

## JUVENILE DETENTION REFORM IN MISSOURI: IMPROVING LIVES, IMPROVING PUBLIC SAFETY, AND SAVING MONEY

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Throughout the last decade, justice systems nationwide have begun to implement evidence-based treatment practices designed to determine the safest, most cost-effective ways to prevent a variety of offenders from reoffending.<sup>1</sup> When possible, courts using such practices often recommend services that can provide the opportunity for offenders to become productive citizens. While many states—including Missouri—have made extensive and effective use of evidence-based practices for adult offenders, such as drug and treatment courts,<sup>2</sup> fewer states have applied this same methodology to their assessment and treatment of juvenile offenders. However, if recent experiences in Missouri are any indication, it is clear that implementing evidence-based assessments and treatments of juvenile offenders will not only improve the lives of many youth at risk, but also improve the safety of the public overall—and all at a reduced cost to the taxpayer.

In Missouri, the executive branch—specifically the Division of Youth Services—is responsible for implementing evidence-based and treatment-based reforms with regard to juvenile offenders who have already been sentenced, and indeed many successes for their efforts rightly have been documented nationally and replicated in other states.<sup>3</sup> Less well-known are the efforts made with regard to the services provided by the Missouri judiciary to juvenile offenders pre-trial, which we intend to document in this article.

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<sup>1</sup> THE COUNCIL OF STATE GOV'TS JUSTICE CTR., STATES REPORT REDUCTIONS IN RECIDIVISM 1 (2012), *available at* [https://www.bja.gov/Publications/CSG\\_StatesRecidivismReduction.pdf](https://www.bja.gov/Publications/CSG_StatesRecidivismReduction.pdf).

<sup>2</sup> RYAN S. KING & JILL PASQUARELLA, THE SENTENCING PROJECT, DRUG COURTS: A REVIEW OF THE EVIDENCE 1, 5–6 (2009), *available at* [http://www.sentencingproject.org/doc/dp\\_drugcourts.pdf](http://www.sentencingproject.org/doc/dp_drugcourts.pdf).

<sup>3</sup> RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., THE MISSOURI MODEL: REINVENTING THE PRACTICE OF REHABILITATING YOUTHFUL OFFENDERS 5–6 (2010), *available at* [http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/MOModel/MO\\_Fullreport\\_webfinal.pdf](http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/MOModel/MO_Fullreport_webfinal.pdf).

The Missouri judiciary's efforts in this area began in 2005 with funding from the Annie E. Casey Foundation for the pilot of the Juvenile Detention Alternatives Initiative (JDAI). "The Annie E. Casey Foundation is a private charitable organization, dedicated to helping build better futures for disadvantaged children in the United States" through promoting public policy and human-services reform and through obtaining community support for working with these juveniles.<sup>4</sup>

JDAI is part of the foundation's national vision that all young persons who come into the juvenile justice system be given the support necessary to give them the chance to develop into healthy, productive adults. Historically, youth often have been detained unnecessarily at great expense, without adding to public safety—indeed such inappropriate detentions can have long-lasting negative consequences for both public safety and youth development.<sup>5</sup> JDAI promotes new program alternatives, delinquency hearing time standards, detention center self-assessments, community collaboration teams, and graduated sanctions to avoid unnecessary detention.<sup>6</sup> These changes have been successful in reducing reliance on secure confinement, improving public safety, reducing racial disparities and bias, saving taxpayers' dollars, and stimulating overall juvenile justice reforms.

The goal of JDAI is to reduce the time youth spend in detention. With funding from the Casey Foundation, technical assistance from the Missouri Juvenile Justice Association and the Missouri Office of State Courts Administrator, and the dedication of four pilot circuits located in the areas with the largest detention center populations—Greene, Jackson, and St. Louis counties, and the city of St. Louis—that vision has become a reality in Missouri.<sup>7</sup>

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<sup>4</sup> *About*, ANNIE E. CASEY FOUND., <http://www.aecf.org/AboutUs.aspx> (last visited May 24, 2013).

<sup>5</sup> See RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION 2–3 (2011), available at [http://www.aecf.org/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JJ\\_NoPlaceForKids\\_Full.pdf](http://www.aecf.org/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JJ_NoPlaceForKids_Full.pdf).

<sup>6</sup> RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., TWO DECADES OF JDAI: FROM DEMONSTRATION PROJECT TO NATIONAL STANDARD 8–9 (2009), available at [http://www.aecf.org/MajorInitiatives/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/TwoDecadesofJDAIFromDemonstrationProjecttoNat/JDAI\\_National\\_final\\_10\\_07\\_09.pdf](http://www.aecf.org/MajorInitiatives/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/TwoDecadesofJDAIFromDemonstrationProjecttoNat/JDAI_National_final_10_07_09.pdf). See also *Juvenile Detention Alternatives Initiative*, ANNIE E. CASEY FOUND., <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx> (last visited May 23, 2013).

<sup>7</sup> See MENDEL, *supra* note 3, at 6–9 & figs. 1–5.

2012/2013]

Juvenile Detention Reform in Missouri

2013

The impact of juvenile detention reform efforts by Greene County has been significant. Greene County is located in southwest Missouri and, as of the 2010 U.S. Census, was the fourth most populous county in Missouri.<sup>8</sup> Since 2005, there has been a thirty-five percent decrease in admissions, a thirty percent decrease in the length of stays, and a fifty percent decrease in the average daily population—all accomplished without there being an increase in juvenile delinquency within Greene County.<sup>9</sup> In fact, there has been a decrease in juvenile delinquency during this time, as evidenced by the decrease in filings of delinquency petitions.

Jackson County (Kansas City metropolitan area), the second most populous county in the state, has seen a sixty-three percent decrease in admissions to juvenile detention, a sixty-two percent decrease in the average daily population, and a fifty-six percent decrease in state commitments.<sup>10</sup> All of this has been accomplished without an increase in juvenile delinquency. In fact, there has been a decrease in juvenile delinquency during this time, as evidenced by the decrease in delinquent referrals.

The impact of reform efforts in St. Louis County, the most populous county in Missouri, has resulted in a fifteen percent decrease in admissions to juvenile detention, a twenty percent decrease in the average daily population, and a nine percent decrease in the average length of stay.<sup>11</sup> Additionally, there has been a decrease with youth of color: a thirteen percent decrease in admissions to juvenile detention, a fourteen percent decrease in the average daily population, and a nine percent decrease in the average length of stay.<sup>12</sup> All of this has been accomplished without an increase in juvenile delinquency within St. Louis County, as evidenced by the decrease in delinquent referrals.

St. Louis County owes its success not only to JDAI but to the work that was initiated by their earlier efforts to address detention reform and disproportionate minority contact that began in 2000

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<sup>8</sup> MO. ECON. RESEARCH & INFO. CTR., POPULATION DATA SERIES: 2010 COUNTY POPULATION (2010), *available at* <http://www.missourieconomy.org/indicators/population/countypop-2000-010.stm> (citing U.S. DEP'T OF COMMERCE, U.S. CENSUS BUREAU, 2010 CENSUS (2010)).

<sup>9</sup> GREENE CNTY. FAMILY COURT: JUVENILE & DOMESTIC RELATIONS DIVS., 2010 ANNUAL REPORT 8 (2010) [hereinafter GREENE CNTY. FAMILY COURT], *available at* <http://www.greencountymo.org/file/juvenile/2010AnnualReport.pdf>.

<sup>10</sup> Data retrieved from Judicial Information System (2006–2012) (Supreme Court of Missouri's internal case management system).

<sup>11</sup> GREENE CNTY. FAMILY COURT, *supra* note 9, at 8.

<sup>12</sup> *Id.*

when there was an average daily population of sixty-one.<sup>13</sup> Through the continued reform, they have seen a forty-one percent drop in the average daily population from the early 2000 figures.<sup>14</sup>

St. Louis city—a separate jurisdiction from St. Louis County—has seen a fifty-six percent decrease in admissions to juvenile detention, a sixty percent decrease in the average daily population, an eleven percent decrease in the average length of stay, a twenty-five percent decrease in state commitments, a four percent decrease in re-arrests, and a forty-three percent decrease in felony petitions filed.<sup>15</sup> The city also has seen a decrease with youth of color: a fifty-six percent decrease in admissions to juvenile detention, a sixty percent decrease in the average daily population, a thirty-nine percent decrease in the average length of stay, and a twenty-seven percent decrease in state commitments.<sup>16</sup> All of this has been accomplished without an increase in juvenile delinquency, as evidenced by the decrease in felony petitions and recidivism.

All the pilot circuits have shown leadership in working with the national reform to develop innovative methods of preventing prolonged detention. Some of these methods include increased use of alternatives to detention, juvenile-hearing time standards, self-assessment of detention centers, community collaboration teams, graduated sanctions, and peer-to-peer training.

The pilot circuits are redirecting resources from detention to providing services that positively influence the youths' development. For example, Greene County was one of the first in Missouri to establish a Reporting Center that allows youth to attend school and then go to an after-school program that provides supervision, counseling, and activities.<sup>17</sup> Jackson County has led the way in developing and implementing female-specific therapeutic programming.<sup>18</sup> Initial results show a reduction in recidivism and a more successful transition of these young women to adulthood. St. Louis County has led the way in decreasing the overuse of secure detention by changes to the detention process, use of pre-adjudication alternatives, and post-disposition services.<sup>19</sup> Changes

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 12 (discussing the Evening Reporting Center).

<sup>18</sup> See *JDAI Poised to Expand Throughout Missouri*, JDAI NEWS (Annie E. Casey Found., Balt., Md.), Oct. 2010, at 3.

<sup>19</sup> See *id.*

2012/2013]

Juvenile Detention Reform in Missouri

2015

have not stopped, as future initiatives will include case processing time standards and a graduated sanction grid. St. Louis city has led the way in decreasing the overuse of secure detention by fifty percent and reassigned staff to monitor effective community alternatives as well as behavior modification and orientation programs.<sup>20</sup> The Casey Foundation recently selected St. Louis city for its new self-guided initiative for deep end reform, which looks at long-term placement and commitment of Missouri delinquent youth.<sup>21</sup>

After successful implementation of juvenile detention alternatives in these four pilot locations, Missouri made the decision to change fundamentally its approach to juvenile detention statewide, adopting a plan to implement, over time, detention alternatives for all circuits as well as creating a statewide rule mandating the use of an evidence-based juvenile detention assessment tool in all cases. The development of the Missouri Juvenile Detention Assessment, a standardized assessment used to objectively assess whether a juvenile needs to be placed in secure detention prior to his or her hearing, has been one of the most successful innovations of the statewide juvenile detention initiative.<sup>22</sup> As part of the continuing detention reform efforts, effective January 1, 2012, the Supreme Court of Missouri, through court-operating rule, mandated statewide use of the instrument by juvenile officers and detention intake staff.<sup>23</sup> The tool includes a written checklist of criteria to rate each juvenile for specific detention-related risks, and represents evidence-based practices that have been tested and validated.

One of the eight Core Strategies for the initiative is collaboration. That strategy has proven essential to the success of the initiative in Missouri. Judges; court administrators; JDAI coordinators; juvenile office, detention, and legal services staff; community partners, such as attorneys, law enforcement, mental health, education, social

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<sup>20</sup> *See id.*

<sup>21</sup> *Sites Selected to Pilot New Deep-end Reform Strategy*, ANNIE E. CASEY FOUND., <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources/JDAI/2013/Spring%202013/Feature%20Stories/sitesselectedfordeependreform.aspx> (last visited May 23, 2013).

<sup>22</sup> *MO. OFFICE OF STATE COURTS ADM'R, JUVENILE OFFENDER RISK & NEEDS ASSESSMENT AND CLASSIFICATION SYSTEM 1-1 (2005)*, available at <http://www.courts.mo.gov/file.jsp?id=1198>.

<sup>23</sup> *MO. SUP. CT. OPERATING R. 28.01 (2012)*, available at <http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/E2AA3309EF5C449186256BE20060C329/A064014ACB46470086257973005A4C46>.

2016

Albany Law Review

[Vol. 76.4

services, and city and county government office holders and boards; and in some locations, the county legislature all have played a critical role in each sites' success.

Because of the leadership of the individuals working within the pilot sites, "[a]n additional 11 circuits—representing 12 sites with secure detention facilities that operate more as regional centers—have joined the initiative."<sup>24</sup> The goal is to have statewide adoption of JDAI while maintaining the current successes.

JDAI in Missouri has been so successful the Casey Foundation is considering Missouri as a potential model to demonstrate the initiative's improvements in juvenile justice reform nationwide. The data demonstrates the success of the initiative, but it is the positive impact on each child that is the heart and soul of the program.

With policy guidance from the Supreme Court's Family Law Committee and Circuit Court Budget Committee, Missouri has become fully committed to the vision of statewide, evidence-based juvenile detention strategies that are designed to provide these improved results in the lives of children while also improving the judiciary's management of the fiscal resources dedicated to providing juvenile detention services. Due to decreasing juvenile detention populations, the facility consolidations mentioned in the four pilot locations were followed by the closure of six detention facilities in more rural counties.<sup>25</sup> With the proper use of the new statewide detention assessment tool mandated for use by the Supreme Court, and the rededication of the funds from the savings of the facility closures toward alternatives to detention, early results indicate that juvenile detention populations are continuing to decline throughout the state without any known increases of risk to public safety. These groups are also partnering to review the standards for the secure juvenile detention centers that it is necessary to retain, so that Missouri facilities can provide the highest quality of supervision, safety, health, programming, and education possible.

The ongoing transition to evidence-based pretrial juvenile detention practices in Missouri is neither easy nor complete.

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<sup>24</sup> RICHARD B. TEITELMAN & GREGORY J. LINHARES, YOUR MISSOURI COURTS: 2012 ANNUAL REPORT 2 (2012), available at <http://www.courts.mo.gov/file.jsp?id=59481>.

<sup>25</sup> See *Advances in Juvenile Justice Reform: Facility Closures and Downsizing*, NAT'L JUV. JUST. NETWORK, <http://www.njjn.org/our-work/juvenile-justice-reform-advances-facility-closures-and-downsizing> (last visited May 23, 2013).

2012/2013]

Juvenile Detention Reform in Missouri

2017

However, the results so far have shown a consistent trend that indicates a combination of effective rulemaking at the Supreme Court level, effective staffing decisions at the circuit court level, and proper use of evidence-based treatment and monitoring of juvenile offenders can make a great deal of difference in the lives of not only the children who offend, but also all of those whose lives they touch, be it their own families, the victims, or the community as a whole. It may be easier to detain youth and avoid the “risk” of releasing the offender who may reoffend, but if we truly look at our state and indeed our nation as a whole, providing sensible, tested methods for improving the lives of youth is a risk worth taking.