Juvenile Justice Hot Topics

Arkansas Juvenile Officers' Association

July 2015

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AOC Director of Court Services

2015 Juvenile Justice Legislation

Act 831 Criminal Background Checks –Home Studies

- FBI Fingerprints
- Clerk keeps records
- Limits - Clerk, Judge

and DHS no copies

view if court order

EC 3/31/2015

Transitional Youth – Act 875

Jurisdiction amended

- ✓ Requires judicial hearing prior to juvenile leaving foster care
- ✓ **Finding** - Knowingly and voluntarily requested to leave care or has failed to engage in viable plan of education, treatment or working 80 hours

Transitional Youth – Act 875

- Compliance w/ Transitional Youth Plan statute (now age 14 – Act 1033)
- Regardless of funding – juvenile may re-enter foster care if DHS fails to comply or evidence coerced juvenile to leave care

Criminal Justice Reform Act – Act 895

- DHS to work with DYS and Behavioral Health and health care providers for mental health and substance abuse treatment
- Suspension of coverage detention or Commitment

Criminal Justice Reform Act – Act 895

$2.8 million in funding for Specialty Courts, including Juvenile Drug Courts

- ✓ Courts approved by Supreme Court in Administrative Plans
- ✓ Funding Formula
- ✓ DCC Grants

Act 1010 – Commitment Reduction

Requires DYS to:

- ✓ Develop effective community based alternatives
- ✓ Collect data on effectiveness of services
- ✓ Youth Justice Reform Board

Act 1017 – AAL Authority

DN AAL emergency
Ex parte petitions

Judge appoint
DN AAL when take
72-Hour Hold & direct
Information to be provide
to AAL

REASONABLE EFFORTS
Adoption Safe Families Act (ASFA)

- Keep families together and prevent removal
- Reunite families
- Enable a child to have a permanency plan

Reasonable Efforts Act 1017

Affidavit

List of all contacts DHS had with family prior to filing petition

- ✓ Hotline calls
- ✓ Investigations
- ✓ Open cases

Reasonable Efforts Findings

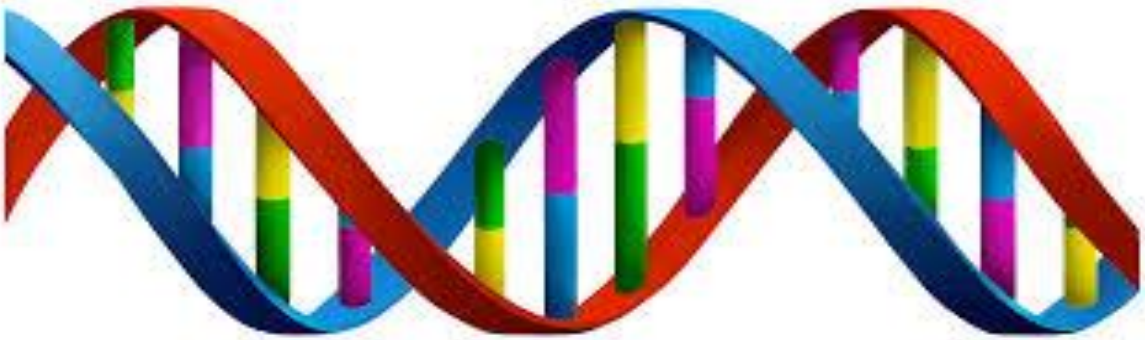
- ✓ DHS shall present evidence as to all prior contacts before RE finding unless removal emergency and no prior contact
- ✓ RE VOID if court determines DHS failed to disclose

Juvenile Fingerprints – Act 1016

Only for arrest of Class Y, A or B felony & if adjudicated delinquent for an offense for which juvenile could have been charged as adult

Juvenile DNA – Act 1084

Only for delinquency adjudications for crimes listed at A.C.A. 9-27-322(a)



School Resource Officers– Act 1179

Authority to issue citations and make arrests including outside their jurisdiction if accompanying students on school sanctioned events

NOTE – Law provides for citation to include name and phone number of district court having jurisdiction – but no change in jurisdiction statute to give jurisdiction of offenses to district court

Educational Neglect - Act 1215

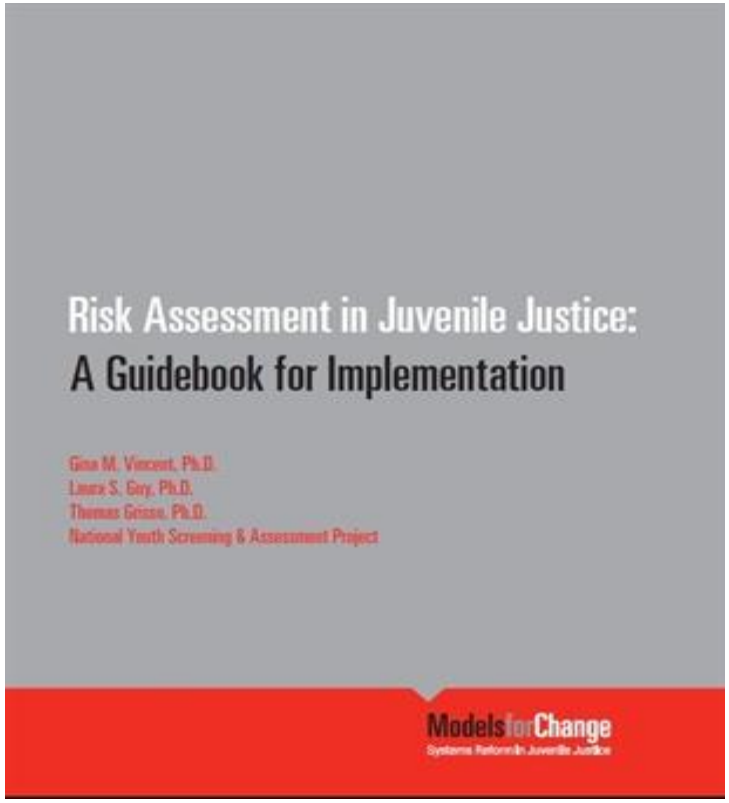
- ✓ Hotline shall take report
- ✓ Assess safety and underlying issues of accepted reports
- ✓ DHS work with families to remedy conditions or issues resulting from report

Alternatives to Detention Act 1021

- ✓ Conditions for release
- ✓ Electronic Monitoring
- ✓ Shelter - if unable to locate parent, guardian or custodian

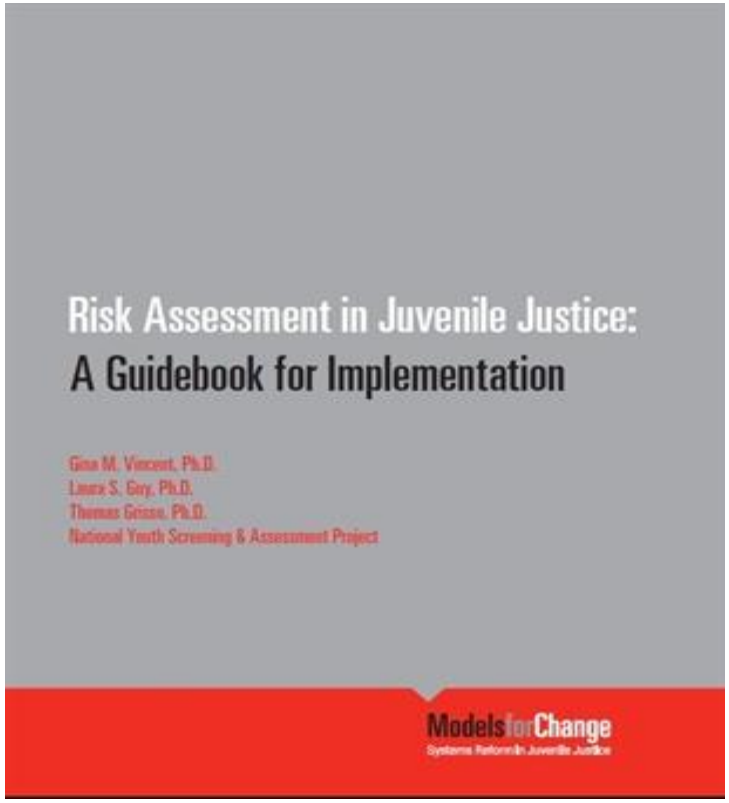
Validated Risk & Needs Assessment – Act 1023

- ✓ Delinquency Dispositions
- ✓ Trained Juvenile Officer
- ✓ Interview with juvenile and parent guardian or custodian



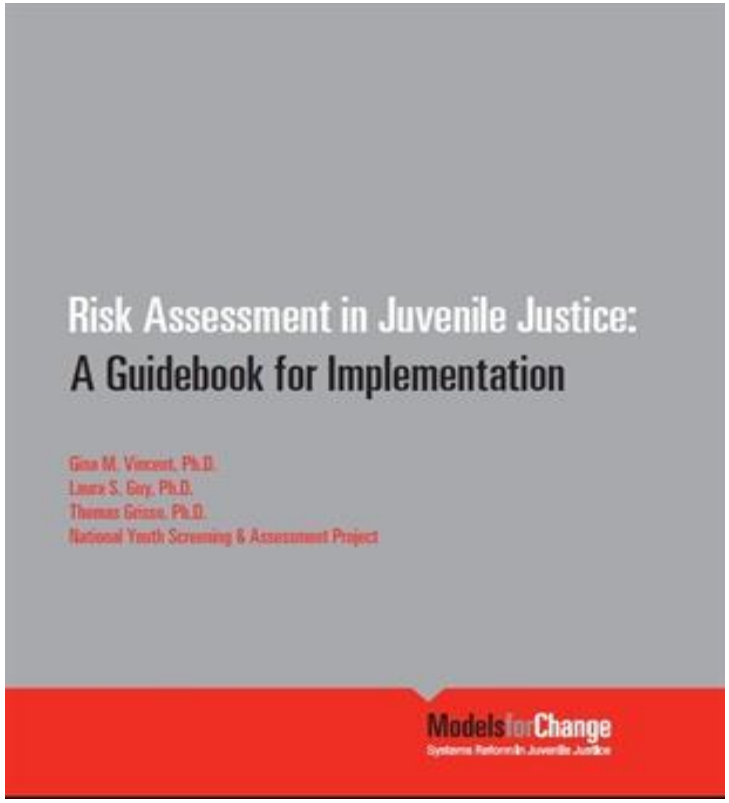
Validated Risk & Needs Assessment – Act 1023

- ✓ Not used against juvenile at adjudication – do not discuss current offense
- ✓ Prepared for Disposition Hearing (parties 7days prior)



Validated Risk & Needs Assessment – Act 1023

- ✓ Judge can order update – reassessment
- ✓ DYS personnel, providers and others designated by court to aid in treatment and services



Arkansas Supreme Court Commission & Validated Risk and Needs Assessment

In September 2014, the Arkansas Supreme Court Commission on Children, Youth and Families adopted the Core Principles for Reducing Recidivism and Improving Outcomes for Youth in Juvenile Justice System

http://csgjusticecenter.org/youth/publications/juvenile-justice-white-paper/

Principle 1

Base supervision, service and resource allocation on the results of validated risk and needs assessment

Principle 2

Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, use data to evaluate system performance and direct system improvements

Principle 3

Employ a coordinated approach across service systems to address youth needs

Principle 4

Tailor system policies, programs, and supervision to reflect the distinct developmental needs of adolescents

Principle 1: Base Supervision, Service and Resource Allocation On The Results of Validated Risk and Needs Assessment

Risk, Needs and Responsivety

- **Risk** principle focuses supervision & services on youth most likely to reoffend
- **Needs** principle address youth's greatest criminogenic (dynamic risk factors)needs when they are specific and address cause of youth behavior

Principle 1: Base Supervision, Service and Resource Allocation On The Results of Validated Risk and Needs Assessment

Responsivety principle identifying barriers to learning and improving youth's behavior and tailoring serves to overcome or address conditions

Research Evidence: Guiding Principles

There is emerging consensus on characteristics of effective programming for young offenders:

- Punitive sanctions do not have a significant effect on re-offending (Gatti et al., 2009).
- Severity of a youth's offense is not significantly related to the future pattern of offending (Mulvey et al., 2010).
- Confinement has diminishing returns after 6 months (Pathways to Desistance Study)

Research Evidence: Guiding Principles

- Most low-risk youth are unlikely to re-offend even if there is no intervention (Lipsey, 2009). But mixing them with high risk youth can make them worse.

- When services are **matched** to youth's level of risk and their "delinquency-producing" (criminogenic) needs, the lower the chance of offending.

- GOAL: Individualized case planning

Dr. Vincent

Known Research-Based Factors

Risk factor = anything that increases the likelihood of offending in the future

Static Risk Factors – do not change

- Number of prior arrests vs. Age 1st violent act*
- Early exposure to violence Age 1st Substance Use

Dynamic Risk Factors (Criminogenic Needs) – can change

- Impulsivity
- Parental Inconsistent/Lax Discipline ADHD

Protective Factors – buffer the risk

- Strong social support

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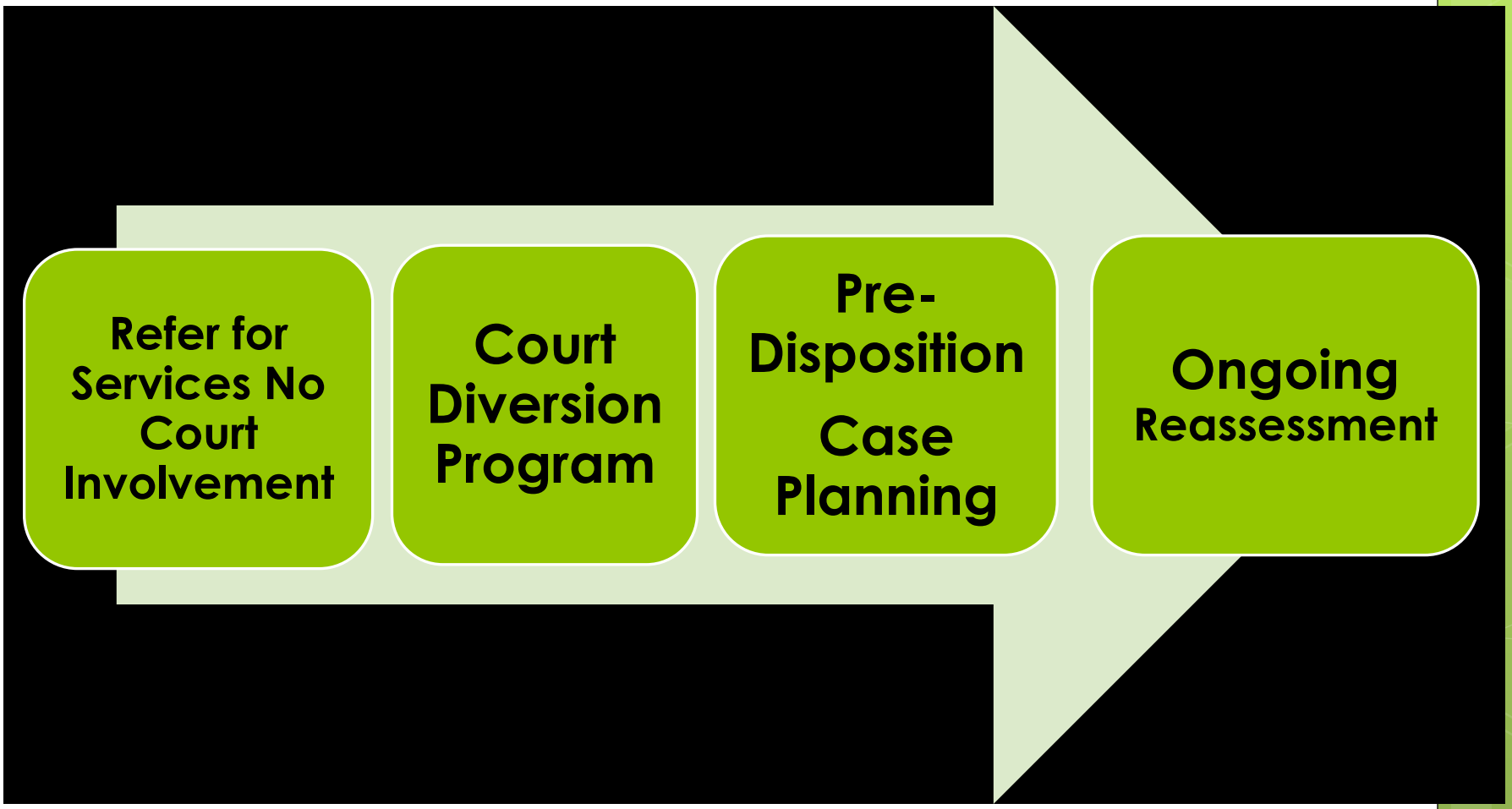
Validated Risk Assessment As Early As Possible



Benefits of Validated Risk and Needs Assessment

- Connect youth to the most appropriate disposition and services that target ONLY specific criminogenic needs at the proper intensity. Best chance of…
  - Enhancing objectivity
  - Reducing risk & successful service completion
  - Improved resource allocation
  - Reducing violations and recidivism
  - Cost-savings

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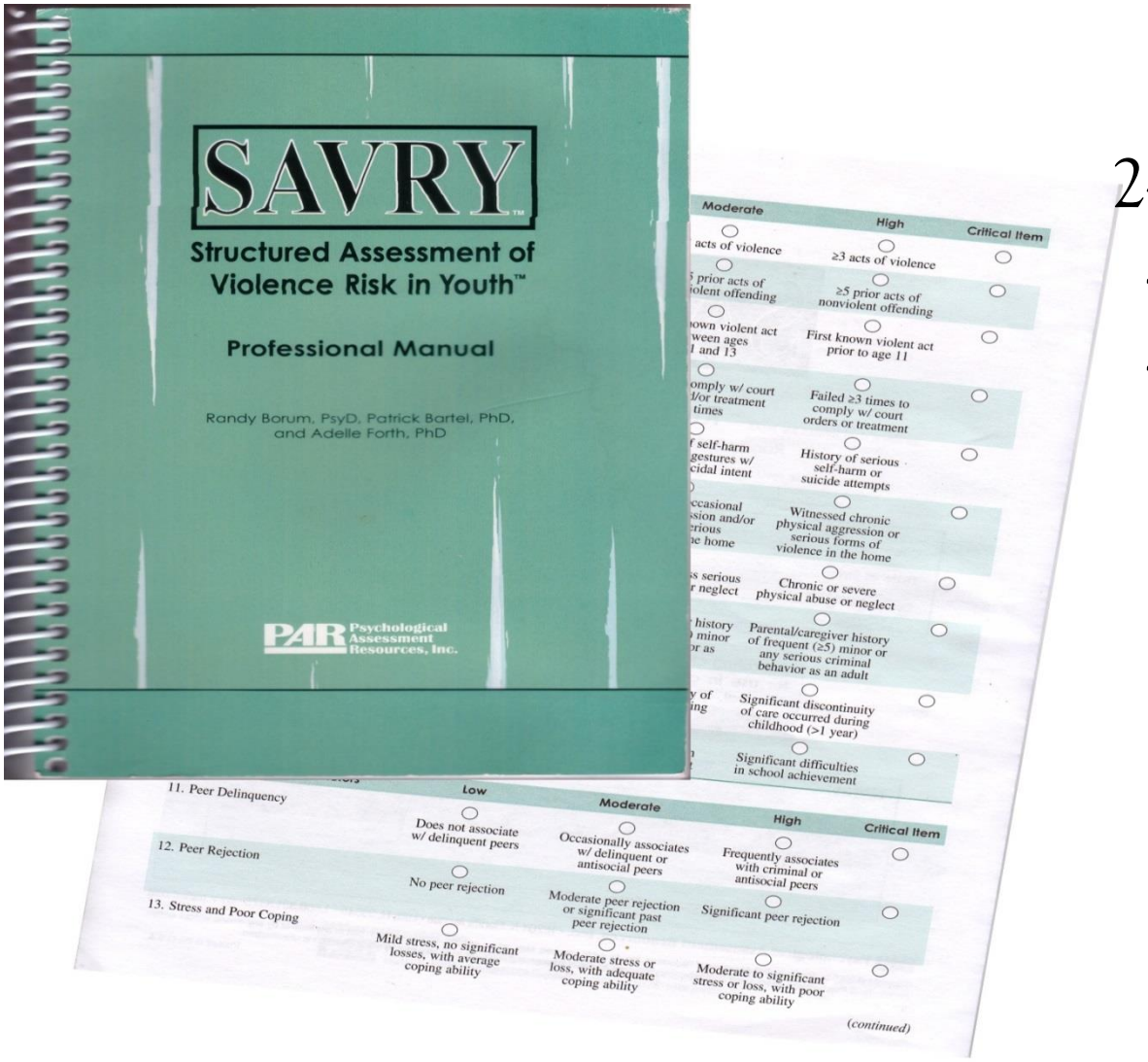
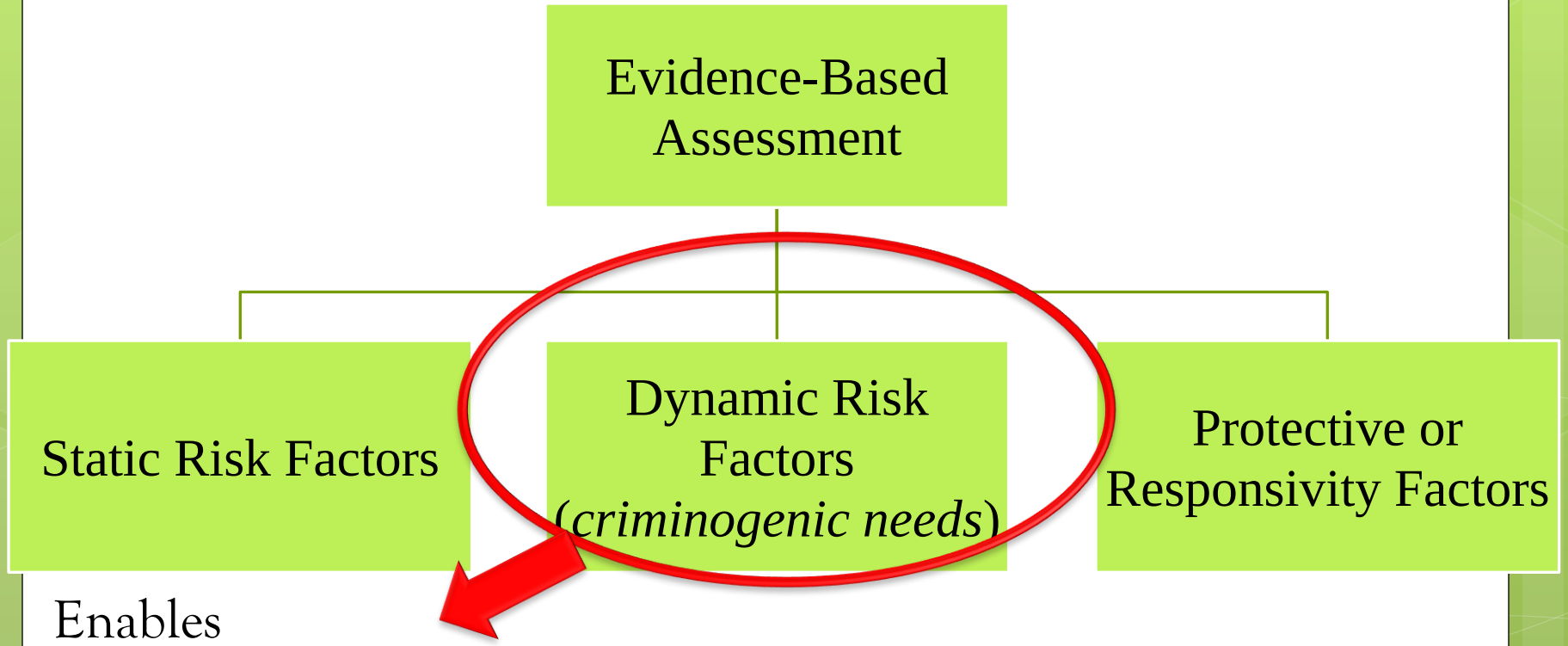
Risk and Needs Assessment – Act 1023



24 Risk Items
- 10 Static
- 14 Dynamic
+ 6 Protective Items

Elements of a Comprehensive Risk Assessment



Enables reassessment of risk level to measure change

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SAVRY

24 risk factors (10 static and 14 dynamic) rated low, moderate, or high and critical in the following groupings:

Historical

- history of violent and non-violent offending, early initiation of violence,
- past supervision/intervention failures,
- history of self-harm or suicide attempts, exposure to violence in the home, parent/caregiver criminality,
- childhood history of maltreatment,
- early caregiver disruption, and
- poor school achievement

SAVRY

Social/Contextual

- peer delinquency,
- peer rejection,
- stress and poor coping,
- poor parental management lack of personal/social support, and
- community disorganization

SAVRY

Individual

- negative attitudes,
- risk-taking/impulsivity,
- substance use difficulties,
- anger management problems.
- low empathy/remorse, and
- attention deficit/hyperactivity difficulties poor compliance and low interest or lack of commitment to school

SAVRY

Protective Factors rated present or absent and critical in the following categories:

- prosocial involvement,
- strong social support,
- strong attachments and bonds to positive figures,
- positive attitude toward intervention and authority, and
- strong commitment to school and resilient personality traits

RABS 2-Year Project

- Implement evidence-based behavioral health screening (MAYSI-2 + CRAFFT) in selected sites **1st year**
  - Pulaski
  - Faulkner
  - Craighead
  - Crittenden
- Train juvenile officers/courts how to integrate risk and needs assessment into decision making

ModelsforChange
Systems Reform in Juvenile Justice

Appellate Case Law

A.S. v. Randolph County Circuit Court, 2015 Ark. 221

Writ denied, but a concurring opinion addressed procedural concerns, including that a FINS juvenile did not have defense counsel as required by law.

The Supreme Court noted that the Circuit Court did not inform juvenile of right to counsel and did not appoint counsel, although juvenile was entitled to an attorney at all stages of the proceedings.

A.S. v. State, 2014 Ark. App. 323

Extension of court ordered supervision affirmed where it was undisputed appellant had truancy problems; that it was important for her to complete high school; and that the extension would allow her to complete a program previously ordered by the court.

N.W. v. State, 2014 Ark. App. 57

CAC interview was testimonial with the primary purpose for use for prosecution and the its introduction violated appellant's Sixth Amendment Right under the Confrontation Clause . The victim's CAC interview was the only evidence of the rape and without it, there was not enough evidence to adjudicate appellant delinquent. Reversed.

Ohio v. Clark, 576 U.S. ___ (2015)

L.P.'s statements to a teacher about abuse later used in a criminal trial was not testimonial and did not violated the defendant's 6th Amendment Right. Statements were not made with primary purpose of preparing a criminal case, but occurred in an ongoing emergency of suspect child abuse.

H.V. v. State 2015 Ark. App. 605; J.J. v. State 2015 Ark. App. 267*; M.J. v. State 2015 Ark. App. 252; A.D. v. State, 2015 Ark. App. 35

Accomplice Theft Cases

- Presence of accused in proximity to the crime;
- Opportunity to commit the crime; and
- An association with a person involved in a manner suggestive of joint participation

T.M. v. State, 2014 Ark. App. 420

Probation revocation resulting in DYS commitment upheld. Evidence that appellant failed to comply with counseling appointment. Court found state need only to show appellant committed one violation to sustain a revocation.

J.J. v. State, 2014 Ark. App. 611

Probation revocation affirmed. Appellant argued that treatment failures were result of medication changes, but failed to provide any evidence linking change in medication to his deterioration in treatment and ultimate termination from the program.

Juvenile Justice Reform

It is reported that the Governor will focus on Juvenile Justice in the 2017 Session –

The legislature is interested in funding, but with accountability as evidenced by Specialty Court grants and DYS legislation

- Four Groups – 1,2,3,4
- Identify 5 Specific things that would improve standards and/or practice for Juvenile Officers in Arkansas
- Select Spokesperson & Report Back to Group – if already said skip and report only on what has not been reported

Thank you for the difference you make every day!