

Using Resources Efficiently to Reduce Recidivism and Improve Other Outcomes for Youth in New Mexico's Juvenile Justice System

Courts, Corrections and Justice Committee

August 17, 2016

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THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER

Corrections



Courts



Justice Reinvestment



Law Enforcement



Mental Health



Reentry



Substance Abuse



Youth



National nonprofit,
nonpartisan membership
association of state
government officials

Represents all
three branches of
state government

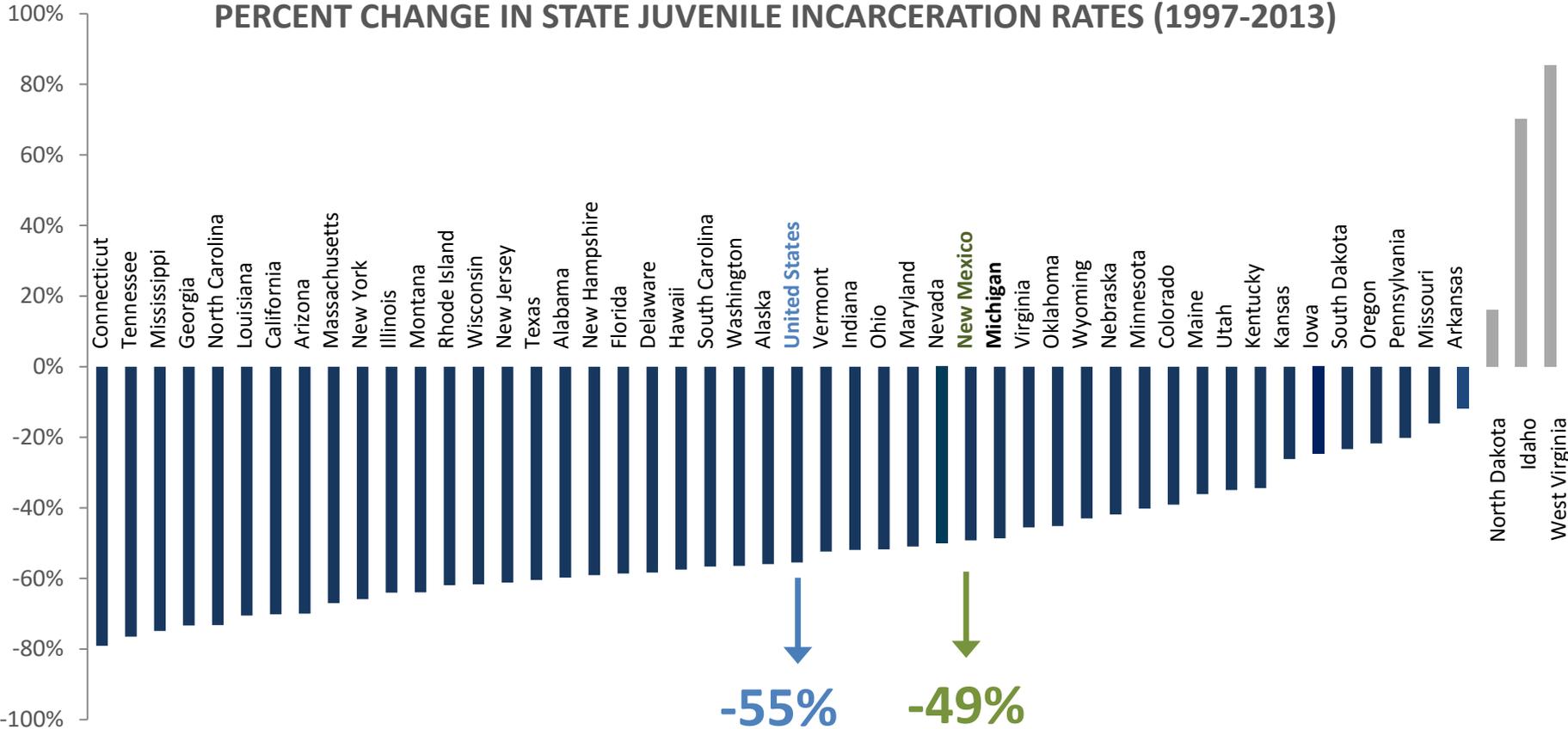
Provides **practical**
advice informed by the
best available evidence

Challenges to Improving Outcomes for Youth

“What Works” to Improve Outcomes for Youth

The Statewide Juvenile Justice Improvement Initiative

STATES' JUVENILE INCARCERATION RATES HAVE DECLINED DRAMATICALLY



IMPROVING OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM: A 50-STATE FORUM

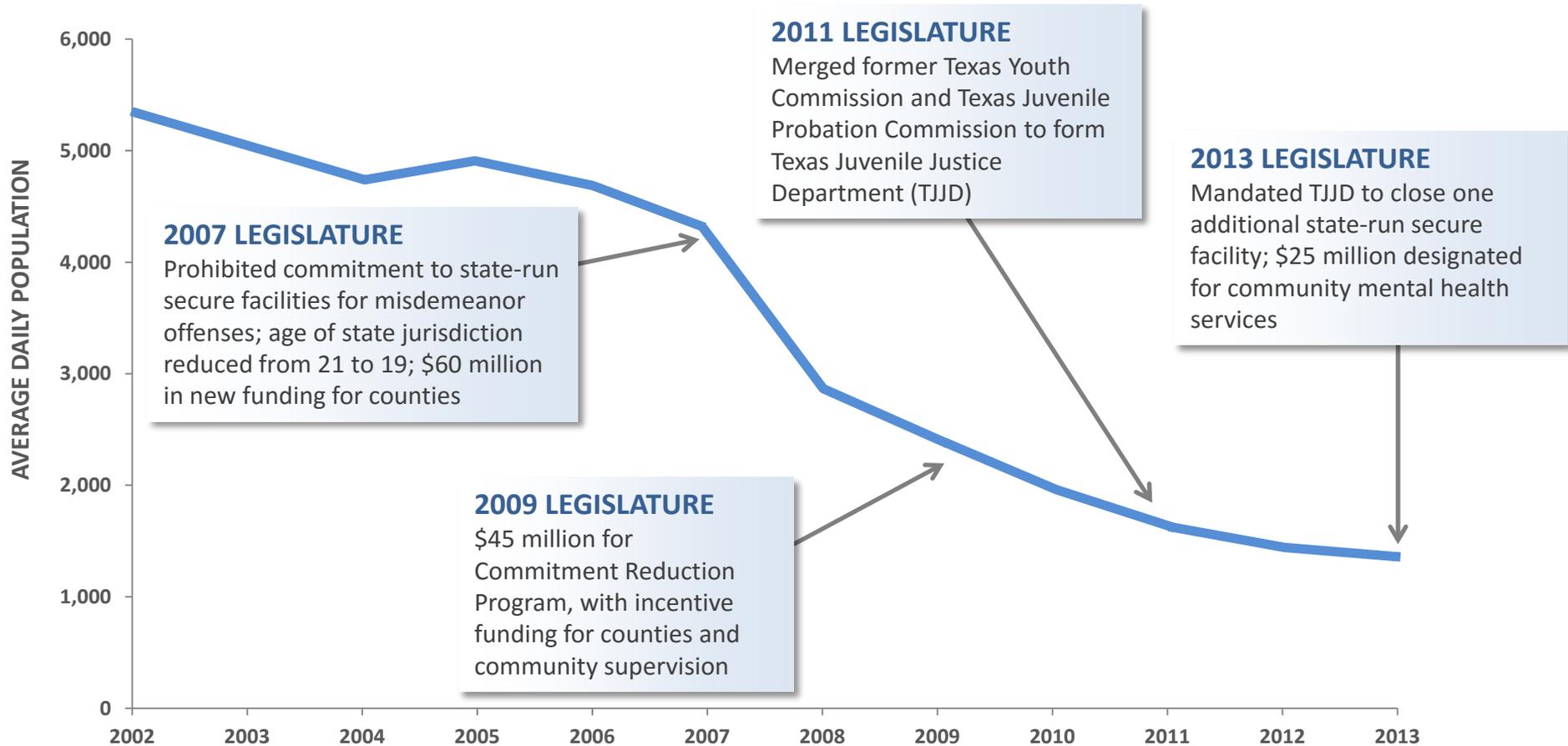
WHO	Four-person interbranch teams of government leaders from every state
WHAT	Convening to develop statewide plans to improve outcomes for youth under juvenile justice supervision
WHERE	Austin, Texas
WHEN	November 9-10, 2015
HOW	Supported by the MacArthur Foundation and conducted in partnership with Office of Juvenile Justice and Delinquency Prevention

New Mexico State Team

- **Gail Chasey**, *State Representative, New Mexico General Assembly*
- **Nick Costales**, *Deputy Director, New Mexico Children, Youth & Families Department*
- **Kelly Jo Parker**, *Chief Juvenile Probation Officer, Bernalillo County*
- **Marie Ward**, *District Court Judge, Second Judicial District Court*

REFORMS CONTRIBUTED TO DECLINE IN JUVENILE CONFINEMENT RATES IN TEXAS

REFORM HIGHLIGHTS and AVERAGE DAILY POPULATION IN STATE SECURE JUVENILE FACILITIES



TEXAS POLICYMAKERS COMMISSIONED STUDY TO BETTER UNDERSTAND THE IMPACT OF REFORMS ON OUTCOMES FOR YOUTH UNDER SUPERVISION OF THE JUVENILE JUSTICE SYSTEM

T E X A S
JUVENILE JUSTICE
D E P A R T M E N T

August 10, 2012

Michael Thompson
Director
Justice Center, Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005

We are eager to work with you and your team to develop and implement a work plan so that we can generate the data that will address the questions described above. Please let us know what the next steps are. If you have any questions, do not hesitate to contact me at 512.424.6004.

Sincerely,



Jay Kimbrough
Interim Director
Texas Juvenile Justice Department



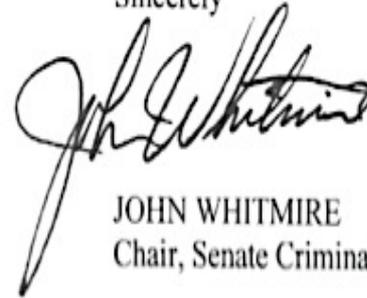
Michael Griffiths
Executive Director
Texas Juvenile Justice Department

The Senate of The State of Texas

Senator John Whitmire
Dean of the Texas Senate

August 14, 2012

Sincerely



JOHN WHITMIRE
Chair, Senate Criminal Justice Committee

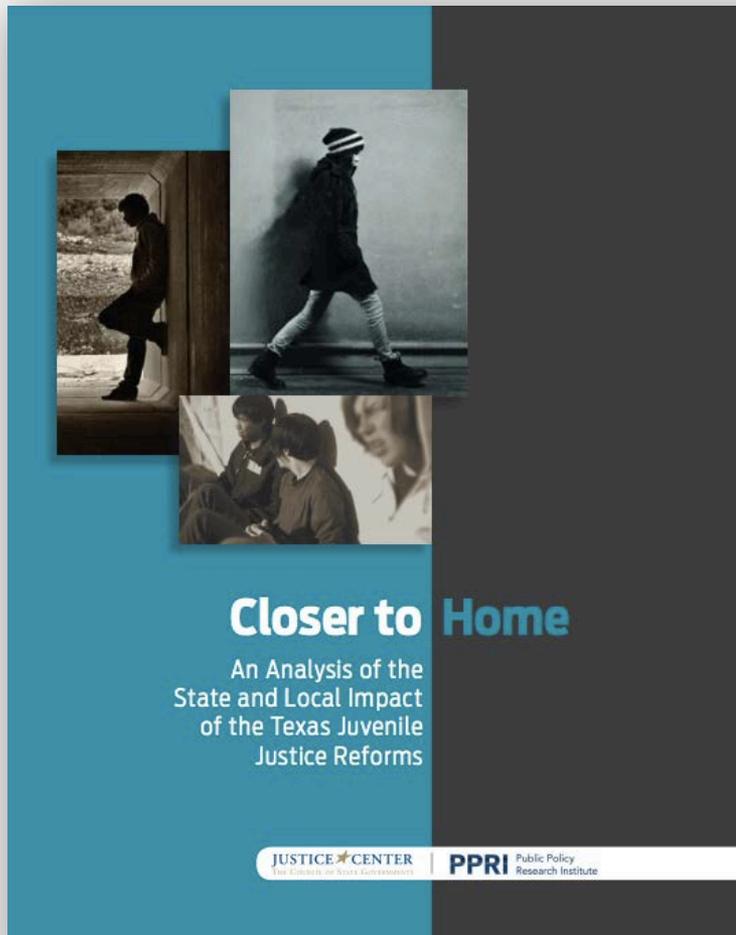
TEXAS STUDY USED MORE THAN 1.3 MILLION RECORDS TO ANALYZE RECIDIVISM RATES FOR SIMILAR GROUPS OF YOUTH



“Apples to apples” comparison of youth eligible for incarceration:

- Youth supervised in the community
- Youth released from state-run secure facilities

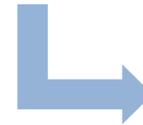
YOUTH KEPT CLOSER TO HOME HAVE BETTER OUTCOMES



One-Year Probability of Rearrest

Released from State
Secure Facilities
41%

Supervised in the
Community
34%



**21% more likely to be
rearrested**

First Recidivism Offense a Felony

Released from State
Secure Facilities
49%

Supervised in the
Community
17%



**3x more likely to commit a
felony when recidivating**

PER CAPITA FUNDING FOR JUVENILE PROBATION INCREASED SIGNIFICANTLY AFTER 2007 REFORMS

	FY2005	FY2012	% Change
Per capita expenditures for local juvenile probation departments	\$3,555	\$7,023	98%
Expenditures adjusted for inflation to 2014 dollars	\$4,337	\$7,304	68%
Percentage of local juvenile probation department expenditures contributed by county	77%	71%	-8%

REARREST RATES WERE COMPARABLE REGARDLESS OF THE INTERVENTION AND **DID NOT IMPROVE AFTER REFORMS**

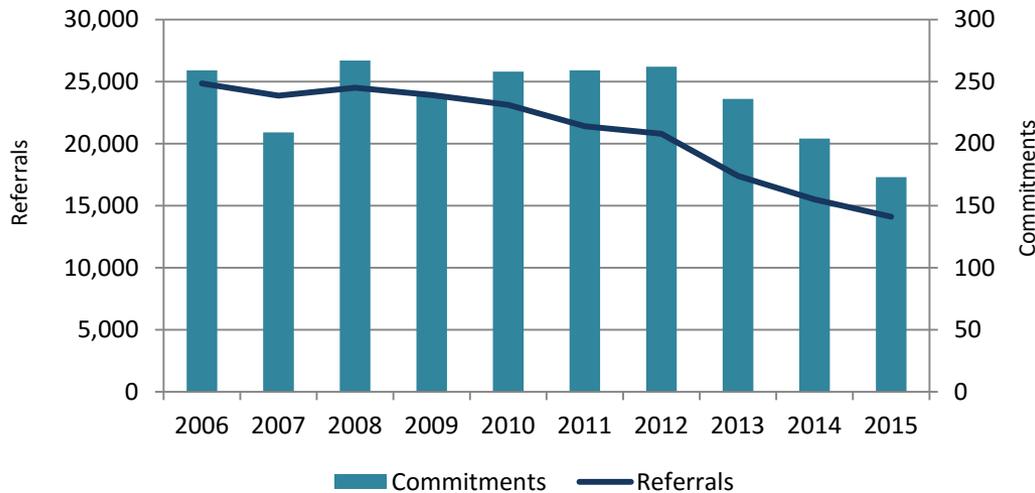
INTERVENTION TYPE	PRE-REFORM STUDY GROUP <i>One-Year Probability of Rearrest</i>	POST-REFORM STUDY GROUP <i>One-Year Probability of Rearrest</i>
State Incarceration	41%	41%
Skill-Based Program	29%	27%
Treatment Program	28%	30%
Surveillance Program	31%	29%
Secure County Placement	33%	34%
Non-Secure County Placement	35%	35%
No Intervention	33%	32%

TEXAS STUDY HAS KEY IMPLICATIONS FOR ALL STATES

1. Texas **reduced the number of incarcerated youth** without compromising public safety.
2. Youth supervised “closer to home” have **lower rearrest rates** than similar youth released from state-run secure facilities.
3. The state invested significant resources in **community-based supervision and services**.
4. Recidivism rates for youth under community supervision did not improve after the reforms. Texas is not realizing the **full potential of its investment** in community-based supervision and services.

NEW MEXICO JUVENILE JUSTICE SYSTEM TRENDS

Juvenile Probation Referrals and Commitments FY 2006 to FY 2015



Between FY 2006 and FY 2015:

- Referrals to juvenile probation decreased **43%**
- Term commitments to CYFD decreased **33%**

In FY 2015:

- 99% of youth referred to juvenile probation remained in the community
- 16% of youth referred were supervised under a consent decree or disposed to probation

OVERVIEW

Challenges to Improving Outcomes for Youth

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GROWING MOMENTUM TO IMPLEMENT “WHAT WORKS” TO IMPROVE OUTCOMES FOR YOUTH

July 2014

Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation

BACKGROUND

Juvenile arrest rates, including for violent crimes, fell by approximately 50 percent from 1997 to 2011, to their lowest level in more than 30 years.¹ In combination with this sharp drop in arrests, state and local reforms have had an extraordinary impact: from 1997 to 2011, youth confinement rates declined by almost half.² The juvenile justice field deservedly celebrates this success and continues to push for further reductions in confinement rates. Many states are also striving to ensure that youth who have been diverted from confinement, as well as those returning home after time spent in a facility, receive supervision and services that reduce recidivism and improve other youth outcomes. As such, policymakers are eager to know more about what happens to youth after they have been in contact with the juvenile justice system. What are their nearest and reincarceration rates? How do they fare in terms of education, employment, and other important outcome measures while they are under juvenile justice supervision and afterward? To understand to what extent states currently track recidivism data for youth involved in the juvenile justice system and use that information to inform policy and funding decisions, the Council of State Governments Justice Center, The Pew Charitable Trusts' Public Safety Performance Project,³ and the Council of Juvenile Correctional Administrators surveyed juvenile correctional agencies in all 50 states.⁴ This issue brief highlights the key findings of the survey and provides state and local policymakers with five recommendations for improving their approach to the measurement, analysis, collection, reporting, and use of recidivism data for youth involved with the juvenile justice system. In addition, examples are provided of how select states have translated these recommendations into policy and practice.

The Importance of Measuring Outcomes beyond Recidivism for Youth Involved with the Juvenile Justice System

Juvenile justice systems can use a number of metrics to track outcomes for youth under system supervision, including educational attainment, behavioral health improvements, or skill development and employment, all of which are critical to ensuring a youth's long-term success. The survey focused primarily on the measurement of recidivism, and the recommendations presented here reflect that focus. The survey results did, however, indicate that only half of all state juvenile correctional agencies measure youth outcomes beyond whether youth commit future delinquent acts, and only 20 percent of states track these outcomes for youth after they are no longer on supervision. Policymakers and juvenile justice agency leaders should strongly consider including a priority set of positive youth outcomes in the evaluation of system success to determine not only whether the juvenile justice system is helping to prevent youth's subsequent involvement in the system, but also whether it is helping youth transition to a crime-free and productive adulthood.



CORE PRINCIPLES FOR REDUCING RECIDIVISM AND IMPROVING OTHER OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM

the NATIONAL REENTRY RESOURCE CENTER
A project of the CSG Justice Center

Sponsored by:
MacArthur Foundation | BJA | OJJDP

Ten Key Questions Judges Can Ask to Improve Outcomes for Youth in the Juvenile Justice System

JUVENILE JUSTICE LEADERS IN NEARLY EVERY STATE have undertaken efforts that have reduced juvenile incarceration rates nationwide by almost 50 percent since 1997, and arrest rates have dropped to their lowest level in more than 30 years. While such changes have produced substantial savings at no cost to public safety, investments in community-based services for many states and counties have not resulted in reduced rates of recidivism and improvement in other youth outcomes, such as education and behavioral health. Recent research has identified “what works” to reduce recidivism and improve other youth outcomes, and judges and court personnel have a leadership role to play in ensuring that court decisions and policies are informed by this research.

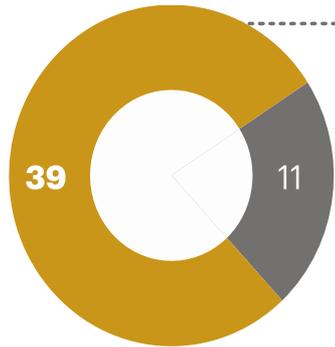
Ten key questions that judges and court personnel should ask to determine whether court policies and practices will increase public safety and improve outcomes for youth are:¹

1. Do all youth receive a risk assessment prior to disposition to identify their risk of reoffending and key service needs, and are the results shared with the court to inform disposition and service decisions?
2. Are youth who are assessed as being at a low risk of reoffending diverted from court involvement and formal system supervision, and does the court reserve the use of incarceration for only those youth assessed as being at a high risk of reoffending and/or who have committed violent offenses?
3. Do all youth receive a validated screening for mental health and substance use disorders and, if warranted, a full assessment prior to disposition, and does the court ensure that youth with treatment needs receive services from the juvenile justice and/or behavioral health systems?
4. Are lengths of stay for incarcerated youth based on youth's assessed risk of reoffending, the seriousness of the offense, and treatment needs, with the objective of minimizing lengths of stay to 6–12 months?
5. Are programming and services targeted to address the key needs associated with youth's delinquent behavior, and does the court help facilitate youth and family participation in these services?
6. Are youth referred to programs and services shown to reduce recidivism and are participation and outcomes reported to the court?
7. Does the court play a leadership role in helping to coordinate case planning and services across the juvenile justice, education, child welfare, and behavioral health systems by convening system leaders to establish protocols for working together and sharing information to address youth's needs?
8. Are youth and families involved in court processes and is their input used to guide court decisions?
9. Does the court limit the number of conditions a youth must comply with while on supervision to those related to their delinquent behavior, and does it use a graduated response system for technical violations of supervision and minimize the use of detention and incarceration as punishment for noncompliance with conditions of supervision?
10. Are key performance indicators for youth in the juvenile justice system identified and are performance results reported to the court annually?

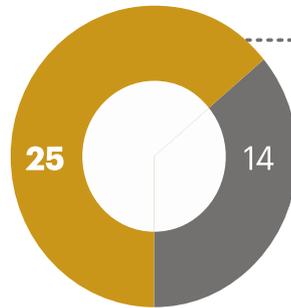
¹ For more information on these key steps, please see [Core Principles for Reducing Recidivism and Improving Outcomes for Youth in the Juvenile Justice System](#).



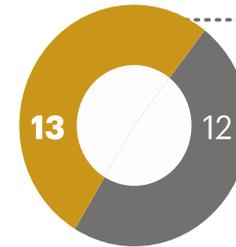
STATES STRUGGLE TO TRACK OUTCOMES FOR YOUTH UNDER SYSTEM SUPERVISION AND WHETHER THEIR INVESTMENTS ARE MAKING A POSITIVE IMPACT



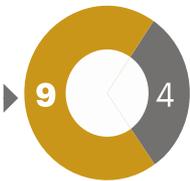
39 STATES TRACK RECIDIVISM RATES; 11 DO NOT



OF THOSE 39 STATES, ONLY 25 TRACK MULTIPLE MEASURES OF RECIDIVISM



OF THOSE 25 STATES, ONLY 13 ANALYZE RECIDIVISM RATES BY RISK LEVEL



OF THOSE 13 STATES, ONLY 9 USE THIS DATA TO EVALUATE PROGRAM EFFECTIVENESS

CORE PRINCIPLE 1: USE VALIDATED RISK AND NEEDS ASSESSMENTS

STEP 1: Assess risk of reoffending using validated tool

Low Risk

Medium Risk

High Risk

STEP 2: Minimize supervision for low-risk youth and focus resources on high-risk youth

Diversion
OR
Probation

Probation

Probation
OR
Residential Placement

STEP 3: Assess needs and match youth to services

Referrals to behavioral health system if needed

Identify and address risk factors that drive delinquent behavior

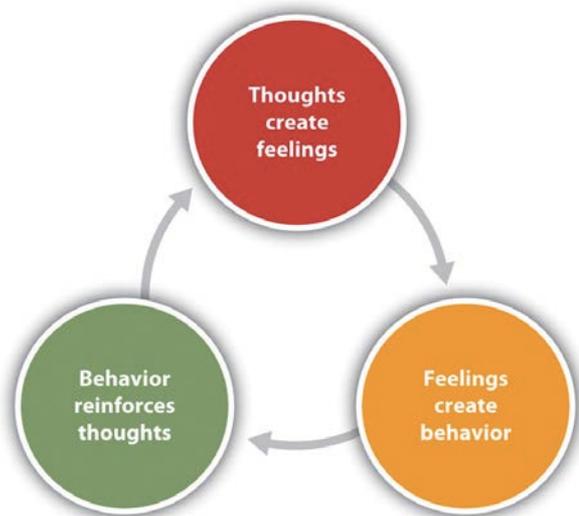
USE VALIDATED RISK AND NEEDS ASSESSMENTS: **KEY** CONSIDERATIONS FOR NEW MEXICO

- New Mexico uses the **RAI**, but to what extent are youth ending up in detention as a result of a lack of diversion or service options?
- New Mexico uses a **structured decision-making tool** for its risk/needs assessment. However, are assessments conducted in a timely manner and are results consistently used statewide to inform disposition decisions?
- Are assessment results used **to guide decisions** about the length/intensity of community supervision and use of services? Are **youths' lengths of stay** in facilities informed by the results of this tool and/or other objective assessments?

CORE PRINCIPLE 2: IMPLEMENT PROGRAMS AND SERVICES PROVEN TO REDUCE RECIDIVISM

Research shows that services that promote youths' positive development can reduce recidivism rates by up to 40 percent.

COGNITIVE BEHAVIORAL THERAPY



FAMILY/COMMUNITY-CENTRIC APPROACHES



IMPLEMENT PROGRAMS AND SERVICES PROVEN TO REDUCE RECIDIVISM: **KEY CONSIDERATIONS FOR NEW MEXICO**

- Is there **sufficient availability of services** to address youths' key risk factors, particularly in rural areas? How can continuum boards be leveraged **to develop and sustain programs**?
- Are there statewide requirements to ensure that funding is used to support **evidence-based services**?
- Is the quality of service delivery assessed and are data collected on youth outcomes so that providers **are held accountable**?

CORE PRINCIPLE 3: COLLABORATE ACROSS SYSTEMS TO ADDRESS YOUTHS' NEEDS

60 to 70 percent of confined youth have a mental illness.



25 to 50 percent of confined youth have a substance use disorder.



65 percent of youth under supervision have past/current involvement in the child welfare system.



More than **50 percent** of confined youth have reading and math skills significantly below their grade level, have repeated a grade, and have been suspended or expelled.



COLLABORATE ACROSS SYSTEMS TO ADDRESS YOUTHS' NEEDS: KEY CONSIDERATIONS FOR NEW MEXICO

- Does a state leadership group exist to **coordinate and improve services** across the juvenile justice continuum and service systems? How is CYFD collaborating internally to ensure crossover youth are effectively being served?
- Is there a **partnership** between state and local juvenile justice and education agencies to improve educational outcomes? Is there a partnership between state and local juvenile justice agencies and the behavioral health system? Can continuum boards be leveraged to improve collaboration?
- Are there policies in place to ensure **sufficient information sharing** across systems on youths' system involvement, service use, provider service delivery, and outcomes?

CORE PRINCIPLE 4: TAILOR SUPERVISION/SERVICES TO YOUTHS' DEVELOPMENTAL NEEDS

Youth Are Different from Adults

- They are susceptible to peer influence.
- They engage in risky behaviors.
- They fail to account for long-term consequences.
- They are relatively insensitive to degrees of punishment.
- They struggle to regulate impulses and emotions.



Key Components of a Developmentally Appropriate Approach

- Engage youth and families in system decisions/interventions.
- Focus supervision on positive youth behavior change.
- Hold youth accountable using a graduated response matrix.
- Require youth to repair the harm caused to victims/communities.

TAILOR SUPERVISION/SERVICES TO YOUTHS' DEVELOPMENTAL NEEDS: KEY CONSIDERATIONS FOR NEW MEXICO

- New Mexico recently adopted **the Cambiar model** for its juvenile correctional facilities. Has this model been fully implemented with fidelity to reflect a developmentally appropriate approach?
- Are the resources used for supervision in facilities and the community focused on **promoting positive youth behavior change**? Is there a statewide **family engagement strategy** that is cultural competent?
- Does a statewide **graduated sanctions matrix** exist and is it consistently followed? Are the expectations for youth under supervision clear and developmentally appropriate?

OVERVIEW

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TECHNICAL ASSISTANCE TO STATES THROUGH THE STATEWIDE JUVENILE JUSTICE IMPROVEMENT INITIATIVE (SJJII) ADDRESSES THE FOLLOWING QUESTIONS:

How well do resources, policies, and practices **align with what the research says works** to reduce recidivism and improve other youth outcomes?



What recidivism and other system outcome data does the state track for youth under the supervision of the juvenile justice system?

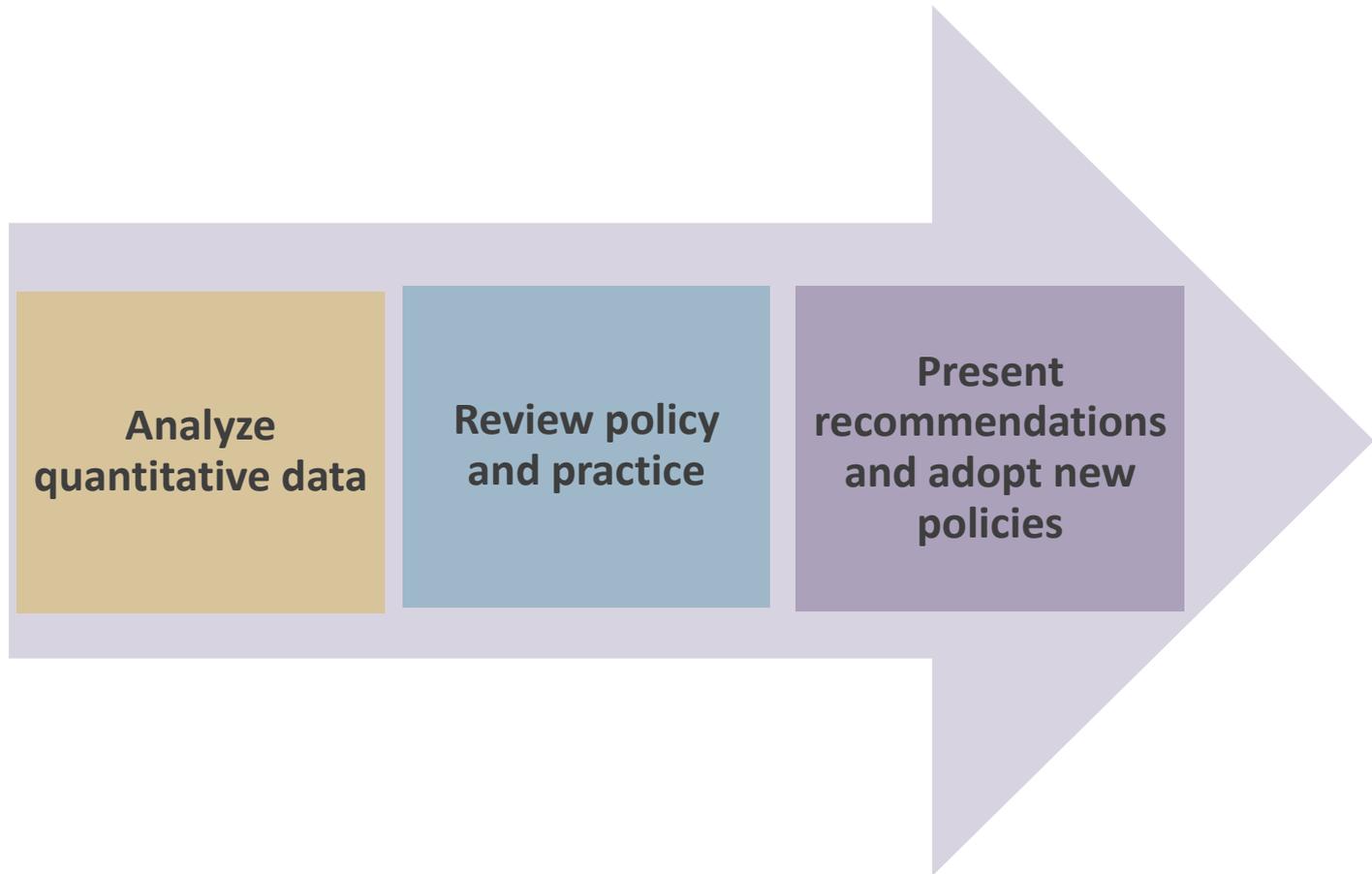


To what extent are **leaders from the three branches of state government working together** and in partnership with local governments to improve outcomes for youth under juvenile justice supervision?

NEW MEXICO SELECTED FOR CSG JUSTICE CENTER SITE VISIT TO DISCUSS POTENTIAL INVOLVEMENT IN INITIATIVE

- CSG Justice Center staff conducted a site visit in March, 2016
- Met with groups of stakeholders in Santa Fe:
 - CYFD leadership and staff
 - Judges
 - Probation officials
 - District Attorneys/Public Defenders
 - Law enforcement officials
- Determined additional conversations with policymakers and other stakeholders were necessary to determine interest in the initiative and areas for system improvement

SJJII HAS **THREE PHASES** DESIGNED TO IDENTIFY AND ADVANCE POLICIES AND PRACTICES TO IMPROVE OUTCOMES FOR YOUTH



STATEWIDE JUVENILE JUSTICE IMPROVEMENT INITIATIVE: **NEW MEXICO LEADERSHIP MUST COMMIT TO....**



Establish a bipartisan, interbranch task force to guide the effort



Share available data from the juvenile justice and other service systems

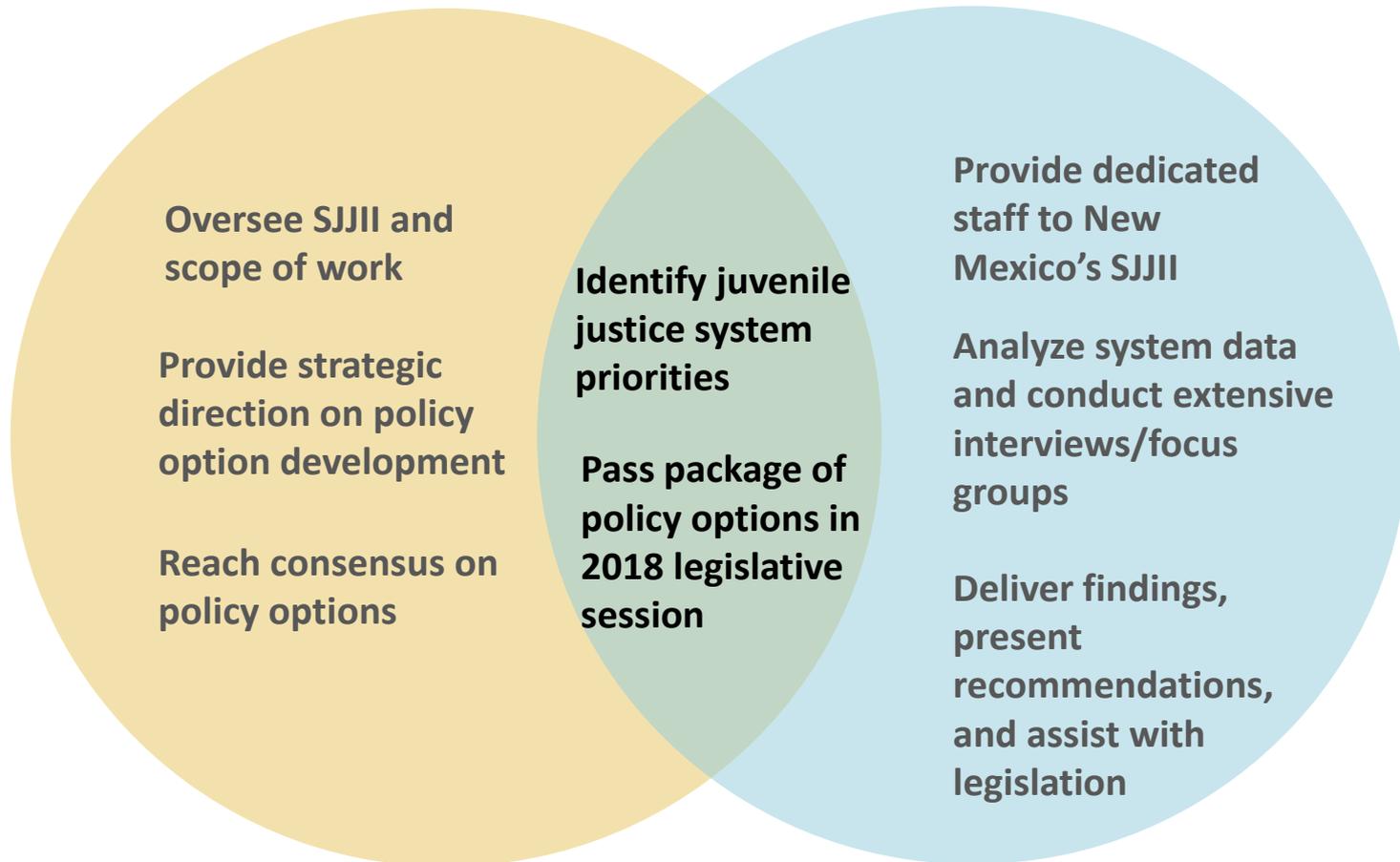


Improve policy and practice across the juvenile justice continuum, from diversion to reentry

WITH SUPPORT FROM CSG JUSTICE CENTER, **TASK FORCE WILL PLAY CRITICAL ROLE** IN SUCCESS OF THE SJJII

SJJII TASK FORCE RESPONSIBILITIES

CSG JUSTICE CENTER RESPONSIBILITIES



STATEWIDE JUVENILE JUSTICE IMPROVEMENT INITIATIVE: **TIMELINE** FOR TECHNICAL ASSISTANCE

October 2016

Evaluate NM interest and capacity to participate in SJJII

December 2016

If moving forward, conduct preparation activities for SJJII participation

January 2017-March 2018

Participation in SJJII (data analysis, presentation of findings, policy options)