

Principles of a

Model Juvenile Justice System

*Prepared and recommended by the
Maryland Juvenile Justice Coalition*

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The mission of the Maryland Juvenile Justice Coalition is to reduce juvenile crime and violence and ensure that all youth are treated fairly and have a reasonable chance to become self-sufficient adults.

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Executive Summary

Every child will become a self-sufficient productive adult.

The Department of Juvenile Justice embraces a balanced and restorative justice philosophy. DJJ seeks to ensure the public safety and protection of the community, to hold juvenile offenders accountable to victims and communities, and to develop youth competency and character to assist them in becoming responsible and productive members of society.

Stated Vision and Mission of the Maryland Department of Juvenile Justice 2000

Introduction

Over the past few years, Maryland's juvenile justice system has been associated with scandal and dysfunction. Because of increased public scrutiny and new leadership, there exists a rare window of opportunity to transform the way that Maryland responds to young people in distress and to bring the functioning of our publicly funded services into alignment with our vision for youth and families.

For too long the Department of Juvenile Justice (DJJ) has spent the vast majority of its funding on incarceration for a very small percent of youth in the juvenile justice system. Funding for residential services between 1992-99 grew from approximately \$47 million to \$80 million. Only a small fraction of funding has been available for community-based services during the same time period. Most of the youth being served in these deep end residential programs are incarcerated for non-violent offenses and a disproportionate number are African American. Almost 80 percent of youth released from secure facilities are re-arrested within six months. This is an expensive failure. There are communities within Maryland and across the country that are achieving lower rates of recidivism and better outcomes for youth and their families. Maryland must stop funding what does not work and invest in what does.

For reform to be successful there must be alignment between desired results, use of best practices throughout the youth-serving systems of care, reliance on research based juvenile justice strategies, and adequate funding. There is a decade of research on practices that are cost effective and have been demonstrated to reduce recidivism while protecting public safety.

A Vision for Reform

The purpose of this report is to describe a vision of what is *possible, achievable and affordable*. This report identifies major components of a model juvenile justice system. Each section includes guiding principles, background information, essential strategies, budget implications and key performance measures.

The Maryland Juvenile Justice Coalition (MJJC) believes that if these principles guide reform, we would see the following:

Every young person in Maryland has access to a quality education, supports they need to learn, and positive after school opportunities. When juvenile justice intervention becomes necessary, youth and families are involved with case managers who provide coordination from the point of entry through aftercare. Families are involved at all levels of decision making, valued as partners and supported in their capacity as parents. All youth-serving agencies involved in a family's life work together to achieve better results. There are better linkages between juvenile justice, child welfare, education, health and mental health providers.

DJJ operations from top to bottom reflect a value-based commitment to positive youth development. There is no longer disproportionate representation of minorities in deeper and deeper ends of the juvenile justice system. There are sufficient case managers functioning as service brokers helping troubled youth and their families receive the wraparound services they need to solve underlying problems. Whenever possible, youth who are arrested are

diverted from the DJJ system and placed in the least restrictive setting needed to ensure public safety and prevent future delinquent acts. There is close collaboration between the police, courts, families and community services. There is adequate public support for a continuum of alternatives. There is a dramatic increase in reliance on research based best practices in public and private services.

There will continue to be a need for secure detention facilities for youth that are serious offenders. These facilities treat youth humanely. All residential programs are limited to 25 beds and serve youth in that region. With better assessment and case management there is a dramatic decrease in the need for secure facilities. Decrepit and dangerous institutions are shut down.

State-of-the art training programs, adequate compensation, and support are offered for public and private staff who work with youth. Staff understand how to meet the developmental needs of youth as well as run effective programs. Juvenile court jurisdiction is restored to all offenses, allowing judicial discretion to waive youth to adult court if necessary.

There is independent oversight of the entire system.

The Maryland Juvenile Justice Coalition acknowledges that there is limited new funding available for the depth of reform needed in Maryland. Therefore MJJC recommends that new funding be accompanied by re-allocation of funding from the existing budget. When large reform schools and institutions are closed, the State will have access to the funds needed to implement more effective methods of ensuring community safety, at the same time helping youth. Moving funds from the deep end of the system into safe, community-based wraparound approaches would also enable Maryland to leverage additional federal funds. Maryland could be leveraging 30 to 40 percent federal funding for the administrative cost of intervention programs that “prevent out-of-home placements.” All this can be done while increasing community safety.

What works is not a mystery. What is needed is a relentless focus on better results, use of best practices at every stage of the reform process, and adequate sustained funding. The Maryland Juvenile Justice Coalition offers this report as a lens through which policymakers and citizens can and should scrutinize all proposed strategic plans for change.

Principles of a Model Juvenile Justice System

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*Each component provides the following information:

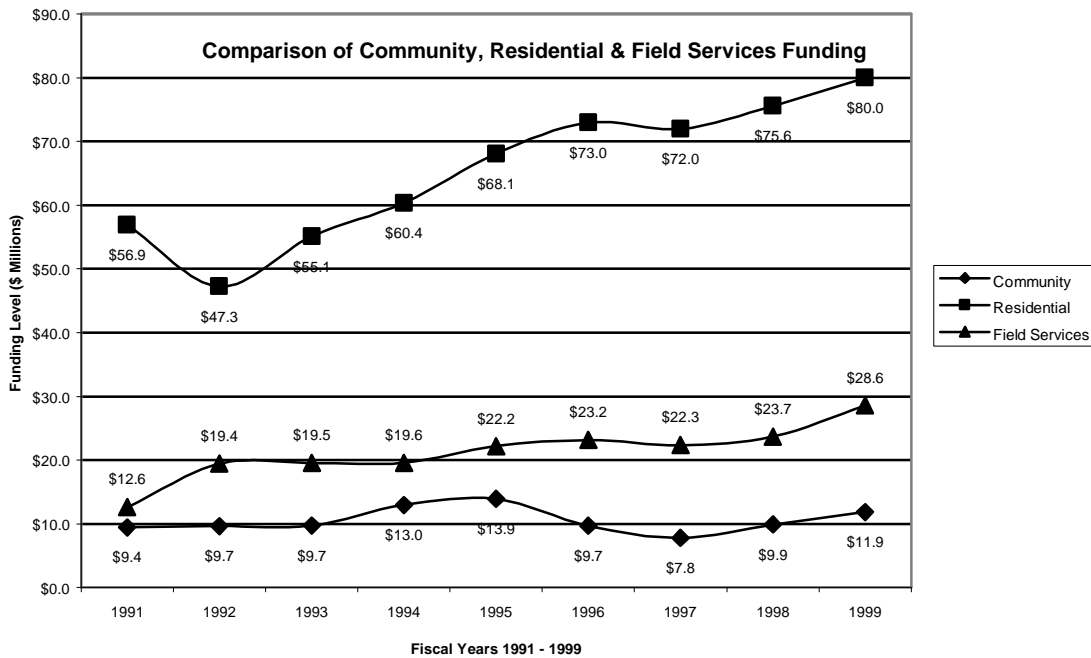
- ?? *Guiding Principle:* This is the basic belief that forms the foundation of the Major Component. Guiding Principles are in italics.
- ?? *Background:* This provides additional information that supports the Guiding Principle.
- ?? *Essential Strategies:* These are the programs, guidelines and actions necessary to fulfill the Guiding Principles. They are based on years of national research and experience of MJJC members and staff. They are numbered and in italics, and they are often accompanied by justifications and examples.
- ?? *Budget Implications:* This describes some of the budgetary changes necessary to implement the Essential Strategies.
- ?? *Key Performance Measures:* These are the most important indicators that will show whether or not the strategies are being implemented effectively and improving the lives of youth.

Introduction

The Problem

Over the last few years, juvenile justice in Maryland has become associated with scandal. The media and advocates have exposed state sanctioned abuse of youth at boot camps, violence at detention centers and residential facilities, racial injustice, and dangerous conditions that threaten the lives of youth and are anything but therapeutic or constructive. Although juvenile crime has decreased in Maryland, nationally it has dropped at a much greater rate.¹

Maryland's juvenile justice system spends the vast majority of its money on incarceration for a very small percent of youth in the juvenile justice system. The chart below shows that during the last decade the gap between community funding and institutional costs consistently grew larger.²



Note: Field Services is DJJ personnel costs only; Residential represents all costs associated with out-of-home placement; and Community is total costs of operating all non-residential programs.

Source: "Service Inventories" from Department of Juvenile Justice Three Year Plans, 1991-1999.

Most of these youth are incarcerated for non-violent offenses, and a disproportionate number are African-American. This is a misguided approach, out-of-step with best practices being followed elsewhere around the country. With a recidivism rate near 80 percent, detention facilities and large residential placements in Maryland are failing the youth they house, their families, and the public.³

Juvenile justice systems were intended to help rehabilitate youth, not warehouse or harm them. However, instead of using interventions that have proven track records at guiding young people back to the right track, our juvenile justice system often waits until young people have chronic delinquent behaviors and then locks them up for long periods in dangerous, poorly administered institutions. Furthermore, parents, who are often desperate for assistance and services for their children when problems arise, are often ignored and left frustrated.

The Opportunity for Reform

Negative attention over the past year to the juvenile justice system highlighting institutional abuses, the disproportionate representation of minority youth, and a failed aftercare system has brought some positive opportunity. A restructuring of the Department of Juvenile Justice (DJJ), significantly increased funding in the Department's 2001 budget, and proposed funding for 2002 create a watershed opportunity for much-needed reform.

The Maryland Juvenile Justice Coalition (MJJC) is committed to advancing the best possible model for real and beneficial change. At this critical moment, MJJC believes it is essential to restructure juvenile justice around sound principles and strategies, summarized in this document. This proposal is intended to provide a comprehensive picture of a model juvenile justice system. Undoubtedly, additional issues will arise that will need to be addressed, and MJJC will amplify our vision in light of new facts and continued discussions.

The underlying premise of MJJC's proposal is that family- and community-centered services can prevent and reduce delinquency far more effectively than the current reliance on institutions. This is a proven strategy that has reduced juvenile crime and delinquency in multiple sites across the country.

MJJC's goal is for each youth to receive the individualized, family- and community-focused services needed to prevent delinquent behavior. The model we advocate is for flexible, individualized services selected by case managers. Other states and cities have reduced juvenile crime and recidivism by reforming their juvenile systems. Missouri has limited the size of all of its locked facilities to a maximum of 30 beds and now relies more heavily on community-based treatment for youth.

Jurisdictions have also curbed the gross disparity between incarceration rates of minority and white youth. Portland, Oregon and Santa Cruz, California have both affirmatively tackled the overuse of locked custody for minority youth by developing objective screening criteria and detention alternatives. Both jurisdictions have substantially reduced the differential treatments of minority youth in their juvenile justice system without jeopardizing public safety.⁴

The Department should close the Cheltenham Youth Facility within the next twelve months. Use of the Victor Cullen Academy and the Youth Centers in Western Maryland should be phased out. These facilities should be closed because, among other reasons, they are far too distant from the communities from which the youth are being sent. The Charles H. Hickey School should be downsized.

Funding to support a new approach will require: a multi-year budget strategy; an initial commitment of additional funds; the reallocation of substantial resources from the institutions and residential facilities; and leveraging additional federal funds from the Social Security Act's Title IV-E program and Medicaid's Targeted Case Management program.

Achieving real progress will require Maryland to make a commitment to dismantle the current institutional system and replace it with adequately funded family- and community-focused services.

The time has come for Maryland to stop supporting programs that are proven to fail and start supporting services and programs that are proven to work.

Major Components

1. Family Support and Involvement

Guiding Principle

Support the family by providing services that strengthen the family's capacity to provide guidance and supervision and to prevent delinquency.

Background

In an effective juvenile justice system, the center of attention is the family, not just the youth. The family is the cornerstone of a young person's world. In order to modify a young person's behavior, it is essential to understand and involve the family. Interventions that properly consider family dynamics have proven to be more cost-effective and successful than other approaches.

Essential Strategies

1. Family-centered mission

The DJJ mission statement and all other public documents reflect the importance of families and the interdependent relationship of family functioning and delinquency.

2. Family-centered assessments and evaluations

All assessments and evaluations of youth include a written family impact statement, based on face to face interviews, i.e., assessment of family strengths and issues that may contribute to delinquent behavior and to remediation of the behavior. (See "Admissions: Screening and Assessment.")

3. Family-centered case management

A primary caseworker is assigned to a family to coordinate properly funded services. All case plans include family involvement and seek to strengthen the family, even when youth are temporarily placed outside their homes. The plans create positive incentives for family involvement and consider extended families as potential resources. Case plans are updated quarterly, if not monthly. Youth placed out of home are placed as close to their neighborhoods and families as is possible. (See "Case Management.")

4. *Family-centered data systems*

State and local agencies coordinate and integrate information, rather than maintaining data on youth separately. These systems take full advantage of recent changes in state law that facilitate data exchange and at the same time protect confidentiality.

5. *Curriculum and training on family systems theory*

Effective programs include structural and strategic family therapy, functional family therapy and multisystemic therapy. (See "Best Practices.")

6. *Statewide implementation of the Family to Family program*

The Annie E. Casey Foundation helped create the Family to Family model that identifies families in the community to support and work with families of delinquent youth.⁵

Budget Implications

Because the family-centered approach is infused throughout the system, the budgets of all youth- and family-related agencies will reflect the pooling of funds for services, case management and training. The State can tap into substantial, additional federal resources to pay for up to 40 percent of the cost for family-focused case management.

Key Performance Measures

- ?? Percent of youth sent to out-of-home placement
- ?? Percent of minority youth sent to out-of-home placement
- ?? Percent of staff trained in family systems theory
- ?? Percent of case managers who are assigned to an entire family
- ?? Percent of case plans that address the needs of an entire family

2. Interagency Collaboration

Guiding Principle

All agencies that work with youth and families need to coordinate and integrate their efforts. A variety of factors contribute to the onset of delinquency including exposure to violence, family violence, family functioning, substance abuse, poverty, mental illness, child abuse and neglect, learning disabilities and academic failure.⁶

Background

Families have interrelated needs. Child abuse and neglect is linked intrinsically with juvenile justice. A 12-year-old who is arrested with a history of abuse or neglect has a statistically high risk of chronic delinquency. Fifty-three percent of youth in DJJ facilities have at least one diagnosed mental disorder; 57 percent have a history of mental illness, and 35 percent have problems with substance abuse. Yet, State and local youth- serving agencies typically consider only the limited issues that have brought a youth to their attention. These agencies rarely collaborate on delivering the range of services needed by youth and their families. These circumstances often drive decisions, including those of the Courts, to place youth in institutions instead of using more productive family- and community-centered strategies.

Essential Strategies

1. *Statewide replication of Montgomery County's model of interagency collaboration and pooled funding*

This model has demonstrated multi-year successes, including diverting 40 percent of youth from the juvenile justice system. In 1997, Montgomery County negotiated an agreement with the State to receive additional juvenile justice and other youth-related funds to implement a coordinated delinquency prevention strategy that seeks to divert youth from out-of-home placements. (See "Diversion Services.")⁷

2. *State funding for local juvenile justice prevention, modeled after the Virginia Juvenile Community Crime Control Act, California's Schiff-Cardenas Crime Prevention Act of 2000, or Reclaim Ohio*

Juvenile crime control and prevention efforts are being funded across the country as block grants by states to counties. This provides local control in program development, implementation and design. The money is intended for counties to fund programs that target youth-related problem areas in their communities. The funding streams are non-categorical. Incentives are included for reducing problem behavior and delinquency and preventing out-of-home placements.

3. *Local Management Boards are provided with significant funds for juvenile crime prevention, according to a formula that considers juvenile crime and child poverty in each jurisdiction*
4. *Implementation of a coordinated, capitated service delivery system similar to Wraparound Milwaukee*

This model provides a single funding amount, or capitated rate, per youth and uses private case managers with caseloads of no more than eight families to arrange for services through dozens of providers. The case manager may send the youth to residential care but must stay within the capitated rate. (See “Case Management.”)⁸

5. *Maximizing federal funds for case management*

Maryland can increase the amount of federal funds it receives through Medicaid Targeted Case Management. These funds are available for administrative costs for programs designed to prevent out-of-home placement. These funds are non-categorical in nature and reward interagency collaboration. (See “Conclusion.”)

6. *Family-centered case management*

(See “Family Support and Involvement.”)

7. *Family-centered data systems*

(See “Family Support and Involvement.”)

8. *Coordinated mental health and other services*

Appropriate mental health services are available and accessible in the community. Services include a range of individual and family therapies, intensive outpatient services, and community integration services, including educational supports, family supports and respite care.

Budget Implications

A juvenile justice system with effective state-local collaboration will have adequate funding available to Local Management Boards for services needed to help delinquent and at-risk youth. Leveraging federal funds will pay for up to 40 percent of the service delivery system.

Key Performance Measures

- ?? Percent of youth who have case plans that reflect interagency coordination
- ?? Percent of Local Management Boards that implement the Montgomery County model
- ?? Total federal funds received by the State through Medicaid Targeted Case Management and Title IV-E

3. Fair Treatment of Minorities

Guiding Principle

In a balanced and restorative system, youth will be sanctioned fairly and equally for delinquent and illegal acts, and they will have equal access to services which meet their individual needs and are likely to prevent criminal behavior.

Background

African-Americans represent 32 percent of Maryland youth, yet within the juvenile justice system, African-Americans are 64 percent of youth who are detained and 72 percent of youth who are incarcerated.⁹ An important cause of this overrepresentation is the disparate treatment of minority youth at each stage of the juvenile justice process. As such, special efforts are needed to promote fairness and

opportunities to participate in programs that support youth to stay in their homes and in their communities.

Essential Strategies

1. *Department of Juvenile Justice point person on disproportionate minority representation*

This high level position reports to the Secretary and has primary responsibility for identifying and reducing disproportionality and unfair practices system-wide.

2. *Department policy highlights importance of fairness*

DJJ issues clear departmental policies that identify the elimination of race bias as a goal in its mission, policies, procedures, practices and programs.

3. *Personnel evaluation that considers fairness*

Supervisors review the casework of subordinates for documentation of cultural competency, bias, discrimination, and/or a pattern of disproportionality. Judges, prosecutors, police departments, public defenders, and non-governmental organizations also implement this type of review.

4. *Racially neutral screening and assessments*

Screening criteria have objective guidelines that are validated as race neutral and race sensitive. The detention risk assessment is reviewed and validated by an outside professional to verify racial neutrality. All instruments are updated and reviewed annually to consider whether their use is resulting in differences according to race, gender, jurisdiction, court, prosecutor, public defender or offense.

5. *Supplemental resources are provided to jurisdictions that have high rates of over-representation or have high percentages of minority youth*

6. *Data on police contacts*

Local law enforcement officers around the State collect and review data regarding contacts with youth to look for any differences in treatment based on race.

7. *Community mapping*

The availability of services is identified in each jurisdiction and compared to police data on arrests and contacts. This analysis identifies delinquency hot spots and looks at the problem in relationship to a community rather than race.

8. *A crisis intervention team in every detention facility*

A team similar to the Detention Response Unit operating out of the Public Defender's Office is in all facilities to limit detention and re-direct minority youth to non-secure settings.

9. *Training curriculum that highlights cultural competency*

All employees are required to participate in training. In California and Washington, research has documented how language in disposition and probation reports communicated negative stereotypes about minority youth in comparison to reports on white youth.¹⁰ These differences led to more punitive decisions by judges when adjudicating minority youth.

10. *Data analysis to identify the most egregious points of disparate treatment*

A qualitative, regressive, comprehensive study of disproportionate minority involvement that identifies the decision points at which minority youth face the most bias.

Budget Implications

Funding is necessary to support curriculum development, training, a qualitative study, diversion programs, additional resources in high-risk communities, and community mapping.

Key Performance Measures

- ?? Percent of arrested youth who are African-American
- ?? Percent of African-American youth sent to out-of-home placements
- ?? Percent of arrested African-Americans under 18 who are sent to adult court

4. The Wraparound Approach

Guiding Principles

*Youth with mental health issues, emotionally disturbed youth, and serious and chronic delinquent youth often need the services of more than one public system. The wraparound approach formulates a single, individualized, youth-centered, family-focused, community-based treatment plan that delivers services across the mental health, juvenile justice, child welfare and educational systems. Wraparound is always based in the community.*¹¹

Background

Wraparound is a definable planning process that results in a unique set of natural supports and community services that are designed to achieve a positive set of outcomes. Wraparound is a youth- and family-focused intervention strategy that uses flexible, non-categorical funding and is coordinated across agencies. Wraparound is a viable approach to serving the most difficult to treat youth who typically go from facility to facility, never being afforded the opportunity of rehabilitation.¹²

Essential Strategies

1. *The philosophy is simple: identify the services and supports that a child and his/her family needs and provide them as long as they are needed. For example one family may benefit from active supports, e.g., respite care, a support group, a mentor or an after-school program, while another may benefit from specific treatment interventions (e.g., anger management, parenting training, behavior modification, or substance abuse counseling).*¹³

Wraparound is a philosophy that was developed more than 20 years ago in response to the realizations that the traditional services for helping the most challenged children and youth were not working. Wraparound is not a service but a comprehensive intervention strategy.

2. *Childhood behavior develops over time. Maladaptive behavior is learned, as is adaptive behavior, and the task at hand is to help rearrange the environment so the youth can learn to behave in a more adaptive manner. This is why wraparound must be extremely individualized. Change in one part of the family system can influence change in other parts of the system, and the most effective strategy maximizes the collaboration and coordination among the multiple parts of a child's life (parents, friends, school, work, and community). Behavior change or adjustment needs to take place within normative roles, expectations and opportunities within those settings and in interactions with those systems.*
3. *The intervention strategy is appropriate across the continuum, useful at first contact with juvenile justice as well as an alternative to the "deep end."*
4. *The wraparound approach is a team-driven process involving family, child, natural supports, agencies, and community services working together to develop, implement, and evaluate the individualized treatment plan.*
5. *Families must be full and active partners in every level of the wraparound process.*
6. *Services and supports must be individualized to promote success, safety, and permanence in home, school and community.*
7. *The process must be culturally competent, building on the unique values, preferences and strengths of children and families and their communities.*

8. *An unconditional commitment to serve children and their families is essential.*
9. *The plans should be developed and implemented based on an interagency, community-based collaborative process.*
10. *A lead organization manages the implementation of the wraparound process.*
11. *Case managers are hired as specialists to facilitate the wraparound process, conducting strengths/needs assessments; facilitating the team planning process; and managing the implementation of the services support plan.*
12. *Within the treatment plan each goal must have outcomes stated in measurable terms, and the progress on each goal is monitored on a regular basis.*

Budget Implications

Funding to support the wraparound approach will require an initial up front commitment of new funds. These funds can be offset by reallocating substantial resources by downsizing and closing institutions and large residential facilities; evaluating the current DJJ personnel budget to determine the appropriate balance of case managers and other staff; and creating an interagency funding mechanism to pay for services. Maximized federal funds from the Title IV-E and Medicaid Targeted Case Management can be used for staff training, non-secure residential placement, case management and 30 to 40 percent of administrative costs associated with the wraparound intervention strategy.

This will require Maryland to make a multi-year commitment to dismantle the current system and rebuild a family- and community-focused system that has documented results across the country in multiple examples of state- and county-run wraparound programs. (See "Best Practices" for program examples and costs.)

Key Performance Measures

- ?? Percent of re-arrests (recidivism)
- ?? Percent of modification of behavior
- ?? Percent of youth avoiding out-of-home placement

5. Case Management

Guiding Principle

One of the best ways to reform juvenile justice service delivery is to set up a strong, results-based case management system. Effective case managers are able to link youth and families to an array of critical services. A primary case manager follows a youth and family from admission and assessment through the various stages of the process and is responsible for all major decisions concerning the youth. Family-focused training, reasonable caseloads, adequate funding, and access to a wide array of services are necessary to ensure that case managers succeed.¹⁵

Background

Effective case management ensures a high level of accountability within the system. Case managers serve as service brokers. Many factors influence youth behavior, including the family, the neighborhood, the school and the community. As a result, an individualized treatment plan developed and implemented by well-trained case managers is critical for each youth.

Essential Strategies

1. *Specially trained case managers with caseloads of no more than 8 families who need intensive support or 15 to 20 families who need less assistance*

Case managers are specialized youth workers with extensive and ongoing training. They are offered incentives, such as higher pay, liberal compensatory time and flexible schedules, to compensate for the psychological pressures of the job. Non-traditional work hours and flexible work schedules allow the case manager to meet with youth after school and in the evenings. In a number of the most successful reform site initiatives, case management is a contracted service. Private contracts have greater flexibility in implementing effective recruitment, training and retention practices.

2. *Case plans that are individualized, implemented and updated*

Plans include goals and time frames. They are based precisely on the assessment of the youth and their families and call for prompt delivery of services.

3. *Flexible and adequate funding for services*

The case managers have access to pooled funds from which they can purchase services needed to implement the case plan and to provide all necessary supports for the youth and their families. The case plans do not rely on restrictive categorical funding. (See "Interagency Collaboration.")

Budget Implications

The Department should close the Cheltenham Youth Facility within 12 months. Use of the Victor Cullen Academy and the Youth Centers in Western Maryland should be phased out and they too should be closed. Finally, the Charles H. Hickey School should be downsized. The DJJ budget should redirect funding from institutions to small regional facilities of no more than 25 youth and support family and community focused services that include the personnel costs of hiring case managers and adequately funding services that prevent out-of-home placement.

The new DJJ budget will support private case managers who are qualified and employed in sufficient numbers based upon recommended caseloads. Also, federal Targeted Case Management dollars can be

leveraged to pay for a portion of the costs of case management.

Key Performance Measures

- ?? Percentage of case managers with caseloads over 8 to 20 families, depending on the intensity of services needed by the families
- ?? Increased use of federal funds
- ?? Percent of youth in institutions and residential care

6. Admissions: Screening and Assessment

Guiding Principle

After protecting public safety, the most important purpose of an effective screening and assessment system is to ensure that all youth and their families receive appropriate services with the least restrictive level of supervision necessary.

Background

Intake is the critical point of entry and an opportunity for diversion. An effective screening process identifies youth who do not need to be detained in secure facilities because they do not represent dangers to public safety. It also identifies youth who do not belong in the juvenile justice system at all because they have abuse, neglect, mental illness, or special educational concerns that are best addressed by another state or local agency. The process also identifies risk factors that may contribute to future delinquent behaviors. Assessment is used for court-involved youth and guides case planning and recommendations to the court.¹⁶

Essential Strategies

1. *Uniform screening process for all youth that is validated and codified into state law*

All youth are screened at first contact with law enforcement officials and upon intake at DJJ. Annual auditing--validation, evaluation and re-evaluation--of the screening process verifies the effectiveness and consistent application of the screening and assessment processes. Overrides are allowed only in exceptional circumstances. The system is incorporated into the Department's Master Plan and is consistently applied across the agency and throughout a youth's contact with the agency. The system is race neutral both in design and in practice. (See "Fair Treatment of Minorities.")

2. *One screening instrument for public safety*

The first screening instrument determines risk to public safety only. Only youth identified as public safety risks are considered appropriate for detention. (See "Detention, Shelter Care and Community Alternatives.")

3. *Second screening instrument to identify youth and family needs*

The second screening instrument identifies youth who are best served outside of the juvenile justice system and/or who can best be served by diversion programs. It is based primarily on interviews with youth and their parents and is used to identify service needs based on personal and family situations and established risk factors for chronic juvenile delinquency (e.g., child abuse and neglect, exposure to family or community violence, mental illness, substance abuse, family functioning, and age of first arrest).

4. *In-depth risk and need assessments for youth who are court-involved*

Only youth who, based on the screening, are detained and/or referred for petition undergo a more in-depth assessment. Youth are never detained solely to conduct the assessment. Parents are involved in selecting the clinician to conduct the assessment. The assessment is based on a thorough investigation and addresses educational barriers, mental illness issues, family functioning, and substance abuse. The assessment includes a written family impact statement, based on interviews with youth, parents, extended families and others, that identifies family strengths and needs and is

updated annually. (See “Family Support and Involvement.”) It is racially and ethnically appropriate, does not have a disparate racial impact, is evaluated annually, and establishes a length of stay scale governing a youth’s time in facilities.

5. *Properly trained and qualified staff*

The staff that conducts the screening and assessments has the necessary training and qualifications. (See “Qualified Personnel.”)

Budget Implications

The budget will reflect the costs of designing, validating and using the screening and assessment instruments and hiring and training qualified staff and clinicians. The budget will also reflect the costs of a continuum of family-focused services, treatments and sanctions that are available prior to implementing the screening and assessment. These services include mental health, substance abuse and special education, identified through the screening and assessment.

Key Performance Measures

- ?? Percent of arrested youth referred to intake
- ?? Percent of arrested youth at intake who are petitioned to juvenile court
- ?? Percent of staff trained in screening and assessment
- ?? Annual turnover of staff responsible for screening and assessment
- ?? Percent of youth who receive appropriate services identified by the screening and assessment process

7. Diversion Services

Guiding Principle

A large proportion of arrested youth does not need or benefit from formal involvement in the Department of Juvenile Justice or the courts. Nor do most youth need to be detained or sent to out-of-home placement. Instead, informal strategies are more appropriate and effective and less expensive. Without adequate funding for these diversion programs, we risk “widening the net,” resulting in more youth being sent to out-of-home placements.

Background

Under state law, local law enforcement officials can place youth into diversion activities for up to 120 days without referring them to DJJ for intake. After intake, DJJ can also divert youth for up to 90 days. However, diversion does not occur frequently enough, often because of the inadequacy of funding.

During the 1990s, the number of youth handled formally in Maryland has increased much more than the number of arrests. Handling minor juvenile justice system contacts formally has been shown to stigmatize youth unnecessarily, thereby increasing the likelihood of subsequent delinquency. Further, handling youth with minor offenses formally spreads scarce resources thin, thus reducing effective interventions for more needy youth.

Essential Strategies

1. Community-based diversion services that have proven effective

The development of these services is based on community need assessments that are updated annually. Proven programs include: community conferencing; teen courts; youth aid panels; restitution; community service; drug and alcohol education; and after-school programs.

2. Statewide replication of Montgomery County’s model of interagency collaboration and pooled funding

This model has demonstrated multi-year successes in diverting 40 percent of youth from the juvenile justice system. (See “Interagency Collaboration.”)

3. State funding for local prevention efforts, modeled after the Virginia Juvenile Community Crime Control Act, California’s Schiff-Cardenas Crime Prevention Act of 2000, or Reclaim Ohio

Local Management Boards have adequate resources and financial incentives to provide the interventions necessary to support agencies and programs providing diversion services. (See “Interagency Collaboration.”)

Budget Implications

Currently, the Department of Juvenile Justice receives about 55,000 referrals at intake annually. Virtually all of these referrals come from law enforcement. More than 35,000 are closed at intake or placed under 90-day informal supervision. In either case, it is rare for youth to interact with a professional after DJJ staff interviews the youth and their parents. Most of these youth are sent home without opportunities or access to services that might help prevent further delinquency.

Altogether, if the State is able to replicate the Montgomery County model, approximately 25,000 youth will need diversion services. At a cost of \$250 per youth, the overall need is \$6.25 million per year.

Federal funds are available for a portion of the administrative costs of providing these services. (See “Interagency Collaboration” and “Case Management.”)

Key Performance Measures

- ?? Percent of youth re-arrested within six months (recidivism)
- ?? Percent of cases resolved favorably
- ?? Percent of youth provided services
- ?? Percent of local law enforcement departments that divert youth from juvenile justice

8. Best Practices That Prevent Out-of-Home Placement

Guiding Principle

For youth who are adjudicated delinquent, interventions exist that protect public safety, keep youth in their homes and communities, and result in better outcomes at a much lower cost than out-of-home placements.

Background

When confinement for purposes of safety is not needed, there is overwhelming evidence that proves the concept of punishment and confinement alone to be ineffective and also very expensive. The bulk of DJJ resources that are currently spent on institutions and residential placements can be used instead to pay for non-residential intensive supervision, the wraparound intervention strategy, and family therapeutic programs that have proven results.

Essential Strategies

1. *The following programs have been identified by scores of studies as the "best practices" to prevent juvenile crime and delinquency--the overarching goal of the juvenile justice system:*

- ?? **Wraparound Milwaukee** serves primarily emotional disturbed youth diagnosed with a conduct disorder or an oppositional defiant disorder, both common diagnoses among juvenile justice clients. Many clients have co-existing disorders which we also see in Maryland. A partial list of available services include: crisis inpatient facility; residential treatment; out-patient services including in-home therapy; housing assistance; mentoring; tutoring; day treatment; after school programming; crisis home care; independent living support; parent aid; and housekeeping services (a crisis team acts as a gatekeeper to any in-patient hospitalization). Wraparound Milwaukee uses blended funding (by pooling funds through case rates paid by the child welfare and juvenile justice systems) and receives a monthly payment for each Medicaid child enrolled. Any additional insurance and supplemental security income is added to the pool. After funds are rejoined and decategorized, the program can use the money to cover any service a family needs regardless of category. Program success includes reducing the cost of care for youth from \$5,000 per month for institutionalization to \$3,300 per month. Currently, Wraparound Milwaukee serves 600 youth at a cost to the state of \$26 million annually.¹⁷
- ?? **Youth Villages** is a private nonprofit organization with headquarters in Memphis, Tennessee and a staff of 700. Youth Villages provides a wide range of services tailored to the individual needs of youth and their families. Its programs include: three residential treatment centers; group homes; home-based counseling; out-patient psychiatric services; an alternative school; therapeutic foster care; an emergency shelter for homeless and runaway teens; transitional living programs for youth aging out of state custody; community-based services; and prevention services to prevent at-risk children from entering state custody and being removed from the home. Their mission is to treat children more cost effectively and "buy a ticket home" by reuniting youth in state custody with their families. Youth Villages incorporates the tenets of Multisystemic Therapy into most of their programs (see below). Although family problems contribute to delinquency, parents are seen as part of the solution rather than the problem. Therapists come and go while parents have a 24-hour a day, life long commitment to their children.¹⁸
- ?? **The 8% Solution** prevents serious repeat juvenile crime. Two major longitudinal studies have found that the vast majority of the youth seen by juvenile court (70 percent) are one-time offenders while a second group of juveniles (22 percent) were accused of at least one or two additional crimes during

the three year study, but their careers as criminals appeared to end. However, the remaining 8 percent were arrested repeatedly and accounted for 55 percent of all repeat offenders. These 8 percent of court-involved youth have identifiable risk factors, including age of first arrest, dysfunctional families, experiencing abuse and neglect, and being related to someone who is a criminal. They perform poorly in school, are frequently truant, or are suspended for disruptive behavior. They become involved in drugs and alcohol at an early age and become regular users and abusers. They also have ties with gangs, chronic runaway behavior, and a pattern of stealing. In 1994, the Orange County Juvenile Probation Department piloted an early intervention model that incorporates Restorative Justice and Multisystemic Therapy (see below). A multidisciplinary team that included probation personnel, educators, human service professionals, and criminal justice consultants oversaw program implementation. The 8% Solution targets young (under age 16), first time offenders who meet the profile of youth likely to become chronic offenders, and provides intensive and comprehensive all-day programming. The results have been successful in reducing recidivism from 93 percent to 49 percent in the initial pilot, and more recently reducing the recidivism rate to 20 percent. Participants were found to be far less likely to abuse substances. Six specific intervention strategies are employed: increase structure and supervision linking youth and families with community support networks; make youth accountable for their actions and help them to become sensitive to the impact of their actions on others; improve school attendance and performance; promote pro-social behavior, values and relationships by working with and for adults in their community; tailor interventions to meet the unique needs of the family; and instill teamwork among all participants, including case managers, youth, family and community.¹⁹

- ?? In 1983, the **State of Missouri** closed the last of its training schools and in their place established 30 regional corrections centers, including unlocked residences, plus a variety of non-residential programs and services. These include day treatment centers where young people receive intensive education, life skills training and/or family therapy and intensive case monitoring projects pairing delinquent youth with college youth who offer mentoring support and closely track the delinquents' progress. Missouri's matrix of programs and services differs dramatically from the training-school oriented systems operating in Maryland. Facilities in Missouri are not to exceed 30 beds. Compared with 78 percent recidivism in Maryland, Missouri recidivism rates are holding at 11 percent.²⁰
- ?? **Family Functional Therapy (FFT)** works with the youth in their homes and targets both the family and the individual behavior of the youth--employing intensive research-driven tactics to identify and reverse the negative dynamics that produce problem behaviors. The therapy is provided by highly trained social workers and usually lasts for five to six sessions. In 1973 FFT demonstrated a 26 percent recidivism rate. Overall, between 1973 and 1997 FFT was involved in nine scientific studies and in every test FFT produced improvement in recidivism, reducing out-of-home placement, and future offending by the delinquent or siblings. FFT costs \$2,000 per youth for eight weeks of in-home therapy.²¹
- ?? **Multisystemic Therapy (MST)** uses trained therapists to work with delinquent youth who have multiple juvenile justice contacts and their families using an exacting set of principles and procedures. The program has shown positive effects in eight scientific studies. MST is a more intensive approach to family therapy than FFT. Evaluations of MST have demonstrated reductions of 25 to 75 percent in long term rates of re-arrest; reductions of 47 to 67 percent in out-of-home placements; extensive improvements in family functioning; and decreased mental health problems. The cost is \$4,500 per youth for approximately 60 hours of contact over four months.²²

Budget Implications

DJJ currently spends more than \$80 million dollars on institutions and residential placement and less than \$7 million on community-based services. Over the past 10 years the gap in funding between these service types has grown larger and larger. (See "Introduction.") The preceding list of programs has demonstrated

proven results in research studies in reducing recidivism and improving behavior among youth. What they all have in common is a case management approach to service delivery that provides flexibility in service delivery and pooled funding. Maryland needs to stop funding what does not work and invest its juvenile justice dollars in programs and strategies that have proven to work.

Key Performance Measures

- ?? Percentage of adjudicated youth sent to out-of-home placement
- ?? Percentage of adjudicated youth who are arrested within six months
- ?? Successful re-allocation of juvenile justice budget
- ?? Percent of results-based contracts demonstrating improved behavior and reduced delinquency

9. Youth Development and Prevention

Guiding Principle

The best prevention strategy is one that helps prevent delinquent and problem behaviors before they ever occur by developing youth competencies in academics, social skills, citizenship and healthy behavior. These same competencies should be identified and strengthened in the families, neighborhoods and communities from which the young people come.

Essential Strategies

1. Improved academic opportunities

The largest-ever national study of American teenagers, conducted by the U.S. Surgeon General and released in December 2000, concluded that young people who do not do well in school are especially at risk of unhealthy behavior. Academic failure was determined to have a direct, causal effect on delinquency.²³

2. Quality after-school opportunities available for all youth in Maryland

Quality after-school programs are age appropriate and designed to attract at-risk youth. The Surgeon General's study also concluded that unhealthy behaviors were more likely when young people spend time in unsupervised settings with friends who engage in unhealthy behavior.

3. A continuum of alternatives to school suspension

This includes: in-school suspension; social skills courses in schools; anti-bullying programs in school; classroom management for teachers; school-based mental health services; and alternative schools. Alternative schools are used as a last resort.

Budget Implications

The Department of Juvenile Justice cannot run or fund all youth development programs. However, the State and its various agencies can ensure that these programs exist for all youth, particularly those at risk of delinquency. This requires substantial increases in funding for academic interventions, after-school programs and alternatives to suspension. The overall amount of the need is very large; as such, the need must be met over time.

The Maryland State Board of Education has identified a shortfall of \$33 million for students who are at risk of not passing new, rigorous high school graduation tests. Two studies, one by the Commission on Education Finance, Equity and Excellence and the other by The *New* Maryland Education Coalition, are currently determining the full cost of providing an adequate education to all students in the State.

For FY 2002, the Maryland After School Advisory Board, chaired by the Lt. Governor, has requested an increase of \$10 million in funding for after school opportunities. A work group of the Advisory Board has identified an annual funding gap of more than \$300 million.

Recent surveys of school systems have indicated a significant gap in the availability of school-based mental health services. The Mental Health Association and other organizations have asked the State to increase by \$5 million funding for school-based mental health services.

The Maryland Juvenile Justice Coalition has asked the State to increase by \$10 million funding for alternatives to school suspension. Current state law requires school districts to have a continuum of alternatives; however, the State has provided little support for this continuum, and thousands of students are suspended or expelled each year. In 1997, one out of every 11 students was suspended.

The most effective way to distribute increased state funding for youth development is through grants to Local Management Boards. (See "Interagency Collaboration.")

Key Performance Measures

- ?? School suspensions per 100 students
- ?? Arrests per 100 youth
- ?? African-American arrests and suspensions per 100 youth
- ?? Performance on national tests of youth
- ?? Availability of after-school and other development opportunities for all youth and for youth at-risk of delinquency

10. Detention, Shelter Care and Community Alternatives

Guiding Principle

Detention is a legal status with varying levels of supervision, not a building. Secure detention is necessary only for the few youth who pose dangers to public safety.

Background

When secure detention is necessary, the best facilities are small and regional, providing educational, mental health and other needed services, so that that these services can be easily continued after detention. Detention alternatives include a variety of levels of supervision matched to the risks presented by a particular youth, operating on the principle of using the least restrictive setting possible.

Essential Strategies

4. A full continuum of alternatives to secure detention

These alternatives are carefully designed and regularly evaluated to assure that they are truly targeted toward youth who are a risk to public safety and that they are not widening the net of social control of youth who would otherwise be in their communities.²⁴

These alternatives include:

- a. Home or community detention:* Staff provide frequent random face-to-face community supervision and telephone contacts to minimize the chance that youth are engaged in ongoing delinquent behavior and to ensure court appearance. Caseloads are kept low to ensure effective supervision.
- b. Day and evening reporting centers:* Non-secure community programs that provide 6-12 hours of daily supervision and structured activities for youth who require more intensive oversight than an in-home program can provide. The costs are less than a secure setting; at the same time, the community is protected by the center's intensive daily supervision of each youth.
- c. Advocacy and intensive community supervision:* With youth agreement to participate, an individualized case plan is developed in a detailed report that describes specific conditions and outcomes that the youth promises to fulfill in exchange for release from custody. Case plans typically include provisions for attending school, family interventions/counseling, drug treatment, recreational activities, tutoring and vocational training. The plan is presented to the court, and the youth is released. The purpose of intensive community supervision is to promote community adjustment by monitoring compliance and providing support to assist youth to overcome adversities and patterns that lead to recidivism and/or failure to appear. An effective intensive case management component involves multiple daily contacts beginning at three daily face-to-face contacts, declining over time to three weekly face-to-face contacts through week 12.

Case managers can carry pagers and respond to crisis calls 24-hours-a-day; caseloads are between 5 and 10 youth per one staff. The components include: case planning; release-from-institution advocacy; daily face-to-face contacts at school and home; referral to community services and programs; daily curfew checks; crisis interventions; presentation of progress reports; and disposition recommendation to the courts.

A University of Las Vegas, Nevada study found that this program had an 85-90 percent success rate, defined as no new arrest by youth or failure to appear in court.

d. Residential alternatives: These are non-secure residential facilities, staffed to provide time-limited housing for a youth as an alternative to secure detention. Staff typically supervises youth 24 hours a day. Although the facilities may have locks on the doors and windows, these programs depend on close staff supervision. In New York City, the staffing ratio was one staff per six youth on each shift, in addition to an on-site director and case manager.

e. Foster care: A supplement to non-secure residential program contracts for host homes or foster care slots for younger children, girls, lower risk cases and other youth who may not be suitable for placement in a congregate care facility.

2. *Technical, non-criminal violations of probation and electronic monitoring never result in detention without judicial review.*

The number of electronic monitoring slots is reduced to 200.

3. *15-day limits on pending placement detention*

A clear policy, with rigorous implementation, sets 15-day limits for pending placement, i.e., detention after adjudication and disposition.

4. *Rigorous detention standards modeled on ABA standards and written into state law*

These standards include staff-youth ratios and population limits. Regular, independent audits ensure compliance with the standards.

5. *Closing old detention facilities, especially Cheltenham Youth Facility in Prince George's County*

New, secure facilities have no more than 30 beds, are located regionally around the State, and comply with promulgated detention standards.

6. *A crisis intervention team in every detention facility*

A team, similar to the Detention Response Unit operating out of the Public Defender's office, is in all facilities to limit detention and re-direct minority youth to non-secure settings. These teams are part of the extra measures taken to reduce the disproportionate number of African-American youth in detention. (See "Fair Treatment of Minorities.")

7. *Alternative programmatic uses developed for the 144-bed Baltimore City Detention Center to open in 2002*

Baltimore City does not demonstrate a need for 144 secure beds. Its average daily population in detention is less than 70, not including "pending placement."

Budget Implications

Closing large detention facilities like Cheltenham will allow the State to re-allocate funds to non-secure alternatives. The opening of the Baltimore City Detention Facility will also provide an opportunity for budget restructuring. Federal Title IV-E funds are available to pay for about one-third of the costs of non-secure detention.

According to the Annie E. Casey Foundation, the average daily costs per youth for detention alternatives are:

- ?? Home confinement/house arrest: \$10
- ?? Electronic monitoring, no staffing: \$6-10
- ?? Electronic monitoring, including staffing: \$15-30
- ?? Community-based advocate supervision: \$30-44
- ?? Evening and afternoon reporting center: \$32-35
- ?? Non-secure residential (shelter): \$90-130

Key Performance Measures

- ?? Percent of youth who are detained
- ?? Percent of youth in non-secure detention by program type
- ?? Average length of stay in secure and non-secure detention
- ?? Number of youth in pending placement, post-dispositional detention, secure and non-secure
- ?? Percent of African-Americans in secure and non-secure detention by program type

11. Residential Placement and Secure Care

Guiding Principle

Use of institutional placements should be limited to serious, violent, and chronic juvenile offenders who must be held accountable for their delinquent acts and require a structured environment to ensure public safety. Small facilities of fewer than 25 beds can best provide the intensive, comprehensive services that these youth need.

Background

Large juvenile facilities, including training schools like the Charles H. Hickey School, the Victor Cullen Academy, and State-operated youth camps like the Youth Centers in Western Maryland, have not proven to be effective in rehabilitating juvenile offenders. Eight out of 10 youth are re-arrested within 6 months. Programs like Youth Centers, by taking in youth who do not live nearby, also create major barriers to family involvement, aftercare planning and community reintegration.

Essential Strategies

- 1. Small, privately-run, community-based residential facilities that emphasize family involvement and provide appropriate educational opportunities and resources*

These facilities are operated by private providers, not the State, and comply with rigorous standards and licensing requirements. The contracts are performance-based, and each facility is evaluated for differential success rates. There are high staff-to-resident ratios. The providers are typically responsible for providing aftercare services. (See “Aftercare.”) Large facilities, such as the Charles H. Hickey School and the Victor Cullen Academy, are downsized and eventually closed.

- 2. Preference should be given to non-profit providers in awarding contracts*
- 3. Converting the Youth Centers in Western Maryland to local alternative uses and ensuring that these Centers will take in only youth who are located in the region where the Centers are located*

Budget Implications

The budget will reflect substantially decreased funding for large institutions. The savings will be used to pay for family and community-based programs designed to prevent delinquency and for the smaller secure facilities described above.

Key Performance Measures

- ?? Percentage of youth in secure facilities who are re-arrested within six months following release
- ?? Downsizing or elimination of facilities that have more than 25 beds

12. Aftercare

Guiding Principle

Aftercare—the supervision and services youth receive after leaving residential facilities—is critical to preventing recidivism. In fact, it is probably the single most effective measure a community can take to prevent its youth from returning to the juvenile justice system. Without intensive aftercare, youth are much more likely to engage in delinquent behavior once they return to their communities.²⁵

Essential Strategies

1. Comprehensive aftercare service plans

Development of these plans begins as soon as a youth arrives in the facility, not in the last few days of placement. The plans include assessment, classification and selection criteria. The plans are individually prepared and seek to prepare youth for progressively increased responsibility and freedom in the community. They include a mix of supervision and services and a balance of incentives and graduated consequences for negative behaviors. The plans couple realistic, enforceable conditions for remaining in the community with services premised upon use of community services and effective linkages to community resources. (See also “Case Management”).

2. Trained aftercare workers with small caseloads

Aftercare workers, employed by the providers of the secured programs (see “Residential Placement and Secure Care), engage the youth at the point of secure confinement, not when exiting the institution. The workers link the youth with their community support systems, e.g., their families, peers, schools and employers.

Budget Implications

The contracts given to the providers of the secure facilities will reflect the additional responsibility of aftercare.

Key Performance Measures

- ?? Percent of youth who successfully complete their aftercare plans
- ?? Percent of aftercare workers who receive training

13. Qualified Personnel

Guiding Principle

A dedicated, effective, and properly trained workforce is essential. The workforce must have a commitment to prevent out-of-home placement, support and involve the family, treat all youth fairly and have the resources necessary to fulfill that commitment.

Essential Strategies

1. Immediate evaluation of existing staff functions throughout the Department

The evaluation covers all state, local and private staff functions, including intake, clinical, probation, case management, probation and aftercare. It occurs before additional funds are provided for increased salaries or other workforce initiatives.

2. An aggressive recruitment effort to hire the most qualified workers and retention efforts using performance-based evaluations with merit-based incentives

This requires competitive salaries and proper caseloads for all public and private employees that are competitive to neighboring states.

3. Job-specific competency testing for new hires and comprehensive first-year training

This training lasts no less than eight weeks.

4. Intensive, ongoing training at a state-of-the-art training center

Kentucky, under a federal consent decree, created a state-of-the-art training center, using federal Title IV-E funds for 30 percent of the costs. The center provides 10 weeks of training for youth workers. Kentucky created this center at the same time that it limited the capacity of facilities to 30 beds, closed dangerous facilities, established a 1:10 staff-to-youth ratio, and placed a psychologist and two nurses at every site. As a result, OJJDP lifted the consent decree.²⁶

Budget Implications

The budget, leveraging federal funds, will reflect the cost of developing and implementing the curriculum and providing ongoing training and merit-based incentives.

Key Performance Measures

- ?? Percentage of new hires who pass the competency tests
- ?? Percentage of workers who leave the system for reasons other than performance
- ?? Development of state-of-the-art training curriculum and center

14. Jurisdiction of the Juvenile Court

Guiding Principle

All youth are better served by the juvenile court, with access to secure care appropriate to ensure public safety and keep violent youth off the streets. Youth are not housed with adults until they have been found guilty of an adult crime in an adult court.²⁷

Background

Currently under Maryland law, violent youth over the age of 16, and some over 14, are sent directly to the adult court and do not go before a juvenile judge. National research has found that youth tried in adult court are more likely to get re-arrested upon release and are re-arrested for more serious offenses than similar youth who are tried in juvenile court. Youth housed with adults are also more than five times as likely to be sexually assaulted and eight times more likely to commit suicide than youth housed in juvenile facilities.²⁸

Essential Strategies

1. Juvenile court jurisdiction over all youth

No youth is automatically transferred to adult court or tried as an adult; all youth go before a juvenile court for this decision. Juvenile court discretion is restored.

2. Juvenile court review of youth charged as adults

For all youth charged as adults, a juvenile judge reviews the appropriateness of the exclusionary charge and the decision to charge as an adult within 15 days of the police charging the youth as an adult.

3. Review of the effectiveness of exclusionary offenses in reducing crime

Data on youth charged as adults is collected, evaluated and disseminated promptly in order to examine the impact on the youth and future criminal behavior.

Budget Implications

The juvenile court will need resources for youth who are no longer sent to the adult court.

Key Performance Measures

- ?? Percent of youth sent to adult court
- ?? Percent of youth who are sent to adult court who are re-arrested within six months
- ?? Outcomes of youth charged as adults
- ?? Availability of data on youth charged and processed in the adult criminal justice system

15. Independent Citizen Oversight

Guiding Principle

Independent oversight of the juvenile justice system and its programs and facilities is an important way to protect youth, enable community involvement, monitor and report on reform efforts, and foster a legitimate and humane system.

Background

Currently two “independent” juvenile justice monitors, employed within the Governor’s Office for Children, Youth and Families, monitor more than 18 facilities. This monitoring has been an important first step; however, the monitoring function is not independent of the Department and is susceptible to political pressures. Furthermore, the process does not allow for the disclosure of information resulting from monitoring to reach legislators, or the public.

Essential Strategies

1. *Create by statute, an Oversight Body and Regional Advisory Boards independent from the Department of Juvenile Justice*

An Oversight Body and Regional Advisory Boards will have unfettered access, through the Independent Monitor, to all facilities. The Department will cooperate with the Oversight Body and Regional Advisory Boards. The Oversight Body ensures the preparation of reports on oversight that are available to Regional Advisory Boards and the public.

2. *The Independent Monitor will have unfettered access to all facilities to evaluate conditions, hear and respond to grievances and ensure the well-being of youth confined to such facilities*

Budget Implications

In the 2000 legislative session, the Department of Legislative Services prepared a fiscal note of \$250,000 to operate an independent citizen oversight committee.

Key Performance Measures

- ?? Percentage of grievances resolved satisfactorily
- ?? Percent of abuse allegations

Conclusion

We hope this document will serve to guide meaningful juvenile justice reform in Maryland. It will take time to achieve change; however, there should be unmistakable urgency because of the harm that comes to youth, families and communities under the current system. Meaningful change will involve all agencies that serve youth, not just the Department of Juvenile Justice. Maryland cannot afford to fail in its efforts to integrate the services and the resources of State and local agencies and community institutions in the process of reducing juvenile crime and delinquency. The future cost of failure, in both human and dollar terms, is unacceptable.

As the preceding pages make clear, juvenile justice reform is complex and multi-faceted. However, one theme pervades—the importance of comprehensive, family-focused, community-based services and supports for youth and their families.

Unfortunately, services are often the weak links in reform efforts. Improvements to the screening process, personnel and institutions will not lead in the right direction unless they are accompanied by the availability of services that meet the academic, health, mental health, economic and developmental needs of the family. In fact, buttressing up the rest of the system without addressing the current lack of services can only result in continued failure.

With relatively modest increases in state funds, reform is possible in the immediate future. There are at least four sources to support this endeavor.

1. *Increased State Funds*

The Maryland Juvenile Justice Coalition and the Maryland Children's Action Network have asked the State to provide \$15 million in the Fiscal Year 2002 Department of Juvenile Justice budget for youth development and delinquency prevention services. These services are designed to build the wraparound continuum, support youth with structured, positive activities, and strengthen the family.

2. *Maximizing Federal Funds*

Maryland can increase its access to federal funds by implementing the wraparound intervention strategy that relies heavily on case managers acting as service brokers for youth. In particular, the State can recoup a substantial part of the administrative costs of these programs from several federal funding sources, including the Social Security Act Title IV-E, the Maryland Children's Health Program, Temporary Aid to Needy Families (TANF), and the Medicaid Targeted Case Management Program.

Currently, Maryland is unable to take full advantage of federal funds because of its heavy reliance on institutionalization. Title IV-E funds are not available to the State if a youth is placed in secure facilities. If young people are able to "step down" to non-secure out-of-home placements, Maryland can receive IV-E funds of up to 50 percent of the placement cost for IV-E-eligible youth and at least 30 percent for staff training.

In addition to this loss of Title IV-E funding, Maryland is not now pursuing other federal funding which is available to provide community-based services that help to prevent the high cost of out-of-home care. Federal Medicaid Targeted Case Management (TCM) funds are available to states that seek to provide appropriate intervention to Medicaid-eligible youth at risk of being removed from their homes. The TCM federal funds support administrative costs for community-based programs. The personnel costs for case managers to coordinate service delivery are considered administrative costs by Medicaid, while direct services like family therapy are not.

The following table demonstrates that, by pursuing all available federal funding sources, Maryland can leverage \$19 million in services if it invests \$15 million.

Service Level	New State Funds	Medicaid MA TCM	MA – MCHP	Title IV-E	Total
Youth Development and Prevention	\$3,000,000	\$720,000			\$3,720,000
Community-Based Diversion Services	\$4,500,000	\$960,000	\$225,000		\$5,685,000
Services to Prevent Out-of-Home Placement	\$5,000,000	\$720,000	\$450,000	\$350,000	\$6,520,000
Detention Alternatives	\$2,500,000	\$480,000		\$175,000	\$3,155,000
TOTAL	\$15,000,000	\$2,880,000	\$675,000	\$525,000	\$19,080,000

3. *Re-allocated Existing Funds*

Maryland currently spends more than \$80 million on institutions. We have recommended closing or downsizing these facilities and replacing them with smaller programs not to exceed 30 beds. Those youth that present a public safety risk should be transferred to small secure facilities, including behind the fence at the Charles H. Hickey School. We have also recommended the substantial decreased use of out-of-home placements. As such, a significant portion of the existing \$80 million can pay for both the smaller residential facilities and also the community-based intervention strategies for youth who previously would have been institutionalized.

4. *Savings*

Finally, eliminating the state's reliance on institutionalization will result in long term savings as fewer youth commit new offenses and fewer youth are placed in expensive institutions.

In Wayne County, Michigan, intensive supervision was evaluated and found as effective as incarceration at less than one-third the cost. Overall the project saved the taxpayers an estimated \$8.8 million over three years. The Washington State Institute for Public Policy found that Functional Family Therapy, a component of the wraparound approach saved taxpayers \$6.85 for every dollar spent in juvenile costs alone. Multisystemic Therapy saved taxpayers \$8.38 for every dollar spent.²⁹

Costs of Inaction

As long as Maryland does not direct resources to family-focused, community-based programs and case management, the State will continue to pay the high cost of the failure of detention and institutionalization. The most obvious cost of this failure is the damage to youth and the likelihood of recidivism and of further involvement with the adult criminal justice system.

Other states have successfully implemented meaningful juvenile justice reform. Massachusetts, Missouri, Kentucky, Ohio and others to differing degrees have replaced their institutions with small regional programs and family-focused, community-based interventions, resulting in dramatic improvement for children and youth. An even larger number of cities and counties are building results-based juvenile justice systems with reduced reliance on detention and institutionalization because of their high failure rates.

Maryland must stop funding what does not work and reinvest its limited juvenile justice dollars in programs and strategies that are proven to work.

In other words, the opportunity for juvenile justice reform is here; we must seize this day before it passes by.

Endnotes

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