

UTAH'S JUVENILE JUSTICE SYSTEM and THE WORK OF CONTINUED REFORM

In March 2017, Utah's Governor, Gary R. Herbert signed a landmark comprehensive set of research-based reforms designed to improve Utah's juvenile justice system. House Bill 239 (HB 239), was sponsored by Representative Lowry Snow and Senator Todd Weiler and was intended to keep youth who can be safely supervised in the community and out of costly residential out-of-home placements. The bill also expanded community-based programs, and standardized practices to reduce disparities across racial and geographic lines, while also diverting youth charged with less serious offenses from formal court proceedings.

Working Group

Similar to other states that passed significant juvenile justice reform, the legislation was created after creating a multi-agency Juvenile Justice Working Group to develop policy recommendations to promote public safety, limit costly out-of-home placements, reduce recidivism and improve outcomes. In June 2016, the 19-member working group included legislators, judges, state agency directors, a police chief, a defense attorney, an education stakeholder and a prosecutor. The working group did a comprehensive study of the state's juvenile justice system by examining extensive data from the courts and child-serving agencies. Additionally, there were more than 30 roundtables and focus groups conducted throughout the state with a diverse array of stakeholders to mirror the working group. After reviewing the data, the group developed policy recommendations with technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute at Community Resources for Justice.

Key Findings

The Juvenile Justice Working Group found that most referrals into Utah's juvenile justice system were for misdemeanor offenses, and roughly 80 percent of first-time youth entering the juvenile court were at a low risk to reoffend. However, the Working Group also found that a high proportion of these low-level offenders were facing strict court requirements that were not appropriate to their risk level which were counterproductive, including significant financial obligations like fines and fees. Ultimately, many lower-level youths were placed out of home at a significant cost to the state. The average cost for out-of-home placement was \$95,000 per youth per year, nearly 17 times more than staying in the community with supervision and the rates of re-offending were nearly the same. The Working Group findings laid the foundation for HB 239, which established statutory standards for which youth may be removed from their homes and redirects averted costs toward expanding effective community-based services to all judicial districts throughout the state. Additionally, the bill established standards and criteria for pre-court diversions, capped fines and fees, limited school-based court referrals, and set limits on the amount of time youth can spend in detention centers and under probation. The primary reforms focused on intervening earlier, reducing out-of-home placements for first time delinquency offenses, and striving to only use residential services on youth who pose a serious risk to public safety. HB 239 had a great impact on reducing the number of youths in state custody. Pre-reform, in 2015, there was an average daily count of 809 youth in state custody. Post-reform, in 2019 the average daily count was 444.

In addition to the increased public safety trajectory allowed by HB 239, the reforms have created a significant positive fiscal impact. In 2019, the Utah legislature established the Juvenile Justice Reinvestment Fund which captures savings from the reduction in out-of-home placements afforded by reform, which can then be used for non-residential services across the human services continuum.

Continued Reforms

In 2020, Utah continued its path of juvenile justice reform. The focus was the same as 2017 - to keep communities safe by promoting developmentally appropriate settings and limiting how or when a youth can become formally involved in the juvenile justice system. This was accomplished through two major juvenile reform bills in 2020: HB. 384 and HB 262.

House Bill 384: Representative V. Lowry Snow:

The goal of this bill is to align Utah's policies with science and research because, (a) cognitive reasoning is not fully developed until around age 25; and, (b) community safety and rehabilitation improve when youth receive developmentally appropriate care.

Two main aspects of the bill are as follows:

1. The bill limits the ability to transfer youth to the adult system only for the most serious offenses and ensures that a judge makes this determination.

Youth placed into the adult system have worse outcomes, higher mortality rates, greater fiscal and social costs to taxpayers, and higher re-offense rates than those who remain in the juvenile justice system, decreasing public safety.

2. The bill allows the possibility to extend juvenile justice custody to age 25, increases accountability and public safety, and gives access to developmentally appropriate treatment.

This creates the option to extend custody in the juvenile justice system up to 25 years of age (currently it is age 21), allowing youth charged with serious offenses access to developmentally appropriate treatment. Research shows that delinquent behaviors naturally decline as young people age and mature. Those who remain in the juvenile justice system receive better access to age-appropriate services, support and rehabilitation than the services they would receive in the adult system.

House Bill 262: Representative Craig Hall:

This bill eliminates the ability to prosecute/petition a youth age 11 or younger for a delinquent act except for specific carve outs for the most serious offenses. Evidence shows the best way to support youth is in their communities with family involvement which will lead to better outcomes and is less costly. Keeping elementary age children out of detention/courts enhances the state's focus on accountability, community safety and on positively changing young lives.

Delinquency in children younger than age 12 is a family system issue, therefore Utah's responses need to be holistic, and not detrimental to the very youngest.

Utah's journey of reform and transformation in juvenile justice has been predicated on the consistent ability to seek national input and best practices from groups like Pew and CJA and to pull together varied local stakeholders from defense, prosecution, child welfare, schools, courts, advocates and the juvenile justice agency. The broad-based coalition forged in the initial reform efforts of 2017 has been reinforced and continues to partner on research based and data driven policy change efforts year upon year.