-dollar price tags. ⁶

Instead, in Connecticut, the projected 100 million additional dollars that stakeholders thought might be needed to raise the age were never spent. Over the same period after raise the age legislation was passed, Connecticut's juvenile justice department and courts reallocated \$39 million to expand the number of community-based approaches that could serve youth outside of a more expensive custodial setting.

In Illinois—with the fifth largest population in the country—the projected 35 percent increase in youth in the juvenile justice system because of raise the age never materialized, and the predicted investment in new courtrooms and new State's Attorney positions was not necessary: there was no "sudden surge" of additional probation or court caseloads in Illinois' juvenile justice system. While Illinois stakeholders set aside some funds to help local jurisdictions transition to raise the age for 17-year-olds charged with felonies, no Illinois agencies needed to apply for emergency funding. Amidst a continuing steep drop in juvenile crime and a state budget crisis, the juvenile justice system managed to absorb 17-year-olds with few additional resources.

In Massachusetts, the actual costs of raising the age were 37 percent less than the projected costs, dropping from \$24.6 million, to \$15.6 million.

In New Hampshire, legislators were told that raising the age for 17-year-olds would carry a \$5.3 million price tag. In reality, no new dollars were appropriated to serve 17-year-olds when the state raised the age.

In some cases, a state that raised the age experienced a slight uptick in the number of 16- or 17-year-olds in a part of the system that did require some new resources to address young people's needs effectively. However, these population changes *can be measured in dozens of youth—not hundreds, not thousands*. The small upticks were managed because states raised the age during a time of decline in juvenile crime, and strategies to absorb 16- or 17-year-olds into the juvenile justice system were part of an overall shift towards a developmentally appropriate approach that seeks to maximize resources.

States considering raise the age proposals this year have already taken steps towards improved approaches, and are

therefore already equipped to serve 16- and 17-year-old youth in their youth justice systems.

By way of example, North Carolina took significant steps to expand the use of diversion, reduce the number of youth in pretrial detention and post-adjudication facilities, and focus more of their juvenile justice resources on community-based approaches. As a result of taking these steps towards a more developmentally appropriate juvenile justice approach, one stakeholder body tasked with evaluating North Carolina's judicial system offered *that the state has already built the capacity and generated the resources to raise the age*. The \$44 million in cost savings that North Carolina's Division of Juvenile Justice generated over the past decade by closing and reducing reliance on facilities and using more effective practices to manage justice-involved youth built the capacity for the system to serve 16- and 17-year-old youth.

"[Raising the age] is better for public safety because research conclusively shows that consistently the juvenile justice system does a better job preventing recidivism than the adult correction system. This means in the future, we will have fewer crime victims and less money spent on incarceration."

—LOUISIANA GOVERNOR JOHN BEL EDWARDS⁷

1) Reducing juvenile confinement and falling juvenile crime helped states raise the age.

All juvenile justice systems have benefited from declining juvenile crime trends that have facilitated some states' ability to absorb 16- or 17-year-old youth into their juvenile justice systems. Along with declining crime, one of the reasons the projected costs of raising the age never materialized in Connecticut, Illinois, Massachusetts, or New Hampshire was that some cost estimates did not analyze the savings accrued from young people reoffending less often⁸ when served by the juvenile justice system versus the criminal justice system. Connecticut, Illinois, and Massachusetts outperformed the nationwide trend towards reducing the use of juvenile confinement, and outperformed the rest of the country in declines for violent juvenile crime and property crime arrests.

2) Raising the age is part of a shift to more effective, developmentally appropriate juvenile justice approaches.

This report will examine the shift juvenile justice systems in raise the age states have taken—and continue to take—to embrace more developmentally appropriate approaches, and how these approaches have helped juvenile justice systems implement the changes needed to absorb 16- or 17-year-olds (or both).

The brief will also highlight the steps taken by states that have raised the age—and work underway by states looking to raise the age this year—to implement a more developmentally appropriate juvenile justice approach: these places have built, or are building, the capacity to serve youth who are currently in their adult justice system back into their juvenile justice system.

While some states still have to pass legislation to raise the age, and no place is ever finished embracing better juvenile justice approaches, policymakers in the remaining seven states can now change laws governing the age of jurisdiction with a clear roadmap showing how they can contain costs and enhance public safety while absorbing 16- and 17-year-olds into their youth justice systems.

3) Raise the age states are enhancing public safety, keeping youth safe, and developing fairer, and more effective juvenile justice systems.

The data show justice-involved teenagers are more likely to move past delinquency and successfully transition to adulthood if they are served by a juvenile justice system, not the adult criminal justice system: these better outcomes are related to the fact that if a young person is justice-involved, the juvenile justice system is more likely than the adult criminal system to keep a young person safe and serve him or her more effectively, and is a fairer way to address a young person's behavior.

SAFER

Youth tried as adults are more likely to reoffend,⁹ and commit more serious offenses¹⁰ if they do reoffend, as compared with youth kept in the juvenile justice system.

Along with keeping the community safer by reducing reoffending, raising the age means youth are less likely to experience the long-term trauma and victimization that has been documented to occur more often when youth are in the adult justice system.¹¹ The National Prison Rape Elimination Commission found that young people are more likely than any other group to be sexually victimized in an adult facility.¹² In line with the passage of the Prison Rape Elimination Act of 2003 (PREA), several law enforcement leaders in states considering raise the age legislation support raising juvenile court jurisdiction to keep youth safer and to connect youth to a rehabilitative approach that makes it more likely a young person will succeed.

When systems keep young people safe they are less likely to reoffend, which also means fewer victims and lower justice system costs (from law enforcement to courts to corrections) in the long-term for taxpayers.¹³

FAIRER

Raising the age is also a matter of fairness.

Significant proportions of young people move through a delinquency phase, regardless of their race or ethnicity. But due to a whole set of reasons that relate to how laws are enforced, how a justice systems functions, and systemic racial and ethnic bias, young people of color are more likely

to be involved in the justice system.¹⁴ By way of example, in Connecticut, Illinois, and Massachusetts—the states that led the raise the age policy trend—African American and Hispanic/Latino young people are about one out of three youth overall, but are three out of four youth confined or placed out of the home. White youth, by contrast, are seven out of 10 youth overall in these states, but make up just two out of 10 of the youth confined or placed out of the home in Connecticut, Illinois, and Massachusetts’ juvenile justice systems.¹⁵

As a result of young people of color being overrepresented in the juvenile justice system overall, all effort to reduce the number of young people who experience an unsafe system that is not designed to meet youth’s developmental needs will have a disproportionately positive impact on young people of color. Put another way, when states raise the age and ensure that young people are safe and served by a developmentally appropriate system, the vast majority of youth who benefit from this improved system are young people of color.

Everyone benefits when young people of color are served by more effective practices that help them connect to school and work, and help youth move past delinquency and contribute to the community throughout their lives. That said, it is essential to continue to focus on reducing the disproportionate impact of justice system involvement on young people of color, with analyses showing that racial and ethnic disparities may be widening even as fewer youth overall are confined.¹⁶

“It was pretty scary really, only a year ago at the age of 17 I went to court than went to jail. I didn’t think that it would be all too bad, but for a 17-year-old it’s mentally and emotionally draining.”

—A YOUNG PERSON EXPOSED TO THE ADULT SYSTEM IN MISSOURI¹⁷

MORE EFFECTIVE

Adult justice system approaches are, in many ways, the opposite of the more developmentally appropriate juvenile justice approaches many juvenile systems are embracing. The adult criminal justice system is not the right place to help a young person succeed.

The vast majority of 16- and 17-year-olds who are arrested are never sentenced to prison: if they are incarcerated, it is while they are pending trial. In states whose age of criminal responsibility is 16 or 17 years of age, such youth are detained in adult jails while pending trial. These jails (and in some cases, prisons) are not equipped to help a young person move past delinquency and successfully transition to adulthood.

A U.S. Department of Justice study showed that nearly 40 percent of adult jails do not provide any education services, and only seven percent provide services to help train young people for a job.¹⁸ The adult justice system is poorly equipped to provide young people with appropriate schooling, job training, and mental and physical health treatment opportunities, which prevents young people from gaining the necessary tools to move past crime and delinquency. Even if youth avoid exposure to an adult prison or jail, those who are tried as adults face “collateral consequences,”¹⁹ such as laws that limit their ability to get a job, receive student loans, and live in certain kinds of housing.²⁰ In this way, the youth justice system is the more effective system, because it is more focused on rehabilitation, confidentiality, and family engagement than the adult system.

The stories of Connecticut, Illinois, and Massachusetts show that raising the age can save taxpayers money by ensuring that when young people are involved in the justice system, they are served by a system that is proven to be more effective at helping them to move past delinquency than the adult justice system. Because a more effective juvenile justice approach also costs less and is more cost effective, raising the age can be part of a larger strategy of managing public resources.

ROAD MAP TO RAISE THE AGE:

States can contain costs and enhance public safety while absorbing 16- and 17-year olds into their youth justice systems by:

- 1) Expanding the use of diversion.
- 2) Making probation and aftercare approaches more effective.
- 3) Addressing young people's mental health needs outside the deep end of the system.
- 4) Reducing the use of pretrial detention.
- 5) Reducing reliance on facilities, and focusing resources on community-based approaches.
- 6) Keeping young people safe by complying with the Prison Rape Elimination Act (PREA).
- 7) Improving juvenile justice systems' management of resources, and strengthening strategies to serve young people more effectively.

HOW ARE STATES THAT ARE RAISING THE AGE SHIFTING TO MORE A DEVELOPMENTALLY APPROPRIATE JUVENILE JUSTICE APPROACH?

The 50 states and the District of Columbia all have unique features in how their juvenile justice systems work. This means a state may have to develop its own pathways to advance a better juvenile justice approach that fits with the specific structure and context of its own youth justice system.

Not every state used the exact same steps to shift to a more developmentally appropriate approach, and not every state took such steps prior to raising the age of juvenile jurisdiction. In Connecticut and Illinois, stakeholders advanced developmentally appropriate changes to help them implement raise the age in the years that followed the initial absorption of older teens into their juvenile justice systems. Places like Georgia, New York, North Carolina, Michigan, Mississippi, Texas, and Wisconsin have already enacted the kinds of significant juvenile justice reforms that match those embraced by Connecticut and Illinois after they raised the age legislatively.

Juvenile justice systems in states that have raised the age or are considering such legislation in 2017 have taken steps to move towards a more developmentally appropriate approach by using the following strategies:

1) Expanding the use of diversion.

One million youth are arrested annually, and nearly 95 percent of those arrests are for non-violent offenses. Research shows that when a young person is arrested or adjudicated he or she is more likely to reoffend and be re-arrested, which in turn means he or she is more likely to experience deeper justice system involvement (like being confined, placed out of the home, and ultimately, involved in the adult justice system).

An arrest record can also impact a young person's employment well into adulthood.

Pre-arrest and pre-adjudication diversion strategies provide meaningful opportunities to address a young person's behavior outside the juvenile justice system, and avoid the negative consequences of needless justice system involvement.

More developmentally appropriate juvenile justice approaches seek to ensure that when a young person comes into contact with law enforcement, he or she is not arrested *nor* formally processed by the justice system. Instead, juvenile justice systems are finding ways to hold youth accountable through cost-effective approaches that help youth move past delinquency. Juvenile justice systems in Connecticut, Illinois, Louisiana, Mississippi, North Carolina, Michigan, and Texas have all taken steps to expand the use of pre-arrest or pre-adjudication diversion.

2) Making probation and aftercare approaches more effective.

There are as many as 300,000 youth who are on juvenile probation, and 100,000 youth returning from a juvenile facility every year, each of whom who should be receiving some form of aftercare in the community to help them leave delinquency behind them. While community supervision is cheaper than confinement, probation and aftercare approaches that are solely focused on conditions around surveillance and monitoring—like whether a youth is making a curfew, keeping an appointment, or fulfilling restitution and community supervision obligations—are not, in themselves, effective at helping youth succeed.

Instead of simply keeping an eye on youth or making them follow the rules, more developmentally appropriate probation and aftercare focuses on engaging a young person in behavior change, partners with community organizations, works with families, and attempts to limit the likelihood a young person's supervision will be revoked. Juvenile justice systems in Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, and New York have implemented changes to make their probation or aftercare approaches more effective.

3) Addressing young people's mental health needs outside the deep end of the system.

About one in five young people between the ages of 13 to 18 will face a mental health challenge at some point during his or her adolescence. Not accounting for the severity of the condition a young person might face, some have estimated that 70 percent of the youth in the juvenile justice system are affected with a mental health challenge at some point, compared to 20 percent of youth in the general population. While most of these mental health challenges can be addressed through treatment or therapy that allows a young person to remain with a guardian and at home, when a young person's mental health challenges are not addressed, his or her health conditions can deteriorate and lead to lifelong consequences, including justice system involvement.

A more developmentally appropriate approach connects youth to community-based mental health services and helps youth get the treatment they need in a way that does not deepen their justice system involvement. Juvenile justice systems in Louisiana, Massachusetts, Michigan, Texas, and Wisconsin have mechanisms to address young people's mental health needs outside the deep end of the system.

4) Reducing the use of pretrial detention.

In 2013, 17,800 youth were detained pending trial in a juvenile facility, and because the population of youth who are detained turns over during a year, there are estimates that hundreds of thousands of youth may experience pretrial detention on an annual basis. Research shows that pretrial detention can have a whole series of negative consequences: youth who are detained pretrial are more likely to reoffend than youth who are not detained, physical and mental health conditions often worsen during detention, and detained youth can face significant challenges reconnecting to school, getting a job, and staying employed.

Reducing the number of youth who are incarcerated before trial helps a juvenile justice system operate more effectively, and helps young people avoid the negative consequences associated with detention.

Reducing young people's exposure to pretrial detention helps reduce the likelihood a youth will reoffend and end up placed out of the home or confined—all of which reduces taxpayer costs. Juvenile justice systems in Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, and New York have taken measures to reduce the use of pretrial detention.

5) Reducing reliance on facilities, and focusing resources on community-based approaches.

A growing number of jurisdictions are relying less on more expensive out-of-home placements or confinement and more on community-based approaches. Rather than narrowly relying on removing a youth from the home, a number of juvenile justice systems have begun to see the positive financial and developmental outcomes stemming from use of multiple strategies to supervise more youth in the community and reallocate resources to serve more youth at home.

Policymakers have redeployed existing taxpayer dollars to support programs that serve young people closer to home, at home, or in their home communities, and have reduced the number of young people placed in the most expensive options. While states have used a different combination of strategies, both current and pending raise the age states have developed fiscal incentives to expand ways to serve youth locally, shortened lengths of stay in the system or prohibited confinement for certain behaviors, and reallocated money saved from facility closures to programs that serve youth locally.

PREA has become a catalyst for raise the age initiatives by galvanizing stakeholder support for states and localities to avoid the increased taxpayer costs that would result from having to alter the physical structure of facilities that house youth under 18, in order to comply with federal law.

By keeping more youth at home or in their home communities, juvenile justice systems that are raising the age are better able to refocus resources to serve more youth in a more cost-effective way. Juvenile justice systems in Connecticut, Georgia, Illinois, Massachusetts, Michigan, Mississippi, Missouri, New York, North Carolina, Texas, and Wisconsin have all taken steps to reduce reliance on facilities and focus resources on community-based approaches.

6) Keeping young people safe by complying with the Prison Rape Elimination Act (PREA).

An effective juvenile justice approach seeks to keep young people safe, wherever they are in the system.

The National Prison Rape Elimination Commission found that youth incarcerated in an adult facility are the group most at risk of sexual assault and are 50 percent more likely than other age groups to report being attacked by an adult inmate with a weapon while being confined. To help keep young people safe, the national standards of the Prison Rape Elimination Act of 2003 order that any individual under the age of 18 who is incarcerated must be “sight and sound separated” from adults and placed in a common space away from contact with adults; that youth not be needlessly isolated simply to comply with PREA; and that young people who are incarcerated be given the opportunity for exercise, special education services, and other educational and employment programs. If a state does not comply with PREA, it can lose federal grant funding.

PREA has become a catalyst for raise the age initiatives by galvanizing stakeholder support for states and localities to avoid the increased taxpayer costs that would result from having to alter the physical structure of adult facilities to comply with federal law.

Rather than rely on retrofitting jails or prisons adult facilities—where it is well established that young people are more likely to come into harm’s way—sheriffs and adult corrections officials have called on policymakers to raise the age in order to keep youth safe.

Stakeholders in Illinois, Louisiana, Massachusetts, New Hampshire, and Texas' juvenile justice systems have cited the need to keep young people safe and comply with PREA as reason to raise the age.

7) Improving juvenile justice systems' management of resources, and strengthening strategies to serve young people more effectively.

In the past, juvenile justice systems did not have access to or use tools, such as needs-based assessment instruments, to ground decisions on the best way to serve a youth. Instead, stakeholders may have developed their approaches for responding to young people's behavior based on more subjective factors, and did not tailor those approaches to strategies that were proven to help youth move past delinquency.

When juvenile justice systems make better use of objective tools that can assess what a young person might need to move past delinquency, and can analyze what is working in the system to help youth change their behavior, systems can shift to a more cost effective, developmentally appropriate approach. Juvenile justice systems in Connecticut, Georgia, Massachusetts, Michigan, Missouri, New York, North Carolina, and Texas have all made better use of tools to help address the individual needs of youth and also manage resources more effectively.

THE SENSE OF URGENCY AROUND RAISING THE AGE

States that have raised the age have curbed overall costs, enhanced public safety, and successfully managed the change of absorbing 16- and 17-year-olds into the juvenile justice system by shifting towards a more developmentally appropriate juvenile justice approach.

When young people are in the adult justice system, young people and communities are less safe than they could be, and until these policies change, youth will continue to face challenges transitioning to adulthood because of their exposure to the adult justice system. This is why raising the age is such an urgent issue not only for youth and their

families, *but for anyone* concerned about improving the economy or enhancing public safety in states with lower ages of juvenile court jurisdiction.

Lawmakers should simply take the next step, change their laws, and embrace the tools now available to juvenile justice leaders around the country to shift towards a more developmentally appropriate approach to successfully absorb 16- and 17-year-old youth into the juvenile justice system. As has been shown in states that have already raised the age, legislative changes to ensure that young people are served by a juvenile justice system more attuned to their needs can be the first step towards a broader shift towards a developmentally appropriate approach that manages jurisdictional change and resources effectively.

In 2017, elected officials in Georgia, Michigan, Missouri, New York State, North Carolina, Texas, and Wisconsin will be considering legislation that could help these states achieve the kind of outcomes that Connecticut, Illinois, and Massachusetts have experienced due to raising the age for 16- and 17-year-olds.

Georgia, Michigan, Missouri, New York State, North Carolina, Texas, and Wisconsin do not lack a roadmap or examples of how to raise the age: *they simply need to pass legislation to raise the age as part of their ongoing shift towards embracing a more developmentally appropriate juvenile justice approach.*

More broadly, by continuing the shift to more effective developmentally appropriate juvenile justice approaches, states that have already raised the age, and those that are currently considering raise the age proposals, can curb overall costs, enhance public safety, and successfully manage the change of absorbing 16- and 17-year-olds into the juvenile justice system.

In *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*, the Justice Policy Institute will explore the process states took to raise their age of juvenile jurisdiction, and show how acts of legislation were part of a process to make the juvenile justice system more effective, fairer, and focused on keeping youth safe as they transition to adulthood.

TIMELINE: WHICH STATES RAISED THE AGE?

When and where were 16- or 17-year-olds absorbed into the juvenile justice system?

Of the tens of thousands of young people under age 18 who end up under adult court jurisdiction, most are there because the age of adult court jurisdiction for offenses (misdemeanors or felonies, or both) is either 16 or 17 years of age. While even those states that have already raised the age still have pathways allowing some youth who engage in certain behaviors to be transferred

to the adult system, five states have changed their laws so that 16-year-olds, 17-year-olds, or both are not automatically excluded from juvenile court jurisdiction simply because of their age. There are also seven states that are considering raise the age proposals in 2017 that would place 16-year-olds or 17-year-olds (or both) under the jurisdiction of the juvenile justice system.



● 7 states that previously automatically placed youth under adult court have raised the age.

● 7 states still automatically place 16- or 17-year-olds (or both) under adult court jurisdiction.





States that have passed legislation to raise the age:

Connecticut (2007 to 2012): The state passed legislation in 2007 to raise the age of juvenile court jurisdiction so that the presumption would be for 16- and 17-year-olds to remain in the juvenile justice system. The law was implemented in two stages: in 2010, 16-year-olds were incorporated into the juvenile justice system and in 2012, 17-year-olds followed.

Rhode Island (2007): In 2007, Rhode Island lowered its upper age of juvenile jurisdiction to 16 as a cost-saving effort, then four months later raised the age back to 17 after learning that placing such youth in the criminal justice system was not actually more cost effective.

Mississippi (2010): In April 2010, the state raised the age of juvenile court jurisdiction for most 17-year-olds charged with felonies. Seventeen-year-olds charged with misdemeanor offenses were already under juvenile court jurisdiction.

Illinois (2010 to 2014): The state passed a raise the age law in 2009 (effective in 2010) that created a presumption that 17-year-olds who engaged in misdemeanor behavior would fall under juvenile court jurisdiction, while the state would simultaneously create a plan to include felony behavior at a later time. In 2011, a law was passed commissioning a study on how Illinois could raise the age to include 17-year-olds charged with felonies. In 2013, Illinois passed legislation creating a presumption that 17-year-olds charged with felony-level offenses would fall under juvenile court jurisdiction, effective in 2014.

Massachusetts (2013): The Commonwealth of Massachusetts raised the age so that juvenile court is the presumption for all 17-year-olds except those charged with murder. The change was effective when the law was signed in September 2013.

New Hampshire (2014): In 1996, New Hampshire lowered the age of juvenile court jurisdiction so that 17-year-olds came under adult court jurisdiction. In 2014, the state passed a raise the age law placing 17-year-olds back under juvenile court jurisdiction, effective in July 2015.

"In 2007, Rhode Island lowered its upper age of juvenile jurisdiction to 16 as a cost-saving measure, then four months later changed it back to 17 after finding out that criminal justice was not less expensive than juvenile justice. Now, it seems evident that the tide is changing in favor of returning 16- and 17-year-olds to juvenile court jurisdiction."

-DR. MELISSA SICKMUND, DIRECTOR OF THE NATIONAL CENTER FOR JUVENILE JUSTICE, THE RESEARCH DIVISION OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES²¹

Louisiana (2016): Last year, Louisiana passed legislation placing 17-year-olds under juvenile court jurisdiction. In accordance with the law, as of July 2018, 17-year-olds charged with non-violent offenses (misdemeanors and felonies) will be included in the juvenile justice system, and as of July 2020, 17-year-olds charged with certain statutorily defined violent offenses will also be included in the juvenile justice system.

South Carolina (2016): Last year, South Carolina passed legislation moving 17-year-olds charged with misdemeanor and most felony offenses under juvenile court jurisdiction. The change will be fully implemented by July 1, 2019.

States that are considering legislation to raise the age:

In 2017, at least seven states will be considering legislation to raise the age of juvenile court jurisdiction for young people charged with either misdemeanors or most felonies (or in some cases, both). The change would apply to young people aged 16 or 17 years old, depending on the current law and the specific proposed legislation in each state. These seven states include: **Georgia** (for 17-year-olds), **Michigan** (for 17-year-olds), **Missouri** (for 17-year-olds), **New York State** (for 16- and 17-year-olds), **North Carolina** (for 16- and 17-year-olds), **Texas** (for 17-year-olds), and **Wisconsin** (for 17-year-olds).

1

STRATEGY 1: EXPANDING THE USE OF DIVERSION

“We’re trying to intercept kids before they get involved with the courts. We don’t want it to be the case that youth have to get arrested before they get help. We need to build some viable off-ramps from the highway to the juvenile justice system.”

– ELVIN GONZALEZ, FAMILY DIVERSION ADMINISTRATOR OF THE BERRIEN COUNTY TRIAL COURT, MICHIGAN²²

Juvenile justice systems working towards a more developmentally appropriate juvenile justice approach seek to ensure that when a young person comes into contact with law enforcement, he or she is not arrested nor formally processed by the justice system. Instead, these juvenile justice systems are seeking to hold youth accountable in ways that will help them move past delinquency in a cost-effective manner. Juvenile justice systems in Connecticut, Illinois, Louisiana, Michigan, Missouri, Mississippi, North Carolina, and Texas have taken steps to expand the use of pre-arrest and pre-adjudication diversion.

Every year, nearly one million youth are arrested²³ and nearly 95 percent of those arrests are for non-violent

offenses.²⁴ Research shows that a young person who is arrested or adjudicated has a greater likelihood of reoffending and being rearrested, which means he or she is more likely to experience deeper justice system involvement (being confined, placed out of the home, and ultimately, involved in the adult justice system).²⁵ Studies also show that having a formal conviction or adjudication makes it more likely that a young person will end up being confined or placed out of the home.²⁶ Additionally, an arrest record can negatively impact a young person’s employment well into adulthood. Pre-arrest and pre-adjudication diversion strategies provide meaningful opportunities to address a young person’s behavior outside the juvenile justice system, and avoid the harmful consequences of justice system involvement.

There is a difference between *pre-arrest* and *pre-adjudication* diversion, but both help youth avoid deeper penetration into the youth justice system.

Pre-arrest diversion is typically facilitated by giving law enforcement discretion to redirect an individual from the youth justice system before making a physical arrest, or allowing police to issue a citation (e.g., a ticket) in lieu of an arrest. Pre-arrest diversion may also include efforts to resolve behavior in a school setting, rather than resorting to referral to law enforcement and arrest, thereby avoiding the negative spiral of processes that can lead to deeper justice system involvement.²⁷ Pre-arrest diversion can also act as a safeguard against creation of a juvenile arrest record.²⁸

In some cases, juvenile justice systems use pre-adjudication diversion, in which case a youth is diverted back to the community by the courts: This process avoids a conviction, and prevents a young person from being needlessly put on probation, placed out of the home, or confined when his or her behavior could have been addressed in some other less invasive way. Pre-adjudication diversion can take many forms, including the use of community accountability courts, restorative justice, and other community-based services.²⁹ Although pre-adjudication diversion doesn't avoid the initial encounter with law enforcement, it does prevent potential negative future consequences due to deeper justice system involvement.

The purpose of diversion is not only to protect youth from deeper system involvement, but also to save systems money by reducing the use of expensive incarceration. One study of Florida's pre-arrest diversion initiative found that each time a youth was diverted from the formal justice system, it saved taxpayers between \$1,400 and \$4,600.³⁰

States that have raised the age and many states considering legislation to absorb 16- and 17-year-olds into their juvenile justice systems have taken steps to increase the use of pre-arrest or pre-adjudication diversion to reduce young people's justice system involvement.

Illinois significantly increased its reliance on diversion tactics for youth. In 2005, Public Act 93-0641 established Redeploy Illinois, a continuum of community-based, pre-adjudication diversion programs to divert youth who are at risk of deeper juvenile justice system involvement. In 2012, 6,373 Illinois youth were diverted by the legislative enactment of Comprehensive Community-Based Youth Services and 85 percent successfully returned home after program completion. An analysis from 2005 to 2014 found that the Illinois approach diverted nearly 60 percent of youth who came into contact with the juvenile justice system.

Similar to fiscal incentives used in Michigan, New York, North Carolina, and Wisconsin to grow more local options to serve youth at home, an annual appropriation through the Redeploy Illinois³¹ program was set up to help localities divert more youth—saving \$88 million in justice

system costs, according to Illinois analysts.³² While there remains a need for more available diversion options across Illinois, in two modestly sized counties—Ogle³³ and Peoria³⁴—a significant percentage of youth served by diversion programs avoided deeper justice system involvement.

“Although about 18,000 misdemeanor arrests were moved from adult to juvenile court in 2010, the total number of youth in the juvenile system actually dropped due to decreases in overall crime and juvenile arrests, as well as increased use of diversion options.”

—ILLINOIS JUVENILE JUSTICE COMMISSION³⁵

Connecticut has also made more zealous use of pre-arrest diversion: using state dollars, some localities implemented a school-based pre-arrest diversion program that linked youth with services to help them avoid deeper involvement in the juvenile justice system. A 2011 analysis of Connecticut's pre-arrest school-based diversion initiative showed that between 2010 and 2011, in-school arrest rates dropped 50-59 percent, in-school suspensions dropped nine percent, and out-of-school suspensions dropped eight percent.³⁶ In an effort to improve how schools and police respond to a young person's behavior, Connecticut passed a law in 2015 that requires school systems and law enforcement to develop memoranda of understanding with regard to school and police collaborations, and report to state agencies the variety of efforts schools are taking to address young people's behavior without use of suspension, expulsion, or arrest.³⁷ In 2016, Connecticut further increased its reliance on diversion approaches for behaviors that occur in schools by passing a law that eliminates both truancy and “defiance of school rules” as grounds for judicial intervention within the Families in Need of Services system, thereby reducing the number of young people who can be charged with status offenses and potentially penetrate into the deeper end of the system.³⁸

At least one-third of all juvenile cases in Connecticut are handled and successfully resolved in a non-judicial manner, usually by a referral from probation before the case is brought to a judge.

Connecticut's diversion approach also includes Juvenile Review Boards—panels comprised of volunteers, police, school, and juvenile justice system staff who work to resolve a youth's case without a formal arrest or adjudication. Youth may be required to engage in substance abuse treatment, pay restitution to the victim and/or write a letter of apology, or engage in other activities that resolve the case without a formal adjudication.³⁹

In Louisiana, which passed raise the age legislation in 2016, local efforts to increase diversion have been ongoing since before the state raised the age. Jefferson, Calcasieu, and Lafayette Parishes have all taken specific steps to provide more access to pre-adjudication diversion. The Jefferson Parish District Attorney's Office established pre-adjudicatory community accountability services, such as school-based conflict resolution programs, a restorative justice strategy that diverts youth for behaviors common to many young people (e.g., engaging in a fight). In 2014, the program diverted 500 students from juvenile court involvement, with the goal of keeping more young people in school.⁴⁰ A legislatively authorized study preceding the passage of Louisiana's raise the age legislation in 2016 called for the juvenile justice system to continue to expand diversion options.⁴¹

North Carolina has taken the initiative to improve its pre-adjudication process by actively engaging the youth and his or her family to create a pathway for diversion. State law allows local justice systems in North Carolina to develop diversion programs for youth, the availability of which varies across the state. In some communities, if a youth complies with the individualized diversionary plan offered by the court—something that may include mediation, counseling, or teen court⁴²—he or she can avoid deeper justice system involvement. In the latest analysis from 2011, 76 percent of those youth who completed a diversionary plan had no formal juvenile

complaints filed against them within two years of initial processing.⁴³ In 2015, the proposed raise the age law included the establishment of urban and rural diversion pilot projects to expand avenues to address young people's behavior before they are formally processed by the justice system.⁴⁴

As part of Mississippi's raise the age legislation in 2010, youth courts were granted the ability to use informal adjustments—as opposed to formal adjudications—for some offenses as a diversion approach to help youth avoid deeper justice system involvement.⁴⁵

Missouri's Division of Youth Services offers roughly 4 million dollars in the form of an Incentive Subsidy Program to local juvenile courts to develop and operationalize diversionary programming throughout the state.⁴⁶

Michigan,⁴⁷ New York,⁴⁸ and Texas⁴⁹ have taken steps to expand their ability to divert significant numbers of young people in some of the largest counties and cities that send the most youth to the statewide justice system. Texas has taken significant steps to document cases of youth who end up in the justice system because of behavior in schools, and has changed some policies related to school referrals, which has resulted in the expansion of diversionary approaches.

In short, juvenile justice systems across the country are working towards a more effective developmentally appropriate approach that includes pre-arrest and/or pre-adjudication diversion as means to hold young people accountable for their behavior while reducing their justice system involvement. Increased reliance on diversion can make a juvenile justice system more effective overall, reduce costs, and help states absorb 16- and 17-year-olds into their youth justice systems.

2

STRATEGY 2: MAKING PROBATION AND AFTERCARE APPROACHES MORE EFFECTIVE

“While I can’t claim innocence, far from it in fact, I found myself having become a victim of the system. My only ‘help’ came from two juvenile probation officers. Their advice was to ‘tell them (police) what they want to know.’”

–17-YEAR-OLD, MISSOURI⁵⁰

Instead of simply keeping an eye on youth or making them follow the rules, more developmentally appropriate probation and aftercare focuses on engaging a young person in behavior change, partners with community-organizations, works with families, and limits the likelihood a young person’s supervision will be revoked. Juvenile justice systems Connecticut, Georgia, Illinois, Louisiana, Missouri, Mississippi, and New York have implemented changes to make their probation or aftercare approaches more effective.

National estimates show that 305,300 youth are placed on juvenile probation following a delinquency adjudication,⁵¹ and 100,000 youth return from a juvenile facility each year, each of whom is supposed to receive some form of aftercare in the community to help them move past delinquency.⁵²

Whether youth are on probation, in aftercare, or being managed in the community pretrial by juvenile probation staff, if a jurisdiction’s approach to community supervision is not effective, young people may become more entangled in the justice system and end up being detained, placed out of the home, confined or re-confined. A more effective approach to community supervision is not only better for youth, but also saves taxpayers money on incarceration and crime costs: when community supervision is more effective, research shows that youth placed on probation are less likely to commit a new crime than those placed in a residential facility,⁵³ and young people receiving the right aftercare approach are less likely to return to a facility or reoffend.⁵⁴

While community supervision is cheaper than confinement, probation and aftercare approaches that are solely focused on conditions— whether a youth is making a curfew, keeping an appointment, fulfilling restitution and community supervision obligations—are not, in themselves, effective at helping a youth succeed and can end up costing more in the long run.⁵⁵

A more effective approach to probation and aftercare supervision engages a young person in a process of behavior change: the better approach is more therapeutic rather than control oriented, matches interventions to the specific assessed risk and needs of a young person, and involves meaningful partnerships between the justice system

and nonprofits in order to connect youth to appropriate services while keeping them at home.⁵⁶ The goal of this approach is to get a young person the right service at the right level of intervention, and to give youth the tools they need to move past delinquency.⁵⁷

States that have raised the age or are on the cusp of change have seen more young people served effectively at home by moving away from control and punishment models of probation and aftercare, and instead shifting their supervision practices to engage the young person in a change process with the community.

Connecticut changed its community supervision approach to prohibit young people from being detained or re-committed to a facility based simply on a technical probation violation, and instituted a set of graduated incentives for probation officers to use to help young people change their behavior and reduce the number of youth revoked and re-incarcerated. Connecticut's approach to juvenile probation also shifted to rely more on counseling and treatment, allowing more youth to be at home, and in turn reducing the number of youth confined or placed out of the home.⁵⁸ Connecticut developed centers around the state that offer increased individual or group programming for young people on probation—when appropriate—and reduce reliance on a residential setting.

Louisiana's Office of Juvenile Justice and some parishes that provide juvenile probation have been working to improve their community supervision approach. Overall reduced caseloads can better equip the juvenile justice system to individually tailor its supervision approach to each youth, and improve the chances a young person will connect to services based on their assessed needs. According to one accounting of the impact of these changes, "probation reform activities in targeted sites like Calcasieu and Jefferson parishes have resulted in a 37 percent to 43 percent reduction in probation caseloads."⁵⁹

The specific changes some local probation departments have been working towards in Louisiana parishes include improving how assessment and screening tools are used to develop better plans for serving a young person in the community. The Office of Juvenile Justice, which operates probation at a state level, and the Juvenile Detention Alternatives Initiative sites with local probation have also

developed a graduated-response grid, which gives probation officers concrete options to use instead of revoking a youth to costly confinement if they are not compliant or need a more intensive approach.

Jefferson Parish focused on its administrative coordination of the probation process in order to actively engage youth and better match them to services, while also developing data collection systems to study and improve the approach.⁶⁰ Jefferson Parish reported a recidivism rate of 53 percent for youth on probation in 2009, which dropped to 20 percent in 2012, after changes were implemented.⁶¹ More recently, Jefferson Parish's Department of Juvenile Justice received technical assistance from the Juvenile Detention Alternatives Initiative, focused on how to improve case planning by shifting away from simply enforcing court orders to increasing collaboration with families.

"The largest impact [of raising the age] would be on probation at 294 additional youth at a time. But, it is likely [Louisiana] can absorb that [consequence]. In 2013, the Institute for Public Health and Justice reported that probation caseloads were at a historic low and continuing to fall dramatically. Dr. Mary Livers, [head of the Office of Juvenile Justice], similarly reported falling juvenile probation caseloads in December of 2014. In 2011, there were 608 fewer youth on probation than just four years before."⁶²

“By increasing probation’s ability to access interventions that have been demonstrated in research to be effective with the high-risk juvenile probation population, probation can reduce future delinquency and crime, detention, placement, and incarceration.”

—NEW YORK STATE OFFICE OF PROBATION AND CORRECTIONAL SERVICES⁶³

“Some of these kids need to get the hell out of my office and we need to not touch them because all government touches, just like all social services touches, aren’t good touches. They almost all have unintended side effects.”

—VINCENT SCHIRALDI, FORMER COMMISSIONER, NEW YORK CITY DEPARTMENT OF PROBATION⁶⁴

In New York State, 16 percent (270 youth) of the young people confined by the Office of Children and Family Services were confined because of technical violations in 2014.⁶⁵ Some of New York State’s local probation departments worked towards improving their community supervision approach with the development and use of Juvenile Risk Intervention Services Coordination (JRISC). Active in seven counties,⁶⁶ JRISC was designed to help juvenile probation officers address the risk and needs of young people and reduce recidivism among youth at either the diversion or probation supervision stage. JRISC also

seeks to help probation departments move to an approach that is more home-based and broadly focused on meeting the needs of the entire family during the process. The New York City Department of Probation—the largest probation department in the state—has been working to improve its approach in order to reduce young people’s justice system involvement. In the past, the department focused more on identifying the shortcomings of a youth and less on their strengths. Now, New York City is embracing a probation approach that builds a young person’s assets through a strengths-based focus.⁶⁷ To increase the chances that a young person will connect to the appropriate supports in his or her community, New York City began using a validated assessment tool to improve the accuracy, consistency, and efficiency of the officers’ approach to managing youth.⁶⁸ During the time New York City was moving towards an improved juvenile probation approach, from 2009 to 2012, there was a 45 percent decrease in violation rates.⁶⁹ By 2012, the New York City Department of Probation’s violation rate was just 3.1 percent, compared to a statewide violation rate of 11 percent.⁷⁰

Today in New York City, a much lower proportion of young people who face a probation violation end up in secure detention (e.g., a detention center) versus non-secure detention options, which can include group home settings situated throughout the city that are run by nonprofits.⁷¹ Like Jefferson Parish, New York City is currently receiving technical assistance from Juvenile Detention Alternatives Initiative on how probation can more effectively work with families.

Resulting from the settlement of a lawsuit brought by the U.S. Department of Justice, Mississippi’s Division of Youth Services changed its probation practices in 2015. Along with now requiring probation staff to give youth age-appropriate explanations of their rights and the probationary process, the division is shifting to an approach designed to avoid probation violations that could lead to re-incarceration until all other reasonable available alternatives have been exhausted.⁷²

St. Louis County, a large population county in Missouri, has worked to keep youth who violate probation out of pretrial

juvenile detention by implementing an administrative sanction grid and carefully scrutinizing all requests to re-incarcerate a young person.⁷³

Texas has made progress in connecting young people to a program when they are on probation: in 2005, 44 percent of youth under community supervision were connected to a service, compared to 57 percent in 2012.⁷⁴

In Georgia, the Department of Juvenile Justice and local probation were authorized legislation passed to establish administrative caseloads—something that reduces a young persons' needless contact with the justice system.⁷⁵

Along with improvements to probation, a number of juvenile justice systems that have raised the age have also improved their approach to aftercare.

Prior to 2015 in Illinois, a young person in aftercare following an Illinois Department of Juvenile Justice (IDJJ) commitment may have been on community supervision longer than an adult would have been for the same offense—something that would needlessly expose a youth to the potential harms of a longer supervision term than actually needed to help a young person connect to community resources. In 2015, Illinois legislators limited the length of time a young person is on aftercare to be proportionate to what an adult might experience for a similar offense. That same year, Illinois legislators also reduced the number of young people who end up in IDJJ with pending criminal charges, but who might be better served by being under county supervision until the charge is resolved.⁷⁶

DJJ worked to improve the Illinois' approach to aftercare supervision across the state as part of an overall strategy to reduce the length of stay of young people in facilities, reduce reliance on confinement, and increase the number of youth in the community. IDJJ instituted aftercare specialist positions that connect youth to mental health treatment and educational and vocational services to increase the chances young people succeed when they return home.

As opposed to a decade ago, the proportion of Illinois youth monitored in the community versus inside a youth facility has almost doubled, and the number of youth on aftercare

has also fallen significantly. Between 2004 and 2015, the average daily population in IDJJ facilities dropped 56 percent.⁷⁷

Connecticut improved its aftercare approach through a partnership between the state's Department of Children and Families (the child welfare system) and the Court Support Services Division (CSSD). One area of Connecticut's aftercare focus was gender-specific services.⁷⁸ The state established targeted aftercare programming for girls, including gender-specific parole supervision for girls returning home from state custody; a network of private agencies operating gender-specific group homes; and creation of specialized girls-only probation units concurrent with the establishment of various community-based alternatives to avoid unnecessary contact with the youth justice system.⁷⁹ From 2006 to 2012, the detention admission rate for girls declined 36 percent, while the boys' detention rate went down 25 percent.⁸⁰

By moving juvenile justice probation and aftercare away from a narrow focus on compliance to an approach that engages a young person in behavioral change, and by partnering with community organizations that can limit a young person's justice system involvement, jurisdictions increase their capacity to serve all youth—including 16- and 17-year-olds—more effectively.

“The data coming out of Texas showed us, for the first time, how much better kids do closer to home. It also showed us that additional investment in probation and treatment alone doesn't translate into reduced recidivism among youth under community supervision. We need to make sure the services and supports we provide youth in the community are grounded in the latest research.”

—SUSAN BURKE, UTAH'S DIRECTOR OF JUVENILE JUSTICE SERVICES⁸¹

3

STRATEGY 3: ADDRESSING YOUNG PEOPLE'S MENTAL HEALTH NEEDS OUTSIDE THE DEEP END OF THE SYSTEM

Question: What is/was your experience as a 17-year old in the adult system?

"My experience in adult prison is a very mental straining experience. Having to worry about not getting taken advantage of, set up, physically abused is a very scary thought. I do not have the mentality that most of these women have to know how to survive in prison."

—A 17-YEAR-OLD, IN A MISSOURI JAIL⁸²

A more effective and developmentally appropriate juvenile justice approach connects youth to community-based mental health services and helps youth get the treatment they need in a way that does not deepen their justice system involvement. Juvenile justice systems in Michigan, Texas, and Wisconsin have mechanisms to address young people's mental health needs outside the deep end of the system.

While about one in five young people ages 13 to 18 will face a mental health challenge at some point during their adolescence, most of these conditions can be addressed through treatment or therapy that allows a youth to remain with a guardian and at home.⁸³ When a young person's mental health challenges are not addressed, they can become more severe and lead to lifelong consequences. When a youth with a mental health challenge comes to the attention of law enforcement and courts, he or she may end up in the justice system when a more cost effective, community-based approach could have addressed his or her needs earlier on, thereby avoiding detention or confinement. Not accounting for the severity of the condition a young person might face, some have estimated that 70 percent of youth in the juvenile justice system are affected with a mental health challenge at some point,⁸⁴ compared to 20 percent of youth in the general population.⁸⁵

Jurisdictions that address young people's health needs in the community in turn keep more young people out of the deepest end of the juvenile justice system. Through this approach, states and localities partner with public health systems to connect youth who are diverted, on probation, in aftercare, or in a detention alternative with treatment while they are at home or in their home community.

Such approaches to addressing a young person's mental health needs outside the justice system are also more cost effective than pushing youth deeper into the justice system: more of these services can be funded by federal funding streams or state-based health funding streams than those services provided within juvenile justice facilities.⁸⁶ In other words, addressing a young person's mental health challenges in the community is a way to save taxpayers money and reduce reliance on more expensive options that needlessly deepen a young person's justice system involvement.

States that raised the age or are close to legislative change have developed various approaches to lessen youth's justice system involvement by addressing a young person's mental health needs either outside of the formal justice system or at different stages along the juvenile justice continuum.

In Massachusetts, the Youth Advocacy Department (the public defender office) uses social workers and education advocates as part of its defense team, and Massachusetts is among a few states that have a statewide juvenile court clinic system that provides access to mental health clinicians for evaluations and guidance in every juvenile court.

"When more states keep youth from being unnecessarily confined to access treatment, everyone benefits. Rather than burdening overstretched systems, we can strengthen them while better providing for kids, families and communities."

—JOSEPH J. COCOZZA, PH.D., FOUNDER AND FORMER DIRECTOR, NATIONAL CENTER FOR MENTAL HEALTH AND JUVENILE JUSTICE⁸⁷

While Texas has not yet raised the age, the state has expanded ways to keep young people with mental health challenges out of the deepest end of the justice system. Youth experiencing a mental health challenge in Texas might qualify for the Front-End Diversion Initiative (FEDI). This pre-adjudication diversion program targets youth with mental health needs to reduce their encounters with the formal justice system by establishing an individualized supervision plan designed to address a particular treatment need. In 2012, only 7.7 percent of the youth diverted under FEDI were adjudicated and FEDI youth were 11 times more likely to avoid reoffending. The FEDI approach gives youth, the community, and case managers⁸⁸ tools to address a young person's mental health needs while reducing his or her justice system involvement.⁸⁹

Texas also took steps to provide options for the juvenile justice system to address a young person's mental health challenges outside of one of its few remaining state-run secure facilities. In 2010, 1,400 youth were served by the Special Needs Diversionary Program, which seeks to keep youth with mental health challenges from being removed from their homes or placed in a state-run juvenile facility.⁹⁰ A recent analysis showed that 73 percent of the youth served by the Special Needs Diversionary Program experienced reductions of mental health symptoms and reoffended less often.⁹¹

The state of Texas and some Texas counties have also established a "system of care": a strategy to help youth and families access services facilitated by behavioral health agencies⁹² in 59 counties across the state.⁹³ The system of care model focuses on reducing juvenile justice system involvement by connecting youth and families to services, including mental health treatment, additional support so that a young person can remain in school, and support for the young person's family.⁹⁴ Systems of care help save taxpayers money by harnessing the resources of health funding streams to keep young people out of the deep end of the juvenile justice system, and address young people's needs in a more cost-effective way than confinement.⁹⁵

“If you only have a hammer, you see every problem as a nail. Given the disproportionately high number of juveniles who enter the system with an unmet mental health need, states and local jurisdictions must change the tools they make available to supervising juvenile probation officers.”

–ERIN ESPINOSA, PH.D., RESEARCH ASSOCIATE, TEXAS INSTITUTE FOR EXCELLENCE IN MENTAL HEALTH IN THE SCHOOL OF SOCIAL WORK AT THE UNIVERSITY OF TEXAS AT AUSTIN⁹⁶

A number of Michigan counties have developed ways to address young people’s mental health challenges outside of the deepest end of the justice system in a more cost-effective way. Wayne County, which encompasses Detroit, developed a community-based mental health treatment approach for justice-involved youth through the development of a Care Management Organization and assessment centers that link dozens of nonprofits together to deliver treatment and other services to youth and families in their home communities. Wayne County’s approach helps assess young people’s needs—including their mental health and associated needs—early on in their justice system involvement.

The Wayne County model is credited with helping Michigan’s largest county reduce the number of youth placed in public training school facilities (i.e., youth facilities) from 731 in 1998 to just two in 2010.⁹⁷ As Wayne County focused on treating more of young people’s mental health issues outside the deepest end of the justice system, recidivism rates dropped from 56 percent in 1998 to 17.5 percent in 2012.⁹⁸ Wayne County has been able to lower taxpayer costs through its model by reducing reliance on juvenile confinement options that are solely paid for by the state; instead, the county relies on pooled health and child welfare services that share their costs with the federal government.⁹⁹

Similarly, Berrien County, Michigan reduced its out-of-home placement from 125 in 2001 to 40 in 2015 by working with law enforcement, mental health, and child welfare agencies to care for youth with related issues outside of the deep end of the juvenile justice system.¹⁰⁰

Wisconsin is currently considering a proposal to raise the age of jurisdiction for 17-year-old youth. The state’s largest county has developed a treatment infrastructure to address young people’s mental health needs outside the deepest end of the justice system. Under the Wraparound Milwaukee model, Milwaukee County (which includes Wisconsin’s largest city, Milwaukee), uses a blended funding model, combining local, state, and federal dollars to reallocate funding that typically is directed towards the most expensive part of the mental health and juvenile justice systems—residential treatment.

These resources are redirected towards a community-based system of care approach to work with youth in the justice and child welfare systems who have mental health issues.

Youth who might otherwise be served by more traditional child welfare or juvenile justice services are connected to community partners who develop a plan based on the individualized needs of the youth, including treatment and support for his or her family.

In 2015, of the youth served by Wraparound Milwaukee for whom discharge information was available, 92 percent had achieved “permanency,” meaning they were living at home, adopted, placed with a relative, placed in a subsidized guardianship, or in sustained care. Just over 10 percent of youth in Wraparound Milwaukee had a new, referred offense after enrollment (a reoffense rate much lower than what is typical for youth who are confined), with reoffending dropping off significantly the longer a young person was active in the program.¹⁰¹ And, youth in Wraparound Milwaukee attend school approximately 86 percent of the time.

The Wraparound Milwaukee model also saves taxpayers money. Compared with more expensive psychiatric hospitalization (\$38,100 per client monthly cost) or residential care (\$10,050), the average cost of

Wraparound Milwaukee per month per youth is \$3,124.¹⁰² Because Wraparound Milwaukee allows youth to remain at home and address mental health issues outside of an institutional setting, it is also able to draw down health system funding streams (including those costs shared with the federal government), rather than relying solely on state juvenile justice funding.¹⁰³

Milwaukee, Wisconsin and Wayne County, Michigan have not only succeeded in effectively addressing more young people’s mental health needs outside the justice system, they have also saved significant taxpayer dollars. The biggest counties in Michigan and Wisconsin—two states that will likely consider raise the age legislation in 2017—have both developed local models that greatly reduce the use of confinement or out-of-home placement for youth, especially those with mental health needs.

4

STRATEGY 4: REDUCING THE USE OF PRETRIAL DETENTION

“The state's detention centers are a revolving door. It's clear that our current system is putting too many juveniles on a path to becoming career criminals. It's expensive, it's not working, and it's time to change.”

– FORMER POLICE CHIEF LLOYD PERKINS
SKANEATELES, NEW YORK, FORMER PRESIDENT
OF THE NEW YORK STATE ASSOCIATION OF
CHIEFS OF POLICE¹⁰⁴

Reducing the number of youth who are incarcerated before trial helps a juvenile justice system operate more effectively, and helps young people avoid the negative consequences associated with detention. Reducing young people's exposure to pretrial detention helps reduce the likelihood a youth will reoffend and end up placed out of the home or confined—all of which reduces taxpayer costs. Juvenile justice systems in Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, and New York have taken measures to reduce the use of pretrial detention.

In 2013, 17,800¹⁰⁵ youth were detained in a juvenile facility on a given day pending trial, and because the population of youth who are detained turns over during a year, there are estimates that hundreds of thousands¹⁰⁶ of youth may experience pretrial detention on an annual basis. While there may be a valid reason to detain a young person pretrial if he or she is at risk of flight or poses a significant public safety risk, the vast majority of young people who are arrested can be released pending their court hearing, and various approaches exist to make sure that young people show up to court.

There are number of reasons why a more developmentally appropriate juvenile justice approach detains as few youth as possible.

First, compared with the range of other ways systems can ensure that a young person shows up to court, pretrial detention is expensive. Over the course of twenty years, a single detention bed can cost the public between \$1.25 million and \$1.5 million, or \$32,000 to \$65,000 per year.¹⁰⁷

Second, research shows that pretrial detention can have a whole series of negative consequences: youth who are detained pretrial are more likely to reoffend than youth who are not detained; physical and mental health conditions often worsen during detention, and youth who are detained can face significant challenges reconnecting to school, getting a job, and staying employed.¹⁰⁸

One analysis found that 60 percent of detained youth drop out of school within five months after release, and one out of three young people who experience depression after detention actually developed the condition *after* placement in detention.¹⁰⁹

Research on the impact of pretrial detention in both the juvenile and adult arenas shows that even if a young person only spends a few nights in detention, it can make it harder for him or her to transition to adulthood, and increases the chance that he or she will ultimately end up confined or placed out of the home.¹¹⁰ One study found that among adults who were detained for the entire pretrial period were four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison than individuals who were released during the pretrial period.¹¹¹ Youth who are detained pretrial are 8.5 percent more likely to be adjudicated delinquent and twice as likely to reoffend than those who are not detained.¹¹² In Florida, a study compared youth with similar backgrounds and found that those who were detained were three times as likely to end up in correctional facilities than those who were kept in their communities pre-adjudication.¹¹³

Because of the negative impact pretrial detention has on young people's individual trajectories and public safety more broadly, local and statewide juvenile justice systems in 300 counties and 39 states are working to implement components of the Juvenile Detention Alternatives Initiative (JDAI)—an effort that seeks to reduce overall pretrial detention while systematically strengthening juvenile justice systems through a combination of strategies.¹¹⁴

Reducing pretrial detention has an impact on the use of confinement and out-of-home placement because effective detention alternatives focus on ensuring that most youth remain at home, thereby avoiding all the negative consequences of pretrial detention while also connecting young people to necessary services. Jurisdictions that engage in detention reform implement objective screening or risk assessment procedures to help sort out the few youth who might need to be detained,

and identify youth who can remain at home with various supports to ensure school and court attendance and address broader family needs. Pretrial detention reforms help clarify and improve criteria for sending youth to out-of-home placements and centralize the decision-making process. Once jurisdictions experience successful outcomes in reducing pretrial detention, they build an appetite to advance broader reforms that can reduce the number of youth who are confined.¹¹⁵

A number of jurisdictions that raised the age or are considering raise the age legislation have engaged in significant work to reduce the use of pretrial detention for youth, setting the stage for additional reforms that limit out-of-home placement and confinement.

In *Beyond Detention: System Transformation through Juvenile Detention Reform*, the Annie E. Casey Foundation, which created JDAI, showed that efforts to reduce pretrial detention coincided with reduced confinement and out-of-home placement. Multnomah County, Oregon; Santa Cruz, California; and Cook County, Illinois, which are also identified as model sites for detention reform, all experienced reductions in pretrial detention that were matched by reductions in post-adjudication confinement or out-of-home placement.¹¹⁶ Outcomes like these encouraged the Annie E. Casey Foundation to expand its JDAI work to focus on the deep end of the system, helping sites reduce reliance on confinement and out-of-home placement.¹¹⁷

A number of jurisdictions that raised the age or are considering raise the age legislation have engaged in significant work to reduce the use of pretrial detention for youth, setting the stage for additional reforms that limit out-of-home placement and confinement. JDAI sites currently include large population cities or counties in

several states that have raised the age (e.g., Illinois, Louisiana, Massachusetts), as well as states that are considering raise the age legislation in 2017 (e.g. Georgia, Missouri and New York).

Cook County, Illinois (Chicago) was part of the original JDAI pilot program; between 1992 and 2013, the average daily population of the county's pretrial detention system dropped 63 percent.¹¹⁸ Today, Illinois has six counties and three judicial courts participating in JDAI. In Chicago, juvenile arrests declined nearly 43 percent between 2009 and 2014, simultaneous with the city's work to reduce its reliance on pretrial detention.¹¹⁹

"I think that the research has shown that it's better for the young people to be in smaller facilities that are closer to the communities in which they live. ...The less like a prison you can make the detention for the young people, the better off they are. ...You don't want the Juvenile Temporary Center to be a pipeline to the Department of Corrections."

—COOK COUNTY BOARD PRESIDENT
TONI PRECKWINKLE¹²⁰

Connecticut has also experienced declines in the use of pretrial detention for youth. The average daily population in the state's detention centers dropped from 132 youth in 2006 to 67 in 2015.¹²¹ The combined yearly admission to both the Bridgeport and Hartford detention centers dropped 19 percent from 2014 to 2015 (2,201 youth down to 1,782).¹²²

Mississippi raised the age for 17-year-olds convicted of felonies in 2010. Two years before Mississippi passed its

raise the age law, JDAI expanded in five counties across the state. Between 2007 and 2013, there was a 42 percent decrease in the rate of use of out-of-home placement, pre- and post-adjudication.¹²³ Between 2009 and 2012, Mississippi's five JDAI counties also experienced a 65 percent decrease in confinement and out-of-home placement.¹²⁴

In 2006, Massachusetts' Department of Youth Services (DYS) joined JDAI. Between 2007 and 2014, DYS experienced a 54 percent reduction in statewide admissions of youth to pretrial secure detention facilities, and a 52 percent decrease in detention bed occupancy.¹²⁵ These declines persisted after Massachusetts raised the age in 2013, with continuing reductions in the number of youth detained or committed after an adjudication in every year since the change.

Over the past decade, three out of the four largest population counties and the biggest city in Missouri stepped up their efforts to reduce the number of young people detained pretrial. Over a number of different timeframes this decade, Greene, Jackson, and St. Louis counties and the city of St. Louis reported reductions in the number of young people admitted to detention facilities, shorter lengths of stay in youth detention facilities, and lower average daily populations of young people in pretrial detention.¹²⁶ Jackson County (which includes Kansas City, Missouri) reported that as it reduced use of pretrial detention and more youth were served in the community, the juvenile justice system's reliance on deep-end placements also fell, and the capacity at its commitment facility was reduced.¹²⁷ Today, JDAI is active in 34 counties across 17 judicial districts in Missouri.

States that more recently passed raise the age laws or are currently considering raise the age legislation have also engaged in significant work to reduce the number of youth in pretrial detention.

As part of JDAI, Louisiana, which raised the age in 2016, has worked towards limiting its reliance on pretrial detention, and between 2006 and 2013, the number of youth committed to out-of-home placement declined 35 percent.¹²⁸

Many New York State localities are reducing use of pretrial detention. In 2010, JDAI was active in six New York counties; since 2010, statewide pretrial detention use has declined 38 percent with more dramatic decreases in certain areas, most notably in Albany (44 percent), Monroe (67 percent), and Nassau (69 percent).¹²⁹

This means that as New York State prepares to pass raise the age legislation and as Louisiana implements its raise the age law, both states have already reduced their reliance on detention, out-of-home placement, and confinement, creating the capacity within their local juvenile justice departments to manage youth in the community and successfully absorb older youth into the juvenile justice system.

Some Georgia counties have been advancing efforts to reduce pretrial detention for more than a decade. The sixth biggest county in Georgia, Clayton County, became a JDAI site in 2003, and has since seen an 80 percent decrease in their average daily detention population. Outcomes like these led Georgia Governor Nathan Deal to establish a State Steering Committee for the JDAI. The committee is working to expand JDAI efforts to counties throughout Georgia.¹³⁰

Consistent with the fact that raising the age of jurisdiction can catalyze review and reform of a variety of juvenile justice practices, raising the age in Illinois helped stakeholders focus on systemic and legislative strategies to reduce the number of young people detained pretrial.

Before Illinois raised the age, Cook County stakeholders were told that if the state raised the age for youth charged with felonies, the county's pretrial detention center might see over 100 additional youth on any given day.¹³¹ Analysts predicted that the principal driver of this increase would stem from prosecutors transferring over 100 more 17-year-olds to the adult system using other legal pathways, and these 100-plus youth would end up spending more time in detention because of the nature of their charge. Stakeholders sought to address this challenge by further narrowing Illinois' transfer laws by reducing prosecutorial discretion: legislation supported by the Cook County Board President gave Illinois judges more authority to review whether a young person under age 15, or any youth charged with certain offenses should have his or her case transferred to adult court simply by a prosecutor's decision.¹³²

When facing similar challenges to what Cook County navigated, judges, prosecutors, and defenders can create case processing agreements in order to guide how a transfer case should be handled, with the goal of detaining as few youth for as little amount of time possible.

Many states have already shown that reducing the use of pretrial detention helps improve the effectiveness of the whole youth justice system, including implementation of a juvenile court age of jurisdiction change.

"We know that many of us made mistakes as kids, but most of us were in forgiving environments. Once a kid is labeled a criminal, it is very difficult for him or her to escape the stigma and to reach his or her full potential. It does not make sense to treat all 16- and 17-year-olds as adults when the science and our own common sense tells us that that is too early."

—ROY L. AUSTIN, JR., FORMER DEPUTY ASSISTANT TO THE PRESIDENT, OFFICE OF URBAN AFFAIRS, JUSTICE AND OPPORTUNITY, DOMESTIC POLICY COUNCIL¹³³

5

STRATEGY 5: REDUCING RELIANCE ON FACILITIES AND FOCUSING RESOURCES ON COMMUNITY-BASED APPROACHES

“When we lock up a child, not only are we wasting millions of taxpayer dollars, we’re setting him or her up for failure in the long run. The system as it exists now is unfair to everyone involved and needs to be changed.”

– SENATOR CHRISTOPHER MURPHY
(D-CONNECTICUT)¹³⁴

By shifting towards a more developmentally appropriate juvenile justice approach that keeps more youth at home or in their home communities, juvenile justice systems that are raising the age are better able to refocus resources to serve more youth in a more cost-effective way. Juvenile justice systems in Connecticut, Georgia, Illinois, Massachusetts, Mississippi, Missouri, Michigan, New York, North Carolina, Texas, and Wisconsin have all taken steps to reduce reliance on facilities and focus resources on community-based approaches.

There were half as many young people confined or placed out of the home 2013 as there were in 1997.¹³⁵ One reason why jurisdictions are now relying less on costlier out-of-home placements or confinement is because of increased reliance on community-based approaches. Rather than narrowly relying on removing a youth from the home, a number of juvenile justice systems have begun to see the positive financial and developmental outcomes stemming from use of multiple strategies to supervise more youth in the community. These community-based approaches are explicitly designed to reduce young people’s incarceration, develop options to help juvenile justice stakeholders reduce reliance on confinement, and save taxpayers money.

By creating options that steer youth away from the deepest end of the juvenile justice system, these community-based approaches also create the capacity for the system to serve young people once under adult court jurisdiction.

Across the U.S., the strategies used to expand community-based approaches have varied. However, raise the age states share a common set of strategies, including *developing fiscal incentives* to expand ways to serve youth locally, *shortening a young person’s length of stay* in the system, *prohibiting the confinement of young people for certain behaviors*, and *reallocating money by closing facilities* and serving youth locally.

STRATEGIES TO EXPAND COMMUNITY-BASED APPROACHES:

1. **Fiscal incentives:**

When state juvenile justice departments allocate more money to a county, court, or community-based organization to serve youth who might otherwise be confined or placed out of the home, it incentivizes an expansion of community-based approaches. Fiscal incentives have been used in states that have already raised the age, like Illinois, as well as states that are considering raise the age legislation in 2017, like Michigan, New York, North Carolina, Texas, and Wisconsin. Whether they have raised the age or are about to, these states are successfully using fiscal incentives to reduce taxpayer costs and serve more youth in less expensive settings.

2. **Shortening length of stay:**

When juvenile justice systems reduce the amount of time that a young person is confined or placed out of the home, it means that youth returns home faster. Some systems have tied shorter length of stay to improved aftercare approaches, reducing their use of more expensive, less effective options. Connecticut, Illinois, Massachusetts, Michigan, New Hampshire, New York, and Texas have all taken steps to shorten young people's length of stay, increasing the system's capacity to absorb other youth populations, and focusing the system on the most effective, least expensive ways to serve a young person.

3. **Prohibiting the confinement of young people for certain behaviors:**

When juvenile justice systems change laws, policies and practices to bar the commitment, or the confinement of youth for certain kinds of offenses or behaviors, they reduce the number of youth that can penetrate the deepest end of the juvenile justice system. Over the past decade-and-a-half, Connecticut, Illinois, New Hampshire and Texas have barred the commitment of youth to state-run justice systems, or barred the confinement of youth for certain behaviors.

4. **Reallocating money by closing facilities:**

Juvenile justice systems that have increased their use of community-based approaches have simultaneously been able to reduce their use of juvenile facilities—the most expensive options—and reallocate those dollars to strategies to serve youth at home.¹³⁶ After Ohio closed eight facilities, the proportion of the state Department of Youth Services budget spent on facilities declined from 52 percent to 38 percent.¹³⁷ Between 2007 and 2011, Texas redeployed over \$100 million it was spending on the department responsible for the operation of state-run facilities to various fiscal incentives or local systems to serve youth in their home counties.¹³⁸ The Annie E. Casey Foundation reports that 52 facilities closed across 18 states between 2007 and 2011, showing that systems across the country have had an opportunity to reallocate money within their juvenile justice budgets as part of their shift to a more developmentally appropriate juvenile justice approach.¹³⁹

Juvenile justice systems that are raising the age can use these four strategies to reduce reliance on confinement and out-of-home placement, and increase the use of community-based approaches for youth who have been adjudicated delinquent—also then allowing absorption of older youth in a more cost-effective way.

Illinois is a good example of a state that expanded community-based approaches through multiple strategies implemented before, during, and after the state's raise the age change.

Before Illinois raised the age, the state developed Redeploy Illinois, a fiscal incentive to expand the number of community-based approaches so that more justice-involved youth remained at home. While limited to a select number of counties—and excluding the largest counties that send the most youth to IDJJ facilities—since 2005, Redeploy Illinois has helped over 1,300 youth avoid incarceration, and participating counties achieved a 56 percent average reduction in commitments.¹⁴⁰

“Raising the age will not require new detention or youth incarceration facilities.”

—ILLINOIS JUVENILE JUSTICE COMMISSION¹⁴¹

Since the 1990s, the length of time that a young person is confined in a facility in Illinois has declined by an average of four months.¹⁴² This reduction in length of stay was part of an overall effort by IDJJ to improve its approach to aftercare. Length of stay reductions were matched with improvements in aftercare, so that youth leaving confinement were better able to successfully connect to more community-based resources in their home communities.¹⁴³

Because Illinois reduced the number of youth confined post-adjudication, the state was able to close three facilities and reallocate money within the department's budget to serve more youth at home in less expensive settings. Even with the absorption of 17-year-olds

convicted of felonies in 2013, there has been an overall 17 percent decrease in confinement of youth in state secure facilities.¹⁴⁴

To further reduce confinement of young people in Illinois, in 2015, lawmakers voted to prohibit committing young people convicted of misdemeanor offenses to IDJJ, and clarified the existing prohibition against committing youth for status offenses. The changes were estimated to reduce IDJJ commitments by 110 youth annually.¹⁴⁵

Similar to Illinois, Connecticut juvenile justice stakeholders implemented multiple strategies that have resulted in fewer youth being confined, and made more dollars available to support community-based approaches.

In 2007, Connecticut ended the practice of detaining or committing young people in locked facilities on the grounds that they disobeyed a judge's order in a status (non-criminal) case. In the years following the passage of its raise the age law, Connecticut's Department of Children and Families also decreased the length of stay for youth sent to the Connecticut Juvenile Training School. Simultaneously, the Department of Children and Families and the Court Support Services Division increased funding to incentivize the development of more community programs for court-involved youth. By 2009, the annual budget for such programs reached \$39 million.¹⁴⁶

When Mississippi raised the age in 2010, its legislation created more sentencing options for courts in order to help the state reduce reliance on juvenile confinement, building on statutory changes made in 2005 to expand the kinds of dispositions available to the courts.¹⁴⁷

Raise the age states share a common set of strategies, including developing fiscal incentives to expand ways to serve youth locally, shortening a young person's length of stay in the system, prohibiting the confinement of young people for certain behaviors, and reallocating money by closing facilities and serving youth locally.

Along with states that have already raised the age, states that are considering raising their ages of juvenile court jurisdiction have taken steps to reduce reliance on facilities, and focus resources on community-based approaches.

Michigan spent a decade ramping up its emphasis on community-based approaches and moved away from relying too heavily on confinement, which has helped build the juvenile justice system's capacity to absorb older youth.¹⁴⁸

The Michigan Child Care Fund (MCCF) funds community-based services through a 50 percent cost-share between the state and county. Under the cost-sharing approach, counties are reimbursed 50 percent for eligible costs, which incentivize use of community-based approaches. In 2012, MCCF allocated nearly \$400 million to support programs throughout Michigan counties.¹⁴⁹

Some mid-sized Michigan counties, like Midland, used these MCCF dollars to shift their juvenile justice system's strategy to focus on expansion of community-based options. Instead of placing a youth out of the home, Midland increasingly used evidence-based options such as Multisystemic Therapy and Brief Strategic Therapy—primarily at-home approaches that address youth's mental health challenges. From 2008 to 2011, the county saved \$2.1 million by expanding community-based approaches,¹⁵⁰ and its delinquency rates—that is, the number of adjudicated offenses or probation violations—dropped 77 percent.¹⁵¹

Because Georgia, New York, North Carolina, Michigan, Missouri, Texas and Wisconsin developed approaches to reduce reliance on facilities for a decade, they are more prepared to absorb older youth into their juvenile justice systems.

Along with using the Michigan Child Care Fund to expand cheaper, more effective community-based options, Wayne County also reduced lengths of stay, both for young people in formal out-of-home placements as well as those under community supervision. By 2012, the average length of stay for a youth in an out-of-home placement was 6.3 months—down from one to two years in the past.¹⁵² The length of stay in Wayne County continues to drop based on continued reliance on community-based approaches.¹⁵³

New Hampshire's raise the age legislation also limited permissible lengths of stay for young people convicted of certain offenses in the juvenile justice system: young people who have not committed violent crimes cannot be held for more than 6 months unless there are issues of safety for the youth, or for others. New Hampshire also barred commitment of any youth aged 11 or younger to facilities unless there is no other suitable placement.¹⁵⁴ Both legislative changes reduced the state's reliance on confinement.

New York, Missouri, Texas, and North Carolina have also developed approaches to reduce reliance on facilities over the past decade, and therefore are more prepared to absorb older youth into their juvenile justice systems should they pass raise the age legislation.

New York has dramatically limited its reliance on out-of-home confinement—best exemplified by the closure or downsizing of 31 juvenile justice facilities¹⁵⁵—as part of its work toward improving young people's outcomes and enhancing public safety.

New York's "Close to Home" initiative enabled the Administration for Children's Services (ACS) to serve locally all New York City youth sent to non-secure out-of-home placement post-adjudication, using a portion of the dollars once spent on incarcerating these young people often elsewhere in the state. To keep youth in the New York City area, ACS partnered with nine nonprofit organizations to provide 31 non-secure residential placement options that offered specialized and individualized programs with an emphasis on aftercare in the community. A 2014 analysis showed that 93 percent of youth in the aftercare program

of Close to Home remained in their neighborhood after program completion.¹⁵⁶ Simultaneous to Close to Home, New York City also used a variety of strategies to reduce the length of stay for young people in an out-of-home placement from 12-18 months down to seven months.¹⁵⁷

Missouri—a state that already engaged in significant efforts in the 1990s to reduce reliance on confinement for committed youth—closed six secure detention facilities in 2011. The Missouri Circuit Court Budget Committee then rededicated \$300,000 annually from the savings from closures to support community-based alternatives to detention.¹⁵⁸

Over the past decade, state policymakers in Texas have sought to develop more community-based approaches to reduce reliance on state- or county-run juvenile facilities. Lengths of stay for young people in state-run secure facilities in Texas declined 12 percent between 2005 to 2012, from 20.9 months to 18.2 months.¹⁵⁹ A committee within the Texas Juvenile Justice Department now meets monthly to review who is confined in the system and discuss if any youth can be moved out of a state-run juvenile facility and returned to the community.

The closure of nine juvenile facilities between 2007 and 2012 led to a \$150 million reduction in the state's corrections budget.¹⁶⁰ Between 2007 and 2011, Texas redeployed over \$100 million it was spending on the department responsible for the operation of state-run facilities to various fiscal incentives or local systems to serve youth in their home counties.¹⁶¹

Another state that is poised to raise the age, North Carolina, experienced a 48 percent decline in the number of youth in detention centers, as well as a 33 percent decline in youth committed to state-run facilities from 2010 to 2015.¹⁶² As legislative talks progress around raise the age, the state's reform efforts have already decreased the juvenile justice population and redirected dollars towards community-based approaches. North Carolina provides fiscal incentives through its Alternatives to Commitment programs, which have comparatively lower recidivism rates than those of confinement options.¹⁶³ North Carolina's Alternatives to Commitment programs

have been supported for more than a decade by a dedicated state funding stream; funding in 2016 was \$750,000.¹⁶⁴

Under the provisions of House Bill 242, Georgia juvenile justice stakeholders took significant steps in 2013 that would help the system reduce reliance on facilities, and focus resources on community-based approaches. HB 242 prohibits residential commitment for all young people who present with a status offense, or are convicted of certain misdemeanors. House Bill 242 also established a fiscal incentive grant program to encourage local government to develop an approach that can serve a youth in the community, and changed the way certain felony offenses were classified to allow for more judicial discretion to tailor a length-of-stay to better fit the needs of the youth. In 2013, it was estimated that these initiatives would save Georgia taxpayers nearly \$85 million through 2018 and avoid the need to open two additional juvenile residential facilities—something that should allow the state to reinvest a portion of the savings to expand community-based approaches to serve youth at-home.¹⁶⁵

If some policymakers believe large new facilities might be needed in order to absorb 16- or 17-year-olds (or both) into the juvenile justice system. Connecticut's experience provides a cautionary note.

During the tough-on-crime period in the 1990s, Connecticut Governor John Rowland made the decision to build a 230-bed secure juvenile facility, the Connecticut Juvenile Training School. Later, in the years prior to raising the age, Governor Jodi Rell declined to adopt recommendations to refocus the state's juvenile justice approach on a smaller, regional network of placement options that would allow youth to remain closer to home—an approach that has been adopted by and is still in use in Missouri. Despite both governors' unwillingness to shift their juvenile justice approach, other efforts across the state to serve youth in a more developmentally appropriate way in their home communities have been successful, and the oversized Connecticut Juvenile Training School is unnecessary—only 42 boys were housed at the facility in the fall of 2016. However, decades later,

Connecticut taxpayers continue to foot the bill for the facility. Connecticut's current governor, Dannel Malloy, has stated his plan to close the nearly empty facility in 2018.

As the Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice Policy and Management noted in 2016, *"many consider [the construction of the Connecticut Juvenile Training School (CJTS)] a tragic mistake that the state continues to try to mitigate—or at the very least a 'missed opportunity' for reform. Fortunately, Connecticut has closed the Pueblo Unit (hardware secure facility for girls), and taken significant steps to reduce the population of youth held in CJTS."*¹⁶⁶

In other words, *after nearly two decades and the expenditure of hundreds of millions of taxpayers' dollars, Connecticut policymakers are now seeing that such a*

large, expensive juvenile facility is not needed, and that they can successfully manage justice-involved youth—including 16- and 17-year-olds—through less expensive, more effective community-based approaches.

By reducing reliance on facilities and focusing resources on community-based approaches, youth justice systems across the country can expand options so that youth remain at home and can move past delinquency without the negative consequences associated with confinement. These approaches allow the system to address young people's needs all along the pretrial and post-adjudication continuum (as well as prior to any law enforcement or court involvement) at much lower cost than confinement or out-of-home placement, and such approaches are better suited to help youth naturally and successfully achieve developmental milestones and positive outcomes.

THE COSTS TO TAXPAYERS OF RAISING THE AGE HAVE BEEN OVERSTATED

Policymakers in Connecticut, Illinois, Massachusetts, and New Hampshire voiced concerns early on that absorbing 16- and 17-year-olds into the juvenile justice system would come with increased costs for taxpayers. ***In all four states, these estimated increased costs never materialized.***

Other states considering raise the age legislation conducted cost-benefit analyses on the issue and found that they will be able to manage absorption of 16- and 17-year-old youth without a significant increase in costs to taxpayers.

Ultimately, in Connecticut, Illinois, Massachusetts, and New Hampshire, fiscal notes or other estimates indicating that raising the age would increase taxpayer costs were shown to be inaccurate.

1) CONNECTICUT

The projected \$100 million in increased costs from raising the age never occurred, and \$39 million was reallocated to community-based approaches.

In Connecticut, a fiscal note for its raise the age legislation estimated that \$100 million of taxpayer money would be needed to fully implement the change.¹⁶⁸ However,

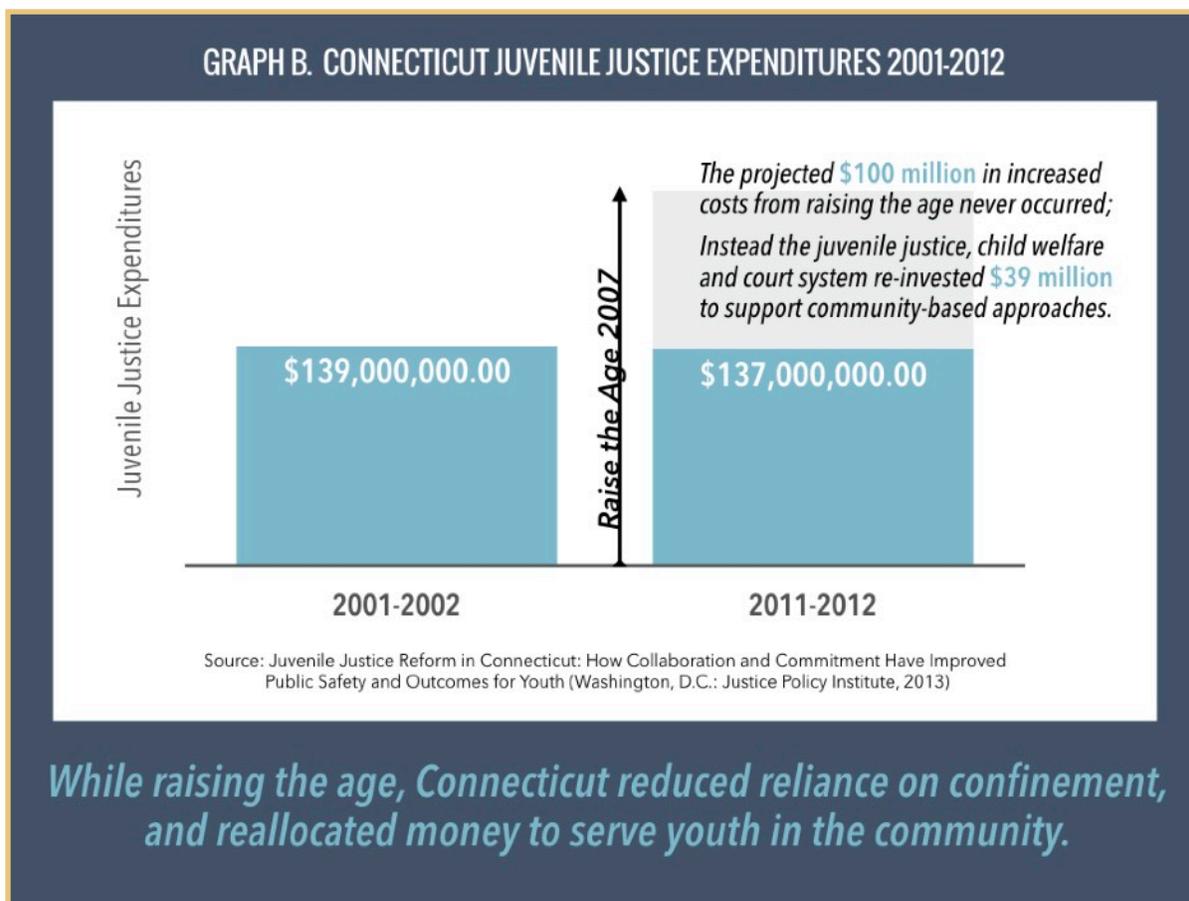
Connecticut did not experience a \$100 million increase in its juvenile justice budget. In Fiscal Year 2001-02, spending on the juvenile justice system was \$139 million; by Fiscal Year 2011-12, spending actually slightly dropped to \$137 million.¹⁶⁹

Like many other states, Connecticut changed its practices, which helped contain costs. By way of example, between 2005 and 2015—a decade during which the state stepped up a variety of strategies to address youth behavior informally—juvenile dispositions in Connecticut fell by 34 percent, and the use of juvenile detention fell by 38 percent.¹⁷⁰ The New Haven Juvenile Detention Center was closed in 2011, due to a variety of policy changes, which netted Connecticut a savings of three million dollars and eliminated 94 detention beds.

Once more, young people were in community settings—a public expenditure that is far less than what taxpayers had paid to confine youth—the juvenile justice system could leverage non-justice system funding streams to serve youth. This is one reason why during the same time the juvenile justice department budget remained essentially flat, *systems serving Connecticut's youth were able to reallocate \$39 million to expand the number of community-based approaches that could serve a youth outside of a more expensive custodial setting.*

“County juvenile detention centers and state juvenile incarceration facilities were not overrun, as some had feared. Instead, one detention center and two state incarceration facilities have been closed, and excess capacity is still the statewide norm.”

—ILLINOIS JUVENILE JUSTICE COMMISSION¹⁶⁷



While raising the age (2007), Connecticut reduced reliance on confinement, and reallocated money to serve youth in the community. Today, there is evidence that Connecticut's current approach is actually more cost effective, saving taxpayers money far downstream with reduced recidivism and decreased encounters with the adult criminal system.

Raising the age was credited with reducing the number of 18- to 21-year-olds in the adult state prison system in Connecticut: Governor Malloy stated that over the six years after implementation of raise the age, there was a 51 percent decline in the number of young adults in the adult justice system, which saved the state \$58 million annually in adult prison system costs.¹⁷¹

2) MASSACHUSETTS

The costs of raising the age were 37 percent less than the projected costs.

When Massachusetts' raise the age legislation was first contemplated, the Juvenile Court Administrative Office provided estimates of what it might cost to absorb 17-year-olds into the juvenile justice system: it projected that the system would need three dozen new probation officers or supervisors (at a cost of \$1,875,878), eight new judicial positions (at a cost of \$1,040,000), and more clinicians at the Juvenile Court Clinics to assess young people's needs (at a cost of \$1,158,499). The office also estimated that 197 additional beds in 14 programs would be needed at the Department of Youth Services at a total

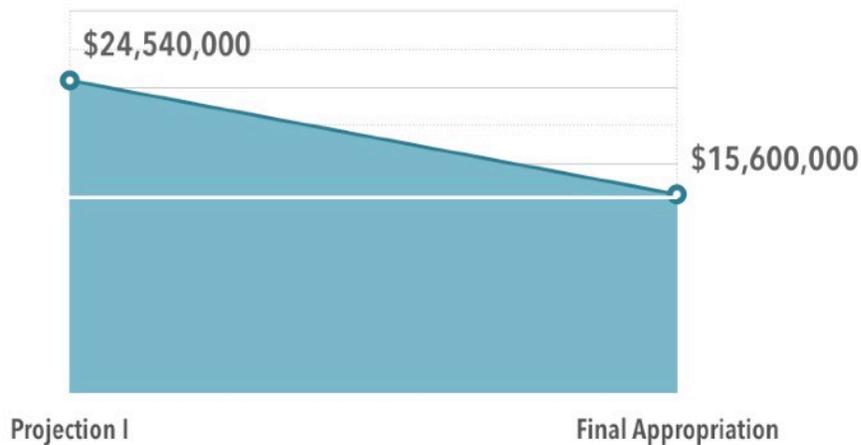
annual operating cost of \$20.5 million.¹⁷² Altogether, the Juvenile Court Administrative Office estimated that \$24.57 million additional dollars would be needed annually to raise the age in Massachusetts.

When the legislation eventually passed in 2013, it did include a budgetary increase of \$15.6 million for the Department of Youth Services (DYS)—37 percent less than what was originally estimated. To put the increase of DHS' budget in context, the cost of raising the age in Massachusetts was less than nine percent of the overall juvenile justice budget.¹⁷³ These dollars were used to develop a few options to serve approximately four dozen youth.¹⁷⁴ During a time when the juvenile court's delinquency caseloads continued to decline,¹⁷⁵ the probation department took steps to offer more approaches that sought to keep additional youth in the community, and DHS continued to improve outcomes with the young people they served.

In 2017, a technical assistance report offered a series of recommendations to DHS to help the department continue to implement efforts to raise the age for 17-year-olds, including building on DHS' relatively new management information system in order to improve mechanisms for collecting and analyzing data; developing a faster way of assessing young people's needs so that they spend less time in a DHS assessment program; and improving the department's ability to provide housing, and educational and employment opportunities to youth who age out of DHS.¹⁷⁶

While recent recommendations to improve DHS operations might carry some new costs, *none of the recent reports or recommendations made by or for DHS called for a significant expansion of the state's mechanisms or infrastructure to incarcerate young people.* Instead, in April 2016, Massachusetts closed a 15-bed secure¹⁷⁷ treatment program for girls based on the department's decreased operational needs, and is in the process of closing a secure assessment program.

GRAPH C. MASSACHUSETTS' OVER-ESTIMATION OF RAISE THE AGE IMPLEMENTATION COSTS (2013)



Source: Impact of Raising the Age of Responsibility in the Commonwealth of Massachusetts from 17 to 18. Report. (Boston, Massachusetts: The Commonwealth of Massachusetts Administrative Offices of the Juvenile Court, 2013).

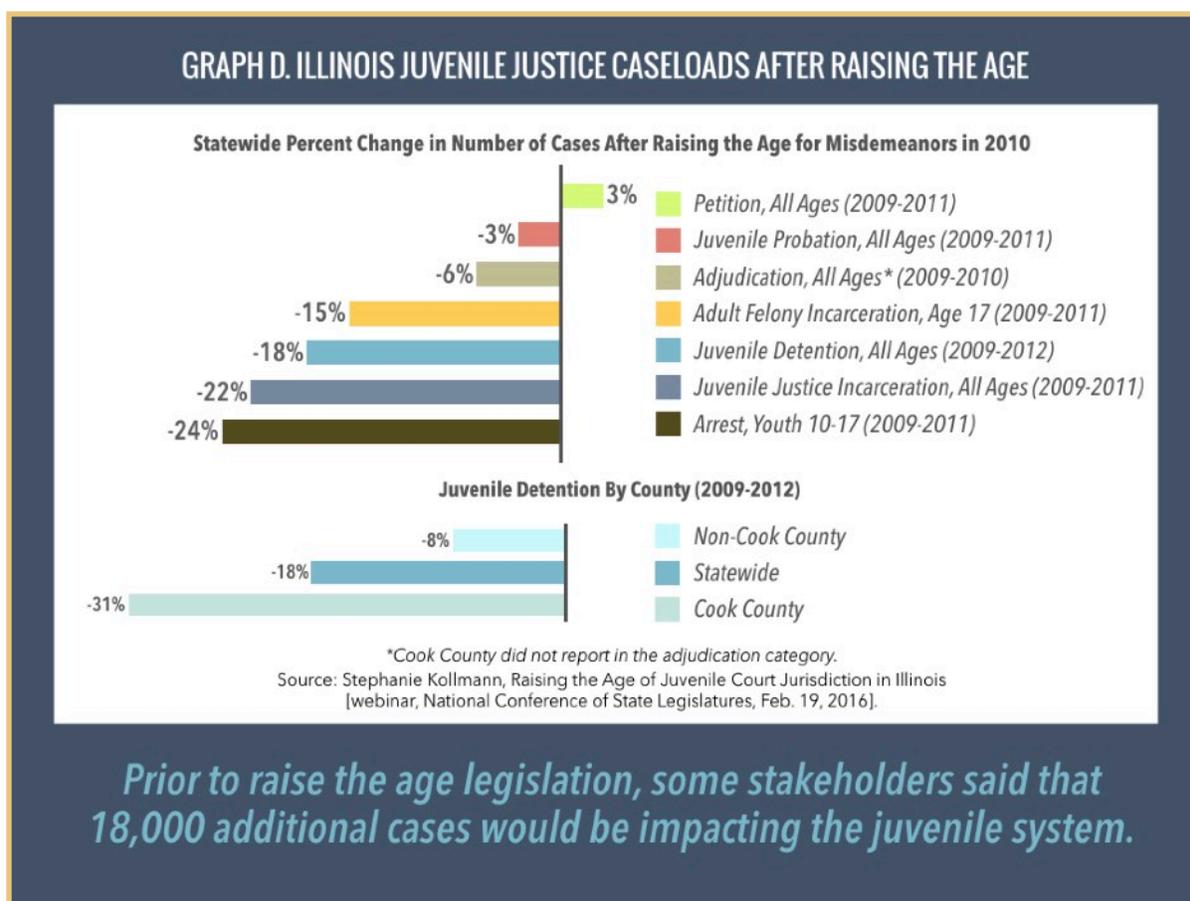
Raise the age implementation in Massachusetts was estimated to be 37% higher than the actual cost.

3) ILLINOIS

A 35 percent increase in youth in the juvenile justice system never materialized, and funding was not needed for new courtrooms or new State’s Attorney positions.

Using data from 2009—the year before Illinois legislators voted to raise the age for young people charged with misdemeanor offenses—stakeholders offered estimates that the juvenile justice system might have to manage 18,000 more arrests—if the age of jurisdiction was changed.¹⁷⁸ Stakeholders raised concerns that 1) probation caseloads would rise; 2) the number of youth in court would rise; and 3) as law enforcement adjusted to addressing the behaviors of 17-year-old youth in the juvenile justice system, more youth who in the past would have been charged with misdemeanor offenses would end up charged with felonies.

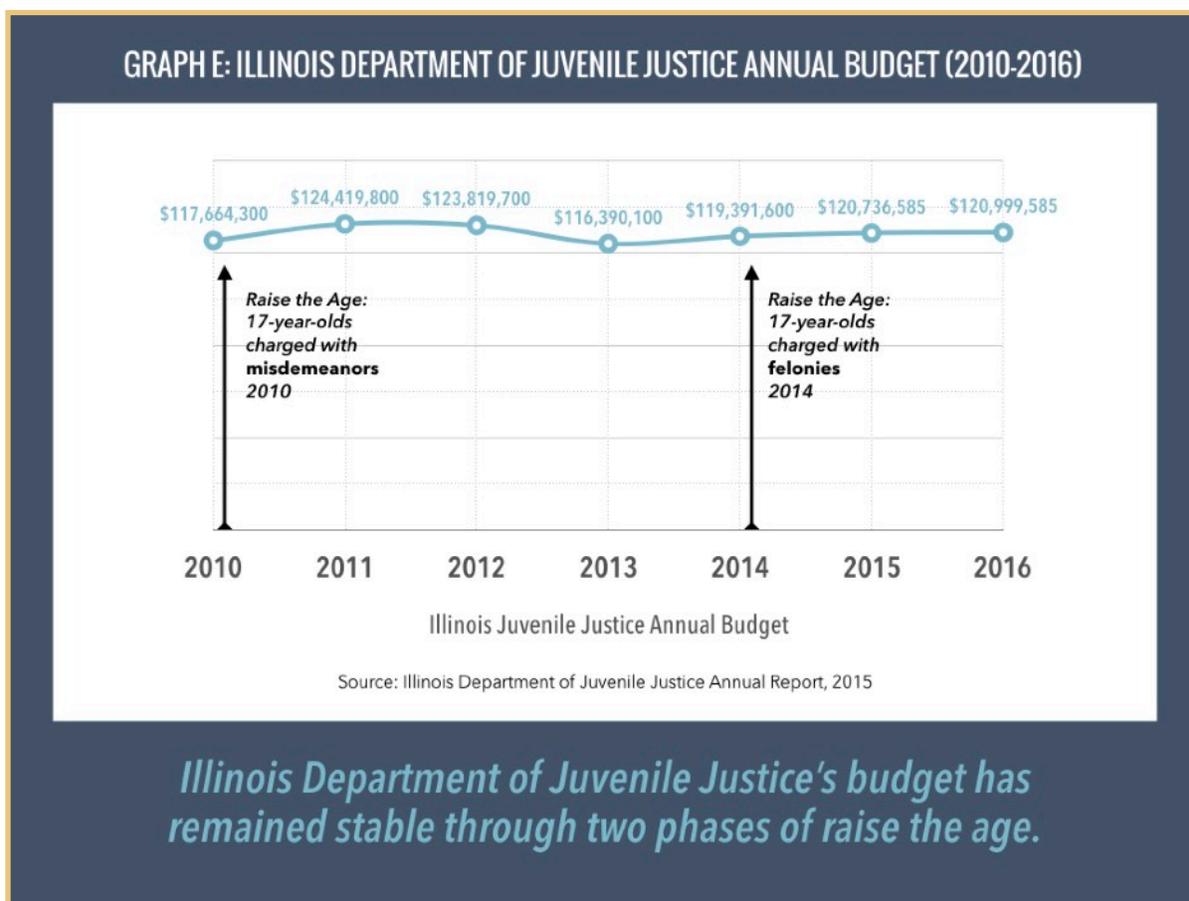
In the years that followed, the projected 35 percent increase of youth entering the juvenile justice system and the expected rise in costs associated with their processing never materialized.



Instead, through the latest data available through 2015, juvenile probation caseloads for all youth charged with misdemeanors and felonies *continued to decline*. While the juvenile court stakeholders surveyed by the Illinois Juvenile Court Commission asked for some dollars to be set aside for the courts to manage the additional number of youth charged with felonies, in the years that followed, *those dollars were not needed*; the number of 17-year-olds charged with felonies moving through the system declined.¹⁷⁹

The Cook County State's Attorney's Office opposed changing the age of jurisdiction for 17-year-olds charged with misdemeanors, based, in part, on financial concerns. The office's analysis of future case trends—not accounting for the juvenile justice policy changes in Illinois that were preparing the system for the absorption of 17-year-olds—predicted that an additional 2,191 cases would be referred to Cook County courtrooms. Accordingly, the office believed that Cook County would require three additional courtrooms, each staffed with three Assistant State's Attorneys at the cost of \$855,153 per year.¹⁸⁰ However, *no additional courtrooms were needed as the ongoing policy change already underway decreased the system's population*.

Since Illinois began implementation of its raise the age legislation in 2010, the Illinois Department of Juvenile Justice budget has remained at about the same level it was at a decade ago.



4) NEW HAMPSHIRE

The estimated five million additional dollars for raise the age were never appropriated.

In New Hampshire, legislators were told that raising the age for 17-year-olds would carry a \$5.3 million price tag: “assuming a comparable number of 17-year-olds would enter or remain in the juvenile justice system, the Department estimates this bill will increase state expenditures by \$5,287,493 in FY 2016 and each year thereafter.”¹⁸¹ In reality, *no new dollars were appropriated to serve 17-year-olds when the state raised the age.*

5) NORTH CAROLINA & CONNECTICUT

Raising the age will save taxpayers money over the long-term.

Fiscal notes associated with raise the age proposals have not generally accounted for the ensuing improved public safety outcomes—and the savings likely to accrue from less crime and fewer crime victims—that are a likely result of serving youth in a developmentally appropriate system that is better designed to help them succeed.

Demonstrations from a research method that accounted for an expected reduction in recidivism and reoffending if youth were served in the juvenile justice system rather than the adult system showed Connecticut and North Carolina stakeholders that raising the age of juvenile jurisdiction to include most of the young people touched by the justice system would generate more benefits for taxpayers than costs.

The Urban Institute estimated in 2006 that for every new dollar Connecticut might spend to raise the age, it would save three dollars through benefits from reduced crime and lower incarceration costs.¹⁸² In remarks made before the Connecticut General Assembly, the Urban Institute stated, “*if [raise the age] has the expected results, Connecticut’s residents will be its beneficiaries, since the impact of reduced crime will be felt throughout Connecticut’s neighborhoods. Less crime will mean fewer victims, fewer missed days of work, lower medical bills, and, maybe most important, less fear and less suffering.*”¹⁸³

As part of North Carolina’s ongoing efforts to explore bringing 16- and 17-year-olds into the juvenile justice system, the General Assembly created the Youth Accountability Planning Task Force in 2009 to examine the impact of potential raise the age legislation. The task force’s analysis found that jurisdictional reform to include 16- and 17-year-olds in the juvenile justice system would generate \$52.3 million in net benefits from the combined perspective of taxpayers, victims, and youth themselves.¹⁸⁴

North Carolina has generated cost savings and built capacity to raise the age by shifting to a more developmentally appropriate juvenile justice approach.

In November 2016, the North Carolina Commission on the Administration of Law and Justice Committee on Criminal Investigation and Adjudication¹⁸⁵—a subcommittee of a justice system stakeholder body tasked with evaluating North Carolina’s judicial system—published a report on raising the age.

“The Division of Juvenile Justice already has produced cost savings of over \$44 million that can be used to pay for raise the age.”

—NORTH CAROLINA COMMISSION ON THE ADMINISTRATION OF LAW AND JUSTICE

In its report, the committee noted that North Carolina has already generated cost savings and built the capacity to serve more 16- and 17-year-olds in its juvenile justice system by shifting towards a more developmentally appropriate juvenile justice approach. According to the committee, *"the Division of Juvenile Justice already has produced cost savings of over \$44 million that can be used to pay for raise the age."*

"The Division of Juvenile Justice already has produced cost savings of over \$44 million that can be used to pay for raise the age."

—NORTH CAROLINA COMMISSION ON THE ADMINISTRATION OF LAW AND JUSTICE
COMMITTEE ON CRIMINAL INVESTIGATION AND ADJUDICATION

North Carolina achieved these savings by shifting towards a developmentally appropriate juvenile justice approach that:

- **Reduces the use of pretrial detention:** The juvenile justice system has made better use of a detention assessment tool that has in turn reduced the number of youth housed in pretrial detention. The number of youth admitted to a detention center fell from 6,246 in 2010 to 3,229 in 2015.
- **Expands the use of diversion:** Better use of a detention assessment tool also helped North Carolina's juvenile justice system place more low-risk young people in less expensive diversion programming and alternatives to secure custody. The committee reported that the annual cost per child for diversion programming is \$857, versus an annual cost of \$57,593 per detention center bed.
- **Reduces reliance on facilities and focuses resources on community-based approaches:** It costs North Carolina \$125,000 per year to confine a person in a youth development center (i.e., a secure facility). As a result of changes to law, policy, and practice that increase reliance on less expensive community-based options, the juvenile justice system has significantly reduced the number of youth detained pretrial or committed to a facility. According to the committee, *"due to the reduction in pretrial detentions and commitments to youth development centers noted above, the Division [of Juvenile Justice] has been able to close a number of detention center and youth development center facilities, repurposing portions of these facilities to provide assessment services and crisis intervention."* The committee stated that juvenile facility closures reduced annual operational costs in the juvenile justice system by \$14.1 million.

While North Carolina was taking steps towards implementing a more developmentally appropriate juvenile justice approach that helped the system contain costs and build capacity, the state experienced improved public safety outcomes: the rate of delinquent complaints per 1,000 youth ages six to 15 decreased from 27.55 in 2010 to 20.78 in 2015, and the committee asserted that the *"reduced delinquency rate has reduced cost to the Division [of Juvenile Justice]."*

Overall, *"the Committee recommends reinvesting the \$44 million in cost savings already achieved by the Division of Juvenile Justice to support raise the age."* The committee also recommended that North Carolina continue to expand the juvenile justice system's use of diversion by replicating across the state existing programs to reduce school-based referrals and requiring regular juvenile justice training for law enforcement officers in order to help the state accelerate its use of diversion and speed the shift towards a more developmentally appropriate approach.

Legislators themselves may not hold fiscal estimates in high regard. In the realm of justice policy, the challenges around developing the estimated fiscal impact of policy change can be more pronounced.

WHY DIDN'T THE ESTIMATED INCREASED COSTS OF RAISING THE AGE MATERIALIZE?

Since every state juvenile justice system is distinct, the reasons vary as to why Connecticut, Illinois, New Hampshire, and Massachusetts were able to raise the age without significantly increasing juvenile system costs. But a couple common factors may have helped each system absorb 16- and/or 17-year-olds without incurring significant new costs: the inherent limitations of fiscal notes and estimates, the difficulty of projecting the real long-term costs and benefits of changes to youth justice policy, the drop in juvenile crime, and ongoing efforts to reallocate dollars from confinement to community-based approaches

1) The limitations of fiscal notes and estimates offered by governmental entities.

It is probably not a surprise to policymakers that the estimated future costs of justice policy changes are frequently inaccurate, and proven to be so over time. While local justice agencies generated some of the estimates falsely indicating that raising the age would raise costs, even legislative fiscal offices face significant challenges in quantifying the long-term costs and benefits of changes to juvenile and criminal justice policy.

According to one analysis by the Center on Budget and Planning Priorities,¹⁸⁶ of the nearly 600 criminal justice reform bills that were enacted in 49 states between 2009 and 2011:

- *Forty percent lacked a fiscal estimate altogether;*
- *The majority of states failed to examine fiscal impacts beyond a year or two into the future;*¹⁸⁷
- *Few states described the method used to determine fiscal impacts so that the public can review the analysis;*¹⁸⁸ and
- *Very few states commissioned a non-partisan organization to conduct the analysis in order to ensure credibility.*¹⁸⁹

Legislators themselves may not hold fiscal estimates in high regard, either. In West Virginia, nearly 75 percent of all Democrat and Republican legislators agreed that fiscal notes are *accurate about or less than half the time*.

In the realm of justice policy, the challenges around developing the estimated fiscal impact of policy change can be more pronounced: some effective criminal justice reforms, including certain drug and mental health treatment programs, require initial modest startup costs but reduce future prison spending significantly. Without an official analysis of the future savings, legislators are less likely to understand the long-term fiscal benefits of these reforms, and the chances of enactment are reduced.¹⁹⁰

2) The lack of cost-benefit analyses that account for reduced reoffending and savings.

Connecticut and North Carolina took steps to conduct a cost-benefit analysis examining the cost savings for taxpayers that stem from youth who experience better outcomes and reoffend less after coming into contact with the juvenile justice system.¹⁹¹ But even when a cost-benefit analysis is used, it is—by its nature—a conservative estimate of the long-term costs and benefits. When Illinois stakeholders reviewed existing cost-benefit analyses, the researchers noted that comparisons

with studies from the Centers for Disease Control indicate that the recidivism rates used by North Carolina may have underestimated the public safety benefit of keeping youth in juvenile court, meaning that there may be even *more real benefit to taxpayers* than originally estimated if 16- and 17-year-olds are placed in the juvenile justice system.¹⁹²

3) The juvenile crime drop.

All 50 states experienced a drop in juvenile crime during the decade when five states raised the age. Falling crime means fewer youth are arrested, referred to court, adjudicated, on probation, and incarcerated, all of which reduces taxpayer costs. Illinois stakeholders noted that the significant drop in juvenile crime during the years of raise the age implementation helped the state manage the policy change, and was part of the context that built popular support for narrowing the transfer pathways on a number of fronts. As of the spring of 2017, the latest available data show that juvenile crime is still at 20-year lows. In the last year alone, the number of youth arrested for violent crimes dropped by 3.1 percent and it is down almost 50 percent from ten years ago.¹⁹³

4) Estimates did not include reallocation of dollars from confinement to community-based approaches.

In some of the states that raised the age, stakeholders decided to reallocate dollars from the most expensive, least effective ways of addressing a young person's behavior to practices that are cheaper and more effectively reduce a young person's justice system involvement.

While the Connecticut Department of Children and Families' budget remained flat for a decade, the courts and DCF did reallocate \$39 million to expand the number of community-based approaches that could serve a youth outside of a more expensive custodial setting. In Massachusetts, 17-year-olds were already being supervised by probation, and the probation department could make adjustments within its own budget, without legislation or a special budget, to have juvenile officers rather than adult probation officers supervise 17-year-olds.

Not every state has been able to use raise the age as an opportunity for reinvestment: Illinois is still navigating a serious and sustained state budget crisis that has limited efforts to expand funding for community-based approaches. Still, because Georgia, Michigan, New York, North Carolina, Texas, and Wisconsin have all taken some steps to reallocate dollars within public sector youth-serving systems to support less expensive, more effective approaches, they already have a pathway to avoid significant costs as they raise the age, as has been the case in nearly half a dozen states that have already raised the age. Whether states have raised the age or are about to, juvenile justice approaches that serve young people in the community can use federal funding streams to pay for some of their services, which can play a role in significantly reducing costs for state and county taxpayers.

Directors of public agencies have an obligation to provide a good-faith estimate of what the fiscal impact of a policy change might be on their operations, and these projections are relevant to the discussion of how taxpayer dollars should be spent to achieve public safety and healthy youth development outcomes.

As leaders in the seven states that are considering raising the age review these estimates, they need to also consider ways in which the potential costs can be contained by implementing the kinds of practice and policy changes that are becoming the best practice standard in the juvenile justice field.

6

STRATEGY 6: KEEPING YOUNG PEOPLE SAFE BY COMPLYING WITH THE PRISON RAPE ELIMINATION ACT (PREA)

“Raising the age of juvenile jurisdiction furthered the Commonwealth’s efforts to comply with the federal Prison Rape Elimination Act (PREA). This law requires courts and facilities to provide sight and sound separation between adults and juveniles in order to protect young people under the age of eighteen from possible rape and sexual assault in adult holding cells and prisons. Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system.”

–ANNUAL REPORT, MASSACHUSETTS DEPARTMENT OF YOUTH SERVICES (2015)¹⁹⁴

A developmentally appropriate juvenile justice approach seeks to keep young people safe, wherever they are in the juvenile justice system. Rather than rely on facilities—where it is well established that young people are more likely to come into harm’s way—sheriffs and adult corrections officials have called on policymakers to raise the age to keep youth safe. Stakeholders in Illinois, Louisiana, Massachusetts, New Hampshire, and Texas have cited the need to keep young people safe and comply with PREA as reason to raise the age.

In 2003, the United States Congress enacted legislation—the Prison Rape Elimination Act—to protect people in prisons that provided information, resources, recommendations, and funding to federal, state, and local facilities to protect individuals from rape and sexual assault in prison.¹⁹⁵

PREA Guidelines for Youth Under Age 18

According to PREA’s national standards, regardless of state law, any individual in a jail or prison under the age of 18 must:

- Maintain a ‘sight and sound separation’ from the adults in a facility;
- Be placed in a common space, shower areas and sleeping quarters away from contact with an adult;
- Avoid isolation placement by the agency to comply with the standard;
- Be afforded the opportunity for exercise, special education services, and other educational and employment programs when possible.¹⁹⁶

Rather than actively enforcing these regulations through the Department of Justice, the federal government incentivizes policy and practice changes by withholding five percent of certain federal grants from non-compliant jurisdictions.¹⁹⁷ However, despite this penalty, some states find it too expensive to comply with PREA's mandates due to their facilities' physical structure; such non-compliant states may regularly place 16- and 17-year-olds with adults—putting youth at increased risk of harm (including self-harm) and violating federal law.

"My staff tries hard, but adult jails cannot prepare 17-year-olds for success. Outside, these kids are juniors in high school. We don't offer a high school education in the jail. Our staff is not equipped to manage the unique needs of adolescents. And most of the offenders we house have been through the system before—they are not the right peers for 17-year-old-children."

– SHERIFF MIKE NEUSTROM AND DIRECTOR OF CORRECTIONS ROB REARDON, LAFAYETTE PARISH¹⁹⁸

In some cases, states submit an assurance of compliance and provide a plan to the U.S. Attorney General on how they intend to comply with the national standards in order to maintain federal funding. Congress recently passed the Justice for All Act in 2016, which establishes a timeline for state compliance under PREA: states that have submitted assurances have a three-year period from the date of enactment of the act (December 16, 2016) to submit a certification of compliance or provide the Attorney General with proof

that at least two thirds of the state facilities are in compliance with PREA standards. If they are unable to show such progress, the grant funds are redistributed to other complying states.¹⁹⁹

The reason PREA mandated this particular safety approach for young people is because the National Prison Rape Elimination Commission found that youth who are incarcerated in an adult facility are the group most at risk of sexual assault and are 50 percent more likely than adults to report being attacked by an adult inmate with a weapon.²⁰⁰

Some states that have raised the age of jurisdiction have done so to comply with PREA, allowing them to avoid the increased taxpayer costs of redeveloping their adult facilities physical structure by supporting a policy change that simply keeps as many youth out of the adult system as possible. In this way, PREA has become a catalyst for raise the age initiatives by galvanizing stakeholder support for complying with PREA by moving young people out of the adult justice system whenever possible.

The Illinois Juvenile Justice Commission cited PREA compliance as one reason to complete the state's raise the age process by absorbing 17-year-olds charged with felony offenses into the youth justice system:

"Illinois cannot continue its status quo of housing felony-charged 17-year-olds with adult inmates without financial cost. In fact, monitoring for compliance with new federal Prison Rape Elimination Act (PREA) guidelines begins in 2013. PREA will require all offenders under 18, even those in the criminal system, to be housed separately from adults in all lockups, jails, detention centers, and prisons. Noncompliance can result in a five percent penalty on several federal formula funds and block grants, which support state and local law enforcement agencies throughout Illinois."²⁰¹

Sheriffs and administrators of adult facilities have become key advocates of changing the age of jurisdiction to help comply with PREA.

In Lafayette Parish, months prior to Louisiana's passage of raise the age legislation, Sheriff Mike Neustrom and Director of Corrections Rob Reardon expressed their concerns over housing youth with the adult population, reflecting national

data²⁰²: “[A]dult jails cannot prepare 17-year-olds for success. Outside, these kids are juniors in high school. We do not offer a high school education [program] in the jail.”²⁰³ The sheriff and director of corrections continued to call for the youth justice system to absorb the remaining 17-year-olds: “[W]e house just a handful [of 17-year-old youth] each day in our adult jail, though I wish that number were zero.”²⁰⁴ These corrections officials stated that retrofitting Lafayette Parish’s jail facility to comply with PREA’s mandates would be too costly for the jurisdiction’s budget.²⁰⁵

Prior to New Hampshire’s raise the age reform, the legislature explored the cost of complying with PREA by retrofitting the adult system to accommodate 17-year-olds. However, an analysis conducted for the raise the age bill estimated that the state could avoid spending \$10 million to retrofit an adult facility by allowing the youth justice system to absorb 17-year-olds instead.²⁰⁶ New Hampshire became fully PREA compliant in 2014.²⁰⁷

During testimony in support of Massachusetts’ raise the age bill, the sheriff of Middlesex County said, “recent research does not indicate that sentencing young people as adults serves as an effective crime deterrent... young people imprisoned alongside adults are more likely to reoffend” and in turn threaten any work a jurisdiction might be doing to enhance public safety.²⁰⁸

In Texas, law enforcement officials who oversee county jails have raised concerns about the costs of complying with PREA and have supported raising the age for 17-year-olds because it will help them address PREA mandates, avoid costs, and keep youth safe. The sheriffs of Brazos, Dallas, and Harris counties said they “prefer to see these teenagers moved to facilities with rehabilitative services better suited for their age. ... In addition to providing rehabilitative and safety services to 17-year-olds, raising the age of juvenile jurisdiction would provide long-term cost savings to counties struggling to comply with the federal Prison Rape Elimination Act.”²⁰⁹

The sheriff of Dallas stated that the logistics of keeping youth away from adults in order to maintain the federal funding are costly, as the county already spends upwards of \$80,000 a week to keep 60 young people separated from its adult population.²¹⁰

PREA’s mandates bolster work in states to raise the age and keep young people (and system staff) safe, but as with efforts to move towards a more developmentally appropriate juvenile justice system, keeping everyone safe requires ongoing diligence.

In 2016, staff at the Massachusetts Department of Youth Services reported concerns that the newly integrated 17-year-olds might have increased assaults among youth and staff from 2014 to 2016. As a result, DYS convened a Safety Task Force composed of members of the legislature, union representatives, juvenile justice agency leadership, and other human service professionals to examine current challenges in the system and to make recommendations on how to reduce violence based on best practices.²¹¹ DYS remains part of national initiatives that partner with the Council of Juvenile Correctional Administrators and the U.S. Office of Juvenile Justice and Delinquency Prevention to improve safety for youth and staff and reduce the use of solitary confinement.

“Raising the age of juvenile jurisdiction would provide long-term cost savings to counties struggling to comply with the federal Prison Rape Elimination Act.”

–THE SHERIFFS OF BRAZOS, DALLAS, AND HARRIS COUNTIES, TEXAS²¹²

Raising the age can help policymakers avoid the real-life consequences for young people that ensue when a state or county does not comply with PREA.

Last April, the Harris County Sheriff's Office in Texas failed its PREA audit because the jail facility in Texas' largest county did not separate 17-year-olds from adults by sight and sound. While the Harris County Sheriff has, in the past, supported raising the age, absent an actual change in the law, the county is contemplating achieving PREA compliance by sending 17-year-olds to a different facility in Limestone County—roughly three hours away from their families. One hundred and eighty youth might be impacted by the plan, which has been under discussion since 2015. Removing youth from their homes and placing them in pretrial detention in a jail can traumatize young people even when the facility is well run; sending a young person to a faraway county only further frustrates efforts to keep youth connected to their families and communities—to which they will ultimately return.²¹³

The most tragic consequence of a system failing to implement PREA and do everything it can to keep young people safe is harm to young people, either by others or themselves.

Just in January 2017, a 17-year-old teenager died after apparently hanging himself in the Fort Bend County Jail (an adult facility in Texas)—an individual example that is sadly consistent with research showing that young people are more likely to engage in self harm when they are incarcerated with adults.²¹⁴

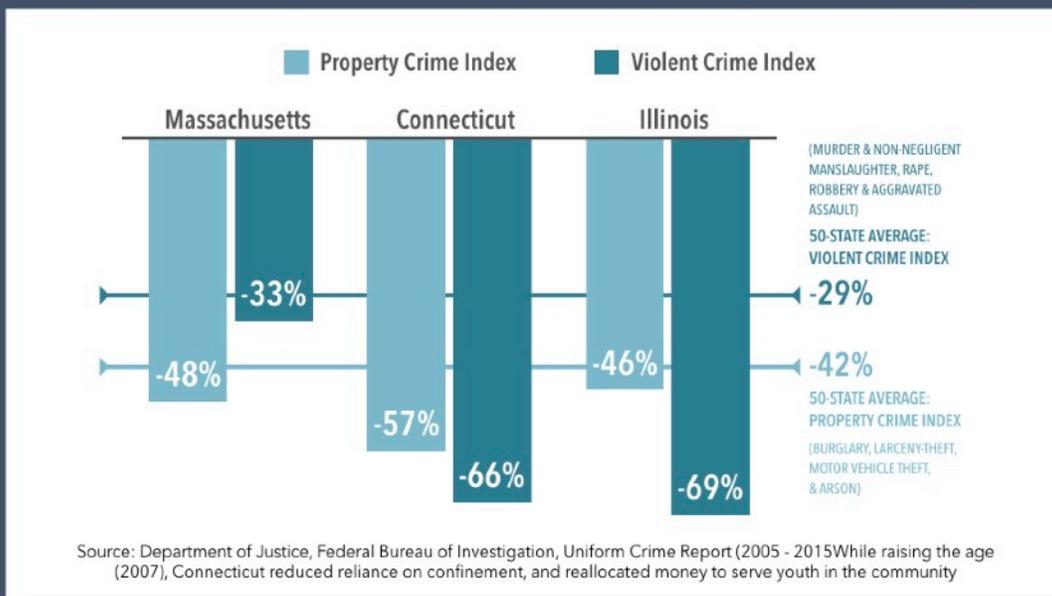
The implementation of the Prison Rape Elimination Act of 2003 has not been a flawless process for any governmental entity. However, Governors, counties, legislatures, and correctional administrators have responded to the potential challenges around non-compliance—the impact on youth, a state's budget, and public safety—by using raise the age as a tool to improve safety for young people involved in the justice system, in a cost-effective way.

STATES THAT RAISED THE AGE SAW JUVENILE CRIME RATES FALL

When policymakers changed laws to make it easier to transfer youth to the adult criminal justice system by a number of different pathways, they did so under the rationale that the change would help improve public safety and reduce youth crime. By sharp contrast, over the past two decades, research has emerged showing that youth in the adult court and correctional system are more likely to have higher recidivism rates than those served in the juvenile system.²¹⁵ Youth tried as adults are also more likely to reoffend and commit more serious offenses²¹⁶ when compared with youth kept in the juvenile justice system.

Perhaps it should be no surprise, then, that the states that have taken the biggest steps to ensure that young people once in the adult criminal justice system are now back in the youth justice system—and have shifted more broadly towards a developmentally appropriate juvenile justice approach—have experienced good public safety outcomes.

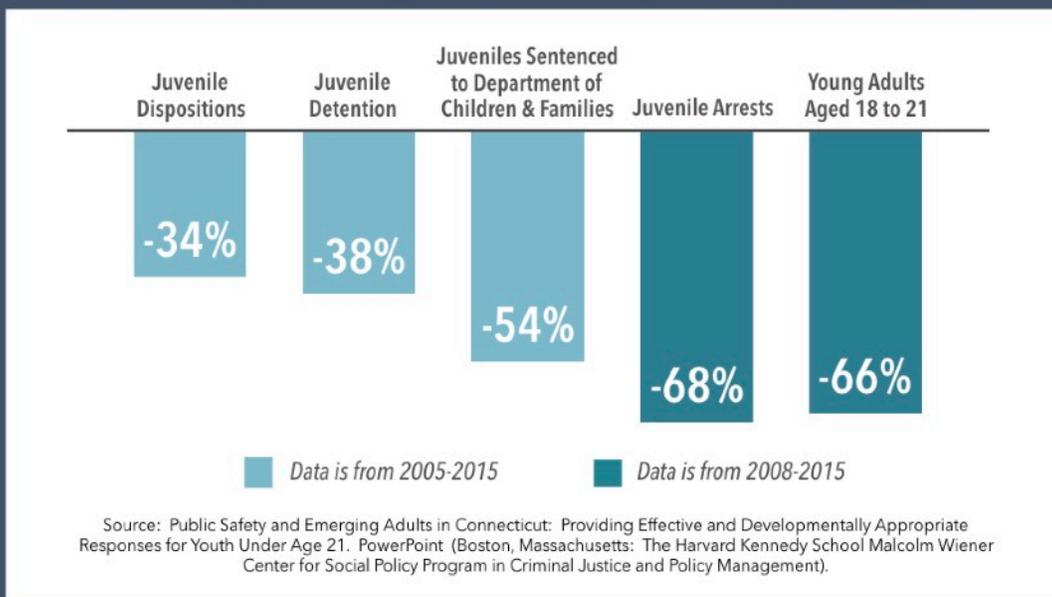
GRAPH F: FIRST GENERATION RAISE THE AGE STATES DECREASED ARRESTS (2005-2015)



The first generation of large raise the age states outperformed the rest of the country in decreased percentages of violent and property arrests between 2005 and 2015.

Between 2005 and 2015, Connecticut, Illinois, and Massachusetts shifted to a more developmentally appropriate juvenile justice approach. During that time, juvenile crime fell in these states, and in the United States in general: the federal violent crime index fell 29 percent and property crime rates fell by 42 percent, according to the latest data from the Federal Bureau of Investigation's Uniform Crime Report (UCR).²¹⁷

GRAPH G: CONNECTICUT JUVENILE AND YOUNG ADULT SYSTEM INVOLVEMENT (2005-2015)



Juvenile and young adult system involvement was down in Connecticut from 2005 to 2015.

Connecticut, Illinois, and Massachusetts—the three states that led the move to raise the age—outperformed the rest of the country in juvenile crime declines for violent and property crime²¹⁸ (based on arrest data compiled by the UCR in 2005 and 2015). Connecticut and Illinois saw a 60 percent plus decline in violent crime index arrests over the decade – nearly double the drop of the U.S. average (29 percent). One analysis by a Connecticut justice agency noted, “even with the addition of 16- and 17-year-olds [into the juvenile justice system], juvenile court referrals declined.”²¹⁹

Massachusetts just raised the age in 2013, but over the decade during which the state reduced the use of confinement in the lead-up to absorbing 17-year-olds into the juvenile justice system, the Commonwealth experienced declines in violent crime and property crime that outperformed the national average (a 33 percent decline in index crimes, and a 48 percent decline in property crimes). In the two years since Massachusetts raised the age, there has been no significant uptick in the number of youth ending up in adult court or subject to adult sentencing via other legal pathways available to prosecutors and courts.²²⁰

The decline in juvenile crime in Illinois that followed raise the age was credited with helping the juvenile justice system manage the change, with lower additional costs for taxpayers. While some stakeholders in Illinois raised concerns that raising the age for 17-year-olds might result in additional system costs, because crime was on the decline, when 17-year-olds were absorbed into the juvenile justice system, there was no “sudden surge” and no additional costs.²²¹

Illinois also saw no increase in the number of youth charged, convicted, and transferred to the adult system through the other mechanisms that remain available to courts.²²² By contrast, Illinois legislators made changes to the state’s transfer law that reduced the number of youth who could be transferred to the adult system without a judicial hearing, effectively lowering the number of youth who are transferred to the adult system.²²³

Is there a raise the age effect?

Along with the leading raise the age states outperforming the juvenile crime drop seen in the rest of the country, public safety stakeholders in at least one state that absorbed 16- and 17-year-olds into the juvenile justice system also experienced reduced crime and reduced adult imprisonment among the first group of people that may have benefited from the jurisdictional change.

According to Connecticut's Office of Policy Management Criminal Justice Policy and Planning Division, there has been a decline in the number of people aged 18 to 21 in state facilities. Between 2008 and 2014, there was a 44 percent drop in arrests of 18- to 21-year-olds. "By 2012, arrests among youth aged 18, 19 and 20 were down significantly, and by 2014, the drop-in arrests was edging towards older youth. We observed that arrests among younger offender cohorts declined most."²²⁴ The office's analysis also showed that the number of 18- to 21-year-olds in the adult corrections system declined 54 percent.

It may be too soon to definitively say whether or not there is actually a "raise the age effect" – that is, whether as 16- and 17-year-olds benefit from being in the juvenile justice system, they are less likely to reoffend or recidivate into late teens and twenties, thereby improving public safety outcomes and reducing imprisonment among young adults.

However, it is notable that Missouri's state director of adult corrections credits the success of Missouri's acclaimed juvenile justice approach and its low recidivism rates with slowing adult prison population growth and obviating the need for construction of three new prisons.²²⁵

But, Connecticut was an early adopter of strategies that have been shown to improve public safety outcomes, reduce costs, and help young people succeed, and perhaps other states considering raising the age are getting a glimpse into the future from trends seen in Connecticut and other states that removed youth from the adult system and shifted towards more developmentally appropriate juvenile justice approaches.

7

STRATEGY 7: IMPROVING JUVENILE JUSTICE SYSTEMS' MANAGEMENT OF RESOURCES, AND STRENGTHEN STRATEGIES TO SERVE YOUNG PEOPLE MORE EFFECTIVELY

“What we have found is that changing the culture in the building [i.e., implementing risk/needs assessment tools], they already know that we aren't going to bring certain kids into detention.”

—HENRY UPSHAW, ADAMS COUNTY JUVENILE DETENTION CENTER ADMINISTRATOR, MISSISSIPPI²²⁶

When juvenile justice systems make better use of tools that can assess what a young person might need to move past delinquency, and can analyze what is working in the system to help youth change their behavior, systems can shift to a more cost-effective and developmentally appropriate juvenile justice approach.

Juvenile justice systems in Connecticut, Georgia, Massachusetts, Michigan, Missouri, New York, North Carolina, and Texas have all made better use of tools to

help address the needs of youth and also manage resources more effectively.

In the past, juvenile justice systems did not have access to or use tools, such as needs-based assessment instruments, to ground decisions on the best way to serve a youth. Instead, probation officers, judges, prosecutors, public defenders, and nonprofits may have used mostly subjective factors to develop their responses to a young person's behavior, rather than tailor approaches to strategies that have been proven to help youth move past delinquency.

Today, the youth justice system is increasing its reliance on objective tools that help assess what a young person needs and identify potential risks associated with his or her prior behavior, and help determine what intervention will best address those risks. Additionally, systems are increasing reliance on tools to help structure decision-making with regard to the best way to serve a youth, consistent with the best practices and the most effective use of scarce resources. These tools are used throughout the juvenile justice system and can assist with pretrial, pre-adjudication, and placement decisions. These tools are not designed to replace the in-depth individual assessments conducted by juvenile justice professionals

in order to decide how to best serve a youth: *these tools are used to improve how systems serve the thousands and thousands of youth they see, and provide better information to stakeholders to help them make better decisions to help youth move past delinquency and help systems manage resources more effectively.*

Juvenile justice systems are starting to use the following tools more often, and more effectively:

- **Risk Assessments:** an assessment that seeks to provide information to a decision-maker on the relative risk that a youth may continue on a delinquency pathway without the appropriate intervention, compared with other youth who demonstrate similar characteristics. Risk assessments typically use a scale of low- to high-risk to help designate what an appropriate response and plan of care might be for a youth.²²⁷
- **Needs Assessments:** an assessment that evaluates the social, behavioral, and criminogenic needs of an individual that can be altered through effective treatment and programming, in order to provide information to a decision-maker to help tailor a response that can steer youth away from reoffending and further penetration into the juvenile justice system.²²⁸ Needs assessments can identify whether a young person has a behavioral health issue, but there are a series of other mental health screening tools that are used by professionals to better identify what treatment a young person might need at various stages in a juvenile justice process.
- **Structured Decision Making (SDM):** An SDM is an example of a tool designed to provide information to a decision-maker in a juvenile correctional setting (or to the courts) through an assessment score that helps indicate, at various decision points, what might be the best way to serve that youth, including whether the youth can remain at home.²²⁹

“By minimizing interventions for low-risk youth, juvenile justice systems will avoid the costly and harmful mistake of over-intervening with youth who, with limited systems involvement, will likely age out of their delinquent behavior on their own, and do so without much, if any, further impact on public safety. Fewer interventions for low-risk youth also mean more resources can be devoted to the supervision and services for young people at higher risk for reoffending.”

–COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER²³⁰

When the information collected from these tools is analyzed in the aggregate—that is, examined for all the youth who come into a system—it can be integrated with other information on what it costs to deliver a service and the outcomes that are generated. When all this information is reviewed by the appropriate decision-makers, a juvenile justice system can better align its practices through a cost-benefit lens: the system can develop a plan on how to deliver the best service with the least cost, and allow decision-makers to more effectively manage resources.²³¹

With the better decision-making that stems from use of these kinds of tools, states that raised the age or are on the cusp of raising the age have the ability to implement new management strategies to run their systems more efficiently, and more easily absorb new roles and responsibilities that may be associated with serving 16- and 17-year-old youth.

For example, in 2010, two years before full implementation of Connecticut's raise the age legislation, the Court Support Services Division created clinical coordinator positions to provide needs assessments for system-involved youth. The change was credited with improving Connecticut's process of identifying youth with mental health issues, and speeding up the connection of youth to appropriate services and care.²³² The implementation of this tool saves Connecticut an estimated \$450,000 a year by reducing the length of stay in detention, and limits a young person's exposure to the negative impacts associated with pretrial detention.²³³

States that have raised the age as well as those considering raise the age legislation have begun to pair screening tools, risk assessments, and needs assessments as part of an overall management strategy to assure that each youth is being served in a more effective way.

States that have not yet raised the age, like Michigan, New York, North Carolina, and Texas, can be better prepared to limit young people's justice system involvement by using tools to make better decisions at various stages of the juvenile justice process, thereby creating the capacity to serve new populations. These states now have concrete tools to absorb 16- and 17-year-olds into the youth justice system without necessarily increasing costs: based on results from assessment tools, they can provide youth with the least expensive, most effective intervention to help them change their behavior.

In 2010, Texas implemented a risk and needs assessment instrument for county-run probation departments to help these systems improve how they developed each young person's case plan.²³⁴ Additionally, to verify that the system is providing effective services, Texas implemented the Juvenile Case Management System, which collects data on outcomes for each case. While the system needs to be strengthened, it has been implemented in 226 out of 254 counties in Texas, and represents a step towards improving how the state and counties can manage resources and tailor better responses to reduce a young person's justice system involvement.²³⁵

Since 2001, Texas has also mandated the use of the Massachusetts Youth Screening Instrument-Second Version (MAYSI-2) as a validated mental health screening tool for all youth referred to local probation departments. This screening tool allows departments to identify youth in need of mental health services and direct youth to appropriate interventions. The use of the MAYSI-2 has been credited with helping local juvenile probation departments pair youth with specialized juvenile probation officers who provide case management, link youth and their families to community-based services, and help keep young people out of state-run juvenile correctional facilities.²³⁶

According to the National Alliance on Mental Illness, around 70 percent of youth who touch the juvenile justice system have a mental health challenge of some severity at some point. North Carolina improved its use of assessments to identify these youth, provide better responses when a young person has a health challenge, and manage resources better.²³⁷ The state implemented the Global Appraisal of Needs (GAIN) tool in 2010 to detect youth who might have a substance abuse problem or mental health issues. The management system continues to be improved: in 2015, 68 percent of juvenile justice-involved youth who were assessed using these tools completed their treatment programs, compared to 45 percent in 2011.²³⁸

The use of tools to help manage decisions around the best way to serve youth are becoming more common nationally, and New York City very recently began to use a Structured Decision Making approach to help augment its decision-making. New York City's SDM provides recommendations to decision-makers to help them design a better approach to addressing what a young person might need. The city's Department of Probation developed an SDM grid that was implemented city-wide in 2013 to provide more background information (family history, legal history, peer relationships, and educational attainment) in order to help stakeholders make better custody recommendations.²³⁹

By making better use of screening tools and assessments, a juvenile justice system can improve how it manages resources and strengthen strategies to serve young people more effectively—all of which can limit a young person's justice system involvement in a cost-effective way.

Although Wisconsin has not yet raised the age, Outagamie County received a grant to improve its system management tools as part of an overall approach to place back in the juvenile system eligible 17-year-olds²⁴⁰ who had been arrested. Initial results show that serving such youth in the juvenile justice system was successful—and did not have associated negative safety outcomes or financial impact because of the “return of investment” facilitated by providing youth with the appropriate services in the juvenile system.²⁴¹

In 2011, the Supreme Court of Missouri, through a court operating rule, mandated statewide use of a detention assessment tool. Even prior to 2011, Missouri had been working to advance a centralized information system to ensure consistency and system planning across communities engaged in efforts to reduce the use of pretrial detention: sites now rely upon one statewide computerized data system and one set of common codes from admission to detention.²⁴² Engaging in this improvement in data information systems simultaneously with implementation of assessment tools places Missouri in a much stronger position to reduce the number young people confined in a juvenile setting both pretrial and post-adjudication.

When Georgia lawmakers passed their juvenile justice reform bill in 2013, they required juvenile justice systems to collect and track data, and called on the state to develop and implement a performance measurement system to analyze the information collected. The law also called for Georgia's state-run juvenile department and for local probation agencies to develop and begin using structured decision-making (SDM) tools to guide placement recommendations.²⁴³

Improving a juvenile justice system's ability to assess, analyze, and apply information about individual young people to help a system shift towards a more developmentally appropriate juvenile justice approach is an ongoing process.

Authors of a Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice Policy and Management analysis of how Massachusetts can improve its current approach to meeting the needs of 17-year-olds recommended that DYS improve its systems for collecting data to evaluate outcomes for young people by implementing youth surveys and training to collect aggregate data.²⁴⁴

By making better use of screening tools and assessments, a juvenile justice system can improve how it manages resources and strengthen strategies to serve young people more effectively—all of which can limit a young person's justice system involvement in a cost-effective way. Better use of these tools will reduce the inefficiencies that can occur when a juvenile justice professional lacks the information needed to objectively understand what a young person needs—which can lead to decisions that are based on that professional's “gut instincts” or subjective views of the appropriate response to delinquency—and improve public safety by directing youth to the intervention most likely to reduce the chances of reoffending.



JUVENILE CONFINEMENT FELL IN STATES THAT RAISED THE AGE

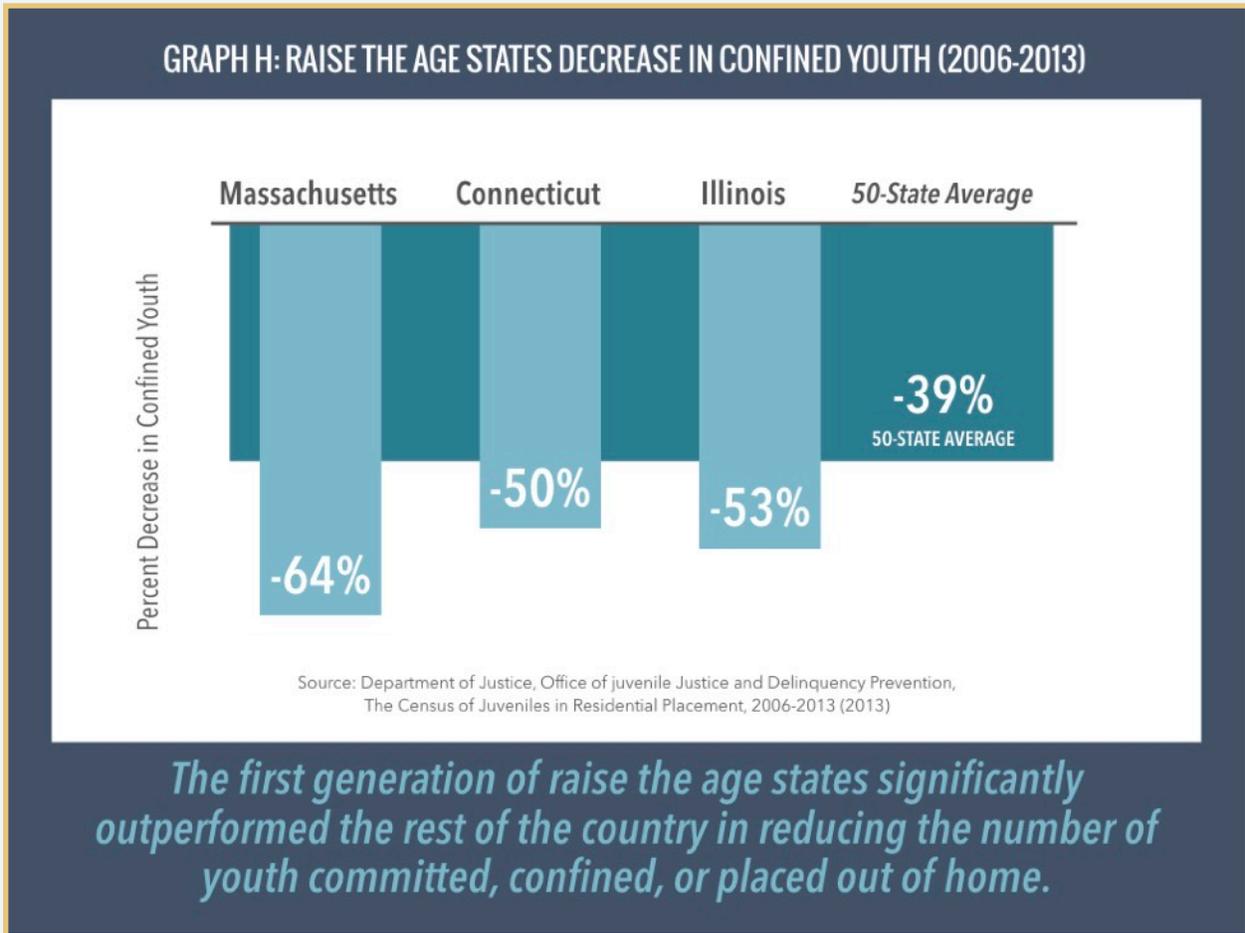
Periodically, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention publishes a census for every state on one day in a given year of the number of young people who are committed to a juvenile justice system and confined in a facility or placed out of the home.²⁴⁵ While the data collected makes it hard to know the exact type or the exact quality of the setting a young person might be in, this Census of Juveniles in Residential Placement (CJRP) represents one way to account for the degree to which a juvenile justice system relies on confinement and out-of-home placements, and to compare that reliance to the system's practices in the past and the practices of other states.

Between 2006 and 2013—a time when Connecticut, Illinois, and Massachusetts were shifting towards a more developmentally appropriate and effective juvenile justice approach, and when they were implementing raise the age—nearly every state saw a decline in the number of young people committed to the juvenile justice system and confined or placed out of the home. Nationally, there was a 39 percent decline in the number of youth committed to the juvenile justice system and confined or placed out of the home during this period.

According to this national data set, the first generation of raise the age states—Connecticut, Illinois, and Massachusetts—outperformed the rest of the country in reducing the number of youth committed to juvenile justice system and confined or placed out of the home.²⁴⁶

Between 2006 and 2013, Connecticut and Illinois experienced greater drops in the number of committed youth confined or placed out of the home than the 50-state average—a 50 percent drop in Connecticut and a 53 percent drop in Illinois compared to a 39 percent drop nationwide. The trend through the year before Massachusetts raised the age showed that the state well outperformed the national average drop in the use of confinement and out-of-home placement (a 64 percent decline, versus a 39 percent decline), according to the CJRP.

Put another way, during the time when these states began or were on the cusp of absorbing 16- or 17-year-olds (or both) into their juvenile justice systems, they significantly reduced the use of confinement.



Graph H: Raise the Age States Decrease in Confined Youth (2006-2013)

The CJRP additionally shows that states that just passed or are considering raising the age in 2017 also significantly outperformed the rest of the country in reducing the number of youth confined or placed out of the home post-commitment.

Those states that outperformed the national average between 2006 and 2013 include Michigan, New Hampshire, New York, North Carolina, Texas, and Wisconsin. Put another way, the five biggest states that are close to raising the age have already reduced the number of young people in the deepest end of their justice systems, potentially freeing up some capacity to serve new populations, if necessary. Missouri, a state that may consider raise the age legislation in 2017, also did not outperform the national average drop in the use of confinement according to the CJRP, possibly because the state had already successfully advanced a decade earlier a juvenile justice reform approach (the “Missouri Model”) that reduced reliance on large, distant, locked facilities.²⁴⁷ While Louisiana and South Carolina did not experience greater drops in confinement or out-of-home placement than the national average, both experienced a sizeable drop in confinement—about 30 percent in both states over the 2006 to 2013 period.

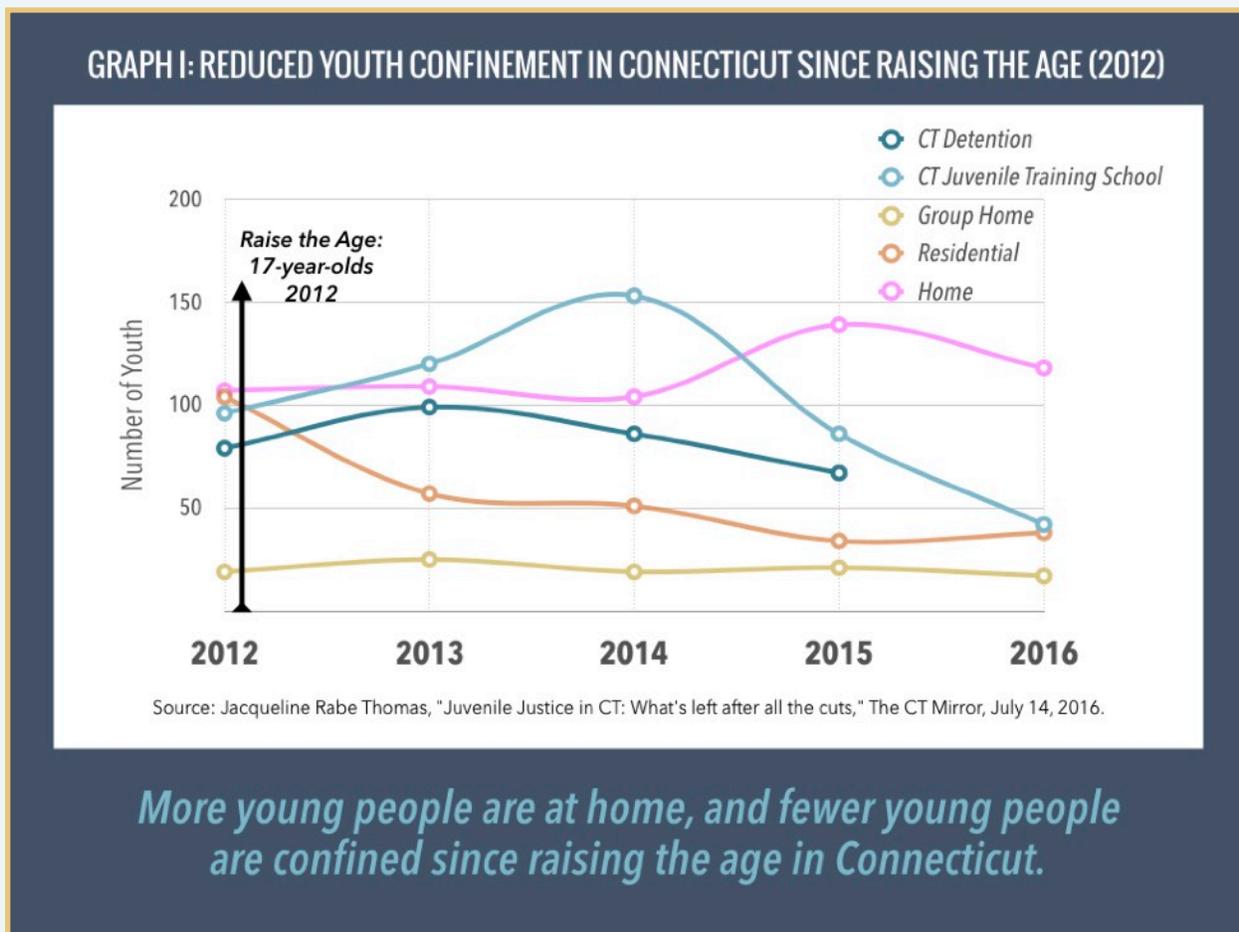
As noted, the CJRP is only one way to account for a state’s use of confinement. While every state juvenile justice system is distinct and it is hard to do an exact comparison of the deepest end of their systems, there are several indicators from multiple states that have raised the age or are just about to that they are significantly reducing their reliance on confinement.

CONNECTICUT:

Connecticut's juvenile justice system saw a shift in the confinement population during the time that the state implemented its raise the age law. At various points along the youth justice continuum, Connecticut has experienced a reduction in the number of youth confined, despite the system absorbing 16- and 17-year-olds. From 2001 to 2010, Connecticut reduced its juvenile confinement rates from 215 per 100,000 to 49 per 100,000;²⁴⁸ Connecticut experienced a 70 percent reduction in residential commitments from 2000 to 2011;²⁴⁹ and the average daily population of the state's pretrial detention centers fell from 132 in 2006 to 67 in 2015.²⁵⁰ In the years since Connecticut raised the age, more young people that touch the justice system are at home, and fewer young people are confined.

The reduction in the confinement population in Connecticut was accompanied by the closure of a state-operated detention center in New Haven in 2011,²⁵¹ and by July of 2018, the Connecticut Juvenile Training School will also be closed.²⁵²

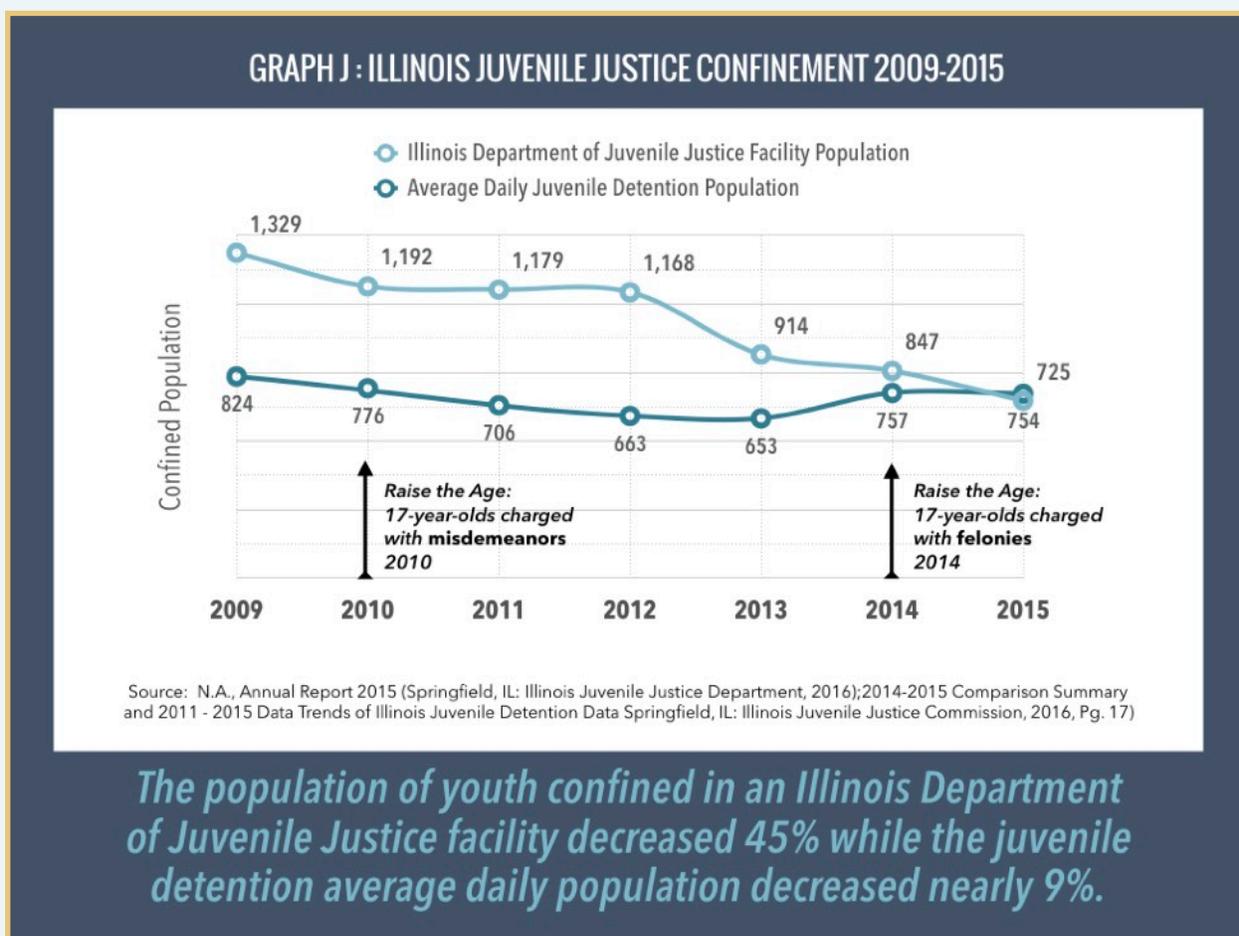
Graph I: Reduced Youth Confinement in Connecticut Since Raising the Age (2012)



ILLINOIS:

Reducing reliance on confinement provides a state with an opportunity to reconfigure the justice system towards meaningful reform. As a result of the drop-in confinement in state-run juvenile facilities in Illinois, three state-operated juvenile prisons were closed (in Murphysboro, Joliet, and Kewanee) as well as the DuPage County Detention Center.²⁵³

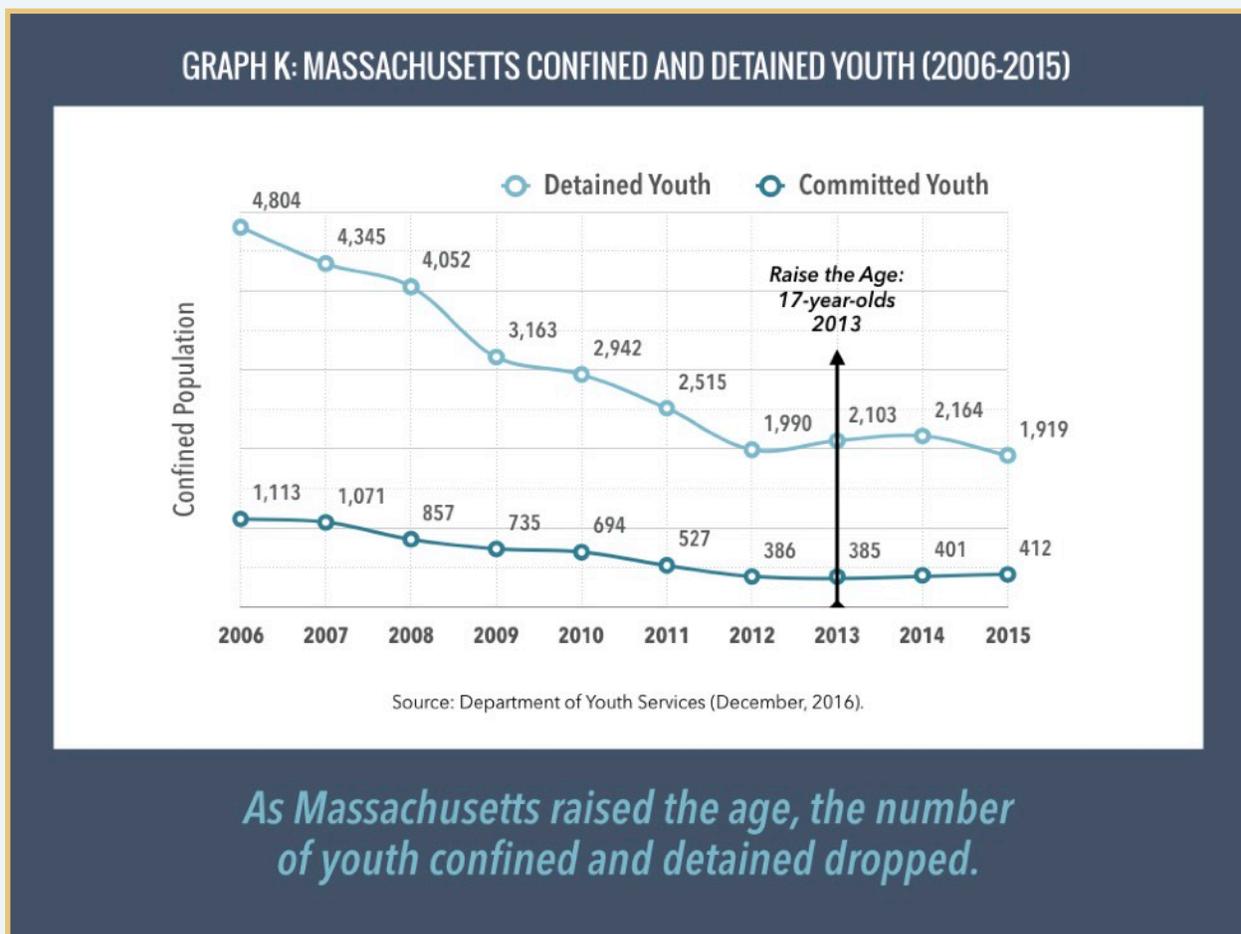
Graph J: Illinois Juvenile Justice Confinement (2009-2015)



MASSACHUSETTS:

Similar to what Connecticut and Illinois experienced, Massachusetts—another first-generation raise the age state—also observed a sharp decline in its Department of Youth Services population. Between 2000 and 2012, before age of jurisdiction reform was implemented in Massachusetts, the system reduced the number of committed youth by 65 percent.²⁵⁴ Although there was a slight uptick in the commitment population in 2012-13, Massachusetts continues to significantly lower its reliance on the deep end of the system.

Graph K: Massachusetts Confined and Detained Youth (2006-2015)



CONCLUSION

THERE ARE STEPS POLICYMAKERS CAN TAKE TO SUCCESSFULLY IMPLEMENT RAISING THE AGE

“Help us, our lives matter.
This is not the way to teach
us juveniles a lesson.
This is not what you
call justice.”

–17-YEAR-OLD, IN A MISSOURI JAIL²⁵⁵

There is a growing consensus that justice-involved youth are more likely to move beyond delinquency and successfully transition into adulthood if they are served by an effective youth justice system that relies on developmentally appropriate juvenile justice approaches.

Such a system diverts as many young people as possible, ensures probation and aftercare approaches engage youth and help reduce youth’s justice system involvement, and develops ways to address mental health needs outside the deep end of the system.

Each of these strategies will reduce reliance on all forms of confinement, allow for resources to be focused on community-based approaches, and create system capacity to absorb 16- and 17-year-olds.

An effective, developmentally appropriate juvenile justice system uses tools and management tactics to ensure that young people are directed to the individualized approach best designed to help them move past delinquency.

A developmentally appropriate youth justice system diligently works to keep youth safe, in part by complying with the Prison Rape Elimination Act’s mandate to separate youth from adults in facilities, which works in tandem with raising the age.

While Connecticut, Illinois, and Massachusetts have not taken every step that is necessary to build an effective, developmentally appropriate youth justice system, in the past decade, they took enough of these steps in order to successfully implement raise the age, without significantly increasing costs.

By taking significant steps towards a more effective youth justice system, Connecticut, Illinois, and Massachusetts were able to absorb 16- and 17-year-old youth into their juvenile justice systems, and across all three states, ensured:

- **Costs did not rise significantly for taxpayers:** These juvenile justice systems implemented approaches that helped their juvenile justice systems dramatically reduce reliance on confinement, so they could redirect resources to serve more youth at home.
- **Public safety outcomes improved:** Connecticut, Illinois, and Massachusetts raised the age and outperformed the rest of the country in terms of declines in juvenile violent crime and property crimes according to FBI arrest data. These improved public safety outcomes are consistent with research that shows when youth are kept in the juvenile justice system rather than transferred to the adult system, they are less likely to reoffend.

Mississippi and New Hampshire have far fewer youth who touch their justice systems than Connecticut, Illinois, and Massachusetts, but they also raised the age this decade. While Mississippi and New Hampshire absorbed fewer older youth into their juvenile justice systems, these two states also took steps towards a more effective, developmentally appropriate juvenile justice approach by diverting more youth from the system, reducing the use of pretrial detention, and reducing reliance on confinement. Like every state in the country, juvenile crime rates fell in Mississippi and New Hampshire, showing that states can shift towards an approach that keeps both young people and the community safe.

Last year, Louisiana and South Carolina passed raise the age legislation that moved 17-year-olds into their juvenile justice systems. Both Louisiana and South Carolina have taken steps towards a more effective juvenile justice approach that ensures taxpayer costs are kept in check and focuses on redirecting resources so that the vast majority of youth who touch the justice system remain at home.

In 2017, elected officials in Georgia, Michigan, Missouri, New York State, North Carolina, Texas, and Wisconsin will be considering legislation that can help these states achieve the kind of cost containment and public safety outcomes that Connecticut, Illinois, and Massachusetts have experienced since raising the age for 16- and 17-year-olds.

“Our current system of charging youth as adults has been proven to reduce public safety. And yet New York remains one of two states that automatically charges 16-year-olds as adults. ...The legislature needs to do more to protect our communities by passing comprehensive legislation to raise the age in the coming session.”

—MADISON COUNTY SHERIFF ALLEN RILEY²⁵⁶

Costs did not rise significantly for taxpayers in places that raised the age.

These juvenile justice systems implemented approaches that helped their juvenile justice systems dramatically reduce reliance on confinement, so they could redirect resources to serve more youth at home.

THESE SEVEN STATES ARE READY TO MAKE THE SHIFT:



Juvenile justice leaders in these states have already taken significant measures to ready their youth justice systems to absorb older youth by relying on the strategies that helped Connecticut, Illinois, and Massachusetts manage their change process.

Michigan, Texas, and Wisconsin already have county-based models that have proven that they can address young people's mental health challenges in the community and outside the deep end of the juvenile justice system, and models that show how the state can increase diversion so that increased resources can be focused on serving more youth in their home communities.

New York State and North Carolina already have roadmaps developed by justice system stakeholders that show how they can effectively serve 16- and 17-year-old youth in the juvenile justice system without dramatically increasing taxpayer costs, again relying on many of the strategies that Connecticut, Illinois, and Massachusetts used to implement raise the age successfully.

The states still implementing raise the age, or that have yet to pass raise the age legislation *do not lack examples of how they can successfully serve 16- and 17-year-old youth in their juvenile justice systems without increasing costs*; they simply need to embrace the many tools now available to juvenile justice leaders around the country to help move towards more effective approaches.

OVERCOMING OPERATIONAL CONCERNS:

To overcome operational concerns about the potential impact of raising the age of jurisdiction for 16- and 17-year-old youth, elected officials, juvenile justice leaders, and policymakers can take the following steps:

1) Assess what current steps have already been taken to improve their juvenile justice approach, and explore opportunities to expand those efforts.

As laid out in this report, Connecticut, Illinois, and Massachusetts have taken steps to divert more youth from the justice system, improve probation and aftercare approaches, and expand efforts to address young people's mental health needs outside the

deep end of the system. These changes allowed Connecticut, Illinois, and Massachusetts to reduce reliance on all forms of confinement so that resources could be reallocated. The two states that passed raise the age legislation in 2016, and the seven states considering raise the age legislation in 2017 should assess what changes they have already made and how they can build on those changes to move their systems further towards more effective juvenile justice approaches. New York and North Carolina already have a roadmap for what a more effective youth justice system could look like, and should move towards these approaches after they pass raise the age legislation.

2) Connect with stakeholders in states that have raised the age to understand how they managed the change without increasing costs.

The National Conference of State Legislatures,²⁵⁷ Council of State Governments, Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice and Policy Management,²⁵⁸ and Council of Juvenile Correctional Administrators²⁵⁹ have all created opportunities for juvenile justice policymakers to share perspectives on how 16- and 17-year-old youth were successfully absorbed into the juvenile justice system. These opportunities for peer-to-peer learning between various stakeholders need to be expanded so that legislators, juvenile corrections staff, and public safety stakeholders can learn what tactics have been used to enable youth justice systems to successfully manage the process of absorbing 16- and 17-year-olds, without needlessly increasing costs.

3) Seek out technical assistance on how to continue shifting towards more effective juvenile justice approaches.

There are organizations with expertise that can help juvenile justice systems shift towards the most effective approaches that are being used to help young people leave delinquency behind them. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) offers training and technical assistance in a broad range of areas.²⁶⁰ In 2016, OJJDP awarded a Smart on Juvenile Justice: Age of Criminal Responsibility Training and Technical Assistance grant to the American Institute of Research to help systems make

more accurate capacity projections in states that are raising the age, in part to avoid the kind of erroneous cost projections that that never materialized in Connecticut, Illinois, and Massachusetts.²⁶¹ The Justice Department also supports the Council of State Governments, National Institute of Corrections, National Center for Mental Health and Juvenile Justice, National PREA Resource Center, and Council of Juvenile Correctional Administrators to provide technical assistance to help juvenile justice systems shift to more effective approaches. Lastly, the Annie E. Casey Foundation Juvenile Detention Alternatives Initiative is a national initiative that can provide technical assistance to juvenile justice systems that wish to reduce their reliance on pretrial detention as well as deep-end confinement.

Youth justice policymaking does not have a beginning or an end: it is an ongoing process of change. This process involves continuing improvement and the adoption of more effective policies based on regular reassessments and reevaluations of what will help youth succeed in the most cost effective manner.

While the pathway to raising the age was and continues to be different from state to state—states did not use the exact same formula in their policy change efforts—every state has changed its approach to improve how it serves all youth, including 16- and 17-year-olds.

Even among the first generation raise the age states, there is a need to continue to reform their systems to further enhance public safety, manage public resources effectively, and advance policies to help young people succeed.

2017

THIS YEAR STATES THAT HAVE ALREADY RAISED THE AGE CAN CONTINUE TO IMPROVE THEIR JUVENILE JUSTICE APPROACHES BY FOCUSING ON THE FOLLOWING AREAS:

CONNECTICUT:

Governor Dannel Malloy's call to close the Connecticut Juvenile Training School in 2018 presents an opportunity for juvenile justice system stakeholders to take a hard look at which youth are committed and how those youth can be served in ways that protect public safety, ensure positive outcomes for youth, and efficiently spend state dollars. Policy options include raising the lowest age of juvenile court jurisdiction from age seven so that most children who need public support are served by a youth-serving system other than the juvenile justice system, and improving coordination, access, and accountability in the education and mental health system to ensure youth and family needs are identified and addressed before youth become involved in the justice system. Connecticut should also narrow the other pathways that feed young people into the adult justice system: the state should re-examine Connecticut's transfer laws and remove youth under the age of 18 who are transferred to adult facilities and serve them in the community or a juvenile custodial setting when necessary. Facing a couple of years of tightening budgets, Connecticut policymakers need to carefully weigh budget cuts to youth-serving systems that might inadvertently undermine efforts strengthen community-based approaches.

ILLINOIS:

Declining juvenile crime and a series of deliberate steps to shift the juvenile justice system towards more developmentally appropriate juvenile justice approaches allowed Illinois to implement raise the age for 17-year-olds without justice agencies being overwhelmed or incurring significant new costs. However, the state budget crisis and limited funds have also meant important and proven juvenile justice approaches that are more cost-effective have not been funded to scale. Illinois needs to pass a state budget that fully funds social services, including supports for youth diverted from confinement settings, and expand Redeploy Illinois from the handful of counties it is in to a statewide program. When a juvenile facility is closed, those savings from reduced confinement should be invested into more robust community-based approaches. Illinois lawmakers should pursue automatic expungement, to reduce collateral consequences and maximize the state economic and public safety gains of youth going through the juvenile justice system rather than the adult system. While the state has taken significant steps to narrow other transfer pathways, there is still a need for Illinois lawmakers to review the transfer statute and practices concerning automatic transfer to adult court, the contents and results of discretionary transfer hearings, and application of mandatory prison sentences to minors in order to determine if these are safe, developmentally appropriate, and effective.

LOUISIANA:

Louisiana just passed raise the age legislation in 2016, and under the law, the change will be phased in over the next three years. The key lesson that Louisiana policymakers should take from what was learned in Connecticut, Illinois, and Massachusetts is that these three states saw no need to build new facilities, and actually closed several facilities where detained or committed youth were once incarcerated. During difficult fiscal times in Louisiana, state and local policymakers need to concentrate on advancing practice changes to expand diversion opportunities, improving probation practices statewide, and keeping sustained focus on reducing the use of pretrial detention and secure confinement whenever possible. If Louisiana follows the lead of the large states that raised the age and keeps its focus on improving practices to serve youth in the community whenever possible, the state and its localities should be able to avoid more costly confinement approaches.

MASSACHUSETTS:

The Commonwealth still prosecutes and detains a large number of low-level cases that could be handled without formal court involvement. To further reduce young people's justice system involvement, Massachusetts should increase and standardize the use of pre-arrest and pre-adjudication diversion, reduce the number of youth who cross over from the child welfare system into the juvenile justice system, and expand the use of evidence-driven tools and practices throughout the system. Massachusetts should also continue to focus on reducing lengths of stay in out-of-home placement.

MISSISSIPPI:

Since Mississippi lawmakers passed their raise the age law in 2010, juvenile justice system stakeholders at the state and local level have taken some steps to divert more youth from the justice system, reduce the number of youth in pretrial and post-adjudication confinement, and improve community supervision practices. But Mississippi policymakers need to do more to create a juvenile justice system that is grounded in the strengths of young people, families, and communities. Building on the work that has been advanced in communities participating in the Juvenile Detention Alternatives Initiative, Mississippi stakeholders should address any barriers in law, policy, or practice that prevent the juvenile justice system from serving most youth in their home communities. Modest steps taken to improve Mississippi's juvenile justice approach since raising the age should create an appetite for building a system that is based on best practices, uses tools to objectively assess what a young person needs to move past delinquency, and is grounded in what research and science indicate will help youth transition to adulthood.

NEW HAMPSHIRE:

Like other states, New Hampshire's raise the age process was bolstered by the nationwide drop in juvenile crime, which resulted in fewer youth being charged. This trend, along with concrete efforts in the state to prohibit detention or commitment of youth for certain behaviors, limited the number of 17-year-olds at the state's sole juvenile confinement facility to around a dozen. More recently, there has been an increase in youth being detained and committed—particularly among non-violent offense categories. In 2017, legislators are marshalling proposals to expand community-based approaches so as to reduce reliance on detention and confinement.

SOUTH CAROLINA:

After a year when the management of the Department of Juvenile Justice (DJJ) and its Broad River Facility has come under scrutiny because of the tragic deaths of young people there, South Carolina needs to decentralize the DJJ system—shifting to a model more like Missouri’s system of smaller residential facilities that are closer to a young person’s home—and redirect more resources from the most expensive, least effective confinement options to practices that increase diversion of young people from the justice system and bolster less expensive community-based approaches. By developing appropriate afterschool programs, and increasing the number of social workers and mental health providers at schools, the state should be able to better address children’s needs and reduce the number of youth referred from school to the juvenile justice system. To help reallocate resources, state law should be changed to limit commitments and reduce the length of stay for youth in secure evaluation centers. To route youth to the most effective interventions, help them change their behavior, and address their needs in the least invasive way, DJJ will need to retain qualified staff that can address young people’s mental health needs and issues related to trauma.

As states continue to move towards more developmentally appropriate juvenile justice approaches, their juvenile systems experience reductions in arrests and confinement, which free up resources that can be reallocated outside the deep end of the system to serve all young people more effectively.

Regardless of when legislation is passed, by adopting a more developmentally appropriate juvenile justice approach, stakeholders will be better able to successfully absorb 16- and 17-year-olds into the juvenile justice system, improve young people’s outcomes, contain costs, and enhance public safety.

As states continue to move towards more developmentally appropriate juvenile justice approaches, their juvenile systems experience reductions in arrests and confinement, which free up resources that can be reallocated outside the deep end of the system to serve all young people more effectively.

MOST STATES HAVE MULTIPLE TRANSFER MECHANISMS

Of the hundreds of thousands of young people under age 18 who end up under adult court jurisdiction, most are there because the age of adult court jurisdiction for offenses (misdemeanors or felonies, or both) is either 16 or 17 years of age. Despite statutory measures in many states that remove the vast majority of youth under age 18 from the adult system by raising the age of juvenile court jurisdiction, all states still have pathways allowing some youth who engage in certain behaviors to be transferred to the adult system. Transfer laws vary considerably from state to state, particularly in terms of flexibility and breadth of coverage, but fall into three basic categories:

Judicial waiver laws allow juvenile courts to waive jurisdiction on a case-by-case basis, opening the way for criminal prosecution. A case that is subject to waiver is filed originally in juvenile court but may be transferred with a judge's approval, based on articulated standards and following a formal hearing. Even though all states set minimum thresholds and prescribe standards for waiver, ultimately, the waiver decision is usually at the discretion of the judge. However, some states make waiver presumptive in certain classes of cases, and some even specify circumstances under which waiver is mandatory. There are 46 states that have judicial waiver laws.

Prosecutorial discretion or concurrent jurisdiction laws define a class of cases that may be brought in either juvenile or criminal court. No hearing is held to determine which court is appropriate, and there may be no formal standards for deciding between them. The decision is entrusted entirely to the prosecutor. Twelve states and the District of Columbia have prosecutorial discretion or concurrent jurisdiction laws.

Statutory exclusion /automatic or mandatory transfer laws grant criminal courts exclusive jurisdiction over certain classes of cases involving juvenile-age offenders. These laws can apply in states that have raised the age. If a case falls within a statutory exclusion category because of the young person's age and because certain offenses are excluded from the juvenile court, the case must be filed originally in criminal court. There are 29 states that have statutory exclusion/automatic or mandatory transfer laws.

Sources: Patrick Griffin, Sean Addie, Benjamin Adams, and Kathy Firestone, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting* (Washington, D.C.: U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2011). Juvenile Justice GPS: Geography, Policy, Practice and Statistics, "Jurisdictional boundaries," January, 2017, <http://www.jjgps.org/about/jurisdictional-boundaries>

SUMMARY OF QUOTATIONS

All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

QUOTES FOUND IN FULL REPORT (AND SUMMARY):

"If I were kept in the juvenile system, I would've already been home with a trade and or a college degree in child counseling, showing I can be a good citizen in society. Instead, I'm being labeled and wrote off as a lost cause."

–17-year-old in a jail in Missouri²⁶²

5 (Summary 5)

"Here's the reality: Raise the age resulted in a significant decrease in the number of cases, and today I am proud to report that: we now have the lowest number of juveniles in pre-trial detention. We now have the lowest ever population at the Connecticut Juvenile Training School. The number of inmates under the age of 18 at Manson Youth Institute is also at its lowest ever...."

–Connecticut Governor
Dannel P. Malloy²⁶³

7 (Summary 5)

"[Raising the age] is better for public safety because research conclusively shows that consistently the juvenile justice system does a better job preventing recidivism than the adult correction system. This means in the future, we will have fewer crime victims and less money spent on incarceration."

–Louisiana Governor
John Bel Edwards²⁶⁴

8

"It was pretty scary really, only a year ago at the age of 17 I went to court than went to jail. I didn't think that it would be all too bad, but for a 17-year-old it's mentally and emotionally draining."

–A young person exposed to the adult system in Missouri²⁶⁵

10

"In 2007, Rhode Island lowered its upper age of juvenile jurisdiction to 16 as a cost-saving measure, then four months later changed it back to 17 after finding out that criminal justice was not less expensive than juvenile justice. Now, it seems evident that the tide is changing in favor of returning 16- and 17-year-olds to juvenile court jurisdiction."

–Dr. Melissa Sickmund, Director of The National Center for Juvenile Justice, The Research Division of The National Council of Juvenile and Family Court Judges²⁶⁶

16

"We're trying to intercept kids before they get involved with the courts. We don't want it to be the case that youth have to get arrested before they get help. We need to build some viable off-ramps from the highway to the juvenile justice system."

– Elvin Gonzalez, Family Diversion Administrator of the Berrien County Trial Court, Michigan²⁶⁷

17

"Although about 18,000 misdemeanor arrests were moved from adult to juvenile court in 2010, the total number of youth in the juvenile system actually dropped due to decreases in overall crime and juvenile arrests, as well as increased use of diversion options."

–Illinois Juvenile Justice Commission²⁶⁸

18

"While I can't claim innocence, far from it in fact, I found myself having become a victim of the system. My only 'help' came from two juvenile probation officers. Their advice was to 'tell them (police) what they want to know.'"

–17-year-old, Missouri²⁶⁹

21

"By increasing probation's ability to access interventions that have been demonstrated in research to be effective with the high-risk juvenile probation population, probation can reduce future delinquency and crime, detention, placement, and incarceration."

–New York State Office of Probation and Correctional Services²⁷⁰

23

"Some of these kids need to get the hell out of my office and we need to not touch them because all government touches, just like all social services touches, aren't good touches. They almost all have unintended side effects."

-Vincent Schiraldi, former Commissioner, New York City Department of Probation²⁷¹

23

"The data coming out of Texas showed us, for the first time, how much better kids do closer to home. It also showed us that additional investment in probation and treatment alone doesn't translate into reduced recidivism among youth under community supervision. We need to make sure the services and supports we provide youth in the community are grounded in the latest research."

-Susan Burke, Utah's Director of Juvenile Justice Services²⁷²

24

Question: What is/was your experience as a 17-year old in the adult system?

"My experience in adult prison is a very mental straining experience. Having to worry about not getting taken advantage of, set up, physically abused is a very scary thought. I do not have the mentality that most of these women have to know how to survive in prison."

-A 17-year-old, in a Missouri jail²⁷³

25 (Summary 5)

"When more states keep youth from being unnecessarily confined to access treatment, everyone benefits. Rather than burdening overstretched systems, we can strengthen them while better providing for kids, families and communities."

-Joseph J. Cocozza, Ph.D., Founder and Former Director, National Center for Mental Health and Juvenile Justice²⁷⁴

26

"If you only have a hammer, you see every problem as a nail. Given the disproportionately high number of juveniles who enter the system with an unmet mental health need, states and local jurisdictions must change the tools they make available to supervising juvenile probation officers."

-Erin Espinosa, Ph.D., Research Associate, Texas Institute for Excellence in Mental Health in the School of Social Work at The University of Texas at Austin²⁷⁵

27

"The state's detention centers are a revolving door. It's clear that our current system is putting too many juveniles on a path to becoming career criminals. It's expensive, it's not working, and it's time to change."

- Former Police Chief Lloyd Perkins Skaneateles, New York, former President of the New York State Association of Chiefs of Police²⁷⁶

29

"I think that the research has shown that it's better for the young people to be in smaller facilities that are closer to the communities in which they live...The less like a prison you can make the detention for the young people, the better off they are...You don't want the Juvenile Temporary Center to be a pipeline to the Department of Corrections."

-Cook County Board President Toni Preckwinkle²⁷⁷

31

"We know that many of us made mistakes as kids, but most of us were in forgiving environments. Once a kid is labeled a criminal, it is very difficult for him or her to escape the stigma and to reach his or her full potential. It does not make sense to treat all 16- and 17-year-olds as adults when the science and our own common sense tells us that that is too early."

-Roy L. Austin, Jr., former Deputy Assistant to the President, Office of Urban Affairs, Justice and Opportunity, Domestic Policy Council²⁷⁸

32 (Summary 5)

"When we lock up a child, not only are we wasting millions of taxpayer dollars, we're setting him or her up for failure in the long run. The system as it exists now is unfair to everyone involved and needs to be changed."

- Senator Christopher Murphy (D-Connecticut)²⁷⁹

33

"Raising the age will not require new detention or youth incarceration facilities."

–Illinois Juvenile Justice Commission²⁸⁰

35 (Summary 5)

"County juvenile detention centers and state juvenile incarceration facilities were not overrun, as some had feared. Instead, one detention center and two state incarceration facilities have been closed, and excess capacity is still the statewide norm."

–Illinois Juvenile Justice Commission, February 26, 2013²⁸¹

39 (Summary 5)

"The Division of Juvenile Justice already has produced cost savings of over \$44 million that can be used to pay for raise the age."

–North Carolina Commission on the Administration of Law and Justice Committee on Criminal Investigation and Adjudication

44, 45

"Raising the age of juvenile jurisdiction furthered the Commonwealth's efforts to comply with the federal Prison Rape Elimination Act (PREA). This law requires courts and facilities to provide sight and sound separation between adults and juveniles in order to protect young people under the age of eighteen from possible rape and sexual assault in adult holding cells and prisons."

Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system."

–Annual Report, Massachusetts Department of Youth Services (2015)²⁸²

49 (Summary 5)

"My staff tries hard, but adult jails cannot prepare 17-year-olds for success. Outside, these kids are juniors in high school. We don't offer a high school education in the jail. Our staff is not equipped to manage the unique needs of adolescents. And most of the offenders we house have been through the system before—they are not the right peers for 17-year-old-children."

– Sheriff Mike Neustrom and Director of Corrections Rob Reardon, Lafayette Parish²⁸³

50 (Summary 5)

"Raising the age of juvenile jurisdiction would provide long-term cost savings to counties struggling to comply with the federal Prison Rape Elimination Act."

–The Sheriffs of Brazos, Dallas, and Harris Counties, Texas²⁸⁴

51

"What we have found is that changing the culture in the building [i.e., implementing risk/needs assessment tools], they already know that we aren't going to bring certain kids into detention."

–Henry Upshaw, Adams County Juvenile Detention Center Administrator, Mississippi²⁸⁵

57

"By minimizing interventions for low-risk youth, juvenile justice systems will avoid the costly and harmful mistake of over-intervening with youth who, with limited systems involvement, will likely age out of their delinquent behavior on their own, and do so without much, if any, further impact on public safety. Fewer interventions for low-risk youth also mean more resources can be devoted to the supervision and services for young people at higher risk for reoffending."

–Council of State Governments Justice Center²⁸⁶

58

"Help us, our lives matter. This is not the way to teach us juveniles a lesson. This is not what you call justice."

–17-year-old, in a Missouri jail²⁸⁷

67

"Our current system of charging youth as adults has been proven to reduce public safety. And yet New York remains one of two states that automatically charges 16-year-olds as adults...The legislature needs to do more to protect our communities by passing comprehensive legislation to raise the age in the coming session."

–Madison County Sheriff Allen Riley²⁸⁸

68

QUOTES FOUND ONLY IN EXECUTIVE SUMMARY:

"We're going to focus on real, bipartisan approaches to criminal justice reform. We began this critical work in 2016 with the passage of the Raise the Age Act. Before this law passed through our legislature with bipartisan support, 17 year olds who committed delinquent acts were automatically tried as adults. Because of Raise the Age, young people can now be held accountable for their actions in age-appropriate settings."

–Louisiana Governor John Bel Edwards²⁸⁹

(Summary 5)

"Raise the age did not create the backlash that some claimed it would."

–Jeff Bradley, Juvenile Justice Project Manager and Government Affairs Liaison for the Illinois Collaboration on Youth and former State's Attorney²⁹⁰

(Summary 4, 5)

ENDNOTES

¹ All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

² Carmen Daugherty, *State Trends: Updates from the 2013-2014 Legislative Session* (Washington, D.C.: The Campaign for Youth Justice, 2015).

³“A recent national survey of prosecutors estimated that about 27,000 cases involving offenders under the age of 18 were prosecuted in felony criminal courts in 1996 (DeFrances & Steadman, 1998). Their estimate, however, did not include youth under 18 who were tried as adults in states that had excluded 16- and 17-year-olds from the jurisdiction of the juvenile court. Sickmund, Snyder, and Poe-Yamagata (1997) estimate that an additional 180,000 criminal cases (felony and misdemeanor) were tried in adult criminal courts in states that have reduced the maximum age of juvenile court jurisdiction below 18. The combined estimates put the number of youth under 18 who are tried annually as adults at over 200,000.” See, Jennifer L. Woorlard, Candice Odgers, Lonni Lanza-Kaduce and Hayley Daglis, “Juveniles with Adult Correctional Settings: Legal Pathways and Development Considerations” *International Journal of Forensic Mental Health* 4, no. 1 (2005): 1-18.

⁴ Office of Governor Dannel P. Malloy. Press Release. “Gov. Malloy’s Prepared Remarks Today on Criminal Justice Reform,” November 6, 2015, <http://portal.ct.gov/en/Office-of-the-Governor/Press-Room/Press-Releases/2015/11-2015/Gov-Malloys-Prepared-Remarks-Today-on-Criminal-Justice-Reform>

⁵ In *Reforming Juvenile Justice: A Developmental Approach*, the National Research Council of the National Academy of Sciences (NAS) said that raising the age is part and parcel of the kind of developmentally appropriate juvenile justice approach that all youth justice systems need to be moving towards. The NAS stated, “[d]evelopmental science strongly reinforces the long-standing legal tradition of holding juveniles accountable in a separate juvenile justice system” (page 133) and, “in addition, much has been learned about the pathways to delinquency and patterns of offending, the efficacy and cost-effectiveness of prevention and treatment programs, and the long-term effects of confining youth in secure or harsh conditions and transferring them into the adult system” (page 15). The experts convened by the NAS also found that the juvenile justice approaches profiled in this report would help achieve the goals of reducing young people’s recidivism, help youth transition to adulthood, keep young people safe, and deliver these services in a more cost-effective manner. On the need to expand the use of diversion, the NAS said, “six [diversion] program models meant to limit the penetration of adolescent offenders into the juvenile justice system have benefits that substantially exceed costs. The benefits per participant of adolescent diversion are about \$51,000 greater than the costs.” (page 22) On the need to make probation and aftercare approaches more effective, the NAS stated that “[e]very aspect of the justice system’s interaction with the adolescent—from a street encounter with a police officer through intake, petition, adjudication, disposition, and discharge from court supervision—should be viewed through a developmental lens. Throughout the process, juvenile justice professionals affect the youth’s legal socialization and moral development through their demeanor, their framing of the legal situation, and their interactions with the youth and family” (page 210). On the need to address young people’s mental health needs outside the deep end of the system, the NAS said, “treatment is the juvenile justice system’s very reason for being. An industry of treatment providers has emerged to support this treatment mission by delivering therapeutic interventions to address family conflict, cognitive deficits, drug abuse, and mental health issues, including a growing number of programs that are now supported by high-quality evaluation evidence” (page 20). On the need to reduce the use of pretrial detention, the NAS said, “if detention or custodial placement is ordered, the experience of a loss of freedom can have a penetrating impact on the identity and self-image of the youth” and, “alarmed by the number of youth being detained, the deplorable conditions and the troubling effects of detention on youth (e.g., isolation, increased levels of violence, suicides, lack of services), the Annie E. Casey Foundation initiated in 1992 the Juvenile Detention Alternatives Initiative (JDAI)... The chief goals of the initiative are to reduce detention and to use the detention process as a lever for broader system-wide reforms” (page 210). On the need to reduce reliance on facilities and focus resources on community-based approaches, the NAS said, “a growing body of evidence, including comprehensive benefit-cost analyses, indicated that some community-based programs were effective at reducing recidivism—and at a much lower cost than incarceration. In combination, these factors have contributed to a new wave of policy initiatives and to a rethinking of juvenile justice policy.” (page 42). On the need to improve the juvenile justice system’s management of resources and strengthen strategies to serve young people more effectively, the NAS stated, “using risk/needs assessments at critical points can reduce idiosyncratic decision making and maximize the impact of resources by targeting them to the risk level of each offender. Whatever the specific mechanism, the appropriate focusing of more intense (and costly) interventions on higher risk adolescents produces a greater reduction in subsequent offending and limits the negative effects of unwarranted intensive intervention on less serious offenders” (page 5) and, “[risk/need assessment] methods, if built into an ongoing system of readministration and monitoring of services, hold considerable promise for assessing whether an adolescent offender has received appropriate services and whether intermediate goals of the interventions have been met” (page 146). On the need to keep young people safe by complying with the Prison Rape Elimination Act (PREA), the NAS said, “the [Juvenile Justice and Delinquency Prevention Act’s] core requirements reflect key normative principles underlying developmentally appropriate policies and practice: ... the requirement of ‘sight and sound separation’ from adults and removal from adult jails reflect the idea that youth are vulnerable and should not be subject to punitive and potentially harmful conditions of incarceration” (page 8). See, Bonnie J. Richard et al., *Reforming Juvenile Justice A Developmental Approach* (Washington D.C., The National Academies Press, 2013).

⁶Because South Carolina and Louisiana's legislative changes were made in 2016, there is not yet full fiscal year data to show whether the estimated costs associated with raising the age actually were spent.

⁷ "Louisiana should raise the age to 18 for prosecution as an adult: Editorial," *The Times Picayune*, April 27, 2016, http://www.nola.com/politics/index.ssf/2016/04/raise_the_age_juvenile.html.

⁸ "Research shows that prosecuting youth as adults increases recidivism by as much as 34%." See, United States Department of Health and Human Services, "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services", U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), MMWR 2007; 56 [No. RR-9]: 1-11 (Nov. 30, 2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

⁹ "Research shows that prosecuting youth as adults increases recidivism by as much as 34%." See, United States Department of Health and Human Services, "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services", U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), MMWR 2007; 56 [No. RR-9]: 1-11 (Nov. 30, 2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

¹⁰ Id., 14

¹¹ Centers for Disease Control and Prevention, Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services, MMWR, November 30, 2007, vol. 56, no. RR-9.

¹² See also, N.A., *National Prison Rape Elimination Commission, Report 18* (Washington D.C.: United States Congress, 2009). <http://www.ncjrs.gov/pdffiles1/226680.pdf>.

¹³ Marc Schindler, Amanda Petteruti, and Jason Ziedenberg. Sticker Shock: The full price-tag for youth incarceration. (Washington, D.C.: Justice Policy Institute, 2014). Also see, Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR, November 30, 2007, vol. 56, no. RR-9.

¹⁴ Mark Soler and Lisa M. Garry, *Reducing Disproportionate Minority Contact: Preparation at the Local Level* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 2009).

¹⁵ Connecticut's population of 10- to 17-year-olds is 199,766, which is made up of 12 percent Black, 72 percent white and 16 percent Hispanic/Latino youth; Connecticut's youth justice population is 47 percent Black, 17.5 percent white, and 30 percent Hispanic/Latino. Illinois' population of 10- to 17-year-olds is 729,541, which is made up of 17 percent Black, 64 percent white, and 19 percent Hispanic/Latino youth; Illinois' youth justice population is 66 percent Black, 20 percent white, and 14 percent Hispanic/Latino. Massachusetts' population of 10- to 17-year-olds is 338,333, which is made up of nine percent Black, 77 percent white, and 14 percent Hispanic/Latino youth; Massachusetts' youth justice population is 34 percent Black, 24 percent white, and 36 percent Hispanic/Latino. Suburban Stats, "Population Demographics for Massachusetts in 2016" (2016). <https://suburbanstats.org/population/how-many-people-live-in-massachusetts>; Suburban Stats, "Population Demographics for Connecticut in 2016" (2016). <https://suburbanstats.org/population/how-many-people-live-in-connecticut>; Suburban Stats, "Population Demographics for Illinois in 2016" (2016). <https://suburbanstats.org/population/how-many-people-live-in-illinois>; N.A., *Massachusetts Department of Youth Services (DYS) 2014 Annual Report* (Boston, Massachusetts: Department of Youth Services, 2014, pg.7); N.A. *Facts and Figures on Connecticut's Juvenile Justice System* (Hartford, Connecticut: Office of Policy and Management, 2015); N.A. *July 2016 Monthly Youth Profile* (Springfield, Illinois: Illinois Department of Juvenile Justice, 2016). Suburban Stats, "Population Demographics for Massachusetts in 2016" (2016).

¹⁶ "Despite the overall reduction of incarcerated youth, much higher percentages of youth of color remain under formal supervision and in state secure facilities." See, Antonette Davis, Angela Irvine, and Jason Ziedenberg, *Using Bills and Budgets to Further Reduce Youth Incarceration* (Oakland, California: National Council on Crime and Delinquency, 2014).

¹⁷ All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

¹⁸ C.W. Harlow, Education and Correctional Populations (Washington, D.C.: Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Education and Correctional Populations, 2003).

¹⁹ The American Bar Association has established a nationwide database that is comprised of 40,000 collateral consequences of a criminal conviction that prevent ex-offenders from leading normal lives after they leave the system. N.A., *National Inventor of the Collateral Consequences of Conviction* (Washington D.C.: The American Bar Association). <http://www.abacollateralconsequences.org/>.

²⁰ Richard E. Redding, Juvenile Transfer Laws: An Effective Deterrent to Delinquency? Office of Juvenile Justice and Delinquency Problems: Juvenile Justice Bulletin 7 (June 2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

²¹ Melissa Sickmund, "Which State Will Be the Last to 'Raise the Age?'" Juvenile Justice Exchange, May 29, 2014, <http://jjie.org/2014/05/29/which-state-will-be-the-last-to-raise-the-age/>.

²² N.A. "Berrien County, MI, Expands Training, Collaboration around Juvenile Justice," *The Council of State Governments Justice Center*, September 17, 2015. <https://csjjusticecenter.org/youth/posts/berrien-county-mi-expands-training-collaboration-around-juvenile-justice/>

²³ N.A., *Statistical Briefing Book: Juvenile Arrests* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2014)

²⁴ Emily Haney-Caron, "Diversion programs can help keep youth out of 'the system' by preventing arrests," *Juvenile Law Center*, April 15, 2016.

²⁵ Labeling theory is a predictor of future delinquency based on the notion that a *label* can lead to increased deviancy. This leads to deviance in two arenas: one is the self-image of an individual that can affect personal identity and steer the person towards acts of delinquency; secondly, the external forces of how society will respond to a label may cause future criminal activity. See, A Akiva M. Liberman, David S. Kirk, and Kideuk Kim, *Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning* (Washington D.C.: Urban Institute, 2014).

²⁶ Frazier, C.E. and Cochran, J.K., "Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions," *Youth and Society* 17, no.3 (1986): 286-305.

²⁷ "When controlling for campus and individual student characteristics, the data revealed that a student who was suspended or expelled for a discretionary violation was nearly three times as likely to be in contact with the juvenile justice system the following year." See, N.A., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York, NY: The Council of State Governments, 2011).

²⁸ Greg Frost, "Pre-Arrest Diversion - An Effective Model Ready for Widespread Adoption," *Official Blog of the International Association of Chiefs of Police*, June 17, 2016.

²⁹ N.A., *Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania* (Chicago, IL: MacArthur Foundation: Models for Change, 2010).

³⁰ The study uses the estimated cost savings range of \$1,467 to \$4,614 in savings for each civil citation issued, based on a 2011 study by Florida TaxWatch Center for Smart Justice—*Expansion of Civil Citation Programs Statewide Would Save Taxpayers Tens of Millions of Dollars and Improve Public Safety*—that showed a range of taxpayer savings from \$44 million to \$139 million annually. The range accounts for youth being diverted before being processed through the entire criminal justice system. A 2012 study by the same organization—*Modern Management and Sensible Savings*—found diversion programs like civil citations can reduce the prison population by 10 percent and save taxpayers up to \$72 million each year. Another cost savings study in 2010 by Associated Industries of Florida—*Getting Smart on Juvenile Crime in Florida: Taking it to the Next Level*—places the cost of processing youth through the criminal justice system at \$5,000 and the cost of issuing one civil citation \$386. See, *Stepping Up Florida's Top Civil Citation Efforts* (St. Petersburg, Florida: Dewey & Associates, 2015). <http://deweyandassociates.com/Stepping%20Up%20Florida's%20Top%20Civil%20Citation%20Efforts%207%2009%2015.pdf>.

³¹ N.A., *Measurable Progress Series: Redeploy Illinois* (Chicago, IL: MacArthur Foundation: Models for Change, 2012).

³² N.A., *Redeploy Illinois: Annual Report to the Governor and the General Assembly - Fiscal Year & Calendar Year 2014* (Springfield, IL: State of Illinois Department of Human Services, 2016).

³³ Ogle County's Front-End Diversion program is a pre-adjudication strategy which improves mental health screenings and law enforcement data systems to address underlying issues of delinquency to avoid unnecessary justice contact. Since implementation, 70 percent of the program's participants have avoided deeper involvement in the system. See, N.A., *Measurable Progress: A Summary of Illinois Juvenile Justice Reforms 2005 - 2012* (Chicago, IL: John D. and Catherine T. MacArthur Foundation, 2012)

³⁴ Peoria County's pre-arrest Community Conferencing Diversion approach is a restorative justice model that led to a 35 percent reduction in school-based referrals, 43 percent of whom were African American youth. Jason Szanyi, *Partnering with Schools to Reduce Juvenile Justice Referrals* (Chicago, IL: John D. and Catherine T. MacArthur Foundation, 2012).

³⁵ "Raising the Age Fact Sheet, Recommendation to Extend Juvenile Court Jurisdiction to Include 17-Year-Olds Charged with Felony Offenses," Illinois Juvenile Justice Commission, April 2013, <http://ijjc.illinois.gov/publications/raising-age-fact-sheet>.

³⁶ Bracey, Jeana R., Geib, Catherine Foley, Plant, Robert, O'Leary, Julia R., Anderson, Abby, Herscovitch, Lara, O'Connell, Maria, and Vanderploeg, Jeffrey J, "Connecticut's Comprehensive Approach to Reducing In-School Arrests: Changes in Statewide Policy, Systems Coordination and School Practices," *Family Court Review*, 51, no.3 (2013): 427-434. <http://www.modelsforchange.net/publications/603>.

³⁷ An Act Concerning Collaboration Between Boards of Education and School Resource Officers and the Collection of and Reporting of School Based Arrests. Public Act No. 15-168. (2015).

³⁸ Lael Chester and Vincent Schiraldi. *Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21*. (Boston, MA: Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice Policy and Management, 2016).

³⁹ Ibid.

⁴⁰ Volunteers for Youth Justice, 2015 Annual Report. <https://www.vyjla.org/files/2013/12/2015-VYJ-ANNUAL-REPORTemail.pdf>.

⁴¹ Louisiana HCR 73 Study, Raising the Age of Juvenile Jurisdiction. A Legislated Study of Raising the Age of Juvenile Jurisdiction in Louisiana. The future of 17-year-olds in the Louisiana Justice System (Baton Rouge, LA: The Institute for Public Health and Justice at the Louisiana State University's Health Science Center, 2016).

⁴² N.A., *Interim Report Criminal Investigation and Adjudication Committee* (Raleigh, NC: North Carolina Commission on the Administration of Law and Justice, 2016 Pg 4).

⁴³A "complaint" is behavior that results in the setting of a new juvenile court date . Id., 5

⁴⁴ Stephanie Kollmann, Raising the Age of Juvenile Court Jurisdiction in Illinois [webinar, National Conference of State Legislatures, Feb. 19, 2016].

⁴⁵ Mississippi State Code Ann. § 43-21-151; 105; 157; 159; 401; 555; 605

⁴⁶ Personal communication, Scott A. Odum, Deputy Director, Division of Youth Services, Thursday, February 8th. 2017.

⁴⁷ Kristen Staley and Michelle Weemhoff, *There's No Place like Home. Michigan Council on Crime and Delinquency* (Lansing, Michigan: Michigan Council on Crime and Delinquency, 2012). See <http://miccd.org/wp-content/uploads/2013/10/No-Place-Like-Home-MCCD2013.pdf>.

⁴⁸ N.A., *Do More Good: A Progress Report from the NYC Department of Probation* (New York, NY: New York City Department of Probation, 2013)

⁴⁹Tony Fabelo et al., *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015). See also, N.A., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York, NY: The Council of State Governments, 2011).

⁵⁰ All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

⁵¹ U.S. Department of Justice, Office of Juvenile Justice Delinquency Programs, "Juvenile Court Statistics 2013," 2013, <https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2013.pdf>.

⁵² "Without quality aftercare—the kind of post-release supervision, services and supports that young people need to make safe and successful transitions out of residential placement facilities and back to their home communities—the estimated 100,000 young people leaving juvenile institutions each year face failure, recidivism, and more incarceration. Unfortunately, quality aftercare is in short supply nationally." See, *Models for Change, "Aftercare,"* <http://www.modelsforchange.net/about/Issues-for-change/Aftercare.html>.

⁵³ An analysis from Ohio showed that youth who presented with *the least serious behavior and who were assessed to be most amenable to being at home had recidivism rates of under 20 percent*—much lower than the rates for young people sent to state run-facilities: low- medium-risk youth had recidivism rates of eight and 18 percent, respectively, when they were in the community. Even among those young people who had more challenging backgrounds—either they were convicted of a more serious offense, had deeper involvement in the system, or were assessed to have higher risk or needs—the youth placed in community programs had lower recidivism rates than those youth placed in state-run or community corrections facilities: 37 percent of high-risk Ohio youth placed in community programs recidivated as opposed to 47 percent of comparable youth placed in secure facilities and over 50 percent of comparable youth placed in community corrections facilities. The study consisted of a multivariate analysis, conducted to account for multiple factors of recidivism; these included prior adjudication history, race, sex, educational status, family structure, age at first adjudication, and the length of stay or program enrollment. Recidivism was defined as reconviction, recommitment, or all indicators, including rearrest. See, Christopher Lowenkamp and Edward Latessa, *Evaluation of Ohio's RECLAIM funded programs, community corrections facilities and DYS facilities* (Cincinnati, OH: University of Cincinnati Division of Criminal Justice Center for Criminal Justice Research, 2005).

⁵⁴ "In a review of six comprehensive aftercare programs that prepare juveniles for reentry into the community, researchers found that aftercare is a promising program concept designed to minimize recidivism among youths released from out-of-home placement. The research found limited evidence that suggests a positive influence of aftercare on participant youth. In another setting, the Thomas O'Farrell Youth Center (TOYC) program revealed promising results (Krisberg 1992). Using a pretest-posttest design, the researchers found that of the first 56 TOYC graduates the majority (55 percent) had no further court referrals in the year following release (11.6 months), for a recidivism rate of 45 percent." See, N.A., Development Services Group, Inc., *Aftercare/ Reentry: Literature Review* (Washington, DC: U.S. Justice Department, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2010).

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⁸⁶ "States dictate much of how federal dollars get spent in their states, but funding for juvenile justice alternatives does exist through the Juvenile Justice and Delinquency Prevention Act, Title IV-E, waivers and Medicaid. Juvenile justice systems should collaborate with other systems that are also serving justice-involved young people, such as child welfare, education and mental health agencies to pool resources. This could mean combining city, county, state, and federal funds to establish a funding source to develop a robust neighborhood approach to serving all young people safely in the community. It could also mean tapping into available funding sources for young people in multiple systems." See, *Beyond Bars: Keeping Young People Safe at Home and Out of Youth Prisons*. (Washington, D.C.: The National Collaboration for Youth, 2016).

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⁸⁹ National Institute of Justice, "Program Profile: Front-End Diversion Initiative," June 2014. <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=357>

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¹⁶⁸ "Sections 73-88 implement the budget, which contains approximately \$16 million over the biennium to hire staff and build service capacity in advance of the effective date, January 1, 2010, to raise the age of juvenile jurisdiction to include 16 and 17 year olds. Estimated state costs in the next biennium are \$36 million in FY 10 and \$78.5 million in FY 11. Estimated costs in FY 12 are approximately \$100 million (fully annualized)." See, Fiscal Note for Public Act 07-4, *Connecticut General Assembly*, <http://www.raisetheagect.org/resources/fiscal-note.pdf>

¹⁶⁹ Richard A. Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment have Improved Public Safety and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013)

¹⁷⁰ "Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21," PowerPoint, (Boston, Massachusetts: The Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice and Policy Management).

¹⁷¹ Press Release, Office of Governor Dannel P. Malloy, "Gov. Malloy's Prepared Remarks Today on Criminal Justice Reform," Nov. 6, 2015, http://portal.ct.gov/Departments_and_Agencies/Office_of_the_Governor/Press_Room/Press_Releases/2015/11-2015/Gov_Malloy_s_Prepared_Remarks_Today_on_Criminal_Justice_Reform/.

¹⁷² "It is estimated by Probation that 27 Probation Officers would be required in order to supervise the additional caseload created by adding 17-year-olds to the juvenile court. 27 Probation Officers at entry level, total, \$1,415,718. 5 Assistant Chief Probation Officers, \$460,160. Total, \$1,875,878... Juvenile Court Clinics. 5-7 full time equivalent clinicians each of who manage 50-65 referrals a year. In addition, staff may be needed to expand treatment capacity/services within court clinics for transitional age youth, and specialized problem solving court modalities may utilize the court clinic expertise. We estimate needing 9-12 additional forensic mental health professionals that include a part-time psychiatrist, psychologists and master level clinicians. Capital expenses (e.g. laptops, furniture), projected costs for additional staffing, training and related expenses, overhead. Total, \$1,158,500-\$1,486,000... The DYS projects that this additional detained and committed population will generate a net bed need of 197 beds in 14 programs for a total annual operating cost of \$20.5 million." *Impact of Raising the Age of Responsibility in the Commonwealth of Massachusetts from 17 to 18* (Boston, Massachusetts: The Commonwealth of Massachusetts Administrative Offices of the Juvenile Court, 2013).

¹⁷³ *Ibid.*

¹⁷⁴ “The Raise the age legislation included additional funds for the Department of Youth Services which added \$15.6 million to the agency budget in FY 2014-2015, which was annualized in FY 2016. DYS used the additional funds to open additional programs: 18 bed staff secure detention program for Northeastern and Metro Regional Youth (male), 15 bed hardware secure detention program for statewide long-term detention youth, primarily courtesy holds (male), 8 bed independent living program for Metro Regional youth (male) which expanded to 8 beds during 2015-2016, 6 bed independent living program for Southeast Regional youth (male), 12 bed staff secure assessment program for Southeast Regional youth (male), and 15 bed hardware secure detention beds.” N.A. *The Department of Youth Services. 2016 Raise the Age Report* (Boston, Massachusetts: Massachusetts Department of Youth Services).

¹⁷⁵ Since 2013, Massachusetts has experienced a 10 percent decrease in the number of cases arraigned by juvenile court. Juvenile court changed the method used to count cases during the exact time period that raise the age occurred, making it more challenging to evaluate the caseload impact. The most consistent analysis starts with FY 2013 (the year ending June 30th, 2013, before raise the age was passed) and ends with FY 2016 (ending June 30th, 2016). The number of delinquency cases filed in the juvenile court went up initially after raise the age, but has begun to decline again. Because the caseload of the juvenile court had declined dramatically prior to the raise the age change, the current delinquency caseloads are at roughly the level the court handled in 2010 (the number of judges handling cases has remained constant during this time period). According to data generated by the Juvenile Detention Alternatives Initiative, arraigned cases (where a judge actually decides the case should proceed after it is filed) declined from 4,197 in 2013 to 3,354 in 2015, a decrease of 10 percent despite the influx of 17-year-olds in the intervening time period. See, N.A. *Summary of Impact of Massachusetts’ Raise the Age Reform, Bringing 17-Year-Olds into the Juvenile Justice System* (Boston, Massachusetts: Citizens for Juvenile Justice, 2017).

¹⁷⁶ Anemone Birkebæk, Jesse Cohen, Jasper Frank, Kimberly Howard. *Serving Short-Term Committed Youth and Older Youth in the Wake of Raise the Age* (Boston, Massachusetts: (Boston, MA: Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice Policy and Management, 2016).

¹⁷⁷ N.A. The Department of Youth Services, *2016 Raise the Age Report* (Boston, Massachusetts: Massachusetts Department of Youth Services).

¹⁷⁸ N.A., Raising the age of juvenile court jurisdiction: The future of 17-year-olds in Illinois’ justice system (Springfield, IL: Illinois Juvenile Justice Commission, 2013., pg. 7).

¹⁷⁹ Stephanie Kollmann, Raising the Age of Juvenile Court Jurisdiction in Illinois [webinar, National Conference of State Legislatures, Feb. 19, 2016].

¹⁸⁰ Office of the State’s Attorney, Memo - SB 2275 Juvenile Offender Age Change, May 30, 2008.

¹⁸¹ “Assuming a comparable number of 17 year olds would enter or remain in the juvenile justice system, the Department estimates this bill will increase state expenditures by \$5,287,493 in FY 2016 and each year thereafter.” See, HB 1624 Fiscal Note As Introduced, 2014 Session. “An Act modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights,” 2014. http://www.gencourt.state.nh.us/legislation/2014/HB1624_i.html

¹⁸² John Roman, *The Economic Impact of Raising the Age of Juvenile Jurisdiction in Connecticut* (Washington D.C.: The Urban Institute, 2006).

¹⁸³ John Roman, “The Economic Impact of Raising the Age of Juvenile Jurisdiction in Connecticut,” Remarks before the Judiciary and Appropriations Committee, Connecticut General Assembly, February 21, 2006.

¹⁸⁴ Taxpayers will have to fund the net cost of \$49.2 million per year, but there is a \$3.6 million net benefit from the victim’s perspective based on the youth’s lessened likelihood of reoffending, and \$97.9 million in long-term benefits of based on a youth’s lifetime earnings. Christian Henrichson and Valerie Levshin, *Cost-Benefit Analysis of Raising-the-Age of Juvenile Jurisdiction in North Carolina* (New York City: Vera Institute of Justice, 2011).

¹⁸⁵ N.A. North Carolina Commission on the Administration of Law and Justice, Committee on Criminal Investigation and Adjudication, “Juvenile Justice.” (Raleigh, NC, 2016).

¹⁸⁶ Michael Leachman, Inimai M. Chettiar, and Benjamin Geare, *Improving Budget Analysis of State Criminal Justice Reforms: A Strategy for Better Outcomes and Saving Money* (Washington D.C.: American Civil Liberties Union & Center on Budget and Policy Priorities, 2012).

¹⁸⁷ “Fifteen of the 29 states that wrote fiscal notes finding a significant fiscal impact failed to estimate the impact beyond two years. Some effective criminal justice reforms, including certain drug and mental health treatment programs, require initial modest startup costs but reduce future prison spending significantly. Without an official recognition of the future savings, legislators are less likely to be aware of the long-term fiscal benefits of these reforms, reducing the chances of enactment,” Michael Leachman, Inimai M. Chettiar, and Benjamin Geare, *Improving Budget Analysis of State Criminal Justice Reforms: A Strategy for Better Outcomes and Saving Money* (Washington D.C.: American Civil Liberties Union & Center on Budget and Policy Priorities, 2012).

¹⁸⁸ “Only 13 of the 29 states that wrote fiscal notes finding a significant impact consistently described the method they used to determine the cost or savings of a bill. Without an understanding of the methodology, lawmakers and the public are less able to evaluate the accuracy of fiscal notes, reducing their credibility and usefulness.” D.C.:Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Michael Leachman, Inimai M. Chettiar, and Benjamin Geare, *Improving Budget Analysis of State Criminal Justice Reforms: A Strategy for Better Outcomes and Saving Money* (Washington D.C.: American Civil Liberties Union & Center on Budget and Policy Priorities, 2012).

¹⁹¹ Elizabeth McNichol, Iris J. Lav, Kathleen Masterson, *Better Cost Estimates, Better Budgets: Improved Fiscal Notes Would Help States Make More Informed Decisions* (Washington D.C.: Center on Budget and Policy Priorities, 2015).

¹⁹² N.A., *Raising the age of juvenile court jurisdiction: The future of 17-year-olds in Illinois’ justice system* (Springfield, IL: Illinois Juvenile Justice Commission, 2013., pg. 23-7).

¹⁹³ Shay Bilchik and Marc Schindler, “An effective approach to youth justice will help enhance public safety,” *The Huffington Post*, October 5, 2016.

¹⁹⁴ *Raise the Age Annual Report*, Massachusetts Department of Youth Services (2015).

¹⁹⁵ National PREA Resource Center, “Prison Rape Elimination Act,” December 2016. <https://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea>

¹⁹⁶ U.S. Department of Justice, “Prison Rape Elimination Act: Prisons and Jail Standards - § 115.14 Youthful Inmates” May 17, 2002.

¹⁹⁷ Three Department of Justice grant programs can be subject to the five percent penalty; two are administered by the Office of Justice Programs: 1) The Bureau of Justice Assistance’s Edward Byrne Memorial Justice Assistance Grant Formula Program, a program that provides states with funding streams to support programs including law enforcement, prosecution, court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victims and witness initiatives, and planning, evaluation, and technology improvement programs, and 2) The Office of Juvenile Justice and Delinquency Prevention’s Juvenile Justice and Delinquency Prevention Act Formula Grant Program, a program that provides states with funding streams necessary to support programs that develop juvenile justice plans based on the individualized needs of the community. Non-compliance with PREA can also affect a state’s funding from the Office on Violence Against Women: the STOP (Services, Training, Officers and Prosecutors) Violence Against Women Formula Grant Program, a funding stream that states can use to support strategies of law enforcement and prosecution strategies to combat violent crimes against women. See, National PREA Resource Center, “Which federal grant program will the five percent penalty for non-compliance affect?” February 24, 2014. <https://www.prearesourcecenter.org/node/3281>.

¹⁹⁸ Mike Neustrom and Rob Reardon, “Voices: 17-year-olds are safer in juvenile detention,” *The Advertiser*, March 23, 2016.

¹⁹⁹ S.2577 – 114th Congress: Justice for All Reauthorization Act of 2016

²⁰⁰ National Prison Rape Elimination Commission Report 18 (2009). <http://www.ncjrs.gov/pdffiles1/226680.pdf>

²⁰¹ N.A. *Raising the Age of Juvenile Court Jurisdiction: The future of 17-year-olds in Illinois’ justice system.* (Springfield, Illinois: Illinois Juvenile Justice Commission, 2013).

²⁰² A national survey by the Department of Justice found that 40 percent of jails did not provide any educational services. Eleven percent provided educational services and seven percent provided vocational training. C.W. Harlow, *Education and Correctional Populations* (Washington, D.C.: Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Education and Correctional Populations, 2003).

²⁰³ Sheriff Mike Neustrom & Director of Corrections Rob Reardon, “Voices: 17-year-olds are safer in juvenile detention,” *The Advertiser*, March 23, 2016.

²⁰⁴ Ibid.

²⁰⁵ Sheriff Mike Neustrom & Director of Corrections Rob Reardon, “Voices: 17-year-olds are safer in juvenile detention,” *The Advertiser*, March 23, 2016.

²⁰⁶ Marc Levin, *New Hampshire Ripe for Raising the Age* (Concord NH: The Josiah Bartlett Center for Public Policy, 2014). <http://www.jbartlett.org/new-hampshire-ripe-for-raising-the-age>

²⁰⁷ New Hampshire Department of Health and Human Services, “Press Release - Sununu Youth Services Center Achieves PREA Compliance,” September, 2014. <http://www.dhhs.nh.gov/media/pr/2014/09-sept/09122014-prea.htm>

²⁰⁸ Peter Koutoujian, Sheriff of Middlesex County, Testimony - Massachusetts’ Committee on Children, Families and Persons with Disability, May 8, 2013.

²⁰⁹ Adrian Garcia, Christopher Kirk, Lupe Valez, "Sending 17-Year-Olds to Adult Jails Costly to Teens and Taxpayers," *The Dallas Morning News*, May 2014. <http://www.dallasnews.com/opinion/commentary/2014/05/19/sending-17-year-olds-to-adult-jails-costly-to-teens-and-taxpayers>.

²¹⁰ Ibid.

²¹¹ N.A., *The Department of Youth Services 2016 Raise the Age Report* (Boston, Massachusetts: Massachusetts Department of Youth Services).

²¹² Adrian Garcia, Christopher Kirk and Lupe Valez, "Sending 17-year-olds to adult jails costly to teens and taxpayers," *The Dallas Morning News*, May 2014, <http://www.dallasnews.com/opinion/commentary/2014/05/19/sending-17-year-olds-to-adult-jails-costly-to-teens-and-taxpayers>.

²¹³ "Being incarcerated at age 17 is traumatic under the best of circumstances, Michelle Deitch said, a senior public policy lecturer at the University of Texas. To be sent to a faraway county where families can't visit and you're far away from your attorney, in a private facility operated by a vendor without a good track record—that's certainly cause for concern." Megan Flynn, "Harris County Sheriff May Hand Over 17-Year-Olds to Private Prison Contractor," *The Houston Press*, September 29, 2017.

²¹⁴ Dale Lezon, "Teenage inmate dies after found hanging at Fort Bend County jail," *The Houston Chronicle*, January 27, 2017.

²¹⁵ "Research shows that prosecuting youth as adults increases recidivism by as much as 34%." See, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report (MMWR)*, MMWR 2007; 56 [No. RR-9]: 1-11 (Nov. 30, 2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

²¹⁶ Id., 14

²¹⁷ U.S. Department of Justice, "Table 69: Crime in the United States 2005," Federal Bureau of Investigations Annual UCR data, https://www2.fbi.gov/ucr/05cius/data/table_69.html. See U.S. Department of Justice, "Table 69: Crime in the United States 2015," Federal Bureau of Investigations Annual UCR data, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-69>. All forthcoming analysis of state comparison of juvenile arrest data was derived from the 2005 and 2015 FBI Uniform Crime Report.

²¹⁸ Violent Crime Index: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault; Property Crime Index: burglary, larceny-theft, motor vehicle theft, and arson. U.S. Department of Justice, "Table 69: Crime in the United States 2015," Federal Bureau of Investigations Annual UCR data, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-69>.

²¹⁹ "Juvenile Crime in Connecticut and Governor Malloy's Crime Proposals. Presented to: Connecticut Police Executive Juvenile Justice Conference TOW Youth Justice Institute University of New Haven." (New Haven, Connecticut: Connecticut's Office of Policy Management Criminal Justice Policy and Planning Division April 8, 2016).

²²⁰ One measure of whether or not an alternative pathway to transfer a youth into the adult system is being used in the Commonwealth is the number of young people to whom Massachusetts DYS offers a "courtesy hold." These are young people aged 14 to 18 who are being charged with first or second degree murder who, by agreement with the sheriff, are being detained by DYS and are awaiting trial on an adult charge in a juvenile facility rather than an adult facility. Between October 1, 2015 and September 30, 2016, DYS served 23 youth as courtesy holds. In the first year of the law change, DYS served 15 youth as courtesy holds. In other words, by this one measure of how a young person might end up on another pathway to the adult system other than being there because of exclusion from the juvenile justice system solely based on age, only eight more youth were identified as being potentially transferred. N.A. The Department of Youth Services. *2016 Raise the Age Report* (Boston, Massachusetts: Massachusetts Department of Youth Services).

²²¹ N.A., *Raising the age of juvenile court jurisdiction: The future of 17-year-olds in Illinois' justice system* (Springfield, IL: Illinois Juvenile Justice Commission, 2013., pg. 6).

²²² Id., 23

²²³ Starting in 2016, a new law came into effect designed to significantly reduce the number of young people transferred to the adult court, requiring a hearing first for most of the offenses that young people who are transferred are charged with, and requiring regular reporting on how often transfer pathways are used in Illinois. See, Public Act 099-0258 (2015).

²²⁴ Juvenile Crime in Connecticut and Governor Malloy's Crime Proposals. PowerPoint. Connecticut Police Executive Juvenile Justice Conference TOW Youth Justice Institute University of New Haven. (New Haven, Connecticut: Connecticut's Office of Policy Management Criminal Justice Policy and Planning Division, April 8, 2016).

²²⁵ Shay Bilchik and Marc Schindler, "An effective approach to youth justice will help enhance public safety." *The Huffington Post*, October 5, 2016.

²²⁶ Arielle Dreher, Sierra Mannie and Tim Summers Jr., “Not a Dungeon: The Evolving Approach to Juvenile Detention,” *Jackson Free Press*, December 14, 2016, <http://www.jacksonfreepress.com/news/2016/dec/14/not-dungeon-evolving-approach-juvenile-detention/>.

²²⁷ Gina M. Vincent, Laura S. Guy, Thomas Grisso, *Risk Assessment in Juvenile Justice: A Guidebook for Implementation* (Chicago, IL: MacArthur Foundation, 2012). http://njjn.org/uploads/digital-library/Risk_Assessment_in_Juvenile_Justice_A_Guidebook_for_Implementation.pdf

²²⁸ Development Services Group, Inc. 2015. “Risk and Needs Assessment for Youths.” Literature Review. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. <http://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf>

²²⁹ Department of Youth Rehabilitation Services Office of Research and Quality Assurance, *DYRS 2011 Annual Performance Report* (Washington D.C.: Department of Youth Rehabilitation Services, 2011). http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/release_content/attachments/2011%20DYRS%20Annual%20Performance%20Report.pdf

²³⁰ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

²³¹ “Juvenile justice systems will also benefit from the establishment of an electronic case management system with reporting functionality to keep track of when assessments are conducted and the assessment results. A commitment to electronically capturing and analyzing assessment data can help juvenile justice systems to generate ongoing reports to evaluate whether assessments are conducted in a reliable manner and the supervision and services provided to youth are matched to assessment results. Assessment data can also serve as an invaluable tool to help systems understand the characteristics, strengths, and needs of their youth population and whether resources are aligned accordingly. For example, aggregate assessment data might reveal a higher proportion of low-risk youth in the system than expected, allowing for reduced investments in the use of confinement. Data can identify gaps between youth’s dynamic risk factors and available services, and can help support the reallocation of system resources to address these gaps.” See Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

²³² Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013), http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_juvenile_justice_reform_in_ct.pdf.

²³³ *Id.*, 19

²³⁴ Texas Juvenile Justice Department, “Improving Youth Outcomes in the Texas Juvenile Justice System,” 2015. https://www.tjjd.texas.gov/publications/reports/youth_outcomes_15.pdf.

²³⁵ *Id.*, 9

²³⁶ “One such program, the Front-End Diversion Initiative (FEDI), pairs youth with a specialized

juvenile probation officer (SJPO) who provides case management and helps link youth and their families

to community-based services. SJPOs maintain caseloads of generally no more than 15 cases, and must

become certified in the FEDI through 40 hours of training on adolescent mental health, youth development, crisis intervention and management, family engagement, and motivational interviewing. Preliminary results indicate that FEDI participants were referred to more community resources and were less likely to be adjudicated. Youth also had improved school attendance and fewer disciplinary referrals upon program completion than in the three months prior to FEDI supervision.” See Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

²³⁷ N.A., *Mental Health Facts Children and Teens* (Alexandria, VA: National Alliance on Mental Illness, 2014)

²³⁸ North Carolina Department of Public Safety, “Juvenile Justice Section 2015 Annual Report,” 2015, https://ncdps.s3.amazonaws.com/s3fs-public/documents/files/Annual%20Report%20Final%20Online%20Draft%209_26_16.pdf.

²³⁹ New York City Health and Human Services, “The Close to Home Initiative and Related Reforms in Juvenile Justice,” 2014, pg. 3, <http://www.nyc.gov/html/ceo/downloads/pdf/policybriefs/placement-brief.pdf>.

²⁴⁰ Eligible youth were evaluated based on a risk/needs assessment, legal history, social history, protective factors, and prior justice involvement. See, Mark Mertens, Youth and Family Services Division - Young Adult Offender Program Report (Outagamie County, WI: Department of Health and Human Services, 2015).

²⁴¹ *Ibid.*

²⁴² Richard B. Teitelman and Gregory J. Linhares, "Juvenile Detention Reform in Missouri: Improving Lives, Improving Public Safety, and Saving Money," *Albany Law Review*, Vol. 76, No (2011).

²⁴³ N.A, Georgia's 2013 Juvenile Reform: New Policies to Reduce Secure Confinement, Costs, and Recidivism Issue Brief (The Pew Charitable Trust, 2013). http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes/content-level_pages/reports/georgia20201320juvenile20justice20reform20summary20briefjuly2013pdf.pdf Also, Georgia Criminal Justice Coordinating Council "New Assessments for the New Juvenile Code," PowerPoint, August 29, 2013.

²⁴⁴ Anemone Birkebæk, Jesse Cohen, Jasper Frank, Kimberly Howard. *Serving Short-Term Committed Youth and Older Youth in the Wake of Raise the Age* (Boston, MA: Masters in Public Policy Program at the Harvard Kennedy School of Government, 2016).

²⁴⁵ According to the Census of Juveniles in Residential Placement, a committed youth is an individual placed in a facility as part of a court-ordered disposition. Committed youth may have been adjudicated and disposed in juvenile court or convicted and sentenced in criminal court. Glossary, "Easy Access to the Census of Juveniles in Residential Placement: 1997 - 2013." 2013. <https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/glossary.asp>

²⁴⁶ Placement Status by State, 2006, "Easy Access to the Census of Juveniles in Residential Placement: 1997 - 2013" 2006. https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Adj.asp; See also, Placement Status by State, 2013, "Easy Access to the Census of Juveniles in Residential Placement: 1997 - 2013" 2013. https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Adj.asp. All forthcoming analysis of state comparison of commitment data was derived from the 2006 and 2013 Census of Juveniles in Residential Placement database.

²⁴⁷ Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013). http://static1.1.sqspcdn.com/static/f/658313/9749173/1291845016987/aecf_mo_fullreport_webfinal.pdf?token=v1tZeRGDxeiiZF4svlIte0wCzOA%3D

²⁴⁸ Connecticut Department of Children and Family Services, "Final Report for the State of Connecticut," 2013, http://www.ct.gov/dcf/lib/dcf/adolescents/pdf/connecticutgeorgetownreport_nov_final.pdf.

²⁴⁹ Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013), http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_juvenile_justice_reform_in_ct.pdf, 2.

²⁵⁰ Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth*, (Washington, D.C.: The Justice Policy Institute). For 2015 data, see, State of Connecticut Judicial Branch, "Population inside State Centers," January 2017. http://jud.ct.gov/statistics/juvdet/Juv_Det_yearly.pdf

²⁵¹ While Missouri experienced a 20.52 percent decline in its confined committed population between 2006 and 2013, it is a state that has already significantly reduced the number of young people incarcerated by shifting to a more developmentally appropriate juvenile justice approach. See, Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013). http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_juvenile_justice_reform_in_ct.pdf, 2.

²⁵² Connecticut Department of Children and Families, "Plan for the Closure of the Connecticut Juvenile Training School," 2016. [http://www.ct.gov/dcf/lib/dcf/cjts/pdf/cjts_closure_plan_\(final\).pdf](http://www.ct.gov/dcf/lib/dcf/cjts/pdf/cjts_closure_plan_(final).pdf).

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²⁵⁵ All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

²⁵⁶ "As Governor Moves Youth out of Adult Prisons, Unions, Faith Leaders, Law Enforcement Experts, Conservatives and Advocates Call on Legislature to 'Raise the Age,'" Press Release, December 17, 2016.

²⁵⁷ Stephanie Kollmann, Raising the Age of Juvenile Court Jurisdiction in Illinois [webinar, National Conference of State Legislatures, Feb. 19, 2016].

²⁵⁸ Raising the Age of Juvenile Court in Connecticut: A Conversation with Dannel P. Malloy. Webinar (Boston, Massachusetts: The Harvard Kennedy School Malcolm Wiener Center for Social Policy Program in Criminal Justice and Policy Management, 2016), <https://www.hks.harvard.edu/programs/criminaljustice/news-events/events/raising-the-age-of-juvenile-court-in-connecticut-a-conversation-with-dannel-p.-malloy>

²⁵⁹ On September 13, 2016, the Council of Juvenile Correctional Administrators held a conference call with the Justice Policy Institute and Campaign for Youth Justice during which state juvenile correctional administrators or their designates discussed how raise the age was implemented in Massachusetts and Connecticut, and how it might be implemented in other states.

²⁶⁰See, "OJJDP National Training and Technical Assistance," <https://www.ojjdp.gov/programs/tta.html>

²⁶¹ See, Smart on Juvenile Justice: Age of Criminal Responsibility Training and Technical Assistance <https://www.ojjdp.gov/grants/solicitations/FY2016/AgeofCriminalResponsibility.pdf>

²⁶² All sources that directly quote from a young person were collected by the Campaign for Youth Justice.

²⁶³ Office of Governor Dannel P. Malloy. Press Release. "Gov. Malloy's Prepared Remarks Today on Criminal Justice Reform," November 6, 2015, <http://portal.ct.gov/en/Office-of-the-Governor/Press-Room/Press-Releases/2015/11-2015/Gov-Malloys-Prepared-Remarks-Today-on-Criminal-Justice-Reform>

²⁶⁴ "Louisiana should raise the age to 18 for prosecution as an adult: Editorial," *The Times Picayune*, April 27, 2016, http://www.nola.com/politics/index.ssf/2016/04/raise_the_age_juvenile.html.

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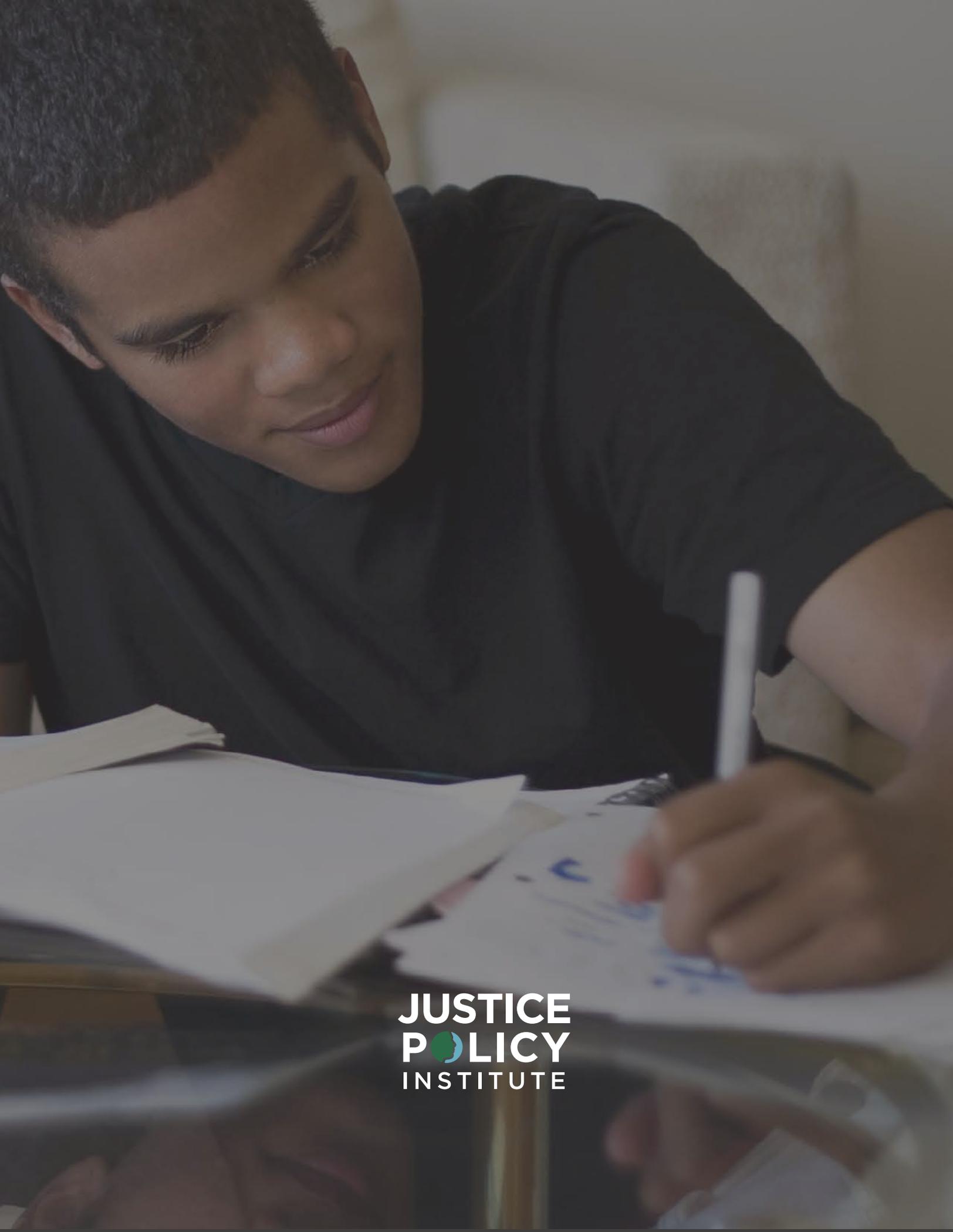
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