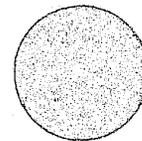


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JUVENILE JUSTICE SYSTEM TASK FORCE

Final Report



October 1988

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Utah State Commission on Criminal and Juvenile Justice

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INTRODUCTION

In 1980 a Governor's Task Force on Juvenile Justice met to develop a five year plan for the juvenile justice system. The implementation of that plan placed Utah in the forefront of juvenile justice programming in America.

Leaders from more than half of the States and from as far away as Europe have visited Utah to examine Utah's progressive programs.

However, the Commission on Criminal and Juvenile Justice and the Utah Legislature realized that in order to remain in a national leadership role the juvenile justice system would require ongoing analysis and review. Therefore, the Commission established a Juvenile Justice Task Force in the fall of 1987 to do a review of the system and make recommendations which would benefit the State, the juvenile justice system and, most importantly, the youth of the State.

This report contains the recommendations of that Task Force. It was not possible to review every issue involving delinquent youth, but ten major areas were reviewed and comments and recommendations made regarding each of those areas.



Fifth Judicial Circuit Court

Salt Lake County • Summit County

William A. Thorne, Jr.
Judge

October 20, 1988

Mrs. Aileen Clyde
Commission on Criminal and Juvenile Justice
101 State Capitol Building
Salt Lake City, Utah 84114

Dear Mrs. Clyde,

I am herewith transmitting to you the final report of the Juvenile Justice System Study Task Force. The Task Force undertook the assignment of analyzing and evaluating the policy directions of the state's juvenile system, as well as examining some of the more significant problems encountered within the system. The report required significant travel for some of its members, many hours of early morning meetings (usually beginning at 7:00 or 7:30), and an occasional heated discussion. This report is a product of the considerable information prepared by the staff and digested by the members, analyzed from the perspectives of their own experience and ultimately the consensus produced by frank discussions.

The Task Force was comprised of extremely diverse, talented, and dedicated people working in all the different facets of the juvenile justice system, allied systems (i.e. adult corrections), as well as from the legislative bodies of the state. Such a composition insured that there was to be no lack of differing ideas and positions. Nevertheless, the Task Force successfully sought to operate on the basis of consensus.

I would like to thank the Commission for the invaluable assistance of the staff assigned to the Task Force and also acknowledge the aid provided by personnel of the Court Administrator's Office, the Division of Family Services, the Division of Youth Corrections, and particularly Dr. Coates, a member of the Task Force, who undertook the considerable task of heading a sub-committee on behalf of the group.

Thank-you for the opportunity to assist the youth of this state.

Sincerely,

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PREAMBLE

During the history of the Utah juvenile justice system, great strides have been taken to protect the community by providing progressive, supportive services to youth and families in trouble. As we make recommendations for change, we do so by reaffirming the basic principles which have guided the juvenile justice system in recent years. These principles include:

1. Commitment to prevention and early intervention programs involving schools, churches, and other local community groups.
2. Commitment to maintain quality programs along a continuum of care ranging from home based programs to secure care.
3. Commitment to using the least restrictive alternative feasible as determined by any threat to the community and the needs of youth.
4. Commitment to collaboration and cooperation among the various components of the juvenile justice system.
5. Commitment to a systems approach to problem/need solutions. When legislation, program and policy changes are proposed, it is critical to evaluate and consider their impact on other components/agencies of the total juvenile justice system, not simply on one part or component.

These principles provide the overlay for our recommendations. Clearly, they have implications for how we work with youth and how we manage scarce resources. Currently, we are faced with growing numbers of youth and little expectation for a significant increase in resources. To maintain the level of commitment and current quality of service, some changes will be needed. These recommendations are offered in that light.

I. How Will the Utah Juvenile Justice System Deal with an Expanding Youth Population?

The Utah Juvenile Justice System has served as a model throughout the nation. The Division of Youth Corrections has been featured in a complimentary fashion in the national news media. The Juvenile Court, throughout the years, has been observed regularly by those who wish to duplicate the Utah experience in their own states. The information system in the Juvenile Court has served as a model which has been adapted in some fashion in numerous other states. In recent years, however, dramatic increases in the State's youthful population have seriously hampered our ability to maintain the same high quality level of services.

Practically every resident is aware of the dramatic increase in the number of school age children in this state. This increase has had a profound impact on our educational system. Unfortunately, many don't realize that such increases also greatly affect the demands on the juvenile justice system. This effect becomes even more alarming when coupled with the increase in the delinquency rate in recent years. The rate of delinquency referrals to the Juvenile Court in Utah has grown by more than twice the rate of increase in teenage population. Since 1980, for example, the number of criminal referrals filed with the Juvenile Court has increased by approximately 70%. The number of criminal offenses included in those referrals has increased by more than 100% over the same period of time.

Staff increases in the various components of the juvenile justice system have not kept pace with the growth in demand. In 1980, there were nine juvenile court judges and 1-1/2 referee or commissioner positions. Today, there are twelve judges and still 1-1/2 commissioners. Total staff of the Juvenile Court has increased by only 20% since the beginning of this decade.

Not only has the system been faced with an increasingly higher population generating proportionately more crime, but in recent years the jurisdiction of the Juvenile Court has been broadened to include such areas as adoptions and custody disputes. These changes appear to be logical and remove some duplication of services in the district courts. They have, however, constituted additions to the demands on the Juvenile Court which were not accompanied by an increase in resources.

The Juvenile Court in Utah has consistently attempted to utilize alternatives which are not only helpful to troubled young people, but are financially cost effective. More than one out of three criminal matters are handled by the probation department without a judicial hearing. In spite of the fact that more than half of all the motor vehicle thefts, burglaries, vandalism, and thefts are committed by juveniles in this state, our Division of Youth Corrections has only 70 secure beds compared to an adult prison population nearly 30 times that figure. In the Juvenile Court, however, there is a statutory presumption that offenders should be placed in the least restrictive alternative, preferably in their own home. Both the Juvenile Court and the Division of Youth Corrections have met the current increases in demand by restricting the numbers of those placed in the various programs of the Court and the Division. This, of course, simply means that the Court, in cooperation with the Division, attempts to avoid overutilization of programs by restricting the number of those who are actually placed in such programs. For example, in 1985, the youth committed to the Division of Youth Corrections for secure confinement had an average of 23.8 criminal code or misdemeanor and felony convictions. In 1986, this number had risen to 26.7, and in 1987, to 29.8 convictions. In 1987, 53.2% of the youth committed to secure confinement had one or more life endangering felony convictions. Though the goals and expectations of the adult criminal justice system are clearly different than its juvenile counterpart, one must ask at what point does our juvenile justice system become so diluted that it fails to responsibly protect the interests of the citizenry.

Projections are that Utah's youthful population will continue to grow into the middle of the next decade. The experience of this decade suggests that the number of delinquency referrals to the Juvenile Court will increase even faster than the increase in population. Utah's entire juvenile justice system should be encouraged to

continue to be more efficient. One would be naive, however, to suggest that our system could continue to absorb such growth without substantial increases in resources or seriously jeopardizing the level of services to youth and protection of the community.

Given expected growth in the youth population and little realistic expectation for matching increase in resources, the resources must be used very carefully. Ironically, the most expensive services are used with those youth who have the least chance of success. While we remain committed to provide quality service to the more serious offender, it behooves us to be more diligent with youth who may be at the early stages of a delinquent career often requiring less expensive services with greater promise of success. The more youth that are impacted positively at the early stages, the less will be demanded for the more expensive services later on.

Recommendations

- A. Prevention programs which emphasize working with families, schools and other community groups should receive high priority.**
- B. Diversion programs should be supported, considering cost constraints and research data which shows that the further a youth penetrates the juvenile justice system the more likely a delinquent career will be reinforced.**
- C. Alternatives should be exhausted or systematically ruled out before out-of-home placement or secure confinement are considered. New alternatives need to be explored. These alternatives should include intensive probation or home/school supervision. For lesser offenses, alternative dispute resolution, community service, and victim offender mediation may be appropriate.**
- D. Use of secure care, our system's most restrictive and costly option, should clearly be the choice of last resort. All alternatives, including other residential programs, should be exhausted before placement within secure care programs. Any inappropriate placement to secure care will result in unnecessary expenditure of funds as well as likely negative consequences for the youth's successful reintegration.**

tion. In addition, any length of stay in secure care which is longer than necessary would have similar economic and reintegration results.

E. Transition programs focusing on the youth, family, and the context to which the youth will return should be supported. Knowing that a small number of youth will continue to need secure placement, and that considerable progress is made with many of these youth, continued service and support for these youth during transition back to the community is needed to assist the youth and family and increase the probability of success. Success with even a small percentage of these youth translates into lives turned around, protection for the community, and considerable dollars saved for the State.

These recommendations represent desired directions for the juvenile justice system which would be of lasting benefit to the youth and to the citizens of Utah as a whole. Full implementation will necessitate additional resources and renewed commitments from the legislature and the citizenry.

II. Is There a Need to Change the Organizational Framework of the Utah Juvenile Justice System?

The Utah Juvenile Justice System has been recognized nationally for its innovative and effective programs and organizations.

Recommendations

The Task Force strongly recommends that the juvenile justice system, through its organizational components, continue to emphasize the rehabilitation of the juvenile offenders.

The individual organizations within the system need to continually evaluate their organizations and investigate new ideas and models such as the Youth Authority model for Youth Corrections. Dramatic changes which the Task Force would oppose, include any attempt to move the juvenile justice system away from the distinct and separate identity it now possesses.

III. How Should the Juvenile Justice System Deal with Status Offenders and What is the Proper Use of Detention?

The Juvenile Justice Task Force has reviewed several areas of concern relative to status offenders, particularly truants, and the use of court resources and detention facilities. From the materials reviewed and the discussions held, it seems reasonably clear that status offenders should be handled outside the juvenile justice system whenever possible. It also seems clear that secure detention centers should only be used to hold serious youth offenders who are a threat to themselves or others. Resources available to the juvenile justice system are extremely limited, therefore, the resources must be used for the youth who pose the greatest threat to public safety. Court staff and court time are limited. Detention beds are limited and expensive to construct and operate and must be used wisely.

Recommendations

The Task Force makes the following recommendations concerning status offenders and the use of detention:

- A. The juvenile justice system should continue to support the policy that original jurisdiction for truancy rests with the school and all other status offenses are the responsibility of the school and social agencies. The Juvenile Court should not be involved with status offenders until a clear demonstration has been made, by social and school agencies who have original jurisdiction, that earnest and persistent efforts have failed. Status offenders or status offenders who are in contempt of court or in violation of their probation agreements, for a status offense only, should not be placed in detention.**

- B. With the passage of Substitute Senate Bill 55 (1988 Legislature), schools have been given a mandate and partial funding mechanism to deal with truancy. The juvenile**

justice system should take a firm stance prohibiting truants from having access to the Juvenile Court system except in the most extreme cases when all other efforts have failed. Truants, or truants who are in contempt of court only for failure to obey a court order to attend school should not, under any circumstances, be placed in detention. Other possible court sanctions should be tried.

- C. A statewide guideline for the use of detention should be developed and implemented by the Juvenile Court with support and participation from the Division of Youth Corrections. The guideline should be based on a risk-assessment model which would limit the use of detention to youth who are an immediate threat of absconding prior to a court hearing and have been charged with an offense which would be a felony or misdemeanor if committed by an adult.**
- D. Prior to a petition being filed with the Juvenile Court by a Youth Corrections, Division of Family Services/Office of Community Operations, or Youth Services staff person, which could result in a youth being placed in detention, an agency case staffing must take place. An agency petition shall not be filed with the court requesting the detention of a youth without a supervisor's signature indicating that the case was staffed and that no other less restrictive alternative was appropriate or available.**
- E. The Juvenile Court should develop guidelines recommending that judges not sign detention orders requested by these agencies (noted above) without evidence of an agency staffing.**
- F. Staff from each agency should be trained concerning the above requirements and asked to follow procedures which encourage the use of the least restrictive alternative intervention, not punishment.**

IV. How Should the Juvenile Justice System Address the Question of Over-Representation of Minority Youth?

The Task Force recognizes that Utah has a pronounced over-representation of minority youth in its juvenile justice system. It also recognizes that this over-representation of minority youth is commonly found in juvenile justice systems nationally. Minority over-representation is clearly a complex and multi-faceted issue.

Recommendations

Although there will likely never be a simple answer to Utah's juvenile justice minority issue, the Task Force makes the following recommendations:

- A. Delinquency prevention efforts should start in Utah's schools and should work to develop pride and build the self-esteem of minority children.**
- B. There is a need for more "minority" workers in education, law enforcement, juvenile justice and youth corrections. Recruitment and hiring practices of public agencies should be analyzed and modified as necessary to address this need.**
- C. Existing juvenile justice, law enforcement and social service staff could benefit from training designed to identify and understand ethnic/cultural differences in pre-delinquent and delinquent adolescents.**
- D. Educational recruitment and resources need to be developed to attract and train more minority juvenile justice professionals.**
- E. An in-depth assessment of the needs of Utah's minority youth and of the availability of existing community resources should be conducted. Additional resources should be developed and allocated as gaps are identified.**

F. Efforts should be made to identify any successful minority diversion and corrections programs currently in existence. These programs could be considered as models for development of similar programs in Utah's system.

V. Is There a Need to Have Traffic Offenses Handled by the Juvenile Court?

Traffic offenses divert the attention of the Court from the more serious juvenile matters.

Recommendations

- A. Juvenile Court jurisdiction over traffic violations should be limited to vehicular homicide, citations or information charging alcohol or drug-related traffic offenses, or fleeing an officer. This jurisdiction should be original and exclusive.**
- B. Circuit and justice courts should be given limited authority, defined by statute, to revoke/suspend driver licenses of juveniles.**
- C. Alternative funding sources should be explored to compensate the Juvenile Court's Restitution Work Fund for the loss of revenue that will result from the loss of traffic fines if jurisdiction is limited.**

VI. Can Strained Resources be Effectively Stretched Though the Use of Alternative Dispute Resolutions?

The Task Force endorses the concept of Alternative Dispute Resolution (ADR) and recommends continued study and development by the Judicial Council as well as by other groups.

VII. How Can Utah Improve Its Efforts to Keep Juveniles Out of Jail?

State statute prohibits placement of juveniles in adult facilities except under very specific conditions. Philosophically, juveniles should not be in adult facilities due to increased possibility for mistreatment, abuse, (both physical and sexual) and harm to self. Federal legislation and regulations exist which prohibit detaining or placing youth in jails and Utah agreed to meet these conditions in order to receive ongoing formula grants (approximately \$400,000 each year).

In 1987, jails and police lock-ups held 637 juveniles for some period of time. Under state statute, 183 should not have been held. Under federal regulations, few should have been held.

The Task Force is concerned about negative impact of jail experience for Utah youth and about Utah's compliance with its own state and federal regulations. While much progress has been made in removing youth from jails, the job is not complete.

Recommendations

A variety of possible approaches aimed at bringing about a permanent solution to this problem was presented by a subcommittee. The following are those which the Task Force believes merit further attention:

- A. Reward both law enforcement and other agencies for providing alternatives.
- B. Change the reporting system to reinforce a policy of not holding juveniles.
- C. Include more law enforcement members on a continuing task force or monitoring team for jail removal.

- D. Assemble a training team to instruct law enforcement on statutes and alternatives.**
- E. Establish holding guidelines for law enforcement.**
- F. Develop a "citizens auxiliary" to assist through support and possibly transporting and providing nonsecure care, etc.**
- G. Institute a bail system.**
- H. Develop public awareness.**
- I. Solicit the private sector to sponsor and finance nonsecure alternatives.**
- J. Encourage the Utah Board of Juvenile Justice and Delinquency Prevention to take a more active role in jail removal.**

VIII. Are There Special Concerns Regarding the Large Number of Youth Admitted to Privately Owned Psychiatric and Substance Abuse Treatment Facilities?

In 1987, 2500 youth between the ages of 10-17 were housed in privately-owned psychiatric hospitals, substance abuse facilities, and/or mental health units of privately operated general hospitals. The Task Force recognizes the valued service which these facilities can provide. It is, however, also aware of the potential abuse which can occur if appropriate independent monitoring is lacking.

Recommendation

We recommend that the legislature establish an oversight sub-committee to study the monitoring of admissions/admissions criteria, services, marketing, and costs of these facilities.

IX. How Can Utah Handle Its Juvenile Substance Abuse Problem?

The Juvenile Justice System Study Task Force recognizes fully the seriousness of substance abuse problems and the resulting extremely negative impact it has on youth and the juvenile justice system. Substance abuse problems seriously impact most areas that affect the juvenile justice system including most types of crime, arrest rates, psychological and emotional problems, school problems, family problems, child abuse and health issues. Furthermore, substance abuse often intensifies antisocial and self-destructive behavior and inhibits a youth's ability to change to a more positive lifestyle and thus stay out of the justice system. The problem is serious, with the Utah State Division of Substance Abuse estimating that over 13,000 youths are at risk from serious or severe substance abuse problems. About 7% of our youth are chronic users of street drugs, over a third of the State's youth use alcohol or illicit drugs regularly. The Task Force fully agrees that substance abuse is one of the largest factors contributing to the problems that bring youth into the juvenile justice system. The Task Force, therefore, stresses that the problems of substance abuse must be attacked vigorously and effectively.

In order to do this, services must be present to include strong law enforcement, education and prevention, and an effective continuum of treatment resources and programs. Generally, the Task Force lauds the efforts of the State in the areas of education and prevention in schools and in the community. However, the Task Force is concerned about the serious lack of appropriate treatment alternatives. The Task Force is equally concerned about the even greater lack of available treatment resources for youth whose problems have not escalated to the severity of being seen by the juvenile justice system.

Recommendations

To more effectively meet the problem of substance abuse, the Task Force recommends the following:

- A. Continuation of the present education and prevention efforts in the school and the community. School policies and environment should be effective in discouraging the use of illegal substances.**
- B. A large increase in the number of less expensive treatment alternatives to substance-abusing youth is needed.**
- C. Treatment should be available to youth with substance abuse problems before their behavior escalates to court involvement. Such treatment should include an emphasis on in-home, outpatient treatment. Inpatient services should be used only as a last resort.**
- D. Aftercare services need to be available in both the schools and the community to provide support and help against relapse.**

X. Is There a Need for a Young Adult Offender Program?

The Juvenile Justice Task Force expresses deep concern for the lack of rehabilitation services for the young adult offender. Several years ago the Courts, Youth Corrections and Adult Corrections identified this population as one with special needs that could not be handled adequately with traditional adult correctional approaches. The legislature agreed and funding was made available to construct a young adult offender facility at the Draper prison site to be operated by Adult Corrections.

The original concept of the facility was very similar to the "Youth Authority" concept. Juveniles who had been adjudicated as adults were to be housed there. Also, those between the ages of 18 to 25 who did not have an extensive adult record were to be prime candidates for this facility.

The emphasis of the facility was to be highly rehabilitation oriented, i.e., remedial and academic education; job training and work experience; substance abuse therapy; intensive psychiatric and other specialized counseling; and a major focus on community service. The staff-to-inmate ratio was designed to be very high to allow for the intensive supervision of programs and the development of relationships.

Due to budget problems, overcrowding and a philosophical change in Adult Corrections, the Young Adult Offender concept has been lost.

Recommendation

The Task Force strongly recommends that the concept of the Young Adult Offender program be revived with a renewed emphasis on rehabilitation.