More support, better outcomes: South Dakota, Kansas have revamped their juvenile justice systems in recent years, and some early results are promising

Since 2015, a big change has occurred in how South Dakota handles young people in its juvenile justice system. “Some of these kids didn’t need to go to a juvenile detention center,” Rep. Julie Bartling says about the thinking behind the legislation passed that year (SB 73 [2]). “They just needed a little more support.”

Three years later, the state is starting to see results from this shift. According to Kristi Bunkers, director of juvenile services for the Department of Corrections, the greatest advance has been the statewide expansion of three evidence-based programs that allow young people to receive treatment in the community rather than being detained at a residential facility or correctional center. For example, through a three- to five-month-long intervention program known as Functional Family Therapy, a young person and his or her family work through family conflicts while addressing problems of drug abuse or a range of antisocial behaviors. Of the South Dakota families who completed the program last year, 92 percent demonstrated positive behavioral change.

Like South Dakota, many states have been re-examining and, in some cases, overhauling their juvenile justice systems in recent years.

And while youth incarceration rates have declined significantly across the country (due to a decrease in violent crime and state decisions to defer low-level juvenile offenders from correctional facilities), reducing recidivism and improving other outcomes for youths remain a challenge, says Nina Salomon, a project manager with The Council of State Governments Justice Center.

In a 2014 policy brief [3], The CSG Justice Center outlines five core principles for states to follow when revamping their justice systems.

- Base supervision, service and resource-allocation decisions on the results of proven assessments that evaluate each juvenile offender’s needs and risks of reoffending.
- Adopt and effectively implement programs and services that are proven to reduce recidivism and improve other youth outcomes.
- Use data to evaluate performance of the system and make changes.
- Employ a coordinated approach across service systems to address youths’ needs.
- Ensure that all policies, programs and supervision reflect the distinct developmental needs of adolescents.

An evidence-based approach to policymaking helped inform not only South Dakota’s legislative reforms, but those made in Kansas in 2016.

Enough time has passed now to evaluate results in both those states. Meanwhile, a third Midwestern state, Wisconsin, is poised to embark on a systemwide overhaul of its own.

'Research and reform'

In Kansas, before introducing a package of reforms (SB 367 [4]), legislators and others took extensive steps to determine how the management of youth offenders could be improved.
“I saw the issues that were being faced in the juvenile justice system, heard testimony from those directly impacted by them, and saw the importance of research and reform,” Kansas Sen. Pat Pettey says.

Studies of the state’s juvenile justice system, including one conducted in 2015 by The CSG Justice Center, showed that while the juvenile arrest rate in Kansas had dropped more than 50 percent from 2004 to 2013, community supervision and residential commitment populations had not fallen at the same rate.

Additionally, the proportion of youths being placed in these out-of-home facilities for low-level offenses was increasing.

The studies also found that there was very little state or local investment in evidence-based alternatives to detention, nor were there clear sentencing policies for juvenile offenders. Instead, sentences were handed down at the discretion of probation officers or court officials and often included commitment to a residential center or correctional facility, costing the state more than $53 million a year.

“Some of us had questions about how fair our system was to kids,” says Randy Bowman, deputy director of juvenile services for the Kansas Department of Corrections.

In response to these findings, SB 367 included measures that restricted the placement of juvenile offenders in correctional facilities, focused the system’s most intensive rehabilitation programs on youth at highest risk of reoffending, and reinvested funds in evidence-based alternatives that allow many juveniles to be supervised in the community.

“Our biggest goal was to recapture money saved through the decline in incarceration and invest it in other community services for those in the [juvenile justice] system,” says Pettey, who serves on a committee that monitors implementation of the reforms.

Since the reforms were enacted, Pettey says, there has been increased cooperation between different branches of the juvenile justice system, a decrease in the number of youths in correctional facilities, and a rise in the type of treatment or sentencing options.

Last year, Kansas was able to shift $12.3 million in savings from the reforms to make three types of community-based treatment programs available across the state. The programs address common needs among youths who have a moderate or high risk of reoffending. They focus on individual behavior change, family-based therapy, and the assessment and treatment of juvenile sex offenders.

The state also established a grant program for counties to invest in local programs that serve youths involved with the justice system.

As a result, Kansas now has the capacity to provide approximately 4,000 juvenile offenders or their families with evidence-based programming each year. State data show, too, that since the reforms were enacted, the number of juveniles in out-of-home placements has declined by nearly 50 percent, while the number placed in a correctional facility for committing a misdemeanor offense fell by 70 percent.

According to Bowman, collaboration among county governments, state and local courts, and the Kansas executive branch has been especially critical to the state’s success in implementing SB 367.

For the next couple of years, he says, Kansas will be focused on measuring results, such as recidivism rates in its youth correctional and probation populations.

The state also is exploring ways to decrease the number of girls in custody, reduce the use of isolation in the juvenile correctional facility, and strengthen public-defense resources for young people.

**Save dollars, then reinvest them**

Passage of South Dakota’s SB 73, known as the Juvenile Justice Public Safety Improvement Act, was the result in part of an interbranch work group. It found that although juvenile commitments to the state Department of Corrections were declining, South Dakota still had the second-highest youth incarceration rate in the country.

Further, the majority of youth commitments were for status offenses (crimes based on the age of the offender, such as truancy or curfew), misdemeanor offenses and probation violations. “Before SB 73, we cast a very wide-open net,”
Bunkers says. “Over-responding was definitely something that we did here in South Dakota.”

The state law has several overarching goals:

- prevent the deeper involvement of youth in the juvenile justice system,
- expand access to evidence-based interventions in the community,
- focus residential placements on juveniles who are a public-safety risk, and
- improve outcomes in areas such as educational attainment, behavioral and mental health, and family relations.

What the state has seen so far is promising: Between 2014 and 2017, the number of youths newly committed to a Department of Corrections facility has dropped from 220 to 96, and the total number in state custody decreased from 611 to 284.

Meanwhile, the availability and use of evidence-based programs such as Functional Family Therapy are on the rise: From 2016 to 2017, there was a nearly 72 percent increase in the number of juveniles referred to community-based programs by the courts, Department of Corrections or other entities.

An increase in the use of juvenile citations (similar to a traffic ticket) also provides evidence of systemic changes in South Dakota. These citations are used in lieu of arrests or the filing of a petition that would initiate formal court action.

In 2017, more than 3,000 citations were issued for offenses related to alcohol possession, truancy, property damage and petty theft. Youths who receive a citation may be required by the court to participate in a diversion program, pay a fine or complete community service.

In addition, new guidelines and a graduated-response matrix (established by SB 73) have helped the state improve probation outcomes by holding juvenile probationers more accountable through swift, certain and proportional responses to violations.

In the years since SB 73 was enacted, the number of youths successfully completing their term of probation has steadily increased — from 85 percent to 96 percent. State data also show [6] that fewer juveniles are being adjudicated for a new offense within the first three years after being discharged from probation.

Lastly, the state’s recidivism rate for youths on probation has decreased in recent years from 59 percent to 32 percent, while the rate for those released from state custody dropped from 20 percent to just 8 percent.

Looking ahead, South Dakota officials will continue to monitor the outcomes of the 2016 reforms and make decisions about where to direct the money saved by diverting youth from correctional facilities.

“In my opinion, the only way to reinvest [that money] is back into the communities where these children live and provide the programs that can help them stay out of trouble, stay in school and go on to college or a career after high school,” Bartling says.

**Pursuing a new 'Wisconsin Model'**

Wisconsin took steps this year to become another Midwestern state to overhaul its juvenile justice system. In February, before adjourning for the year, the state Assembly voted unanimously in favor of AB 953 [7].

The bipartisan bill calls for the closure of two of the state’s juvenile detention centers by July 2020 and requires each of Wisconsin’s 72 counties to establish a plan for housing low-level offenders. The bill also would create a study committee to develop recommendations on locations for the new local detention facilities and rules for how to govern them.

The proposal comes after a federal judge, in response to allegations of inmate abuse at one of the state’s juvenile facilities (Lincoln Hills), ordered the state Department of Corrections to make significant changes, including reducing the use of solitary confinement and pepper spray.

In January, Wisconsin Gov. Scott Walker announced plans to convert Lincoln Hills into an adult correctional building and build six smaller youth facilities around the state for Wisconsin’s most serious juvenile offenders, including one new mental health center in Madison for girls.
In a press release, Rep. Michael Schraa, chief Republican sponsor of AB 953, said the “trail-blazing legislation” would “address public safety with secure facilities, while treating underlying causes and rebuilding lives, close to home and close to the community.”

He and the bill’s chief Democratic sponsor, Rep. Evan Goyke, say AB 953 will create the state’s own approach to juvenile justice reform called the “Wisconsin Model.” At the time of publication, AB 953 was pending approval by the state Senate.

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