

Examining the Role of States in Monitoring Conditions and Outcomes for Youth

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On the heels of our success in bringing youth back to local communities, we need oversight to protect us from recreating the very kinds of abusive practices that led to realignment and to make sure public resources are used to build a more complete, effective continuum of care.

—Sue Burrell, Youth Law Center

Youth advocates played a key role in juvenile justice reform during the past 10 years by shining a spotlight on incarcerated youth. They showed that young people sent to faraway facilities were being physically and emotionally harmed and that the billions of dollars spent on the system were generating poor outcomes. Through this work, advocates grew a larger constituency that pressed systems with their own oversight tactics—such as lawsuits—to drive systems change. Unfortunately, these efforts did not result in systematic, sustainable mechanisms for oversight by local and state agencies.

Developing systems of oversight for dozens of local juvenile justice departments—each one funded by a half-dozen different sources—presents a dizzying challenge to both state system and community leaders. At the same time, building effective and meaningful oversight structures is essential.

A number of challenges, however, face states seeking to monitor conditions and outcomes more closely. For example:

- Texas has led the nation in developing a relatively strong Independent Ombudsman office for the Texas Juvenile Justice Department. The purpose of this office is to investigate, evaluate, and secure the rights of young people committed to the department; report directly to the governor and the legislature; and publish its findings publicly on an annual basis. Unfortunately, only five state facilities are subject to strong external oversight from this office, which leaves the thousands of youth who may be incarcerated in one of 93 local secure facilities without a strong advocate at the state level.
- In California, local detention facilities are monitored by the Board of State and Community Corrections (BSCC). BSCC staff visit each secure county facility once every two years to ensure



that sites meet the minimum standards for juvenile facilities detailed within the state's Title 15 and Title 24 regulations, but enforcement mechanisms are weak. Further, the state has no juvenile justice agency, and its data system is ill-equipped to monitor statewide trends in youth incarceration or the outcomes of specific interventions. The BSCC's juvenile justice standing committee meets only a few times a year and has no staff or budget; it is the closest thing California has to a policy or oversight body for incarcerated youth.

- In the 1950s, Michigan established the Child Care Fund to support juvenile justice services in 83 counties. The state and counties support this fund with a 50-50 cost-share agreement to help operate nearly all juvenile justice programs. The local courts make all decisions regarding expenditures with approval from the county commissions and are not required to submit data or report quality measures to the state. While the state does audit these funds, budget cuts and reduced staffing at the Department of Human Services (DHS) have significantly limited the state's role in providing oversight or guidance for counties. As a result, DHS is unable to accurately report how many youth are placed out of their homes on any given day or evaluate the quality or effectiveness of the programs in which it invests.

While states are reducing the use of state-run secure correctional facilities and relying more heavily on county halls and camps, a series of interviews, focus groups, and meetings convened by the National Council on Crime and Delinquency (NCCD) found that most juvenile justice system leaders want stronger state oversight of secure facilities. They stated the desire for states to have the centralized capacity to review all juvenile justice placement outcomes and to adjust how the whole system works. Regardless of their working titles and positions, those who spoke to NCCD saw key roles for the state in oversight of local juvenile justice systems and state spending, training and encouraging local leadership, and convening stakeholders to develop statewide approaches and cross-county partnerships.

Respondents offered the following key recommendations to improve oversight.

Provide Funding for State and Local Systems to Monitor the Progress of Reforms

State and local juvenile justice offices, boards, and oversight agencies need appropriate resources in order to rise to the new challenge of monitoring and leading communities in an overall juvenile justice approach. To help revamp state oversight and negotiate how states and counties will measure progress, states and counties should convene and review the overall juvenile justice vision of the system and build a consensus on what to measure in order to ensure the system is meeting core



goals. Missouri's Department of Youth Services (DYS) provides one example of a state that has convened a multi-agency, bipartisan advisory board to serve as a liaison between DHS, the governor, the legislature, and the general public.

Extend, Empower, and Provide Resources to Independent Oversight Offices

New independent oversight offices promise to help improve system outcomes and monitor facility conditions in the places young people are held. Independent oversight mechanisms are not replacements for quality assurance structures—they are another set of eyes on the youth to help keep youth safe and healthy and to help departments improve practice. The scope of oversight should include state or county-run juvenile corrections facilities, residential treatment centers, and other out-of-home placements.

Expand Outcome Measures and Tie Them to State Expenditures

A need exists to make outcome measures less deficit-based. A broader set of outcomes would include more measures of young people's well-being, such as their

reconnection to school, work, treatment, recreation, and family. These outcome measures need to be monitored on a statewide basis and reported publicly. Systems can influence changes in outcome measures by tying public dollar expenditures to a broader set of outcome measures that are regularly reported to the public. In places where states and localities share juvenile justice functions, states need to build the appropriate structures to analyze this data, keep tabs on trends around the state, and report the findings publicly. Washington, DC, provides an example with its comprehensive YouthLink database, which links and tracks youth across agencies and guides budget decisions to maximize positive outcomes.

Include Youth and Their Families in Oversight Efforts

Systems need to intentionally include young people and their families in oversight structures. Regulations governing youth safety should extend to all types of facilities in which young people are incarcerated. Tactics might include offering stipends to family members and formerly incarcerated individuals to serve on oversight bodies, training and coaching individuals to meaningfully serve on oversight bodies, and addressing other barriers to significant participation.

This publication is part of an eight-part series of information sheets and reports developed from a national study on deincarceration conducted by the National Council on Crime and Delinquency. The complete series can be found [here](#).