



**STATE OF INDIANA**



Eric J. Holcomb, Governor  
David R. Murtaugh, Executive Director

**TO:** Members of the House Judiciary, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations

**FROM:** Devon McDonald, Chief of Staff and General Counsel,  
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**RE:** Juvenile Justice Reform in the Modern Era

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Indiana is actually quite advanced or progressive as far as juvenile justice activities or reform are considered. Over the past decade, the varying branches of government in Indiana have taken great strides to advance the lives and opportunities afforded to children that have come in contact with the Juvenile Justice System. All three branches of Indiana's state government along with local government have taken on subject matter or projects that will have a great impact on Indiana's troubled youth for many years. Examples of these activities are JDAI, DMC, interagency commissions addressing children's issues, department of corrections programming, mental health and risk assessments, special programming for at-risk youth, and a variety of juvenile justice-specific legislation enacted by the Indiana General Assembly. Though this is not an exhaustive list, the following information seeks to expound on Indiana's juvenile justice reforms and why Indiana is in many ways ahead of the curve when it comes to establishing programs to address the needs of children in the juvenile justice system.

### **Dual status – IC 31-41 and CHINS**

During the 2015 legislative session, the Indiana General Assembly passed House Enrolled Act 1196 which would eventually become Public Law 66. This law created what Indiana refers to as a dual status youth. These are children that have come into contact with both the social services system and the juvenile justice system. Through a series of assessments and interactions between child services case managers, probation officers, and juvenile judges seeks to address the needs of youth in both systems with the hopes of preventing further interactions with either system. This concept was the result of research suggesting that many children who are victims of abuse and neglect often end up in the juvenile justice system and eventually the adult criminal justice system if not their needs are not addressed. The Dual Status program is currently running as a pilot program in five Indiana counties. Because this concept is fairly new, Indiana is still waiting on good data to address the true impact of this process. More information can be found in the Dual Status Resource Book which was produced by the Indiana Office of Court Services and can be downloaded at:

<https://www.in.gov/judiciary/probation/files/Dual%20Status%20Resource%20Notebook.pdf>

## **Risk Assessments**

Indiana youth who encounter the juvenile justice system may receive one or more mental health and risk assessments. The Indiana Youth Assessment System (IYAS) and the Massachusetts Youth Screening Instrument-2 (MAYSI-2) are administered at varying points in the juvenile justice process. These assessments help determine the level of risk and help identify a variety of mental health concerns that may need to be addressed to fully treat the child as they navigate the justice system. The IYAS is used statewide and the MAYSI -2 is used in 20 counties. Additional information on both of these assessments and their implementation can be found in Attachment A and at <http://www.in.gov/judiciary/pscourts/2762.htm>.

## **Disproportionate Minority Contact (DMC)**

Addressed as one of the four core requirements of the Juvenile Justice Delinquency and Prevention Act of 2002, DMC has become a statewide initiative that has brought together the executive and judicial branches of government. The DMC project is run through the Indiana Criminal Justice Institute as the State Administering Agency for funding distributed through the Office of Juvenile Justice Delinquency and Prevention. The DMC project focuses on reducing minority contact and improving decision making along nine key points within the juvenile justice system, which are arrest, referral, diversion, detention, petition filed, found delinquent, probation, secure confinement, and waiver to adult court.

The DMC project received additional assistance from Indiana's judicial branch with the adoption of Judicial Administrative Rule 9 in 2015. This rule requires all counties to report DMC data to the judicial branch thereby allowing for better assessments and collection of data related to DMC at the county levels. Additional information on Indiana's DMC project can be found in Attachment A and at the following websites:

<http://www.in.gov/cji/2342.htm>

<http://www.in.gov/judiciary/admin/3397.htm>

## **Jobs for America's Graduates in the Indiana Department of Correction (IDOC) through the Department of Workforce Development**

As of December 2016, the Indiana Department of Corrections (IDOC), Division of Youth Services (DYS) began referring all of its high school and students in DYS facilities to Indiana's Department of Workforce Development. This State agency offers programming for adults ages 24 and older; in-school youth, ages 16-21 and currently enrolled in school; and high school dropouts/out-of-school youth, ages 16-24 and not enrolled in school.

Services include:

- Tutoring, Study Skills and Dropout Prevention Strategies
- Alternative Secondary School Services
- Paid and Unpaid Work Experience
- Occupational Skills Training
- Education and Workforce Preparation Activities
- Leadership Development Opportunities

- Adult Mentoring
- Comprehensive Guidance and Counseling
- Supportive Services
- Financial Literacy Education
- Entrepreneurial Skills Training
- Labor Market Information
- Post-secondary Transition Activities
- Follow-up Services

For in-school students, Indiana's Department of Workforce Development offers JAG: Jobs for America's Graduates, which is a state-based, national, non-profit organization dedicated to preventing dropouts among young people who are most at-risk. JAG's mission is to keep young people in school through graduation and to provide work-based learning experiences that will lead to career advancement opportunities, or to enroll young people in a postsecondary institution that leads to a rewarding career.

JAG Indiana's focus is to assist at-risk students which may face significant barriers in their pursuit of a high school diploma or its equivalent.

Per Indiana code, all juveniles in a secure facility are required the opportunity for an education. This education is provided by the school district where the facility is located.

### **Evidence Based Programing within DYS**

The DYS offers a variety of programming for juveniles residing in secure facilities. The first of these is the Moral Reconciliation Therapy (MRT). This is a recidivism reduction therapy that focuses on increasing moral reasoning. Children involved in this programming are recognized as being having a high potential to re-offend and are high risk in pro-criminal sentiments, criminal thinking, criminal lifestyle and anti-social attitudes and values. MRT also addresses addiction recovery.

DYS also offers Dialectical Behavior Therapy (DBT), which is a behavioral based therapy that focuses on chronic issues of frustration tolerance, anger management, impulsivity and acting out, it addresses more intense and more frequent mental health interventions that may be needed for juveniles to function in their personal environment. This program was recently expanded to other DYS facilities due to a grant from the Residential Substance Abuse Treatment grant program through the Indiana Criminal Justice Institute and passed through the Department of Justice. Substance abuse addiction recovery services were also added due to this funding. This was in part due to results of over 619 IYAS tools administered to juveniles in the DYS. Of the 619, 350 youth scored high in substance abuse and mental health, indicating a strong need for those services. DYS has also identified 97% of their youth with either substance abuse, mental health or co-occurring issues. The end result of this program is to provide treatment and the services needed to help reduce or prevent both recidivism and relapse. Additional information on both MRT and DYS can be found in Attachment B.

## **Other Targeted Needs Programs in the DYS**

Growing Great Girls is a program run at the Madison County Juvenile Facility in Pendleton Indiana. This program focuses on young women in the juvenile correctional setting. The program looks to improve decision-making, critical thinking, tendencies toward a criminogenic lifestyle, self-discovery and management skills, as well as social resiliency and emotional knowledge.

Aggression Replacement Therapy is also used in the Pendleton facility. This treatment is a cognitive behavioral and multi-modal curriculum comprised of three main components which are, structured learning training, anger control training and moral reasoning. The anger cycle is taught in steps, and the aim is to provide a juvenile with the tools to replace anger with self-control, which will hopefully lead to more pro-social responses.

Additional information on these program and others offered through the DYS can be found in Attachment B.

## **Indiana Commission on Improving the Status of Children**

The multi-branch, statewide Commission is aimed at improving the status of children in Indiana. In cooperation with other government and non-profit entities, members of the State Commission on Improving the Status of Children study issues concerning vulnerable youth, review and make recommendations concerning pending legislation, and promote the sharing of information and best practices. The Commission resulted from Senate Enrolled Act 125 after the 2013 legislative Session. Then-Governor Michael Pence signed SEA125 on April 30, 2013, resulting in Public Law 119 and the impotence behind the commission. Shortly after convening in summer of 2013 the Commission began working on a three-year plan that would outline steps and actions needed to improve the status of children. The plan covers the years 2017 through 2019. The plan is included at Attachment C.

Additional information on the commission can be found at: <http://www.in.gov/children/>

## **Juvenile Detention Alternatives Initiative (JDAI)**

Indiana started the implementation of JDAI in 2005 with a pilot program in Marion County, Indiana's largest and most populated county. Due to the success of JDAI in Marion County and others that shortly followed and through the backing of Indiana's judicial branch, JDAI was identified as Indiana's platform for juvenile justice improvement in 2010. Later JDAI was institutionalized in 2013 by the Indiana Supreme Court.

JDAI is supported and implemented at the state level by five main agencies the Indiana Criminal Justice Institute, Indiana Department of Correction, Indiana Supreme Court, Indiana Department of Child Services, and the Indiana Family and Social Services Administration Division of Mental Health and Addiction. State-level support will be expanded in the very near future through the addition of the Indiana Department of Education. Together these partner agencies represent almost the entire continuum of contacts and services a juvenile may have or need with both the juvenile justice and child social services systems.

Since its inception, JDAI has been expanded from one to 31 counties and encompasses approximately 70% of Indiana's juvenile population. Below is a listing of data provided by the JDAI office within the Indiana office of Court Services comparing county level 2016 data with their baseline data<sup>1</sup>:

- 53% reduction in admissions to secure detention
- 41% reduction in average daily population in secure detention
- 47% reduction in felony petitions filed (public safety indicator)
- 42% reduction in commitments to DOC

JDAI has further supported the reformation of Indiana's juvenile justice system by providing approximately \$1.9 million in grant funding to local JDAI sites. This funding has helped provide support for enhanced data collection, JDAI site coordinators, as well as JDAI programming that would not otherwise be available to the county. JDAI has also provided support for *Policing the Teen Brain* in 18 counties and *Teaching the Teen Brain* in 19 counties<sup>2</sup>.

JDAI has only been successful in Indiana through the leadership of local judges and support of the justices of the Indiana Supreme Court including Justice Steven David and Chief Justice Loretta Rush. Indiana's structure of JDAI as a state led, locally driven model ensures ownership by the local sites and clarifies the role of the State.

Additional information on the status and implementation of JDAI in Indiana can be found in Attachment C and at the following:

<http://www.in.gov/idoc/dys/2407.htm>

<http://www.in.gov/cji/2342.htm>

<http://www.in.gov/judiciary/center/2823.htm>

### **Juvenile Programs Funded through the Indiana Criminal Justice Institute (ICJI)**

As mentioned previously the Indiana Criminal Justice Institute (ICJI) is the State Administering Agency for several programs run through the Office of Juvenile Justice Delinquency and Prevention along with a small source of state-level funding provided by the Indiana General Assembly.

ICJI was one of the original agencies involved in bringing JDAI to Indiana and has provided funding for a variety of projects that have helped support and advance JDAI in Indiana. For example ICJI provide funding that was used to develop an Implicit Bias Institute taught by Dr. Rita Cameron-Wedding this included training, a capstone project, and curriculum for trainers who are qualified on the subject at the completion of the Institute. One cohort has completed the training and one cohort currently participating in the Institute now. Implicit bias training has become one piece of the JDAI process which is needed to help address Racial and Ethnic Disparities and Disproportionate Minority Contact

<sup>1</sup> This data represent 29 of the 31 JDAI counties. Two counties were unable to report the necessary data.

<sup>2</sup> These trainings were developed and provided by a non-profit organization called Strategies for Youth. More information can be found at <http://strategiesforyouth.org/>

ICJI has also funded *Policing the Teen Brain* in two major law enforcement academies. Starting in the near future, the Indianapolis Metropolitan Police Department (IMPD) and the Indiana Law Enforcement Academy (ILEA) will be incorporating the training in both of their new recruit academies. IMPD serves the city of Indianapolis and the majority of Marion County, and is the state level-law enforcement training academy for a majority of law enforcement agencies in Indiana.

ICJI is also providing funding for reading-based pilot programs in two Indiana counties. These recidivism reduction programs called Reading for Life (RLF). RLF is a mentoring program for juvenile offenders ages 13-18) that combines a study of seven virtues with young adult fiction to reduce juvenile recidivism rates. Reading for Life provides an alternative to prosecution for non-violent offenses. In small groups with trained mentors, young people learn to make better life choices by recognizing and implementing the timeless virtues of Justice, Prudence, Temperance, Fortitude, Fidelity, Hope and Charity. Additional information on RLF can be found at <http://www.readingforlife.us/>

As an executive branch agency, ICJI, administers the Safe Haven Fund which is a state fund that is routinely used by local school corporations for a variety of purposes. Generally school corporations use this funding to provide for School Resource Officers (SRO) or in-school evidenced based programming for at-risk youth. ICJI has gathered significant data on both topics, and has found both resources are highly valuable in the academic setting. SROs oftentimes provide valuable mentoring moments to children that may otherwise end up in the juvenile setting as well help provide for a safer and more positive learning environment. Many students often say that having a safer learning environment is preferred to that of one located closer to home or with friends. ICJI currently funds 31 school corporations through the Safe Haven program.

The Juvenile Justice State Advisory Group (JJSAG) is a group comprised of juvenile justice experts, individuals with a stake in juvenile justice reform, system involved youth, and members from state and local government. The JJSAG is a required group for the State to receive Title II funding through the Office of Juvenile Justice Delinquency and Prevention. Each member of the JJSAG is appointed by the chief executive officer of the State. Currently the JJSAG is in the process of developing the solicitation and areas of need for Title II funding, which will be released by ICJI later this year. Indiana is hoping to fund a large majority of evidence based projects focusing on mental health, recidivism reduction, mentoring, and diversion.

### **Family and Mental Health Diversion programs**

Indiana offers a large number of specialty courts throughout the 92 counties. Many of the newly formed courts are family dependency courts and teen drug courts. These courts are focused on addressing the needs of the family unit and teens with substance abuse addiction issues. Many of the programs run these courts are diversion programs that offer mental health services, addiction and substance abuse services, parenting, educational, and a variety of other social services. The courts are taking more holistic approach to battling criminogenic behaviors, especially those related to substance abuse. These courts often work heavily with the family and juvenile courts.

## **Recommendations for improving the Juvenile Justice System**

Below is a list of recommendations for improving the JJS:

- Support for diversion of youth from the juvenile justice system whose mental health, substance abuse, intellectual and developmental disabilities are primary and contributory factors to delinquent behavior
  - Juvenile Mental Health and Risk Assessment Screenings
  - Increased use of diversion where appropriate and in conjunction with evidence based risk and mental health assessments
  - Need better options and easier access for youth in crisis – not Emergency Room, acute psychiatric care
  - Need better options/easier access for longer term care that does not require youth to remain active in juvenile justice system
- Support states in developing coordinated and combined systems so that needs of youth are met, regardless of which system “door” they walked through.
- At the national level help eliminate silos between agencies that provide services or funding to programs that serve at-risk youth or juveniles currently in the system.
- Develop and implement better re-entry services
- Begin to address delinquency prevention early and address needs of the child; and
- Continue to develop specialty courts.