

**New
Hampshire's
Juvenile Justice
System**

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Authors

Dennis Delay
Economist

Steve Norton
Executive Director

About this paper

This paper is one of a series published by the New Hampshire Center for Public Policy Studies on the broad topic of juvenile justice and corrections in New Hampshire. The Concord-based Endowment for Health has sponsored this work.

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Write to: NHCPPS, One Eagle Square, Suite 510, Concord, NH 03301

New Hampshire's Juvenile Justice System

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Executive Summary

The Endowment for Health partnered with the New Hampshire Charitable Foundation, the New Hampshire Department of Health and Human Services, the New Hampshire Department of Education, and a number of family and advocacy organizations to lead a Children's Behavioral Health Collaborative. One anticipated output of this initiative is the creation of a strategic plan that will serve as a roadmap for reform in the children's behavioral health delivery systems. One important part of the behavioral health delivery system is the juvenile justice system.

Thousands of young people move through New Hampshire's juvenile justice system each year, all of them having been adjudicated by the state's court system and many facing mental health or behavioral challenges. If efforts to reform that system are to be successful, policymakers outside of the Division for Juvenile Justice Services (DJJS) and administrators within DJJS need a clear understanding of the population now being served, the trends in juvenile crime, and the data collection methods necessary to improve the way services are provided.

This paper was designed to provide an analysis of the existing juvenile justice system. For this analysis, the Center conducted three analyses. In the first, the Center sought to understand the characteristics of youth in the juvenile justice system. Second, the Center documented what data was available in DJJS in order to understand trends in service provision and their associated costs. A third task was to determine whether the service provision matched the identified risk factors for NH's juvenile justice population and how this compares to other states.

Our major findings associated with these questions are described below.

Juvenile crime is declining. Contrary to the popular impression that juvenile crime is on the rise, our analysis suggests that both juvenile crime and the provision of juvenile justice services is on the decline in New Hampshire. Since 2008, juvenile crimes per 10,000 youth have declined from a rate of approximately 437 to below 359 in 2011.

The number of juveniles in the DJJS system is declining. The number of youth in the DJJS system has also been on the decline since 2008. Thus, the demand for services within the juvenile justice system – at least measured by the number of youth involved in the system – has decreased. This reduction in the number of clients could continue into the future because of a decline in the number of children in the state, and as a result of changes in the requirement for filing a CHINS (“children in need of services”) petition, described below. But understanding the relative role of program interventions versus demographic factors on these trends is not possible, given the lack of public data available on critical characteristics of the DJJS system.

Data necessary to understand the effectiveness of the programming, or to understand potential reform efforts, are not readily available. Basic trends on delinquency and rates of recidivism – arguably the two most important measures of success – are not available. While there is some limited data on the DJJS population and

case load, the lack of information on the risk profile of the population served and no tracking of measures of success of each treatment against the overall goals of the juvenile justice program make it very difficult to evaluate the appropriateness of existing resources and programming.

Overview of the Juvenile Justice System

Until 2001, juvenile justice services in New Hampshire were divided between two separate departments: the Department of Health and Human Services (DHHS) and the Department of Youth Development Services (DYDS). DHHS, through its Division for Children, Youth and Families (DCYF) oversaw Juvenile Probation and Parole Officers. DYDS was charged with managing secure institutions for juveniles.

However, in late 2001, the personnel and functions of DYDS were transferred to DHHS. A new division, the Division for Juvenile Justice Services (DJJS), was created within DHHS to supervise Juvenile Probation and Parole Officers and to run the state's Sununu Youth Services Center in Manchester and the Youth Services Center at Concord. Currently DJJS and DCYF have one director for both divisions. Table 1 Cases involving minors are handled in New Hampshire's Family Division and District Courts. Two types of court cases involve minors in the juvenile justice system¹:

- **Delinquency:** A juvenile delinquent is a person under age 17 who has done something that would be a crime if committed by an adult. Delinquent youth enter as the result of a juvenile petition filed by a law enforcement officer, because the youth has allegedly committed a crime. When a juvenile faces a delinquency charge the juvenile taken into custody by police has the right to remain silent and to be represented by a lawyer; the court must appoint an attorney if the juvenile cannot afford one. Detained juveniles are never housed with adult offenders. A juvenile is entitled to a hearing before a judge within 24 hours of arrest; there is no right to trial by jury in juvenile court.
- **Children in Need of Services (CHINS):** Children under age 18 who repeatedly refuse to attend school, run away from home, or are found uncontrollable. This definition was narrowed considerably in September of 2011, as described in footnote 11. Juvenile cases may also be filed as a CHINS petition by a parent/guardian/custodian, school official or law enforcement officer.

DJJS provides supervision and rehabilitative services for youth adjudicated under state law as delinquent or as children in need of services (CHINS). DJJS also provides services to kids who were petitioned and not yet adjudicated – shelter care, for example. Juvenile Probation and Parole Officers (JPPOs), employed by DJJS, work in communities across the state conducting investigations and supervising CHINS and delinquents, including delinquents released from Sununu Youth Services Center (SYSC) on parole.

¹ Source: "Your Guide to New Hampshire Courts", New Hampshire Bar Association

JPOs support the District and Family Courts from numerous locations across the state of New Hampshire. Each JPO works under the supervision of a Juvenile Probation and Parole Supervisor (who also manages the field office’s daily operations).

The Sununu Youth Services Center (SYSC) is the DJJS secure correctional facility, which provides residential placement, educational services, and treatment for detained and committed New Hampshire youth involved with the New Hampshire court system. SYSC is used only for juvenile delinquents, and not for CHINS clients. Community-based providers, licensed and/or certified by DHHS community based services, provide residential and nonresidential community-services to the DJJS population.

Table 1 below shows the expenditures for DJJS for the year 2010, authorized for 2011 and budgeted for the years 2012 and 2013. Juvenile field services comprise about one third of the expenditures within DJJS, with another third dedicated to rehabilitative programs, educational programs and health services.

Table 1: Division of Juvenile Justice Services Expenditures

Activity	Accounting Unit	2009 Adj		FY 2010 Actual	FY 2011 Adj Auth	2012 Budget	2013 Budget	Change (2008 - 2013)	Agg Change (2008-103)
		2008 Actual	Auth						
		\$24,031,382	\$28,371,337	\$26,579,588	\$28,053,633	\$29,093,748	\$29,246,514		
BFS410010	DIV FOR JUVENILE JUSTICE SERV	\$8,333,341	\$9,398,650	\$9,197,502	\$9,355,221	\$10,320,405	\$10,304,774	22%	\$5,215,132
	58090000 JUVENILE FIELD SERVICES	\$8,333,341	\$9,398,650	\$9,197,502	\$9,355,221	\$10,320,405	\$10,304,774	24%	\$1,971,433
BRS412010	YOUTH DEVELOPMENT CENTER	\$11,962,717	\$13,893,775	\$12,620,663	\$12,724,712	\$12,713,165	\$12,802,111	7%	\$839,394
	58110000 CUSTODIAL CARE	\$780,748	\$918,587	\$839,051	\$954,303	\$982,870	\$997,822	28%	\$217,074
	58120000 MAINTENANCE	\$1,866,581	\$2,220,905	\$1,767,545	\$2,046,825	\$1,965,853	\$2,004,841	7%	\$138,280
	58150000 REHABILITATIVE PROGRAMS	\$5,203,563	\$6,152,015	\$5,463,914	\$5,503,415	\$5,363,753	\$5,417,245	4%	\$213,682
	58170000 REHABILITATIVE EDUCATION	\$2,725,230	\$2,929,016	\$3,048,868	\$3,063,196	\$3,399,679	\$3,374,343	24%	\$649,113
	58210000 JUVENILE DETENTION UNIT	\$1,386,595	\$1,673,252	\$1,501,285	\$1,156,973	\$1,001,010	\$1,007,860	-27%	-\$378,735
DIR411010	OFFICE OF THE DIRECTOR	\$3,037,420	\$3,732,784	\$3,541,663	\$3,877,681	\$3,919,961	\$3,943,177	30%	\$905,757
	58080000 DIRECTOR'S OFFICE	\$405,546	\$401,348	\$433,506	\$512,738	\$508,700	\$509,483	26%	\$103,937
	58100000 ADMINISTRATION	\$610,174	\$796,700	\$633,750	\$743,369	\$850,043	\$858,777	41%	\$248,603
	58130000 HEALTH SERVICES	\$1,388,032	\$1,662,694	\$1,618,106	\$1,966,765	\$1,970,575	\$1,981,343	43%	\$593,311
	58140000 QUALITY IMPROVEMENT/TRAINING	\$383,527	\$441,992	\$312,477	\$440,667	\$372,218	\$370,780	-3%	-\$12,747
	80190000 WORKERS COMPENSATION	\$248,036	\$423,857	\$426,222	\$207,661	\$211,814	\$216,051	-13%	-\$31,985
	85770000 UNEMPLOYMENT COMPENSATION	\$2,105	\$6,193	\$117,602	\$6,481	\$6,611	\$6,743	220%	\$4,638
DJJ413010	DJJS GRANTS	\$697,904	\$1,346,128	\$1,219,760	\$2,096,019	\$2,140,217	\$2,196,452	215%	\$1,498,548
	20230000 OJDP	\$435,669	\$767,622	\$662,157	\$1,066,483	\$1,101,258	\$1,122,489	158%	\$686,820
	20240000 JAIBG	\$168,307	\$339,448	\$353,195	\$665,633	\$682,120	\$691,203	311%	\$522,896
	20330000 OJDP TITLE V GRANT	\$30,033	\$104,858	\$121,097	\$109,737	\$111,932	\$114,170	280%	\$84,137
	58320000 CHAPTER 1 - IDEA	\$1	\$14,500	\$0	\$15,174	\$0	\$0	-100%	-\$1
	58630000 CHAPTER 1 NEGLECTED - DISAD	\$59,561	\$68,133	\$79,649	\$173,669	\$178,251	\$200,576	237%	\$141,015
	60050000 DOJ - SUBSTANCE ABUSE	\$4,333	\$51,567	\$3,662	\$65,323	\$66,656	\$68,014	1470%	\$63,681

Source: New Hampshire State Budget, No further detail available from that source

While it would be valuable to “drill down” on the data in the above table, no further relevant detail is available from the state budget documents which provide the source of the above expenditures. Such data may be collected and available to DJJS, but the Center was not given access to that data and reports on that data were not publicly available.

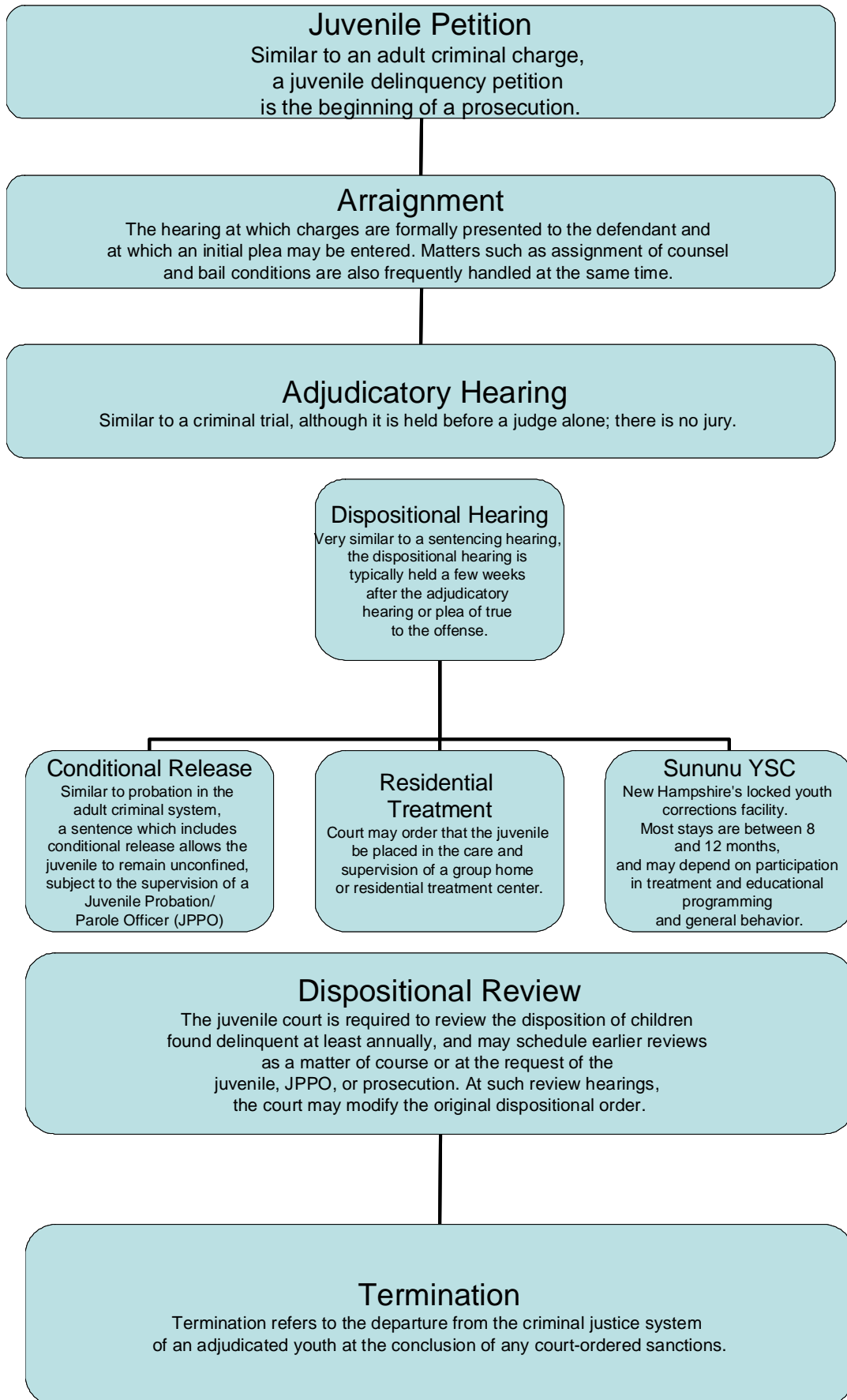
Youth are arraigned in a court proceeding, which is followed by an adjudicatory hearing (see flow chart in Figure 1). A subsequent dispositional hearing can sentence youth to an array of interventions including but not limited to conditional release, residential treatment, or to detention in a secure facility (the Sununu Youth Services Center and the Youth Detention Services Unit). The juvenile court reviews the disposition of each youth while he or she remains in the juvenile justice system. Youth exit from the DJJS system

upon the completion of court ordered sanctions, or if he or she reaches the age of 17.² A glossary describing the DJJS system is contained in an appendix to this report.³

² In New Hampshire the maximum age for delinquency is 16. Persons age 17 and older are prosecuted as adults. The maximum age for CHINS depends upon the offense; however, persons age 18 and over are adults, so CHINS offenses no longer apply. <http://www.dhhs.nh.gov/djjs/probation/court.htm>

³ The glossary is transcribed from a flowchart of the Juvenile Justice System developed by Justiceworks, and available at: <http://www.unh.edu/justiceworks/index.cfm?ID=EBD727A3-F8C5-5B17-2024CFD29D933849>

Figure 1: Juvenile Justice Flowchart



Juvenile justice system trend data

While popular opinion may be that juvenile crime is on the rise, juvenile justice data tell a much different story. Our analysis below demonstrates that both juvenile delinquency and crimes have been declining in New Hampshire (and nationally) for the past several years.

The following figures and tables are based on two sources.

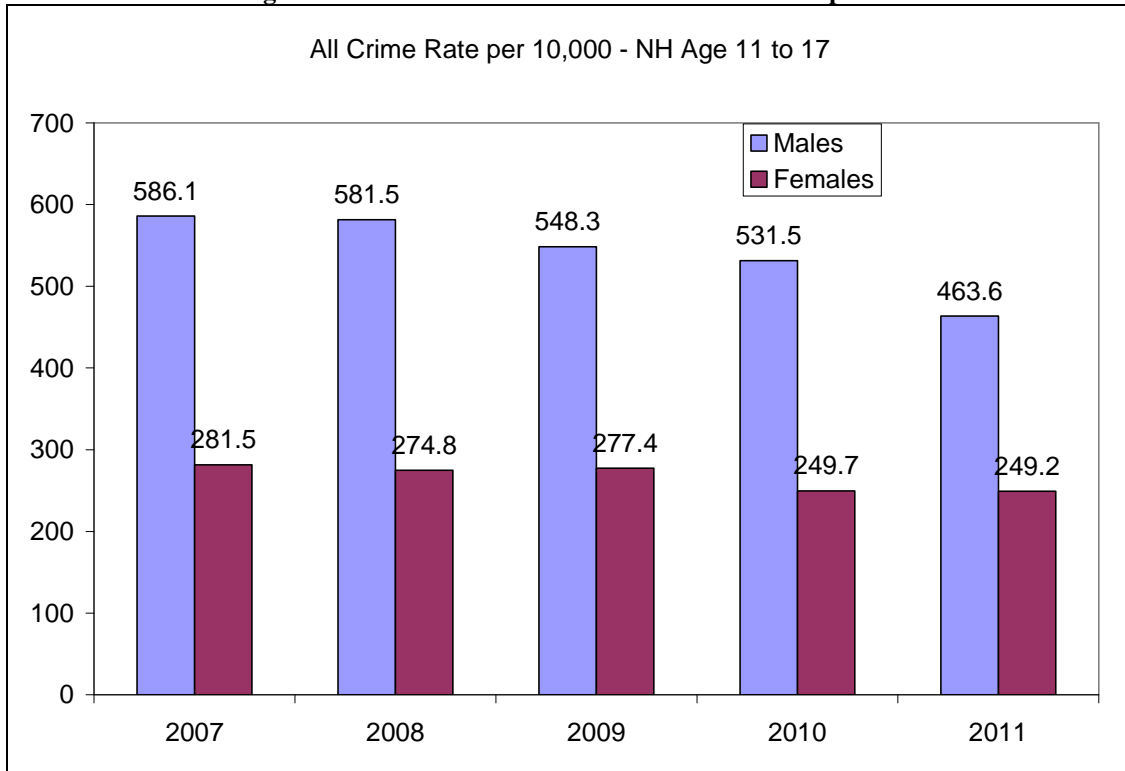
The first source for data on New Hampshire juvenile crime trends comes from the Uniform Crime Reporting unit of the New Hampshire Department of Safety. The Uniform Crime Reporting (UCR) Program of the U.S. Department of Justice collects data on all offenses which are reported to law enforcement agencies in order to measure the level and scope of crime occurring throughout the nation.⁴

The data from the Department of Safety summarizes New Hampshire offense arrests and associated age, gender, and race. This includes not only the major index crimes, such as robbery, aggravated assault and burglary, but also most minor offenses, such as liquor law violations, driving under the influence (DUI), drunkenness, trespass, vandalism, passing bad checks, prostitution, narcotic violations and disorderly conduct, among others. The availability of this data for the 11 to 17 age group allows us to estimate juvenile crime rates by gender and over time. However, prior to 2007 New Hampshire's largest city, Manchester, did not report data in this format, so we have relied on the data from that year forward.

Data from the New Hampshire Department of Safety indicates that juvenile crime rates are holding steady or declining. As shown in Figure 2, juvenile male crime rates dropped from about 586 (per 10,000 juveniles 11 to 17 years old) in 2007 to 464 in 2011, while female crime rates declined from 281 in 2007 to 249 in 2011.⁵ Males are nearly twice as likely to be arrested for an offense compared to females.

⁴ In the late 1980s, the U.S. Department of Justice recognized the need for more detailed crime statistics and called for a thorough evaluative study that led to the modernization of the UCR Program. The redesigned UCR Program, called the National Incident-Based Reporting System, or NIBRS, was promoted to the states as a significant improvement on the existing crime reporting system. New Hampshire collects and reports data under the NIBRS system.

⁵ Persons age 17 and older are prosecuted as adults, but Department of Safety crime statistics are only reported for the 11-17 age group.

Figure 2: Recent Juvenile Crime Rates in New Hampshire

Source: State Arrest Reports, New Hampshire Department of Safety

This decline appears to mirror trends in the rest of New England and across the country. For example, the number of young criminal offenders in the custody of the Massachusetts juvenile justice agency has dropped to historically low levels, according to testimony from the commissioners of the Massachusetts Department of Youth Services. In 2010, there were 730 young offenders in DYS custody for the entire year, down from 1,113 in 2006.⁶

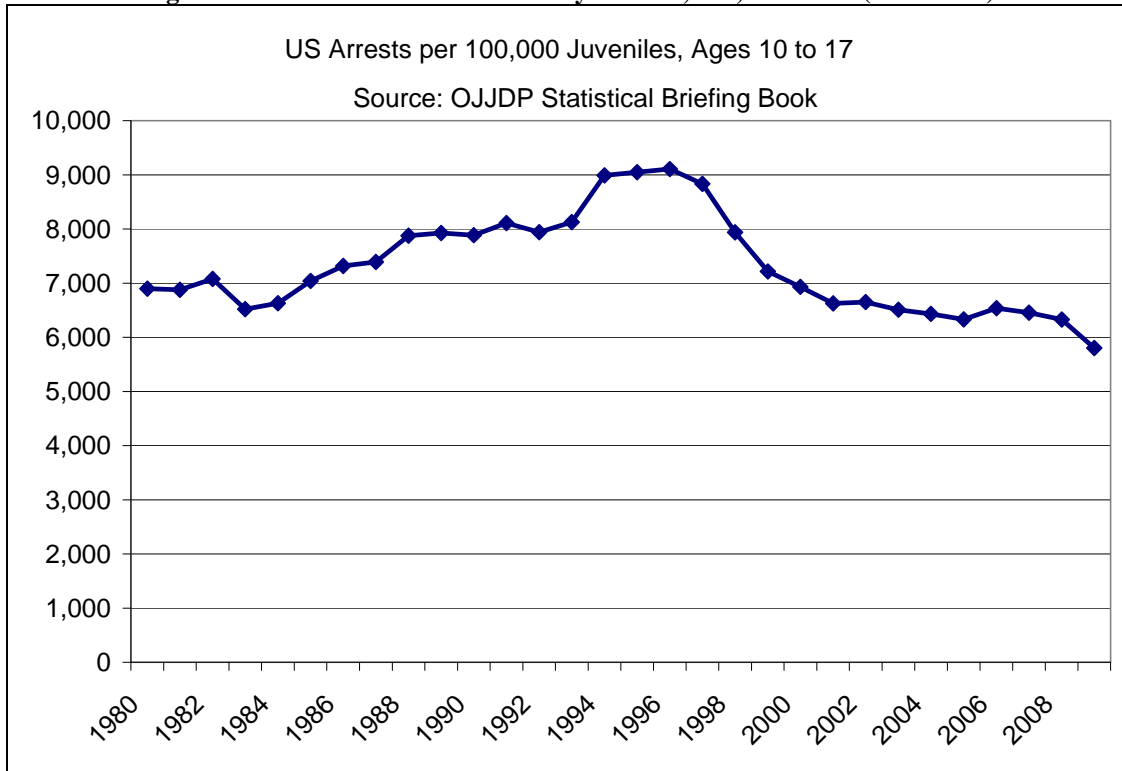
Across the country, the juvenile arrest rate for all offenses reached its highest level of the past two decades in 1996, and then declined 36 percent by 2009, as shown in Figure 3.⁷ In addition, the number of juvenile offenders in residential facilities declined in most states between 2000 and 2008.⁸

⁶ <http://www.milforddailynews.com/archive/x1595585988/Juvenile-offenders-drops-to-historically-low-levels-state-says#ixzz1PvcmbJpo>, June 6, 2011

⁷ National Center for Juvenile Justice (October 16, 2011). Juvenile Arrest Rates by Offense, Sex, and Race. Online. Available: http://www.ojjdp.gov/ojstatbb/crime/excel/JAR_2009.xls.

⁸ Butts, Jeffrey A. and Douglas N. Evans (2011). Resolution, Reinvestment, and Realignment: Three Strategies for Changing Juvenile Justice. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York.

Figure 3: U.S. Juvenile Arrest Rates by Offense, Sex, and Race (1980-2009)



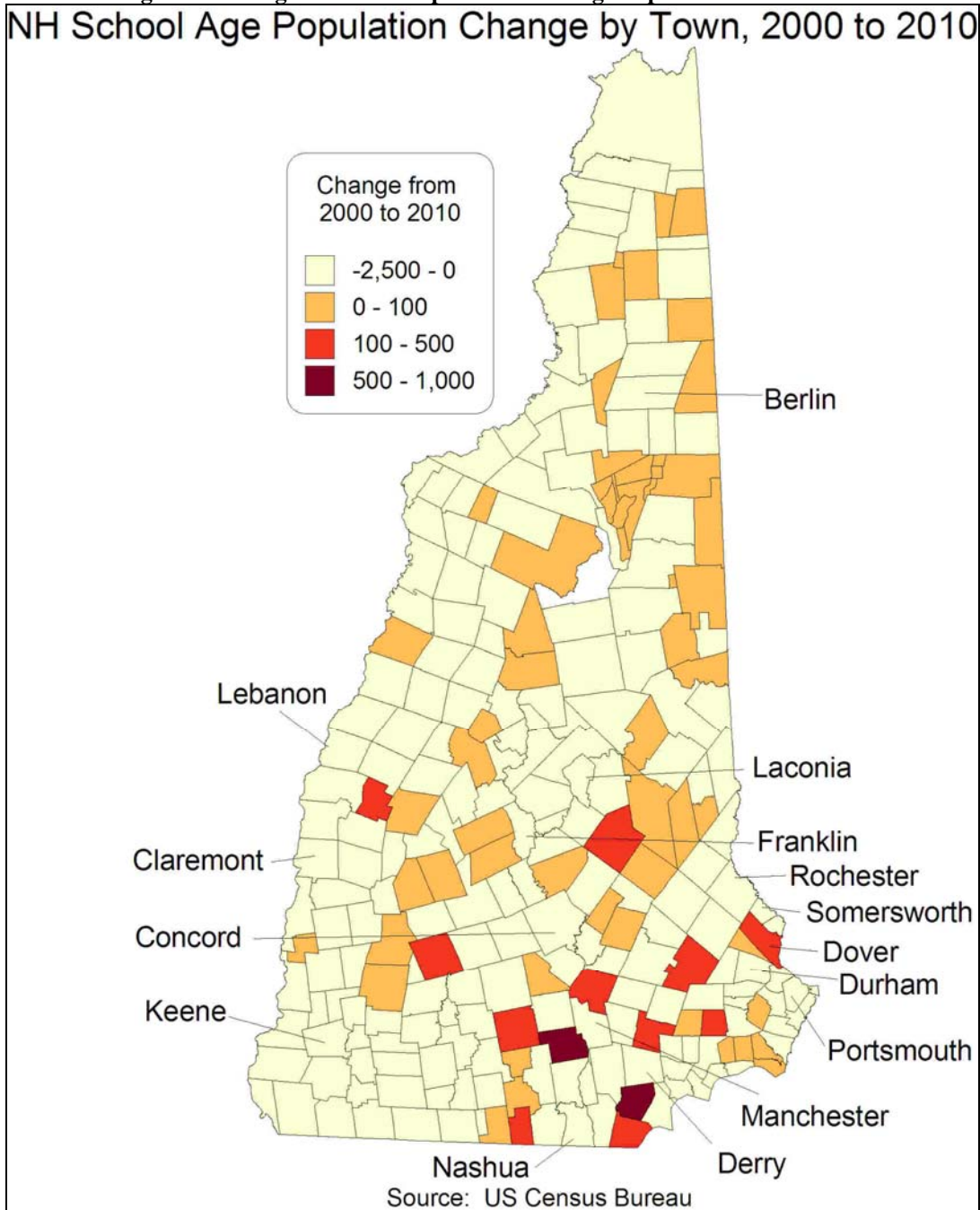
Source: National Center for Juvenile Justice (October 16, 2011)

Juvenile crime is decreasing across the United States, as are violent and property crime rates for the adult population. Criminologists and other national experts are still debating the reasons for the decline in crime since the mid 1990’s. Some point to changes in administrative and investigative emphases of law enforcement, new policies in other components of the criminal justice system (i.e., prosecutorial, judicial, correctional, and probational), and crime reporting by average citizens. A recent analysis also credits ‘hot-spot intervention’ (sending police where crime is repetitively present at high rates, sustaining the police presence there, and putting out that fire); destruction of public drug markets; and “stop and frisk” policies for the decline in crime rates⁹.

The decline in New Hampshire juvenile crime probably comes from two sources. First, the number of young people in New Hampshire has declined over the past ten years. According to U. S. Census data from 2000 to 2010, the overall state population increased, but the number of school-aged children (age 0 to 18) fell from 309,000 in 2000 to 287,000 in 2010. That is a loss of more than 22,000 juveniles, or a 7 percent decline since 2000. That drop was spread across the state, with only a few towns gaining in school-age population, as shown in Figure 4.

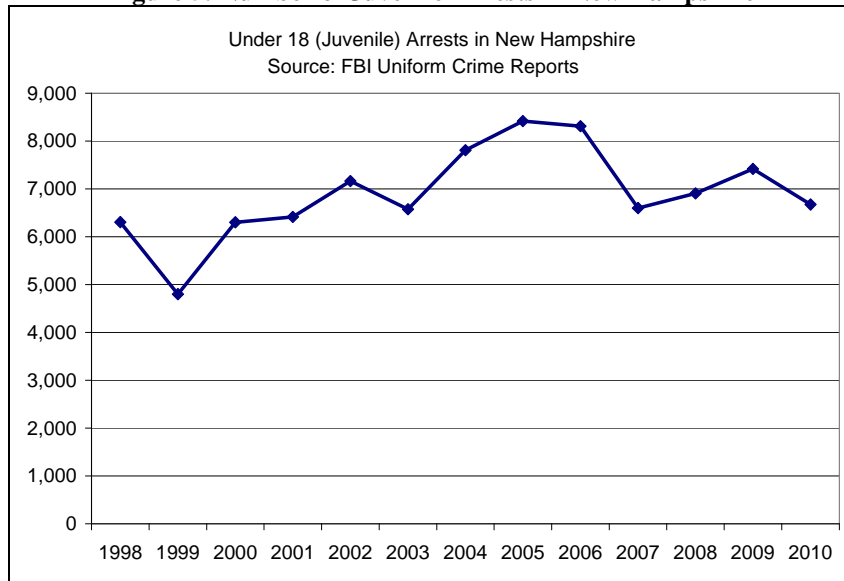
⁹ Franklin Zimring, “The City that Became Safe: New York’s Lessons for Urban Crime and its Control”

Figure 4: Change in New Hampshire School Age Population 2000 to 2010



Secondly, crime statistics show that the number of juvenile arrests in New Hampshire has been declining since 2005, as shown in Figure 5.

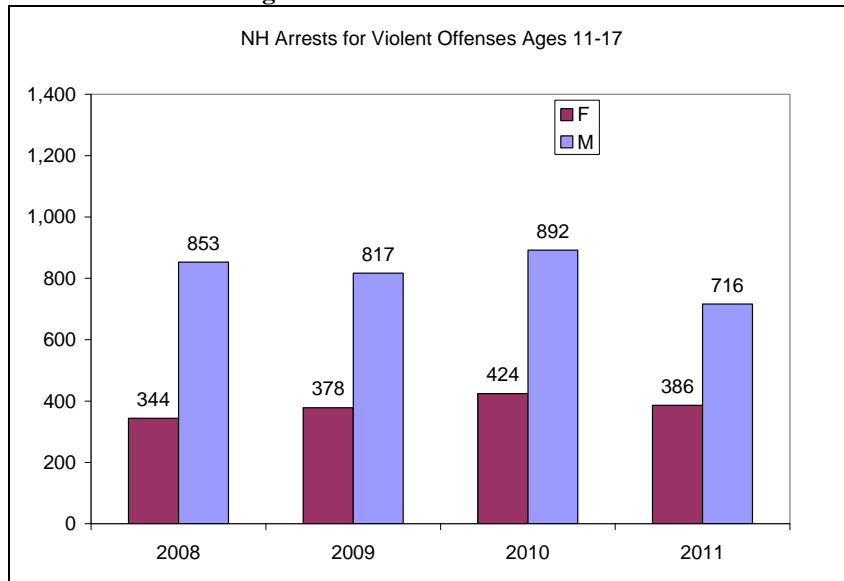
Figure 5: Number of Juvenile Arrests in New Hampshire



Source: Uniform Crime Reports, Table 69, available at www.fbi.gov

Looking at juvenile arrests by type, it appears that juvenile violent offenses have stayed nearly constant over the last three years, as shown in Figure 6. Simple assault¹⁰ comprises the majority of violent offenses for youth in New Hampshire.

Figure 6: Juvenile Violent Arrests

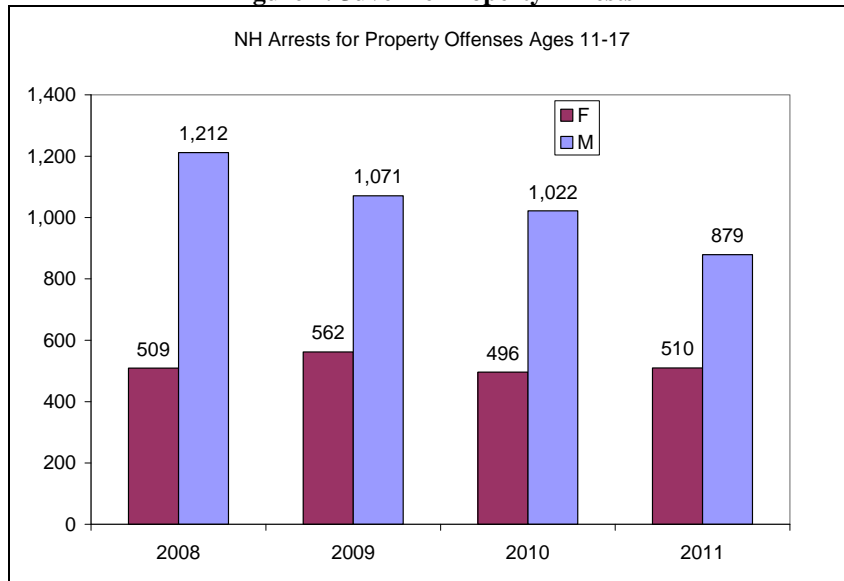


Source: State Arrest Reports, New Hampshire Department of Safety

¹⁰ NIBRS defines “simple assault” as an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness (FBI, 1992).

Arrests for property offenses for males have declined, according to the data shown in Figure 7. Within this grouping, shoplifting predominates for females and vandalism for males. Property offenses are the largest major category of arrests for males.

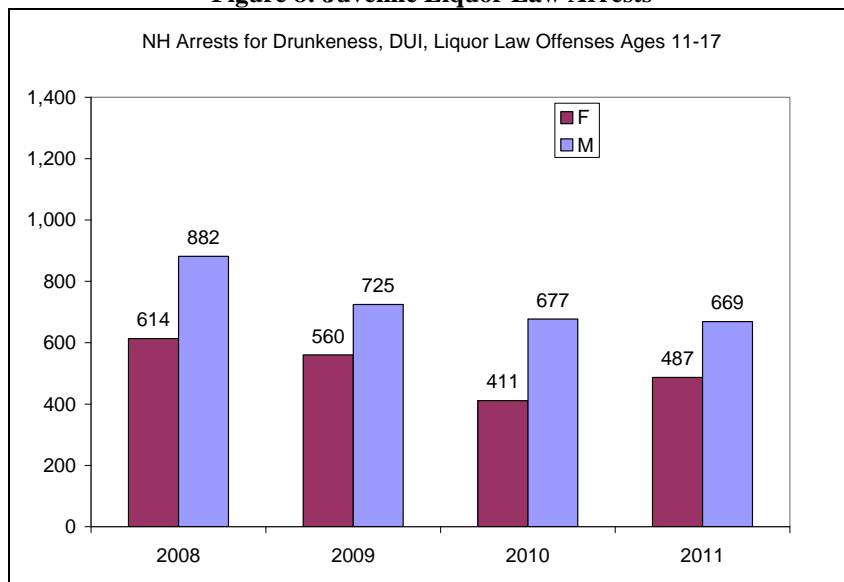
Figure 7: Juvenile Property Arrests



Source: State Arrest Reports, New Hampshire Department of Safety

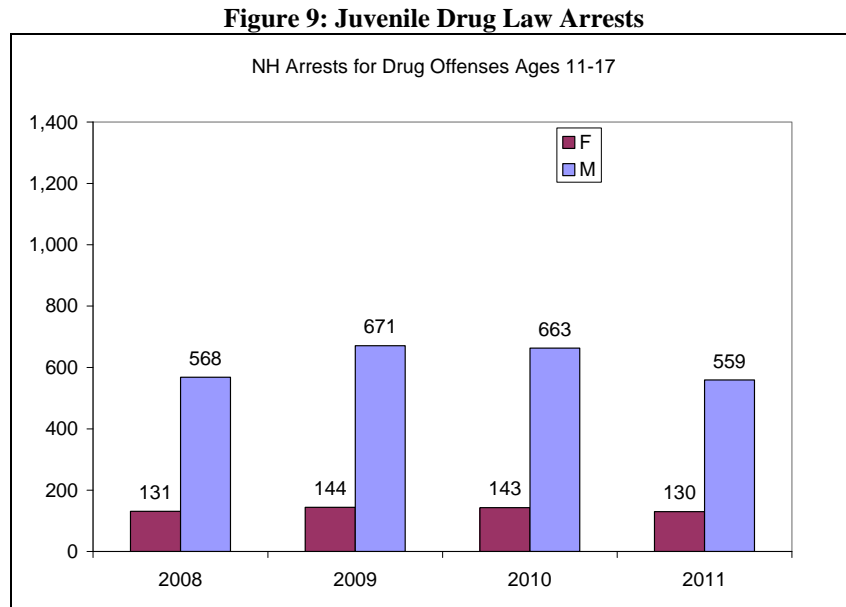
Arrest for drunkenness, driving under the influence (DUI) and other liquor law violations are shown in Figure 8, and also reveal a decline over the last four years for which data is available. These arrests are predominantly for liquor law violations, specifically alcohol acquired and consumed by minors.

Figure 8: Juvenile Liquor Law Arrests



Source: State Arrest Reports, New Hampshire Department of Safety

Finally, arrests for drug use, while the smallest major offense category, have shown a slight increase over the three years 2008 to 2010, but a decline in 2011. As shown in Figure 9, males are four times more likely to have a drug arrest than females.



Source: State Arrest Reports, New Hampshire Department of Safety

The second source of aggregate trends in the DJJS system comes from the New Hampshire Department of Health and Human Services. In May 2012 the Center filed a formal data request with the Division for Children, Youth and Families requesting the following data:

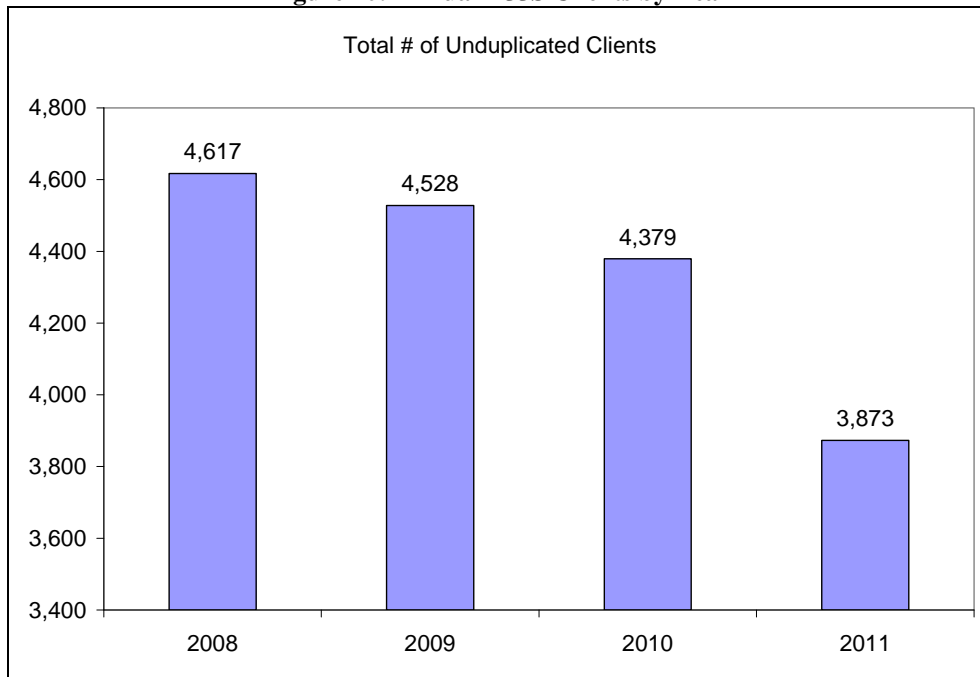
- Annual DJJS Petitions, 2005 to 2011
- DJJS Case Loads by Type, 2005 to 2011
- New DJJS Cases by Calendar Year and Case Type, 2005 to 2011
- Petition Findings Resulting from Adjudicatory Hearings by Calendar Year, 2005 to 2011
- Unique Petitioned Individuals by Calendar Year and County of Residence, 2005 to 2011
- Unique Petitioned Individuals by Calendar Year and Race/Ethnicity, 2005 to 2011
- Unique Petitioned Individuals by Calendar Year and Gender, 2005 to 2011
- Number of Placements by Placement Type and Calendar Year, 2005 to 2011
- Petitioned Offenses by Calendar Year and Offense Group Type, 2005 to 2011
- Average Daily Individuals in Placement by Placement Category and Calendar Year, 2005 to 2011
- Average Placements Among Placed Children Ever in Juvenile Justice by Age Out Calendar Year, 2005 to 2011
- Average Total Time in Placement for Placed Children Ever in Juvenile Justice by Age Out Calendar Year, 2005 to 2011

- Percentage of Clients That Return to Sununu Youth Services Center After Initial Release, by Calendar Age-Out Year
- Unique Individuals in Placement by Age and Calendar Year, SYSC and Other Placements, 2005 to 2011

In response to the data request the Center received aggregate summary DJJS data from the New Hampshire Department of Health and Human Services, Division for Children, Youth & Families (DCYF). The data set received from DCYF includes annual data for the DJJS system number of clients for the years 2008 through 2011, with limited detail by type of placement, and by race and ethnicity. That data are presented on the following pages.

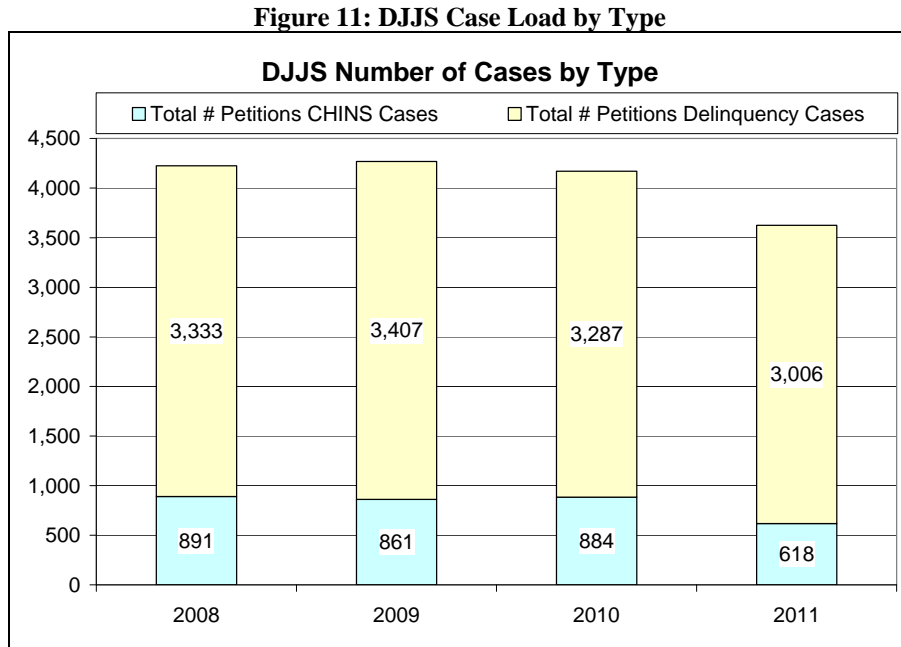
As shown in Figure 10, the number of youth in the DJJS system has been declining since 2008. In that year, 4,617 unique clients were part of the DJJS system in New Hampshire, but by 2011 the number of clients had fallen to 3,873.

Figure 10: Annual DJJS Clients by Year



Source: Division for Children, Youth & Families

Delinquency accounts for the bulk of the DJJS caseload, as shown in Figure 11. There were about 900 clients under Children in Need of Services (CHINS) in most years, although that number was reduced to about 600 in 2011, when changes in state law and budget cuts reduced the scope of the program.¹¹

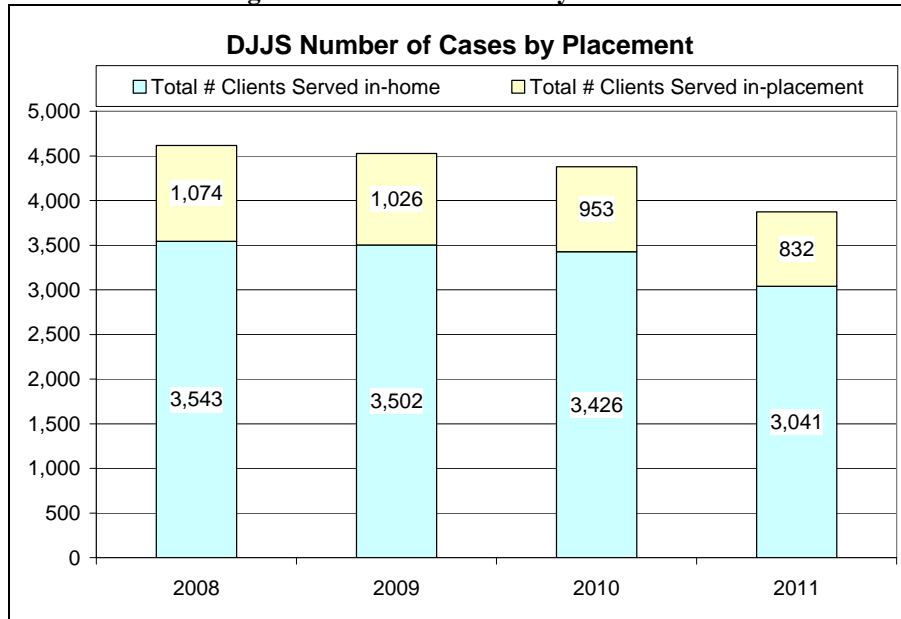


Source: Division for Children, Youth & Families

Most DJJS clients, about 80 percent, are served in an in-home environment. As shown on Figure 12 about 20 percent of DJJS clients are placed in a facility, or served in-placement. This could include an array of residential services, such as foster homes, group homes, and intensive treatment facilities.

¹¹ The definition of Children in Need of Services (CHINS) and the requirements for filing a CHINS Petition changed on September 30, 2011, when changes to RSA 169-D went into effect. A Child in Need of Services is now defined as, "a child under the age of 18 with a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under 1 RSA 169-B or RSA 169-C". The chronically truant, runaways and other less severe cases are no longer funded under the program. <http://www.courts.state.nh.us/fdpp/chins.htm>

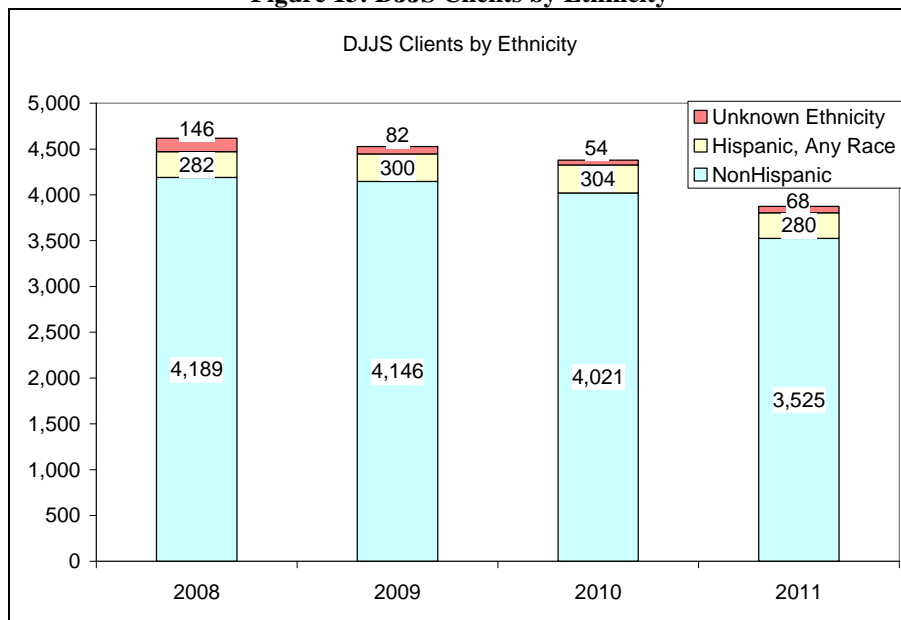
Figure 12: DJJS Case Load by Placement



Source: Division for Children, Youth & Families

Individuals in New Hampshire's juvenile justice system are overwhelmingly white and non-Hispanic. The number of non-Hispanic clients has declined from about 4,200 in 2008 to approximately 3,500 in 2011 (Figure 13). However, the number of Hispanic clients has remained at nearly 300 in the last four years.

Figure 13: DJJS Clients by Ethnicity



Source: Division for Children, Youth & Families

When looking at DJJS clients by race, the overwhelming majority of the DJJS client population is White. Black-African Americans are the second largest racial group of clients, and amount to about 200 each year, as shown in Table 2.

Table 2: DJJS Clients by Race

DJJS Unduplicated Clients by Race						
Calendar Year	White	Black-African American	Asian	Native Hawaiian/Other Pacific Islander	American Indian/Alaskan Native	Unknown Race
2008	4,224	185	38	10	33	127
2009	4,188	202	37	6	37	58
2010	4,024	214	32	9	48	52
2011	3,483	219	32	9	42	88

Source: Division for Children, Youth & Families

However, relative to New Hampshire's demographic composition, minority populations are over represented in the New Hampshire DJJS system. Table 3 shows the number of DJJS clients in selected racial and ethnic groups, compared to the number of New Hampshire residents in the 10 to 17 year old age group. On average there are about 31 DJJS clients per 1,000 age 10 to 17 year olds in New Hampshire in the year 2010. But the ratio of DJJS clients to the general population is almost twice as high for Hispanics, and three times as high for Black-African American youth.

Table 3: DJJS Minority Population Compared to New Hampshire

	Total	White	Black-African American	Hispanic, Any Race
2010 NH Population Age 10 to 17	139,672	128,636	2,108	5,694
DJJS Clients 2010	4,379	4,024	214	304
<i>DJJS Clients per 1,000</i>	31.4	31.3	101.5	53.4

Source: Division for Children, Youth & Families, and US Census Bureau

Disproportionate Minority Contact (DMC) in the juvenile justice system is the phenomenon of racial disparity among juvenile offenders. DMC is the over representation of racial and ethnic minorities at all points in the juvenile justice system, from arrest to referrals, adjudication, diversion, detention, confinement and finally movement into the adult court and corrections systems. National data suggests that minorities are over represented in juvenile justice systems across the country, and that DMC increases as youth move through the juvenile justice system.

Table 4 shows that placements to the Sununu Youth Services Center have been declining. The number of detained and committed males has dropped by half, while the number of females in SYSC has changed little over the last four years.¹²

¹² The Sununu Youth Services Center and the Youth Detention Services Unit provide an architecturally secure placement for committed juveniles and for NH youth involved with the NH court system prior to their adjudication. (<http://www.dhhs.state.nh.us/djjs/index.htm>)

Table 4: DJJS Sununu Youth Services Center Clients

Detained*				Committed*			
	Female	Male	Total		Female	Male	Total
CY 2008	51	193	244	CY 2008	42	186	228
CY 2009	38	169	207	CY 2009	26	122	148
CY 2010	41	158	199	CY 2010	31	110	141
CY 2011	53	118	171	CY 2011	39	92	131

Source: Division for Children, Youth & Families

Declining placements to the Sununu Youth Services Center have been credited by Sununu Center staff to the adoption of a statewide risk assessment, under the Juvenile Detention Alternative Initiative (JDAI). The JDAI effort began in the late 1990s with the development of a Risk Assessment Instrument (RAI) involving key stake holders, followed by a pilot program in two New Hampshire counties. Since October 2008, all New Hampshire courts have been utilizing a detention screening instrument (RAI) which helps the court identify violent youth and better determine which youth are detained. JPPOs currently use standardized assessment tools to assist in making appropriate dispositional recommendations to the courts and for case planning.¹³

The Center cannot confirm that the JDAI program has been the sole cause of declining admissions and placement at SYSC. Previously we have noted that the number of juvenile arrests has also declined over time. The drop in juvenile arrests, along with early intervention and prevention programs that divert juveniles before they end up in the delinquency system, could also be significant contributing factors to the recent decline in placements at the Sununu Center.

DJJS Goals and Measurement

In addition to an assessment of the trends in the juvenile justice system, and the demographic and policy factors driving those trends, a third part of our analysis was to be an effort to understand what information would be useful in determining whether, and which, policy changes could have a meaningful impact on outcomes of interest to the DJJS. Our analysis suggests that data that would support an understanding of the existing goals of the system, impact of recent policy changes, or new policy changes is not available.

Understanding Policy Changes and Their Impact

As noted previously, declining admissions and placements to the SYSC have been credited to adoption of a statewide risk assessment. Since October 2008, JPPOs currently use standardized assessment tools to assist in making appropriate dispositional recommendations to the courts and for case planning. The data to assess whether this

¹³ All New Hampshire courts now participate in the Juvenile Detention Alternative Initiative (JDAI). Each juvenile detention decision in New Hampshire is now guided and determined by a risk assessment instrument. Source: NH JDAI State Coordinator and Quarterly Reports to the JDAI Steering Committee

programmatic change has been successful, however, is not currently available, as DJJS staff indicated they did not have the resources to support this information.¹⁴ An analysis of the effectiveness of this change would include a review of changes in placements by category (home, foster care, group home, and the Sununu Center as examples), as well as information on recidivism rates.

In the end, the Center was unable to find data that would support an understanding of the primary goals for DJJS. According to state budget documents, the DJJS has four major goals:¹⁵

1. Community Safety: Youth will leave the juvenile justice system better than when they entered.
2. Restoration of the Community and the Victims of Juvenile Offenses: Repair the harm caused by misconduct through restitution and community service.
3. Reintegration into Communities and Permanency of Youth into Families: Fewer youth in out-of-home placements and successful expedited transitions from residential placements back to families and communities.
4. Cost effective intervention through appropriate rehabilitative services for juvenile offenders and CHINS.

In our analysis of DJJS data, we were unable to discover existing reports that routinely inform practice regarding the above stated goals within DJJS. The Center could see no evidence that DJJS tracks objective measure of whether youth leaving the DJJS system are “better” than when they entered. Because we have found no data on the risk profile of the population, whether the treatments offered to youth in the system are appropriate, and few measures of success of each treatment against the overall goals of the particular program, we were unable to determine whether the service provision matched the identified risk factors for NH’s juvenile justice population and how this compares to other states.

Simply put, the DJJS system does not appear to have the necessary data resources to evaluate the effectiveness of its programs, given the lack of data on the characteristics of the youth placed in each program and on the outcomes achieved by youths in each of their programs. DJJS does not have a report describing the interventions now being utilized in New Hampshire, nor does it appear to collect information on outcomes associated with those interventions. For example, there is no information available from DJJS on what interventions youth are receiving annually (i.e., delinquency vs. CHINS). There is also no routinely produced public information on the specialized interventions delivered to youth in the DJJS system, or how long individual youth remain in out-of-home placement. There is no information on which interventions and rehabilitative services have been the most cost effective. Finally, the Center could discover no uniquely defined recidivism measures for the juvenile justice system.

¹⁴ Data was available on a longitudinal basis, but the staff of DJJS indicated that they did not have the resources to maintain that data and analysis.

¹⁵ <http://www.dhhs.state.nh.us/ocom/documents/senate-djjs.pdf>

Developing data capture in juvenile justice

While there is no “one size fits all” approach to data capture and evaluation, there are some basic – and critical – data elements that must be captured to demonstrate program effectiveness¹⁶. To this end, the data on juveniles within New Hampshire’s DJJS system should include screening to develop the demographic profile of each program participant and should document each type of service and treatment that is provided to a participant.

The necessary data elements captured should assist in evaluation of the overall juvenile justice goals. A common element for all programs is to reduce juvenile delinquency and recidivism (consistent with the DJJS stated goal of “leaving the juvenile justice system better than when they entered”), but it is also important to measure how each program or treatment will reduce delinquency and recidivism rates. Some programs may focus on education and literacy services, while others might address behavioral and mental health issues.¹⁷

Models for Change, a national juvenile justice reform group, has noted that close to 70 percent of youth in the juvenile justice system “meet the criteria for at least one mental health disorder such as major depression, bipolar disorder or anxiety conditions”¹⁸. Many studies have found that some of these health issues occur at higher rates than in the general adolescent population. Further national analysis suggests that although some youth in the national juvenile justice system are treated by health care providers in their community on a regular basis, others have had inconsistent or nonexistent care, even while the health needs of these youth are commonly identified when they are admitted to a juvenile custodial facility¹⁹. Our concern is that New Hampshire does not appear to have the data collection capacity to understand the prevalence of behavioral and mental health issues systematically in the DJJS system.

Linking interventions in the New Hampshire DJJS system with their associated costs is also not currently possible. Discussions with DJJS management indicate that the broad costs of programs may be available, but linking specific delivery costs with individual clients is not possible. The Center notes that juvenile justice programs in several other states do attempt to determine the most likely make-up of costs linked to specific interventions.²⁰

¹⁶ “Evaluating Corrections Reentry Programs - The Hillsborough County Reentry Program”, NHCPPS and Council of State Governments Justice Center, March 2010, <http://www.nhpolicy.org/reports/reentryevalplusapp.pdf>

¹⁷ The Center’s suggestions are based on our independent evaluation of New Hampshire’s juvenile drug courts and the state’s “Reclaiming Futures” initiative, funded by the Robert Wood Johnson Foundation. Reports available on our website at: <http://www.nhpolicy.org/topic.php?sub=13>

¹⁸ <http://www.modelsforchange.net/about/Issues-for-change/Mental-Health.htm>

¹⁹ Health Care for Youth in the Juvenile Justice System, American Academy of Pediatrics, December 2011, <http://pediatrics.aappublications.org/content/early/2011/11/22/peds.2011-1757>

²⁰ Butts, Jeffrey A. and Douglas N. Evans (2011). Resolution, Reinvestment, and Realignment: Three Strategies for Changing Juvenile Justice. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York. Examples in California, Ohio, Illinois and Texas.

In a recent paper by the Brookings Institution and Princeton's Woodrow Wilson School of Public and International Affairs, researchers examined why so few states have adopted evidence based treatment programs in their juvenile justice systems:

“First, agencies rarely invest in developing data systems that permit them to monitor which programs are working and which are not; therefore, most states’ juvenile justice systems have no idea if they are spending their money wisely. Second, many policymakers are often unaware of research evidence on programs and policies that are not only effective in reducing juvenile delinquency but also cost-effective. Third, often what works is at odds with “get tough on crime” public sentiment, and some policy makers are unwilling to choose evidence over politics.”²¹

The bottom line is that there is insufficient data and analysis currently available to answer the most important questions about the DJJS system:

- Who are the youth involved in New Hampshire's juvenile justice system?
- What are their needs?
- What risk factors do adjudicated youth have (i.e. history of trauma, poverty, single-parent households)?
- What behavioral health problems do adjudicated youth have, and how are they screened? Who does the screening?²²
- What do best practices tell us about the best way to meet the needs of the kinds of youth New Hampshire is currently serving in its system?
- How do we make systemic changes to re-engineer the system to reflect these best practices?

The following questions are particularly pertinent to juveniles being served in the Sununu Youth Services Center.

- Are the youth within this facility “violent offenders,” based on the data?
- How does this compare to incarcerated youth in other states?
- Do the interventions match the risk factors, behavioral problems or crimes committed based on national best practices?
- Does New Hampshire need a facility as large as the Sununu Center, or could these youth be served more effectively and efficiently elsewhere?

²¹ Best Practices in Juvenile Justice Reform (18_02_highlights.pdf), The Future of Children: A Collaboration of The Woodrow Wilson School of Public and International Affairs at Princeton University and The Brookings Institution.

²² “One of the commonly used screening tools for mental health and substance abuse specifically developed for the juvenile justice system is the Massachusetts Youth Screening Instrument–Second Version (MAYSI-2). This 52-item screening instrument takes 10 minutes to complete and is validated as a self-report response tool that requires no clinical expertise to administer, score, or interpret; is low cost and can be used by a range of ages, different ethnic groups, and both genders; and has good psychometric properties.” Source: Health Care for Youth in the Juvenile Justice System, <http://pediatrics.aappublications.org/content/early/2011/11/22/peds.2011-1757>

The best practices for evaluating a juvenile justice system should include a well-established process for collecting information, including an electronic method of data entry and storage and a management system for redistributing that information back to those who can affect practice. There must also be a commitment to collecting the right information in order to adhere to basic principles of research and management. Indeed, these activities require commitment of resources, but the ability to make an empirical case for continuing a program is incumbent upon these processes.

An Example: Aggregate Reporting by the Department of Corrections

The Center has published several papers examining the New Hampshire adult corrections system, including papers published in 2006 and 2009 documenting trends in New Hampshire's inmate population, and also papers supporting the more recent Justice Reinvestment reforms²³. None of these Center reports would have been possible without the New Hampshire Department of Corrections (DOC) creating and maintaining data sets that identify important aggregate trends that inform routine policy and practice.

The New Hampshire Department of Corrections produces an annual report, which includes summary data number of inmates by gender, race, age, and crime type, admissions and releases by type, statistics on inmates by minimum and maximum sentence, and expenditures by incarceration facility and cost per day per inmate. Also the Department of Corrections has published several reports on recidivism, including studies of the number of inmates returned to prison within three years of their release, and more recently an examination of the primary reason inmates return to prison.²⁴

Finally, the Department of Corrections provides the Center with several monthly data reports, from the DOC CORIS database, which allow the examination of broad trends in the state's inmate population.

One report, updated monthly and shown in Table 5, details the existing inmate population by major crime type, by gender and by the age of the inmate.

Table 5: DOC Inmates by Major Crime Type
Reporting Crime Type Summary for 7/1/2012

#	Type Description	Total Count	Total Males	Total Females	Total 17-21	Total 22-25	Total 26-30	Total 31-40	Total 41-50	Total 51-60	Total Over 60
1	Unknown	107	99	5	1	5	14	19	30	22	13
2	Drugs/Alcohol	336	296	40	6	38	83	127	52	22	8
3	Other	231	221	10	3	27	25	79	59	29	9
4	Personal	1,387	1,333	54	31	130	166	305	352	242	161
5	Property	665	594	71	26	105	141	210	122	53	8
	TOTALS=	2,726	2,543	180	67	305	429	740	615	368	199

Source: New Hampshire Department of Corrections

²³ Refers to the research driven reforms adopted by DOC under the SB500 law in October 2010.

²⁴ DOC recidivism and annual reports are available on the DOC website at <http://www.nh.gov/nhdoc/divisions/publicinformation/index.html>

The above report is also available by sentencing offense description, including the identification of the state criminal statute for the reporting crime.

Another report, shown in Table 6, provides detailed monthly data on inmate admissions and releases by type.

Table 6: Monthly DOC Admissions and Releases

NH DOC Monthly Facility Population Summary Report - ALL -													
	Jul 1 2011	Aug 1 2011	Sep 1 2011	Oct 1 2011	Nov 1 2011	Dec 1 2011	Jan 1 2012	Feb 1 2012	Mar 1 2012	Apr 1 2012	May 1 2012	Jun 1 2012	Jul 1 2012
Total NH in Facility	2,359	2,353	2,325	2,315	2,257	2,293	2,323	2,367	2,390	2,427	2,452	2,458	2,472
Total Non-NH in Facility	85	85	87	91	93	96	100	100	98	95	93	91	91
Total in facility	2,444	2,438	2,412	2,406	2,350	2,389	2,423	2,467	2,488	2,522	2,545	2,549	2,563
Total In Facility-Prev Month	2,457	2,444	2,438	2,412	2,406	2,350	2,389	2,423	2,467	2,488	2,522	2,545	2,549
New Admission	21	14	15	19	20	18	20	33	25	24	23	18	20
New Admission (Previous Record)	30	29	27	35	21	28	32	30	19	42	36	22	31
Parole Violators													
Start Detention-Pending PV	55	46	52	40	29	39	35	52	37	40	30	53	40
Start Detention-7 Day Sanction	5	6	4	7	16	19	9	13	18	16	14	10	21
Start Detention-Unknown/Incomplete	3	7	16	8	5	13	15	12	11	14	4	11	6
Probation Violators	13	15	9	11	7	18	15	13	13	12	14	17	17
AHC Returns	1	0	1	1	1	1	3	2	0	2	0	2	3
Escape/Returned	1	0	0	3	0	1	0	0	2	1	0	1	2
Other Jurisdictions	15	4	6	22	10	6	10	9	7	14	14	8	13
Transfer IN	1	1	0	3	2	2	1	1	1	2	2	1	1
Total Admissions-Prev Month	145	122	130	149	111	145	140	165	133	167	137	143	154
Max Out-Released to Society	5	10	7	6	6	2	4	8	5	7	3	10	3
Max Out-Released to FS	0	0	0	2	0	1	0	1	2	0	1	1	1
Released to Parole													
End Detention-Pending PV	8	6	11	15	6	4	6	1	9	6	8	8	15
End Detention-7 Day	4	7	4	10	16	21	10	12	18	16	18	12	18
End Detention-90 Days	39	41	46	37	30	26	20	11	7	15	9	17	17
End Detention-90 Day Extended	0	0	0	0	0	0	0	2	1	1	6	2	0
End Detention-PV Discretionary	0	0	0	1	3	0	2	7	9	6	3	7	8
End Detention-Parolee	5	3	4	5	2	3	2	2	0	1	0	1	3
Required-9 Month	0	1	3	4	0	0	0	1	0	0	1	0	0
Required-120%	0	1	2	0	1	0	0	0	0	0	0	0	0
Parole (Discretionary)	71	46	67	61	77	39	48	67	49	63	43	58	59
Unknown/Incomplete Detention	0	1	0	0	0	0	0	0	0	1	0	0	0
Released to Probation	18	5	3	2	7	6	6	4	3	8	7	7	5
Released to AHC	1	3	3	3	10	1	0	2	1	3	3	2	9
Released/Escape Status	1	0	2	1	0	0	0	1	1	1	2	0	1
Released to Other Jurisdictions	5	3	3	7	5	2	7	1	6	3	9	11	5
Transfer OUT	0	1	1	1	4	2	0	1	0	2	1	3	2
Total Releases-Prev Month	157	128	156	155	167	107	105	121	111	133	114	139	146
Total Prev/Admission/Release	2,302	2,317	2,288	2,262	2,242	2,248	2,286	2,305	2,359	2,360	2,413	2,549	2,558
Exceptions	1	0	2	1	0	-1	1	1	2	2	2	0	-5
Total Physical Population	2,444	2,438	2,412	2,406	2,350	2,389	2,423	2,467	2,488	2,522	2,545	2,549	2,563
Total NH Out of Facility/Escapes	200	204	204	201	204	199	191	187	187	187	189	186	194
Total DOC Responsible	2,644	2,642	2,616	2,607	2,554	2,588	2,614	2,654	2,675	2,709	2,734	2,735	2,757
Variance	0	-2	-26	-9	-53	34	26	40	21	34	25	1	22
Total NH in Facility	2,359	2,353	2,325	2,315	2,257	2,293	2,323	2,367	2,390	2,427	2,452	2,458	2,472
Escape Status	8	8	10	9	9	8	8	9	8	9	11	10	9
Total NH Out of Facility	192	196	194	192	195	191	183	178	179	178	178	176	185
Total NH Sentenced	2,559	2,557	2,529	2,516	2,461	2,492	2,514	2,554	2,577	2,614	2,641	2,644	2,666
Variance	2,559	-2	-28	-13	-55	31	22	40	23	37	16	14	22

Source: New Hampshire Department of Corrections

The above report is available at the same level of detail by gender.

The foregoing reports from the Department of Corrections have allowed the DOC to better track the outcomes of their practices, policies and programs, including the reforms associated with the Justice Reinvestment Initiative. Despite tight budgets and increased demands, the DOC believes it is imperative that they continue to develop ways to accurately measure what they do to meet their goals and achieve success. The DJJS should strive to meet this standard of measurement and reporting.

Conclusion

The Center has performed an examination and analysis of reports and data that already exist in the DJJS system. We have searched for routine data reports that inform policy and fill in the gaps in management of youth in the DJJS system.

We have been able to document trends in the juvenile justice system at a very superficial level. More detailed routine data reports on services, risk factors and outcomes are not available, and we were therefore unable to determine whether the services provided matched the identified risk factors for New Hampshire's juvenile justice population and how this compares to other states (the third goal of this research).

The Center suggests that the ability of policy makers to understand, and think about improvements in, the Juvenile Justice System in New Hampshire could be improved in several areas. First, there is an absence of measurable outcomes within DJJS that make it difficult to understand how to begin to assess programmatic interventions. As with other work the Center has done within corrections, recidivism is a critical definitional concept and one for which data is not currently available. Therefore the Center strongly recommends that DJJS define recidivism and figure out a way to measure it.

Second, data development in the juvenile justice system needs to be improved, as there is currently a dearth of useful information on the clients being served, the programs being implemented, and the outcomes associated with each program. The Center has seen no evidence that DJJS determines risk profile of each client, how that risk profile translates into placement in a secure facility, cost per case, and how that relates to risk profile. Moreover, the treatment received by juveniles within DJJS is not documented, making it very difficult to track treatment with outcome measurements (which have their own issues, as identified above).

Finally, the Center recommends that DJJS develop a set of data reports to allow measurement of DJJS outcomes. Such reports should gather and utilize data that could inform practice. Examples of these data reports would include trend data points, petitions, average probation case load, percent of delinquents with a child dependent history²⁵, as well as DJJS aggregate characteristics (gender, age, race and ethnicity).

²⁵ Delinquent youth often have prior histories of abuse and/or neglect, and therefore may have received services under the Division for Children, Youth and Families. Source: "The History of Defining Youth: Current Implications for Identifying and Treating Delinquent Youth", <http://newyorksociologist.org/08/Harteringer-08.pdf>

Appendix

Glossary of Terms²⁶

Youth in New Hampshire enter the DJJS system as the result of a juvenile petition. Youth are then arraigned in a court proceeding, which is followed by an adjudicatory hearing. A subsequent dispositional hearing can send youth to conditional release, residential treatment, or to detention in a secure facility (usually the Sununu Youth Services Center in Manchester). While in the DJJS system the juvenile court reviews the disposition of each youth. Youth will exit from the DJJS system upon the completion of court ordered sanctions, or if the youth reaches the age of majority. In New Hampshire, the age of majority is 17 years old.

- **Juvenile Petition** is similar to an adult criminal charge. A juvenile delinquency petition is the beginning of a prosecution. Under New Hampshire law, anyone may file a petition with a district court alleging the delinquency of a minor. Police officers and JPPOs have the discretion to either file formal delinquency petitions against arrestees or release them to the custody of their parents or guardians without court referral. Police officers, JPPOs, and prosecutors may also refer a juvenile to any court-approved diversion program rather than file a formal petition, subject to local diversion referral procedures approved by the district's administrative judge. However, the court must approve any diversion once a delinquency petition has been filed.
- **Arraignment** is the first court proceeding in most delinquency cases. At the arraignment, the court allows the juvenile to enter an initial plea "true" or "not true" in place of the adult pleas of "guilty" or "not guilty." The court also determines what conditions may apply to the juvenile while the court proceedings are pending, such as a curfew, drug testing, or confinement while awaiting conclusion of the case. An attorney may be appointed to represent the juvenile if the family cannot afford counsel.
- **Adjudicatory Hearing** is similar to a criminal trial, although it is held before the judge alone; there is no jury. Juvenile delinquency cases are heard in the district courts, which are courts of limited jurisdiction. There are 36 district courts in the state. In 2005, the legislature voted to expand family courts to cover the entire state by 2008.
- **Dispositional Hearing** is very similar to a sentencing hearing. The dispositional hearing is typically held a few weeks after the adjudicatory hearing or plea of true to the offense. At the hearing the court may have a report from a juvenile probation/parole officer that describes the background of the juvenile, his/her treatment needs, and the consequences of the offense to any victims. The report may also recommend some combination of punishment and rehabilitative services be ordered against the juvenile. The prosecutor and the juvenile or his/her

²⁶ The glossary is transcribed from a flowchart of the Juvenile Justice System developed by Justiceworks, and available at: <http://www.unh.edu/justiceworks/index.cfm?ID=EBD727A3-F8C5-5B17-2024CFD29D933849>

attorney are permitted to make their own recommendations and the court enters a dispositional order, or sentence. It may include a wide variety of sanctions, including conditional release, similar to probation, rehabilitative services such as substance abuse counseling, placement in a residential facility, or commitment to the SYSC for the remainder of the juvenile's minority.

- **Conditional Release** is similar to probation in the adult criminal system. A sentence which includes conditional release allows the juvenile to remain unconfined, subject to the supervision of a Juvenile Probation/Parole Officer (JPPO). Conditional Release may involve any of a wide range of conditions set by the court and/or JPPO, including substance or mental health treatment, curfew, attendance at school, restitution, and community service. Violation of any of the terms of conditional release may subject the juvenile to any of the penalties that were available at the initial dispositional hearing, up to and including commitment to the SYSC.
- **Residential Treatment** can be part of the disposition of a delinquency case. The court may order that the juvenile be placed in the care and supervision of a group home or residential treatment center. There are a variety of such agencies available in the state and region, with a variety of treatment orientations and degrees of supervision.
- **Detention at a secure facility (SYSC)** The John H. Sununu Youth Services Center is New Hampshire's locked youth corrections facility. It can hold up to 108 boys and girls at any one time, and its residents can range in age from 12 to 17. When a youth is committed to the SYSC, the first stage of residence is a classification and assignment process used to assign an appropriate secure placement within the SYSC. There are several levels of security and supervision at the SYSC, and a youth will typically progress through several of them during the term of commitment. Although commitments to the SYSC are typically for the length of a youth's minority (in New Hampshire until age 17), most stays are between 8 and 12 months, and may depend on participation in treatment and educational programming and general behavior. Release from the SYSC can be by court order, parole, or by reaching age 17. In some rare circumstances, a youth may be ordered to stay at the SYSC after reaching age 17.
- **Dispositional Review** The juvenile court is required to review the disposition of children found delinquent at least annually, and may schedule earlier reviews as a matter of course or at the request of the juvenile, JPPO, or prosecution. At such review hearings, the court may modify the original dispositional order.
- **Termination** refers to the departure from the criminal justice system of an adjudicated youth at the conclusion of any court-ordered sanctions, or if the youth reaches the age of majority (the age at which a youth is considered an adult if they commit a criminal act.)