

Smaller, Smarter, and More Strategic - Juvenile Justice Reform in Alabama

Prepared by the Annie E. Casey Foundation's
Juvenile Justice Strategy Group

May 2011

Four years ago, Alabama's juvenile justice system found itself at a crossroads. In spite of declining delinquency and very low rates of serious juvenile crime, Alabama had spent the previous dozen years locking up more and more kids for less and less serious behavior, and the state's juvenile justice budget skyrocketed accordingly. Court and Department of Youth Services (DYS) data, as well as interviews with stakeholders throughout the system, all told the same story. The system was flooded with low-risk youth with minor offenses and many youth who were not delinquent at all. The state's juvenile correctional agency had become the destination for youth who were difficult and frustrating, but who were rarely dangerous. Nobody was happy with the results. Judges and probation officers were disappointed with the outcomes of low-risk youth who cycled in and out of boot camps and DYS placements, while also feeling pressed by schools to sanction behavior that used to be handled in the principal's office. DYS consequently found itself with the impossible task of finding residential placements for youth who could be more appropriately and more effectively served in their own homes, while facing the persistent threat of lawsuits due to waiting lists for entry into DYS facilities. And yet despite broad agreement that state resources should be reallocated towards effective, non-residential services, programs, and practices that would hold youth accountable, protect public safety, and redirect youth towards positive life experiences and outcomes, the status quo of incarcerating large numbers of low-risk youth held firm.

Today, the juvenile justice system in Alabama is firmly on a path of reform. Although efforts are still in their early stages, Alabama's juvenile justice system is in many ways very different from the one that was in place just a few years ago. Commitments to DYS are down significantly without threatening public safety. State funding for community-based, non-residential programs and services has increased, even as the budgets for the Department of Youth Services and the Administrative Office of Courts have shrunk.¹ Local courts have taken the lead in introducing policy and practice innovations that have improved pre- and post-adjudication decision-making and maximized the utilization of existing local resources. And, in a bold signal that institutionalizes many of these policy and practice changes, the Alabama Juvenile Justice Act of 2008 prohibits the incarceration of status offenders, even when found in violation of a valid court order, strengthens the courts' authority to divert cases from formal system involvement, and establishes practice standards for juvenile defense attorneys.

Results

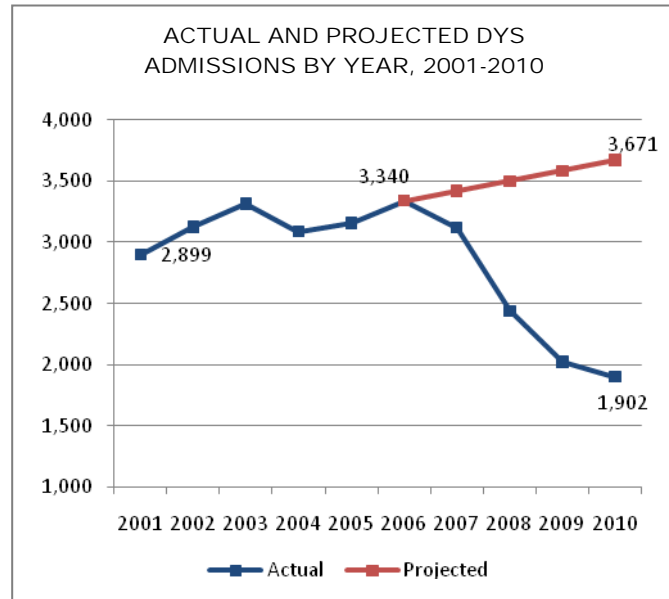
In 2006, admissions to DYS had reached an all time high,² despite the fact that the rate of violent juvenile arrests had plummeted since the 1990s. In part because of these contradictory trends, the need for juvenile justice reform began gaining attention throughout the state. Newly-elected Chief Justice Sue Bell Cobb's campaign platform emphasized juvenile justice reform and Governor Bob Riley had requested assistance from the Annie E. Casey Foundation to reduce commitments. Detailed data analysis demonstrated that a large majority of youth in DYS custody were not violent or even serious offenders, with most youth committed for probation violations, status offenses, and misdemeanors.

¹ In this report, "commitments" and "admissions" are used interchangeably. HIT admissions are included.

² DYS admissions data only dates back as far as 1995.

In the months and then years after the Governor and Chief Justice began promoting juvenile justice reform, admissions trends revealed a dramatic shift in how practitioners around the state dealt with less serious youth misbehavior.

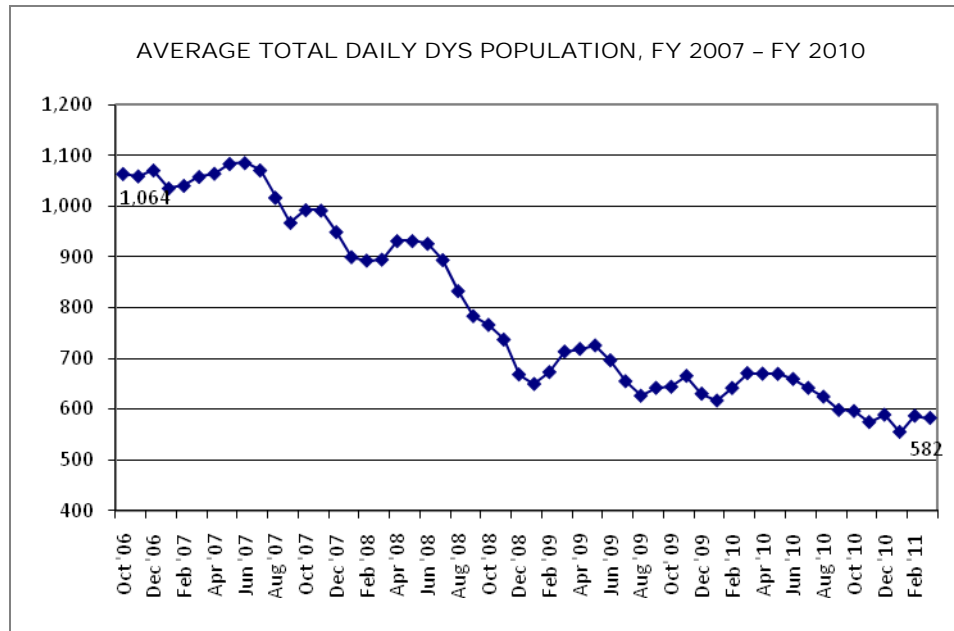
- Admissions to DYS dropped by 43% between 2006 and 2010, from 3,340 to 1,902. Prior to the first decline in 2007, admissions were increasing at more than two percent a year for the previous half-decade.
- This change in admissions has been driven largely by sharp reductions in the number of youth admitted for status offenses, probation violations, and minor public order offenses, which account for 77% of the drop in admissions between 2006 and 2010 (1,103 of 1,438). Property offenses, felony person offenses, and weapons offenses accounted for just 9% of the admissions decline.
- Overall, 52 out of 67 counties in Alabama reduced DYS admissions between 2006 and 2010, including each of the 19 highest committing counties from 2006. Thirty-six counties reduced commitments by a third or more. In all, 32 counties had double-digit decreases of 10 or more admissions in 2010 compared to 2006, while just one had a double-digit increase. Reductions have occurred in counties large and small, in all regions of the state. Jefferson County commitments fell by 293 (54%) between 2006 and 2010, Tuscaloosa's are down 70% (158), while three large counties in the southern region of the state – Baldwin, Houston, and Mobile – reduced admissions by 58%, 63%, and 37%, together sending 295 fewer youth to DYS. Coosa, Limestone, and DeKalb counties nearly eliminated commitments, going from 20, 25, and 17 respectively in 2006 to 7, 8, and 6 in 2009, while Elmore County slashed commitments by 77%, from 86 to 20, in just four years.



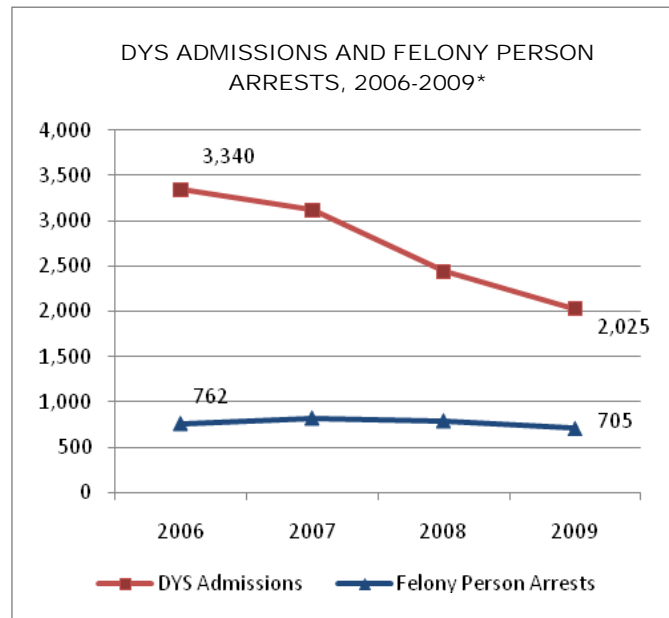
DYS ADMISSIONS BY COUNTY, 2006-2010 (TOP COMMITTING COUNTIES FROM 2006)

County	Year		2006-2010 Change	
	2006	2010	#	%
Jefferson	544	251	-293	-54%
Mobile	264	166	-98	-37%
Tuscaloosa	227	69	-158	-70%
Madison	225	131	-94	-42%
Baldwin	194	82	-112	-58%
Houston	134	49	-85	-63%
Montgomery	133	102	-31	-23%
Lee	104	84	-20	-19%
Elmore	86	20	-66	-77%
Etowah	85	36	-49	-58%
Tallapoosa	82	45	-37	-45%
Calhoun	63	52	-11	-17%
Talladega	57	24	-33	-58%
Shelby	57	47	-10	-18%
Dallas	56	35	-21	-38%
Randolph	52	23	-29	-56%
Autauga	51	11	-40	-78%
Barbour	46	26	-20	-43%
Covington	43	27	-16	-37%

- Reductions in commitments have resulted in a considerably smaller DYS daily population. In March 2011, an average of 582 youth were housed in DYS-operated or contracted facilities, compared with 1,084 when the Casey Foundation began working with the state in May 2007. This 46% drop has been sharpest among female youth, as DYS is confining 63% fewer girls today than in May 2007, and within DYS's contracted facilities, which have collectively experienced a 62% decline in their daily populations.



- Overall, the state is now using resources more effectively and shifting savings to local courts for the implementation of community-based alternatives to incarceration. Despite having to cut more than 11% of its budget between FY 2009 and FY 2011, DYS increased funding for local non-residential programs by 75% and reduced funding for state commitment facilities by 6%.
- Perhaps most importantly, Alabama was able to achieve these results without sacrificing public safety. During this period of reform, when admissions to DYS dropped so precipitously, juvenile arrests for violent felony offenses held steady, even dropping slightly between 2006 and 2009.



*Arrest statistics from the Alabama Criminal Justice Information Center's *Crime in Alabama* report. The most recent report is for 2009.

Despite these significant gains, there is still work to be done. Many non-serious offenders are still being committed to DYS, when community-based approaches would be less costly and more effective. In 2010, only 42% of DYS admissions were for felony offenses, a slight but surprising decline from 2009 (45%). In just one out of three counties did felony offenses comprise half or more of admissions to DYS, and in all but 12 counties, misdemeanor offenses and probation violations accounted for more than a third of commitments. After achieving substantial reductions in admissions for probation violations between 2006 and 2009, commitments for technical violations slowly crept up in 2010. Moreover, while best practices and innovative approaches have sprouted up in jurisdictions around the state, these need to spread to every corner of Alabama and become the norm rather than exceptional examples. In sum, despite the reductions in admissions to DYS, there are still hundreds youth in DYS custody every day that could be safely served in non-residential settings in their home communities. Further commitment to the expansion of good practices and services is critical.

While still a work in progress, the collective efforts to reduce juvenile incarceration in Alabama are an example of government done right. The changes in the DYS population came about as the result of a three-pronged approach that involved all three branches of government: (1) enacting legislation that both symbolically and practically changed the trajectory of the juvenile justice system in Alabama; (2) planning and implementing state-level strategies guided by the Department of Youth Services and the Administrative Office of the Courts (AOC); and (3) examining and improving practices in local jurisdictions to deepen counties' capacities to work effectively with youth in their home communities.

The Alabama Juvenile Justice Act of 2008

In 2008, the Alabama state legislature unanimously passed a comprehensive juvenile justice reform bill. Although the law did not go into effect until October 2009, passage of the Alabama Juvenile Justice Act of 2008 set clear expectations for the trajectory of juvenile justice in the state by (among other things):

- *Banning the incarceration of status offenders.* The law prohibits the incarceration of status offenders in state facilities, even for violation of a valid court order, and significantly restricts the ability to place status offenders in local detention centers.
- *Improving juvenile defense.* The law establishes practice standards for how juvenile defense attorneys work with court-involved children, maximizing the odds that attorneys are protecting the rights of the youth they represent. It also distinguishes between a guardian ad litem and a juvenile defender and articulates detailed duties for each.
- *Narrowing the pipeline.* Schools are now prohibited from filing ungovernable petitions against students. Furthermore, courts are now empowered to divert cases at intake by stating that a petition cannot be filed against a child unless a neutral and detached magistrate has first determined that the petition is in the best interests of both the public and the child.
- *Reconnecting committed youth with their home schools.* Youth are no longer required to attend an alternative school following release from DYS or trial as an adult.

The message behind the Alabama Juvenile Justice Act of 2008 was clear: Alabama could do better for its youth, families, and public safety by taking a different approach. As Governor Riley eloquently stated upon signing the new bill,

Alabama's juvenile justice system is flooded with low-risk children in expensive institutions. Many of those children have never even committed a crime. . .

Children in detention gravitate toward the worst possible role models. That's why juvenile detention centers have been referred to as 'highly effective crime schools.' Often these children return home even more likely to break the law.

The Department of Youth Services

As one of the lead voices in the call to improve the system during the years leading up to this effort, the Alabama Department of Youth Services quickly embarked on a multi-faceted approach to safely reduce commitments that has had the effect of shrinking the demand for DYS's residential services while simultaneously strengthening DYS's influence in the larger Alabama juvenile justice system. Led by Executive Director Walter Wood, and with full support of the DYS Board and Governor Bob Riley, DYS worked to improve and right-size its continuum of residential placements; signal the agency's and system's course for the future through a comprehensive strategic plan; re-imagine, expand and strengthen its grant program for local alternatives to commitment; enhance the use of data and quality control among private providers and grantees; and more deliberately partner with and assist courts as they improved community-based responses to delinquency. In a nutshell, DYS has led the state through a series of smart and safe reforms that have improved the juvenile justice system for youth and communities. This coordinated effort, guided by the Annie E. Casey Foundation's Strategic Consulting Group, led to several clear cut strategies. Specifically, between 2007 and 2010:

- *DYS intentionally reduced residential capacity after years of expansion.* In 2008, DYS contracted for 115 fewer beds than the previous year and eventually closed seven of the facilities that received new contracts, for an additional reduction of 98 beds. As of March 2011, with an average of 195 youth in private facilities, DYS had 63% fewer youth in private placements than when the population peaked at 526 in June 2007. In 2007, the population at DYS had been steadily climbing, and a number of lawsuits had been brought or threatened against the agency as a result of waiting lists that often approached 200 youth, leaving scores of youth awaiting placements in local detention centers. The decision to reduce residential capacity in the infancy of the reform process was the first of many bold yet thoughtful steps that DYS took to lead the state's juvenile justice system in a new direction.
- *DYS used strategic planning to set the course of the agency and the system at-large.* DYS created a strategic plan to guide the agency's practice, policy, and procedure over the next several years, with the goal of shifting the focus of Alabama's juvenile justice system away from state training schools and toward a more comprehensive array of local dispositional options. The strategic plan explicitly stated that court-involved youth should be served in the least restrictive setting possible, and that incarceration is an inappropriate – and overly expensive – method of addressing the behavior of most delinquent youth. The strategic plan also articulated DYS's shift towards data-driven decision making, which was most clearly actualized in the 2009-2010 grant application process.
- *DYS re-engineered its system for administering grants, incentivizing reduced commitments and quality non-residential programs.* DYS implemented its first ever competitive and data-driven grant application process, which was designed to fund programs that would explicitly serve as alternatives to incarceration. All courts were invited to apply, had access to relevant training, and all applicants were evaluated under a single set of criteria. Applicants were required to provide detailed explanations of how and why the proposed programs would result in reduced commitments, and were made aware that continued funding would depend upon achieving those results. Through this process, DYS awarded nearly \$1 million in grants to six small and midsize counties during 2010, some of which had never before received grant funding.

- *DYS signaled an end to all “entitlement” grants, ensuring that existing and future grantees will be held accountable for results.* DYS began consolidating all funding for community grants – both new and old – and the CAMPs³ into a common pool of funding which will eventually be allocated through the same transparent, competitive, data-driven process used in the 2009-2010 application process. This new process will gradually include all existing grantees allowing DYS to sever ties to ineffective programs and redirect funds to non-residential alternatives that safely reduce commitments.
- *DYS deepened its influence in the larger juvenile justice system by building closer relationships with local courts.* Ironically, and in contrast to traditional notions about public bureaucracies, DYS became a more influential leader of the state’s juvenile justice system by intentionally downsizing itself. When viewed strictly based on the size of its residential operations, DYS is a considerably smaller agency than it was just three years ago, having reduced bed capacity by 27% and currently housing 46% fewer youth than at its peak in May 2007. But DYS’s reach is much greater today than when its youth population was higher.
 - By establishing a competitive, data-driven grant process that requires reduced commitments from grantees, DYS is helping improve the quality of local juvenile justice programs, while creating a funding mechanism that ensures continued financial support for local innovations.
 - By forming a statewide workgroup with local probation officers and reaching out to judges, DYS has become more attuned to the concerns of local courts and has worked collaboratively to address recurring problems and improve communications.
 - By re-designing its website to share best practices and programmatic options with local courts, DYS has become a resource guide for judges and probation officers interested in developing alternatives to commitment.
 - By putting data front and center in all of its reform efforts, DYS engineered a cultural shift emphasizing that Alabama’s juvenile justice system should be driven by data and results rather than generalizations and anecdotes.
 - By offering and then expanding financial support for juvenile detention reform, DYS is helping local courts to safely reduce the use of secure detention for youth who are awaiting adjudication or disposition.

The Administrative Office of the Courts

As the agency that oversees all but five courts throughout the state, the Administrative Office of Courts was one of the most important partners in the effort to strengthen juvenile justice and reduce incarceration in Alabama. Under the leadership of Chief Justice Sue Bell Cobb, some of the key reforms spearheaded by AOC included:

- *AOC established a Family Court Division.* AOC hired respected chief probation officers to run a new division designed to support family courts around the state. Offering consultation, training, and technical assistance, the Family Court Division works closely with judges, probation officers, and other court officials to improve local practices.

³ CAMP is an acronym for Community Alternative Management Program. CAMPs had been exclusively residential, but Montgomery County has now used its CAMP funds for an array of non-residential services.

- *AOC brought detention reform to Alabama.* AOC has served as the lead agency for the Juvenile Detention Alternatives Initiative (JDAI), which has played a critical role in reducing commitments to DYS as well as strengthening local policies and practices affecting the use of secure, pre-adjudication confinement.
- *AOC played a critical advocacy role in the passage of the Juvenile Justice Reform Act of 2008.* The Act's prohibition against the incarceration of status offenders, even when in violation of a valid court order, was initially opposed by many local jurists who were concerned about the loss of that sanction. The Supreme Court's outreach and assurance that alternatives would be made available, was essential to secure legislative approval. The Supreme Court's influence in this regard is evident from trends in status offender commitments: Although the provision did not go into effect until October 1, 2009, more than a year after the bill was signed into law, DYS admissions of status offenders began to plummet immediately. Between May and December 2008, only 31 status offenders were admitted to DYS, compared to 83 during the same period in 2007.
- *AOC used several methods to influence judicial and probation practice locally.*
 - AOC convened a mandatory conference for family court judges and chief probation officers focused on reducing commitments, introducing best practices, and increasing local community-based alternatives.
 - AOC hired a retired jurist to confer with judges around the state to increase support for the reform measures. His outreach, with support from the Chief Justice, helped judges realize that they do have options beyond commitment and that the push for reform was not a veiled effort to tie their hands.
 - AOC provided technical assistance to local courts that were re-evaluating how their own practices might contribute to unnecessary or inappropriate commitments to DYS.

Local Courts

While the push to safely reduce juvenile incarceration in Alabama has been steered and supported by state-level executive, judicial, and legislative branch leaders, local family court policy makers and practitioners have been equally important and influential in changing the trajectory of the state's juvenile justice system. In all regions of Alabama, in counties large and small, judges are ordering fewer youth to DYS custody than three years ago. In all, 52 of 67 counties have reduced DYS admissions since 2006, 49 of which have reduced admissions by 10% or more. The policy, practice, and programmatic reforms of some Alabama courts already stand out as examples of the types of changes that should blossom in courts around the state in years to come.

- Tuscaloosa County reduced commitments by 75% between 2006 and 2010, and, in so doing, significantly reduced disproportionate minority confinement. Tuscaloosa has reduced commitments of white youth by 61% and black youth by 72%, narrowing the gap in white and black commitments from 123 to 28 in just four years. With assistance from AOC, Tuscaloosa managed to slash probation caseloads at the same time – closing hundreds of cases, and immediately unburdening probation officers who were carrying caseloads as high as 400 or more youth.
- Jefferson County changed its policies and practices regarding juvenile court intake and probation, using the “best interest” provision of the Alabama Juvenile Justice Act to increase diversion, while using new decision-making tools to decrease the number of adjudicated youth

recommended for commitment and to reduce the number of violations of probation filed in court. In effect, Jefferson County's two-pronged strategy was to shut off the faucet, while simultaneously cleaning out the drain. The result was 293 fewer commitments (54% decrease), 57% smaller probation caseloads, fewer CHINS referrals, and no resulting increase in juvenile crime.

- Mobile County increased court diversion and implemented dispositional reforms, including a placement committee to identify alternative options for youth at risk of commitment or placement in a local residential program. Mobile County closed its boot camp and local residential program for girls, repurposing those funds to support a more comprehensive continuum of local services better able to address youth needs. First among these local services was the Youth Advocate Program (YAP), a promising intervention rooted in the community that has been used to reduce delinquency and improve youth outcomes without relying on residential care.
- Montgomery County also closed its local boot camp and conducted a data analysis to identify the types of non-residential community-based alternatives best suited to replace it. Montgomery is now using the boot camp's physical plant to host a day and evening program for delinquent youth that stresses vocational skills and job readiness. In early 2010, Montgomery County also evaluated its intake and probation practices and began implementing some of the practice reforms embraced by Jefferson and Mobile Counties.
- Six courts received approximately \$1 million in grant funds as a result of DYS's new, data-driven competitive grant application process. Each court collected data on youth previously sent to DYS to identify service gaps that had driven the court to commit youth. The new grant agreements hold grantees to much higher standards than was previously the case, requiring the programs to only serve youth within a specific target population and excluding youth ineligible for commitment, such as status offenders. Furthermore, the grant agreements stipulate that continued funding is dependent on meeting performance measures, including a specific number or percentage by which commitments shall be reduced (barring an increase in serious juvenile crime). The grantees set the standards for reduced commitments themselves, with two courts agreeing to try to eliminate commitments completely as a result of the new programs. Grants were awarded to the following programs:
 - *Baldwin County Youth Advocate Program* – An individualized, strengths-based wraparound program that hires youth advocates from within the child's community to establish positive relationships with youth and steer them toward healthy, law-abiding behavior.
 - *DeKalb County Youth Initiative* – A family-focused program that builds on youth and family strengths through advocacy, daily support, therapy services, and improving parenting skills and supervision.
 - *Elmore County Family Support Program* – An in-home program that uses life coaches to work with the youth and family multiple times during the week to build strengths and connect families to services available in the community
 - *Marshall Youth Advocate Program* – Like Baldwin County, Marshall County contracted with YAP to connect youth to local advocates to encourage positive behavior among court-involved youth.

- *Morgan County Electronic Monitoring Program* – Electronic monitoring specifically targets for higher risk youth adjudicated for felony offenses who would otherwise be committed.
- *Sumter County Electronic Monitoring Program* – Electronic monitoring was implemented for the few youth in Sumter County who rise to a level of seriousness that might otherwise require commitment. However, Sumter County’s program is unique in that they connect these youth with advocates who use strengths-based practices to help youth complete their electronic monitoring disposition successfully.
- *Madison County Continuum of Services*—Madison County was a pioneer in using data-driven decision making to design an array of services to reduce commitments, including in-home family services (F.I.N.D. Program) and the Parent Project to address family needs, and electronic monitoring for youth in danger of out-of-home placement. Although Madison County was among the last counties awarded grant funds for community-based alternatives to incarceration prior to the launch of the competitive application process, the court was committed to using data to determine how to make the most effective use of those funds. Its work not only established the model that was used to design the grant application process; it helped them reduce commitments by 51% (n=135) between 2007 and 2010.

Conclusion

In virtually every respect, Alabama’s juvenile justice system is stronger than at any point in the past decade. Reforms have been both deep and widespread. The Juvenile Justice Act of 2008 helped “right-size” the deep end of the system by once and for all banning the incarceration of status offenders. Commitments to the Department of Youth Services are down 43% and, on any given day, the state is incarcerating approximately half as many youth as four years ago, with no sacrifice in public safety. DYS is investing in promising local programs aimed at achieving positive youth outcomes while further reducing the number of youth in placement. Counter-productive boot camps in two of the State’s largest counties have been shuttered, and innovative non-residential programs have been developed in their place. Detention reform is now strongly rooted in four of the State’s biggest jurisdictions and is poised to expand in the years ahead. With its intentional focus on the juvenile system, the Administrative Office of Courts is exposing judges and probation officers to practices and models with proven track records. Local courts are implementing best practices that make intake and dispositional decision-making more rational and probation supervision more effective. DYS’s new grant program holds juvenile justice programs accountable to taxpayers both by injecting competition into the grants process and by setting explicit expectations for results. *In simplest terms, Alabama has been shedding policies and practices that fail to achieve positive outcomes for either delinquent youth or public safety, and replacing them with commonsense approaches and innovative practices that promise to do better by system-involved youth and Alabama’s communities.*

Looking to the future, it is essential that Alabama continue on the path it has spent the last four years paving. Working with youth in their homes and communities through more effective and less expensive local programs will improve youth outcomes, public safety, and use of taxpayer dollars. Through this reform process, Alabama has set a national example of good government through cross-agency and bipartisan collaboration and data-driven decision making. By revising outdated or ineffective policies at the state and local levels, it now holds state agencies, courts, and program providers accountable for positive outcomes and ensures that DYS commitment is a dispositional option of last resort.

The challenge ahead is to preserve these gains, not only continued funding for local alternatives rather than large, impersonal institutions, but in the overall shared responsibility for the future of Alabama's children. That "sharing" is evolving into levels of cooperation and mutual support across local and state agencies and court systems that will be key to Alabama continuing to "do the right thing" for children coming to the attention of the state's juvenile justice system in the future.