

BEST PRACTICES

The juvenile justice system works to protect public safety, hold youth appropriately accountable for their crimes, and empower youth to become productive, law-abiding citizens. Best practice in juvenile justice recognizes that incarceration is contrary to the best interests and well-being of youth and emphasizes the need for effective and appropriate programming and service alternatives. The following information provides summaries of these best practices.

Avoid Net-Widening

Research has consistently reported that approximately 70% of first-time youth offenders never reoffend. Net widening refers to the phenomena of lower risk youth being subjected to formal intervention by the juvenile justice system. A mismatch in punishment and the severity of the crime has been shown to increase the odds of future criminal behavior, incarceration, and mental health issues. Processing first-time or low-risk offenders also consumes resources that could be used to address and rehabilitate repeat or higher-risk offenders. The system should work to avoid formal processing of youth while ensuring access to services and upholding public safety (Macallair & Roche, 2001; Moore, Wright, & Spohn, 2017; Nebraska Crime Commission, 2015).

Eliminate Racial and Ethnic Disparities (RED) & Disproportionate Minority Contact (DMC)

RED and DMC refer to the disparate treatment and overrepresentation of youth of color (in proportion to their population in the community) at all points in the juvenile justice system. Disparate treatment includes more frequent arrests, detention placements, and everything in between. These youth experience long-lasting, damaging effects that threaten their future success including graduation, labor force participation, social connections, etc. RED and DMC should be addressed at the local level and prioritized among all system stakeholders (Burns Institute, 2019; Coalition of Juvenile Justice, 2010; Douglas County DMC Committee, 2018).

Implement Timely Response

Three decisions regarding a youth’s case must occur at the outset: 1) Are the allegations legally sufficient to prosecute? 2) If legally sufficient, will the case be diverted or handled in the formal court system? 3) If the case will be formally handled, will the youth be detained or released until the hearing? These decisions should be made within 48 hours of the citation. Timeliness of these decisions is critical, because youth need immediacy to connect the act with the consequence. If this process is not timely, the intended lesson and accountability is lost and unlikely to change future behavior (NCJFCJ, 2005).

Expand Alternatives to Detention & Reduce Out-of-Home Care

The effects of detention on youth can be damaging and long-lasting. Youth should only be detained if they are believed to be a danger to themselves or others or at high risk to reoffend or abscond. Youth who are detained are less likely to graduate and find employment and more likely to experience mental health issues and be rearrested or incarcerated than comparable youth who are not detained. Research has also shown that placing youth outside the home is often unnecessary and can result in worse outcomes. Community-based programs offer effective alternatives at a reduced cost. Studies have shown that these programs allow greater connection between youth and their families and reduce subsequent involvement in delinquent acts (Annie E. Casey Foundation, 2011, 2014; Austin, Johnson & Weitzer, 2005).

Pathway Acronym Key

- DCAO – Douglas County Attorney Office
- DCYC – Douglas County Youth Center
- DPS – Diagnostic Predictive Scale
- EM – Electronic Monitoring
- GAL – Guardian Ad Litem
- H.O.M.E – Home on Monitoring Equipment
- ICPC – Interstate Compact on the Placement of Children

- IFP – Intensive Family Preservation
- IOP – Intensive Outpatient Program
- JAC – Juvenile Assessment Center
- PDI – Predisposition Investigation
- RAI – Intake Screening Risk Assessment
- UA – Urinalysis
- YLS – Youth Level of Service
- YRTC – Youth Rehabilitation and Treatment Center

This work was conducted by:



Data sources for cost-related information include: Registered Service Provider Rates for Juvenile Services – Nebraska Juvenile Services Division, 2018 | Douglas County Public Employee Pay Database – Omaha World Herald, 2017 | Omaha Public Employee Pay Database – Omaha World Herald, 2017

A Case Scenario Study

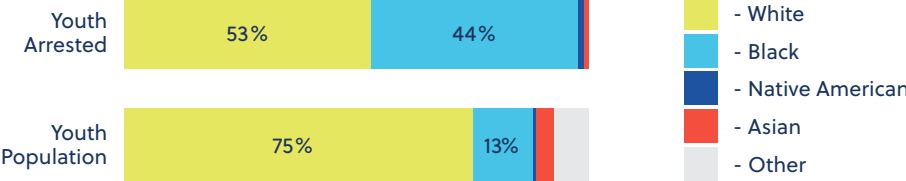
THE COST OF JUVENILE JUSTICE

Douglas County Annual Statistics

2,799

Number of youth (<18yrs) arrested

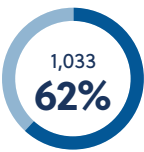
Black youth are arrested at disproportionate rates^{1,6}



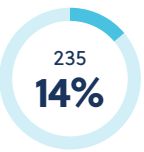
Juvenile Justice Court Case Filings by Offense²

1,654

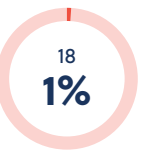
Total number of juvenile justice court case filings²



Misdemeanor Delinquency Offense



Felony Delinquency Offense



Infraction Delinquency Offense



Status Offense

Average Length of Time from Case Filing to Termination

11.3 MONTHS

Delinquency offenses⁵

13.6 MONTHS

Status offenses⁵

1,301

Number of youth offered diversion^{7*}

78%

Successful diversion completions⁷

101 DAYS

Average length of diversion⁷



1,400

Number of youth placed on probation³



53%

Percent of low to moderate-risk youth on probation³



1,138

Number of youth placed out of the home³



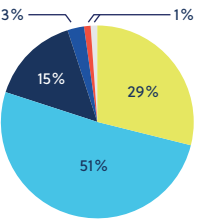
803

Youth discharged from probation (68% successful, 30% unsuccessful, 2% other)⁵



12 MONTHS

Average length of probation³



1,194

Number of youth detained^{4,6}

- White
- Black
- Hispanic
- Native American
- Asian
- Other

37 DAYS

Average length of detention⁴

How the current juvenile justice system operates costs a lot of money and time.

The following page contains hypothetical pathway scenarios of how three youth with the same offense may move through the juvenile justice system. These youth experience very different paths based on a variety of factors (e.g., technical violations, system decisions). Each step was assigned a broad category (i.e., offense, law enforcement, courts, rehabilitation & services, or detention) and a more specific element (e.g., original charge, court appearance, services). For each pathway, a few descriptive steps were highlighted to show pieces of the story. A dark blue line was also used to indicate the time the youth spent in detention. Please see the interactive version of this document at www.voicesforchildren.com to view all pathway steps. Data were derived from a variety of sources (see references on back page).

¹ Nebraska Crime Commission Arrest Query, 2017 | ² Nebraska Supreme Court, FY 2017 | ³ Nebraska Juvenile Justice System Statistical Annual Report, 2017 | ⁴ Kids Count Nebraska, 2016 | ⁵ Nebraska Court Improvement Project, FY 2017 | ⁶ Voices for Children, 2017 | ⁷ UNO Juvenile Justice Institute, 2012-15 | * This statistic is based on 2014-15 data

Offense

Original Charge- Youth is caught shoplifting and in possession of marijuana

Violation- Youth violated probation, H.O.M.E program, diversion, etc. (e.g., fighting, running away, failing drug test)

New Charge- Youth picks up new charge

Law Enforcement

Officer Response- Officer reports to crime scene, conducts onsite investigation, locates and transports youth

Street Release- Youth released to guardian by law enforcement

Courts

Court Appearance- Detention hearing, check hearing, disposition, expedited review, motion to revoke, GAL appointment, adjudication

Prosecution & Administrative- Staffing, review of youth's record, charges and petitions filed by DCAO, legal sufficiency and diversion eligibility screening by DCAO, approval/ denial of recommendations, warrants issued by court, dismissal of case, nolle prosequi, sealing of record, etc.

Defense Counsel & GAL- File review, discovery, case work, GAL responsibilities, and youth meetings

Rehabilitation & Services

Administrative- Recommendations sent to DCAO, court orders prepared, warning letters sent, appointment notifications, creation of diversion plan, general meetings, communication, other paperwork

Monitoring- Youth participation in probation, H.O.M.E program, or electronic monitoring

Residential Placement- Youth care at shelter, group home, or YRTC

Assessment- Youth and guardian interviews, youth level of service, diagnostic predictive scale, intake screening risk assessment

Evaluation- Chemical dependency, mental health eval, psychological eval, psychiatric eval, predisposition investigation, urinalysis

Services- Youth participation in community-based services, family support, individual and family therapy, intensive family preservation, intensive outpatient counseling and substance abuse treatment, classes, etc.

Detention

Administrative- Youth booking

Placement- Youth monitoring and care at detention facility

