

**Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER)**

Report to
the Mississippi Legislature



Juvenile Justice in Mississippi: Status of the System and a Strategy for Change

PEER compared Mississippi's juvenile justice system to a comprehensive juvenile justice system, elements of which were identified by the federal Office of Juvenile Justice and Delinquency Prevention and PEER's review of the literature on juvenile justice. PEER made this comparison by conducting interviews with key players at all levels of the state's juvenile justice system, as well as by reviewing documentation provided by the key players.

PEER found that Mississippi's fragmented juvenile justice system does not equitably provide an adequate continuum of treatment and rehabilitative alternatives, from prevention to transition. The system does not effectively identify and meet the needs of all juveniles in every county because of deficiencies in screening and assessment, case management, wraparound programs and services, and does not always address the equitable treatment of youth. The system's deficiencies in funding, planning, research and evaluation capacity, and qualified personnel also limit its effectiveness.

The report contains proposals for two policy options as a strategy for changing the state's juvenile justice system to meet the needs of all juveniles statewide:

- Option One proposes the creation of an Institute of Juvenile Justice Research. This option is a conservative approach that acknowledges the overarching need for a comprehensive research and evaluation capacity to establish the foundations for more effective service structures for the state. Option One continues existing service structures until the needed research would be in place to guide implementation of change.
- Option Two proposes the creation of a Board and Department of Juvenile Justice and Delinquency Prevention. This option is an aggressive approach in that while recognizing the critical need for an improved research base, the option also recognizes that there is sufficient evidence of the limitations of Mississippi's current fragmented juvenile justice system to guide the immediate creation of a centralized service agency.

The report also provides recommendations independent of these two policy options that should help to improve the state's juvenile justice system, whether the Legislature chooses to retain the present structure or select one of the two above-mentioned policy options.

December 11, 2007

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On December 11, 2007, the PEER Committee authorized release of the report entitled
Juvenile Justice in Mississippi: Status of the System and a Strategy for Change.

A handwritten signature in black ink that reads "Harvey Moss". The signature is written in a cursive style and is positioned above a horizontal line.

Representative Harvey Moss, Chair

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Juvenile Justice in Mississippi: Status of the System and a Strategy for Change

Executive Summary

Conclusions

PEER compared Mississippi's juvenile justice system to a comprehensive juvenile justice system, elements of which were identified by the federal Office of Juvenile Justice and Delinquency Prevention and PEER's review of the literature on juvenile justice. PEER made this comparison by conducting interviews with the key players at all levels of the state's juvenile justice system, as well as by reviewing documentation provided by the key players.

PEER found that Mississippi's fragmented juvenile justice system does not equitably provide an adequate continuum of treatment and rehabilitative alternatives, from prevention to transition. The system does not effectively identify and meet the needs of all juveniles in every county because of deficiencies in screening and assessment, case management, wraparound programs and services, and does not always address the equitable treatment of youth. The system's deficiencies in funding, planning, research and evaluation capacity, and qualified personnel also limit its effectiveness.

PEER proposes two policy options and eight recommendations as a strategy for changing the state's juvenile justice system to meet the needs of all juveniles statewide.

Policy Options for Organizational Change

To improve the current system and work toward achieving a more comprehensive juvenile justice system in Mississippi, the Legislature should consider the possibilities inherent in two options.

The first, Option One, is a more conservative approach that acknowledges the overarching need for a comprehensive research and evaluation capacity to establish the foundations for more effective service structures for the state. Option One continues existing service structures until the needed research is in place to guide implementation of change.

Option Two is a more aggressive approach in that, while recognizing the critical need for an improved research base, also recognizes that there is sufficient evidence of the limitations of Mississippi's current fragmented juvenile justice system to guide the immediate creation of a centralized service agency.

The following summarizes the two options for approaching reform:

- ***Option One: Create the Institute of Juvenile Justice Research***

Create a centralized and comprehensive research and evaluation capacity within the current juvenile justice system to be known as the Institute of Juvenile Justice Research to identify the resources necessary to build a comprehensive and effective system at an annual estimated state cost of \$950,200, consisting of existing costs of \$197,937 and estimated new costs of \$752,263; or,

- ***Option Two: Create the Department of Juvenile Justice and Delinquency Prevention***

Create a state Department of Juvenile Justice and Delinquency Prevention by moving existing system components into a centralized agency, as well as creating the research and evaluation capacity (mentioned in the first option) as one component within this department at an annual estimated state cost of \$45,050,661, consisting of existing costs of \$43,227,110 and estimated new costs of \$1,823,551.

Table A, page xi of this executive summary, shows total estimated costs for both options, including new and existing expenditures, and pages xi through xv of this executive summary provide additional information on the two options.

Table A: Comparison of Total Estimated Annual Costs for Option One, the Institute of Juvenile Justice Research, and Option Two, the Department of Juvenile Justice and Delinquency Prevention, Based on New and Existing Expenditures

Option	Estimated New ¹	Existing	Total ²
One: IJJR	\$ 752,263	\$ 197,937	\$ 950,200
Two: DJJDP	\$1,823,551	\$43,227,110	\$45,050,661

¹Source of estimated new expenses would be state general funds.

²Excluding initial estimated one-time start-up costs to furnish office space.

SOURCE: Summary of PEER analysis regarding estimated annual expenditures and Fiscal Year 2007 actual expenditures.

The options have at least two common elements. The first common element is that both of the options would involve creation of a research and evaluation capacity dedicated to juvenile justice within the state. This research and evaluation component would utilize a uniform screening instrument in assessing all juvenile offenders to determine the programs and services best suited to their needs.

The second common element of the options is that both would increase costs beyond current state expenditures for juvenile justice due to the creation of the above-described research and evaluation capacity, the development of new programs and services to meet the needs identified through the assessments and analysis of data, and resulting staffing and administrative costs. Table B, page xii of this executive summary, compares the estimated expenditures for the two options by major objects of expenditure, showing the estimated amounts of new and existing expenditures in each major object category.

The primary difference between the two options is that the first seeks to address service needs through existing organizational structures, while the second option seeks to reduce organizational fragmentation through a newly created department focusing on juvenile justice issues.

The following sections summarize each of these options and their respective strengths and weaknesses.

Table B: Comparison of Estimated Annual Expenditures for Option One, the Institute of Juvenile Justice Research, and Option Two, the Department of Juvenile Justice and Delinquency Prevention

Option One: IJJR			
Expenditure	Estimated New¹	Existing²	Total
Personal Services - Salary and Fringes	\$504,340	\$197,937	\$702,277
Travel	40,476	0	40,476
Contractual Services ³	191,502	0	191,502
Commodities	9,199	0	9,199
Capital Outlay - Equipment ⁴	6,746	0	6,746
Total	\$752,263	\$197,937	\$950,200

Option Two: DJJDP			
Expenditure	Estimated New¹	Existing²	Total
Personal Services - Salary and Fringes	\$1,415,206	\$35,099,895	\$36,515,101
Travel	66,667	273,742	340,409
Contractual Services ⁵	315,416	4,908,272	5,223,688
Commodities	15,151	2,352,292	2,367,443
Capital Outlay - Equipment ⁴	11,111	592,909	604,020
Total⁶	\$1,823,551	\$43,227,110	\$45,050,661

¹Source of estimated new expenses would be state general funds.

²Existing expenditures for the four DPS staff were only available regarding Personal Services – Salary and Fringes.

³Contractual Services for the IJJR include an estimated cost of \$94,605 for rental of office space. See pages 107 and 120-121 of this report for an explanation of the projection for office space.

⁴Capital Outlay- Equipment does not include one-time estimated costs to furnish office space. See pages 107 and 120-121 of this report for an explanation of the projection for office space.

⁵Contractual Services for the DJJDP include an estimated cost of \$155,820 for rental of office space.

⁶Total does not include Subsidies, Loans, and Grants expenditures, which are non-operational “flow-through” funds.

SOURCE: PEER analysis of estimated annual expenditures and Fiscal Year 2007 actual expenditures.

Option One: Creation of the Institute of Juvenile Justice Research within the State’s Existing System

The Legislature could choose to create the Institute of Juvenile Justice Research (IJJR) to be housed within the Department of Public Safety.

The primary purpose of the IJJR would be to satisfy one of the state requirements in the Juvenile Justice and Delinquency Prevention Act of 2002 that provides for the development of an adequate

research, training, and evaluation capacity within the state, which is currently not being fulfilled within the Department of Public Safety. The research conducted by the IJJR would provide the necessary information to address deficiencies in the continuum of treatment and rehabilitative alternatives in the state by providing sufficient and consistent service delivery and planning through evidence-based research and evaluation.

Option One (creating the IJJR) is an approach for reorganization and structure of the state's juvenile justice system that works within the existing system with minimal changes to the overall structure itself, while collecting and analyzing the necessary data to identify and analyze the juvenile justice needs and resources of the state. The IJJR would have the ability to utilize evidence-based research to develop strategic plans for equitable service delivery and associated state funding structures necessary to move toward a comprehensive continuum of treatment and rehabilitative alternatives.

The primary weakness of the IJJR is that it would not provide direct accountability for the service structure in the system as a whole and would still rely on the existing key players to implement programs and services within the existing organizational structure.

Pages 96 through 107 of the full report contain details on proposed responsibilities, needed legislative action, a timeline, potential organizational structure (including organization chart), and a breakdown of estimated costs for implementation of Option One (creating the IJJR).

Option Two: Creation of an Independent Board of Juvenile Justice and Delinquency Prevention to Direct a Separate Department

The Legislature could choose to create an independent Board of Juvenile Justice and Delinquency Prevention and to move components and resources from the existing system into a centralized department that would be directed by the board.

The primary purposes of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) would be: promote public safety; hold youth accountable for their actions; prevent offending and re-offending through competency development of youth; and equitably provide the

full range of the continuum of treatment and rehabilitative alternatives. The DJJDP would be developed to maximize current resources and would absorb the current agencies and divisions providing services to at-risk youth and juvenile offenders within Mississippi. The DJJDP would then be able to provide a uniform state-level structure in order to improve the programs and services provided and influence the entire spectrum of the juvenile justice system, while also gaining the ability to develop long-term goals of the overall system specifically focused on juvenile justice.

The primary strength of Option Two (creating a DJJDP) would be that it would provide direct accountability to the juvenile justice system as a whole by having one centralized authority with direct control over the primary state-level programs, services, and resources of the system. This new department would combine existing key players at the state level and maximize current resources to align the primary state entities that currently provide programs and services to juveniles within one department, allowing for more consistent planning, collaboration and coordination of resources, targeted mission and vision statements, and long-term planning of the juvenile justice system in its entirety, not limited to independent components.

The DJJDP would have a greater potential than Option One for incurring increased state costs for additional staffing requirements, office space, and other overhead expenses necessary in the start-up of a new department.

Pages 108 through 122 of the full report contain details on proposed responsibilities, needed legislative action, a timeline, potential organizational structure (including organization chart), and a breakdown of estimated costs for implementation of Option Two (creating the DJJDP).

Recommendations Independent of Policy Options

If the Legislature chooses to implement Option One for organizational change or take no action on either option, Recommendation 1 below stands as presented. If the Legislature chooses to implement Option Two, the redirection of TANF funds noted in Recommendation 1 below would be from the Office of the Attorney General to the

Department of Juvenile Justice and Delinquency Prevention instead of the Division of Youth Services.

1. While the PEER Committee is aware that the Attorney General and the Governor are litigating the constitutional issues related to the Governor's veto of an appropriation of TANF funds to the Office of the Attorney General for the support of programs for "at-risk" youth, as a matter of public policy, in future fiscal years, the Legislature could consider redirecting these funds to the Division of Youth Services.

The redirection of these funds to DYS would improve the coordination of juvenile justice programs in Mississippi and ensure that program providers compete to provide the highest-quality programs for the least cost. The Legislature would require the Division of Youth Services to continue to use such funds for adolescent offender programs (AOPs) and other community-based prevention programs such as those currently administered by the YMCA, Boys & Girls Clubs of America, and Big Brothers Big Sisters to meet the needs of juvenile offenders or those at risk of becoming juvenile offenders. This would include a requirement that DYS spend one-fourth of the appropriated TANF funds on the creation and maintenance of adolescent offender programs and three-fourths of the appropriated TANF funds on the creation and maintenance of community-based prevention programs. The administration of these funds would be handled in accordance with TANF regulations and state procurement regulations, including the requirement that they be awarded through a competitive process.

As the entity responsible for administering the laws and policies relating to youth services and as the entity responsible for ensuring that adolescent offender programs provide services to youth in each county by 2010, the Division of Youth Services would be the entity that determines where AOPs would be located based on statewide juvenile justice needs. Additionally, redirecting TANF funds would allow the state advisory group, the Division of Youth Services, and the entity responsible for the administration of the JJDP to assess the needs of the Mississippi juvenile justice system and incorporate delinquency

prevention goals and priorities into the system.

PEER does not question the effectiveness of programs provided by the Attorney General, but the successful administration of the current juvenile justice system is hindered by the presence of multiple agencies in the decision-making process. In order to prevent disruption of programs currently funded with TANF through the Office of the Attorney General, the Legislature would require the Division of Youth Services and the Office of the Attorney General to develop and implement a joint plan for the transition of these TANF funds to DYS by FY 2009. The Legislature would require oversight of the administration of such plan by the juvenile justice State Advisory Group. This plan would include, at a minimum:

- removal of the Office of the Attorney General from the administration of TANF funds for programs for “at-risk” youth by FY 2009; and,
- a requirement that DYS issue requests for proposal for all adolescent offender program services and delinquency prevention program services beginning with the distribution of FY 2010 funds. The current request for proposals that DYS utilizes for its adolescent offender programs and a separate request for proposals for prevention programs would include the following provisions to ensure that those entities selected as providers are those that could most effectively and efficiently administer the AOPs and prevention programs:
 - *Needs assessment*--A formal needs assessment would be used to determine what tasks and services are needed, including a clear definition of the need to be addressed, estimated resources needed to address the problem, and a description of deficiencies of resources relative to addressing the problem.
 - *Systematic review of proposals*--In order to ensure selection of the lowest and best bidder for a contract, DYS would clearly establish the criteria on

which the bidders would be judged, assign possible point values to each criteria, and train the proposal evaluators as to how to assign points objectively based on documentation provided by the bidder in the proposal. The Division of Youth Services would also be required to include a provision for competitive priority for current service providers. The RFP would include a Previous Program Performance Statement that would allow entities that received funding in the previous year to request competitive priority consideration for funding for the upcoming year. This would allow bonus points to be awarded to bidders based on a review of performance measures, program activities, and program initiatives.

- *Contract monitoring and evaluation*-- Outputs and outcomes for adolescent offender programs and delinquency prevention programs would be established in order to measure program performance. Contract monitoring would provide opportunity for the agency to measure the contractor's performance level and adherence to contract terms. Evaluation at the end of the contract would assess the contractor's performance in meeting the agency's expectations and contractual terms. Evaluation is important for either future selection of or termination of a contractor.

By removing the Attorney General from the administration of programs for "at-risk" youth, decision-making for community-based programs could be centralized to ensure that the needs of the state's juvenile offenders and those at risk of becoming juvenile offenders are met. Additionally, the inclusion of the above provisions in the RFP process for AOPs and delinquency prevention programs would allow for continued funding of currently effective and efficient providers of services.

2. The Governor would appoint a representative from the Department of Education to the State Advisory Group to enhance its capability in identifying the juvenile justice needs of the

state and establishing programs and services to best suit juveniles in the state.

3. In order to determine the effectiveness of community-based programs and institutional programs, the Division of Youth Services would develop and implement standard performance measures, including at a minimum:
 - output and outcome measures by program;
 - requirement that standard performance measures be used by any entity that provides programs or services in conjunction with or funded through DYS; and,
 - creation of an audit system that includes a financial and a performance audit of programs on an annual basis.
4. The Division of Youth Services would continue the development of its YASI-based statewide classification system to determine youth placement options based on the youth's levels of risk and need in order to provide the continuum of treatment and rehabilitation in the least restrictive setting possible.

The division's staff would also meet with youth court judges and personnel to receive input and review the strengths and weaknesses of this classification system. Initially, the system would classify those youth who are not being served in the appropriate settings, so that immediate efforts may be taken to identify other placement options. The long-term goals of this classification system would be to provide the necessary data regarding the service delivery requirements of juveniles in the state and to utilize this data to create a strategic statewide service delivery structure. Once a uniform service delivery structure has been established and implemented, the DYS and the youth courts, could then determine the viability of developing uniform sentencing guidelines for juveniles. This system would be evaluated and revised as needed on an annual basis. Upon completion of this system, the Legislature would mandate its use by all programs administered and organized by the Division of Youth Services and the youth courts by July 1, 2009.

5. A uniform youth court system would be established through the implementation of a statewide county court system with exclusive jurisdiction over juveniles in the state in order to reduce the disparities of services, programs, staffing, and data collection found in the current structure. The Legislature would mandate counties to fund these courts, and in counties where it is not feasible to have a single county court, then a regional county court would be established, with each county contributing to the regional court. Additionally, the counties would be granted the authority to levy taxes if necessary to obtain the funding for this uniform court system.
6. The purpose clause of youth courts in Mississippi statute would be updated to replace the language from the Standard Juvenile Court Act of 1959 to language promoting the Balanced and Restorative Justice (BARJ) model. At the very least, the Mississippi statute would be modified to include the three primary focus areas of the BARJ model, which include public safety, accountability, and competency development, in addition to the Standard Court Act language. Incorporation of the BARJ model would better facilitate the court's focus on a continuum of treatment and rehabilitative alternatives through prevention and graduated sanctions.
7. Similar to Senate Bill 2818, 2007 Regular Session, which established uniform educational services among detention centers, the Legislature should mandate all county courts to utilize the AOC MYCIDS database and provide the necessary funding for hardware and technical support. In addition, upon completion of the interface with the DYS CMS database, all DYS and youth court staff would have access to a central registry of juvenile offender data that could be tracked at the individual level, allowing for more detailed information to be collected and used in the DYS Annual Report and the Three-Year Comprehensive Plan.
8. The statewide entity responsible for juvenile justice planning in Mississippi should study the feasibility of charging the parents of a juvenile offender if their child is housed in a state-operated secure care institution for more than twenty-four hours. As an example, in

Utah, in this situation the parents are charged a child support payment to the state, with the amount based on the parents' annual income. In instances in which the annual income is not sufficient, the state requires no payment. If this requirement were implemented in Mississippi, the funds collected could be used to supplement funding for community-based programs.

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Juvenile Justice in Mississippi: Status of the System and a Strategy for Change

Chapter 1: Introduction

Authority

In response to a legislative inquiry, the PEER Committee reviewed Mississippi's juvenile justice system and developed options for change. PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972).

Scope and Purpose

The purpose of this review was to identify elements of a comprehensive juvenile justice system and develop options for designing one for Mississippi.

The remainder of Chapter 1, the report's introduction, includes a statement of scope limitation and describes the methods used in the project. Chapter 2 provides background on the classification of juvenile offenders, identifies risk factors for juveniles, and provides a brief history of the nation's juvenile justice system and describes how it has changed over the years as a result of reform efforts.

Chapter 3 discusses the design of a comprehensive juvenile justice system based on research and guidelines implemented by the federal Office of Juvenile Justice and Delinquency Prevention and on PEER's review of the literature on juvenile justice.

Chapter 4 describes the legal environment, key players, and service structure of Mississippi's juvenile justice system. This chapter also describes how data is collected and reported within the system and how the system is funded. Chapter 5 summarizes the problems of Mississippi's juvenile justice system.

Chapter 6 describes the range of organizational models used by other states and focuses on two state models, features of which have been referred to by the Office of Juvenile Justice and Delinquency Prevention and a juvenile justice consultant as having potential for use in Mississippi. Chapter 7 contains options, including costs, and recommendations that could be implemented as a strategy for change in Mississippi.

Scope Limitation

Although PEER acknowledges the critical importance of ensuring the administration of quality, cost-effective juvenile justice and delinquency prevention programs, PEER did not conduct an effectiveness review of individual programs and services, but rather reviewed the status of the system as a whole.

Method

In conducting this review, PEER:

- reviewed relevant sections of state and federal law;
- reviewed the literature on juvenile justice;
- reviewed policies and procedures from the Department of Human Services' (DHS) Division of Youth Services, Department of Public Safety's Planning Division, the Office of the Attorney General, the Department of Mental Health, and the Division of Medicaid regarding the administration of juvenile justice;
- interviewed staff of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP); Youth Court personnel (including Youth Court judges); staff from the Department of Human Services' Division of Youth Services, Department of Public Safety, Department of Mental Health, Division of Medicaid, Department of Education, and the Office of the Attorney General; staff of adolescent offender programs, community mental health centers; and, personnel from other states' juvenile justice programs;
- examined the state's three-year comprehensive juvenile justice plans,

reports, and documents compiled by the DHS Division of Youth Services, Department of Public Safety, Department of Mental Health, Office of the Attorney General, community mental health centers, and adolescent offender programs regarding performance and organizational structure;

- examined the data collection processes and case management systems administered through the DHS Division of Youth Services, the Office of Justice Programs at the Department of Public Safety, and the Administrative Office of the Courts; and,
- examined reports and minutes from meetings held by the State Advisory Group, Interagency Coordinating Council for Children and Youth, and the Interagency System of Care Council.

Chapter 2: Background

This chapter describes the classification of juvenile offenders, identifies risk factors for juveniles, provides a brief history of the nation's juvenile justice system, and describes how it has changed over the years as a result of reform efforts.

Classification of Juvenile Offenders

In Mississippi, as in other states, the justice system for youthful offenders operates under a different set of laws from those governing the adult correctional system. MISS. CODE ANN. §43-21-105 (d) (1972) defines a *child* or *youth* as a person who has not reached his eighteenth birthday. The courts classify offenders under the age of eighteen based on type of offense committed and on the individual's age at the time he or she committed the offense.

Offenses that youth commit are classified as either *status* or *criminal* offenses. *Status offenses* would not be a crime if committed by an adult, such as running away, truancy, incorrigibility, or curfew violation. *Criminal offenses* are acts considered illegal whether committed by an adult or a person under the age of eighteen, such as burglary, shoplifting, or aggravated assault.

Classification in the juvenile justice system is also based on consideration of the individual's age at the time the offense was committed. Based on age, the offender may be classified either as a *child in need of supervision* or a *delinquent child*. If the child has reached his seventh birthday and is in need of treatment or rehabilitation because the child is habitually disobedient and/or ungovernable, habitually absent from school, a runaway, or has committed a delinquent act, MISS. CODE ANN. Section 43-21-105 (k) (1972) classifies that individual as a *child in need of supervision*. If a child has reached his tenth birthday and has committed an act such as assault, robbery, or a drug offense, MISS. CODE ANN. Section 43-21-105 (i) (1972) classifies that individual as a *delinquent child*. (A child may not be charged with an adult crime until age thirteen.) Once a child has been adjudicated of an offense, he or she may be referred to as a *juvenile offender*.

Risk Factors for Juveniles

Many juvenile justice practitioners, academicians, and other interested stakeholders have completed research on common risk factors associated with juveniles who offend that have been identified in juvenile populations in varying juvenile justice environments. Much of this research has focused on four particular categories of risk factors: individual/peer risk factors; family risk factors; school risk factors; and, community risk factors. Exhibit 1, below, lists some of the risk factors often associated with each of the four primary categories.

Exhibit 1. Categories of Risk Factors Common to Juvenile Offenders

Category	Examples of Risk Factors
Individual/Peer	<ul style="list-style-type: none"> • rebelliousness • friends who are offenders • negative attitude • young age at first offense • substance abuse • gang membership
Family	<ul style="list-style-type: none"> • family history of offenders • family mismanagement • family conflict • negative parental attitudes • lack of parental involvement
School	<ul style="list-style-type: none"> • antisocial behavior • poor academic performance • lack of commitment to school • truancy
Community	<ul style="list-style-type: none"> • availability of drugs/firearms • insufficient community laws and norms • detachment from neighborhood • lack of community organization • economic deprivation

SOURCE: *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders 1995*, Office of Juvenile Justice and Delinquency Prevention.

Much of the research conducted on juveniles who offend share one or more of these or other risk factors. A report issued in 1995 by the federal Office of Juvenile Justice and Delinquency Prevention noted that youthful offenders are “symptom bearers” for the disorganization and dysfunction of the family and of society. Exhibit 2, below, provides data from the U. S. Census Bureau related to some of these risk factors.

Exhibit 2. Prevalence of Selected Characteristics Related to Juvenile Offenders: Mississippi and the U. S.

Characteristic	Mississippi's Rank in U.S.	Percentage in Mississippi	Percentage in U.S.
Children living in poverty (2005)	1 st	30.60%	18.20%
Population in poverty (2005)	1 st	18.30%	12.60%
Families living in poverty (2005)	1 st	16.80%	10.20%
Households headed by single mothers (2005)	2 nd	50.40%	37.70%
Births to teenage mothers (2005)	3 rd	62.4 births*	41.2 per 1,000 women
Estimated public high school graduation rates (2006)	41 st	64.60%	69.80%

*This figure only takes into account live births to women fifteen to nineteen years of age.

SOURCE: *State Rankings 2007*, *Health Care State Rankings 2007*, and *Crime State Rankings 2007*.

Juveniles may also be more likely to commit offenses if they are at high risk of developing a serious emotional disturbance or are diagnosed as having a serious emotional disturbance. The Department of Mental Health defines a serious emotional disturbance as:

Any individual, from birth to age 21, who meets one of the eligible diagnostic categories as determined by the Department of Mental Health and the identified disturbance has resulted in functional impairment in basic living skills, instrumental living skills or social skills.

According to the Department of Mental Health's Division of Children and Youth Services, children with serious emotional disturbances have problems with a lack of awareness and/or understanding of

self and environment which affects their ability to control their behavior or express their feelings appropriately and which ultimately affects their performance at school, home, and in other social situations. This lack of awareness and understanding may lead juveniles to act out and commit juvenile offenses. Appendix A, page 129, describes the factors associated with the risk of a child developing a serious emotional disturbance.

History of the Juvenile Justice System

Up until the nineteenth century, children ages seven and older were sentenced as adults. These children would be tried in criminal (adult) court and could be sentenced to prison or even the death penalty.

In a push to separate juvenile and adult offenders, the U. S. juvenile justice system was created in the 1800s to reform federal policies regarding juvenile offenders and the system has gone through a number of reforms over time. In the early 1900s, the system began focusing more on rehabilitation of juvenile offenders and the states were given responsibility for parenting juvenile offenders until they were reformed or became adults. New courts were created to handle juvenile cases, rather than the adult courts, with the first juvenile court in the U. S. established in Chicago in 1899. By the 1960s, juvenile courts had jurisdiction over nearly all cases involving individuals under the age of eighteen years. Several pieces of legislation, both federal and state, as well as Supreme Court Cases, emerged beginning the late 1960s that mandated how the juvenile justice system operated.

Although both the juvenile justice system and the (adult) criminal system promote public safety, rehabilitation is the focus for juveniles, whereas punishment for adults is dictated by the offense. In the juvenile justice system, the end goal is not just deterrence, but targeting the factors that caused the juvenile to offend. However, during the 1980s and 1990s, a combination of public perception of serious juvenile crime increasing and the notion of juvenile “super-predators” caused many states to pass more punitive laws and expanded the eligibility for criminal court processing and sanctioning for an increased subset of juveniles.

Impact of Supreme Court Cases

The Supreme Court's primary roles in the juvenile justice system are to ensure that the juvenile's constitutional rights are protected and to ensure that juveniles receive due process in all court-related and judicial matters. Since the late 1960s, several Supreme Court cases have mandated how the juvenile justice system operates today (see Appendix B on page 130). Some of the major cases include:

- *Kent v. United States* (1966), which ruled that courts must provide juveniles with the essentials of due process;
- *In re Gault* (1967), which ruled that juveniles do have basic constitutional rights in hearings that could result in commitment; and,
- *Roper v. Simmons* (2005), which ruled that the minimum age for the death penalty is established at eighteen years old.

Impact of Federal Reform Efforts

The role of the federal government in the juvenile justice system is to establish broad rules, regulations, and minimum standards that states must adhere to in the implementation of their respective systems. Federal efforts have primarily consisted of one driving piece of legislation that has been amended over the years. This legislation was first created as the Juvenile Delinquency Prevention and Control Act of 1968 and established guidelines and federal funding to be provided to states that met the eligibility requirements. This act was renamed the Juvenile Justice and Delinquency Prevention Act in 1974, with a focus on the deinstitutionalization of juveniles. The last amendment of the act occurred in 2002 and it is still the current federal driving force for state systems. (The act is hereafter referred to as the JJDPA.) Appendix C on page 131 provides a brief description of these federal acts and the core requirements for federal funding as specified in the JJDPA.

In addition to federal reform efforts, a lawsuit filed in 2003 resulted in a consent decree and memorandum of agreement between the U. S. Department of Justice and the Mississippi

Department of Human Services regarding the two state-supported training schools for juvenile offenders. Appendix D on page 134 provides a brief description of the consent decree and memorandum of agreement.

Chapter 3: The Design of a Comprehensive Juvenile Justice System

A comprehensive juvenile justice system provides an adequate and equitable continuum of treatment and rehabilitative alternatives, services, and programs to all juveniles.

The overarching goals of a juvenile justice system should be to provide the necessary and appropriate care necessary to rehabilitate juveniles and to minimize the chances of future reoffending, commonly referred to as recidivism (see page 23). A comprehensive juvenile justice system consists of the responsible agencies, organizations, and other key players providing an adequate and equitable continuum of treatment and rehabilitative alternatives, services, and programs to all juveniles.

This chapter includes a discussion of the elements of a comprehensive juvenile justice system, including:

- the continuum of treatment and rehabilitative alternatives;
- tools and guiding principles for identifying and meeting the needs of juveniles; and,
- fundamental components in implementation of a comprehensive system.

PEER compiled this discussion of the elements of a comprehensive juvenile justice system based on research and guidelines implemented by the federal Office of Juvenile Justice and Delinquency Prevention and on PEER's review of the literature on juvenile justice.

Appendix E, page 137, contains a glossary of related terms.

Providing a Continuum of Treatment and Rehabilitative Services

In 1993, the federal Office of Juvenile Justice and Delinquency Prevention charged the National Council on Crime and Delinquency with undertaking a national assessment to identify an effective strategy and its components for use in the development and implementation of a comprehensive juvenile justice system. In 1995, OJJDP published the resulting report *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, a guideline for developing and implementing a continuum of treatment alternatives, services, and programs to all juveniles through the use of

delinquency prevention programs and graduated sanctions based on best practices. (See Exhibit 3, on page 12.)

The 1995 OJJDP report identified seven primary stages that a comprehensive juvenile justice system of service delivery should incorporate to meet the needs of youth and juvenile offenders based on treatment and graduated sanctions:

- prevention;
- early intervention;
- immediate intervention;
- intermediate sanction;
- community confinement/supervision;
- institutional confinement; and,
- transition (aftercare).

In 1995, OJJDP identified seven primary stages that a comprehensive juvenile justice system of service delivery should incorporate to meet the needs of youth and juvenile offenders.

If a juvenile offender progresses through the stages in the continuum of treatment and rehabilitation, the level of supervision and intensity of the intervention increases. Exhibit 3 on page 12 summarizes the continuum of treatment and rehabilitative alternatives in respect to the target population, the key service providers, and the services targeted at each stage in the continuum. The following subsections provide brief descriptions of each of OJJDP's above-listed stages in the continuum.

Prevention

Prevention should be promoted as the most cost-effective approach to reducing juvenile delinquency. The purpose of prevention programs is to prevent exposure of youth to delinquency risk factors in order to prevent them from committing delinquent acts through competency development in all aspects of life. Prevention services target all youth prior to any contact with the juvenile justice system and at-risk youth, or those youth exhibiting early signs of problems or significant risk factors related to the juvenile offender population.

Early Intervention

The purpose of early intervention is to reduce or eliminate known delinquency risk factors and change problem behaviors through primarily

Exhibit 3. Continuum of Treatment and Rehabilitative Alternatives

	Delinquency Prevention			Graduated Sanctions			
Stage	Prevention	Early Intervention	Immediate Intervention	Intermediate Sanction	Community Confinement/Supervision	Institutional Confinement	Transition
Target Population	All Youth	At-Risk Youth	At-Risk Youth and Delinquent Youth	Delinquent Youth	Delinquent Youth	Delinquent Youth	Delinquent Youth
Programs and Services	Parenting Classes	Anger Management	Arrest	Adjudication	Detention	Detention	Aftercare Services
	Education	Mentoring/Tutoring	Intake	Probation	Intensive Supervision/Probation	Training Schools	Day Treatment
	Health	Screening and Assessment	Screening and Assessment	Screening and Assessment	Screening and Assessment	Screening and Assessment	Screening and Assessment
	Sports	Job Training	Diversion	Diversion	Day Treatment	Staff-Secure Facilities	Job Training
	Arts	Life Skills	Counseling	Restitution	Foster/Group Homes	Secure Incarceration	Graduated Supervision
	Head Start	Competency Development	Drug and Alcohol Treatment	Community Service	Residential or Non-residential Treatment	State Custody	Alternative Schools

SOURCE: *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, OJJDP.

family-centered interventions. Early intervention services target at-risk youth. The goal is to stop a youth's progression in the continuum and intervene before the youth becomes a juvenile or status offender.

Immediate Intervention

Immediate intervention services target youth exhibiting problem behaviors. This is generally the point of first contact with the juvenile justice system through law enforcement. The purpose of immediate intervention is to prevent a juvenile from becoming a serious or chronic juvenile offender.

Intermediate Sanction

Intermediate sanction targets youth who have entered the juvenile justice system. The purpose of intermediate sanction is to provide more intensive services to juveniles, either residential or nonresidential, based on the juvenile's risks and needs. The goal is to rehabilitate the juvenile through the least restrictive treatment possible and therefore prevent future reoffending.

Community Confinement/Supervision

Community confinement/supervision services target youth that have been adjudicated as more serious or chronic offenders. Community confinement/supervision is necessary in intervening for those juveniles who have previously been unsuccessful in the prior stages of the continuum or those that require more intensive supervision and increased residential services to be rehabilitated successfully.

Institutional Confinement

Institutional confinement services target youth that have been adjudicated as serious or chronic delinquent offenders and are, or potentially are, a danger to themselves and/or the community. Although this is a small percentage of juveniles, they require the most intensive treatment, generally resulting in a total loss of freedom. Institutional confinement should work toward the rehabilitation of juveniles through comprehensive residential treatment that also incorporates any

necessary programs or services from the prior stages of the continuum.

Transition

Transition in the juvenile justice system is when a juvenile is released from sanctions/confinement and begins to return to the community. The goal of transition is to provide the necessary supervision and services juveniles need to receive after leaving residential facilities while transitioning back into the community, beginning with intensive supervision and then allowing for progressively increased freedom and responsibility in the community.

Identifying and Meeting the Needs of Juveniles

In order to achieve the goals of a juvenile justice system to rehabilitate juvenile delinquents and prevent reoffending, the system must have the tools and guiding principles in place to quickly and accurately identify the needs of the juvenile in order to meet those needs. These tools and guiding principles include:

- screening and assessment;
- case management;
- a wraparound approach; and,
- equitable treatment of youth.

Screening and Assessment

An effective screening process should identify where a youth or juvenile should be placed on the continuum of treatment and rehabilitative alternatives based on risks and needs.

A screening and assessment function is critical to any effective juvenile justice system. An effective screening process should identify where a youth or juvenile should be placed on the continuum of treatment and rehabilitative alternatives based on risks and needs in order to protect public safety, while also ensuring that all youth and their families receive appropriate services with the least restrictive level of supervision necessary.

Screening and assessment is particularly important at intake, since it is the point of entry into the juvenile justice system and the ideal time for diversion of youth by determining those youth who should be moved out of the juvenile justice system, juveniles who do not need to be detained, and

One nationally recognized screening instrument is the Youth Assessment Screening Instrument, commonly known as the YASI.

those juveniles who do need to be detained. Screening and assessment should also identify risk factors that could contribute to future delinquency and guide both case management planning and recommendations to the youth court.

The most effective systems should have a uniform screening process for all juvenile offenders that is validated and codified into state law, should ensure that all youth are screened at first contact with law enforcement and upon intake, should be evaluated annually to verify effectiveness and consistent application of the screening and assessment instrument, and should be race-neutral both in design and in practice. Effective screening and assessment instruments should include the following focus areas: public/community safety, family structure and environment, peer and social relations, education, mental health and substance abuse, risk factors for chronic juvenile delinquency, and any prior offenses or contact with the juvenile justice system.

One nationally recognized screening instrument is the Youth Assessment Screening Instrument, commonly known as the YASI. The YASI measures risk and need based on the following areas:

- legal history;
- family environment;
- school environment;
- community environment and peer relationships;
- alcohol and drug use;
- physical and mental health;
- attitudes;
- skills;
- employment; and,
- use of free time.

Through comprehensive screening and assessment, one should determine the appropriate services that are youth-targeted and family-focused and the youth's length of stay in the service or program recommended. Only properly trained and qualified staff should administer a screening and assessment instrument.

Case Management

Case management is another critical tool that is used in an effective juvenile justice system. The goal of case management is to link juveniles and families effectively with an array of results-based services and programs based on the level of risk and need determined from the screening and assessment instrument. Case management systems should always strive to prevent juveniles from receiving out-of-home placements, when possible, to keep the family and community readily accessible and involved.

The goal of case management is to link juveniles and families effectively with an array of results-based services and programs based on the level of risk and need determined from the screening and assessment instrument.

An effective case management system should result in an individualized treatment plan that is developed and implemented for each juvenile and should include realistic goals and time frames. Case managers should follow a juvenile and family from admission to the juvenile justice system throughout screening and assessments and should be responsible for all major decisions concerning the juvenile.

An effective case management system should also provide a strong foundation for the collection of data as the juvenile moves through the juvenile justice system, focusing on available resources and what programs and services along the continuum of treatment are successful at certain levels.

A Wraparound Approach

The goal of a wraparound approach is to identify the services and supports that a youth and the youth's family needs and provide them as long as they are needed in order to prevent juveniles from moving back and forth between institutional and residential services.

Juveniles often need the services of more than one public system or agency. A comprehensive, or wraparound, approach should ensure that a youth with multiple issues receives a single, individualized, community-based treatment plan that delivers services across the mental health, juvenile justice, child welfare, and educational systems that are youth-centered, while remaining family-focused.

Wraparound should always be based in the community through a definable planning process resulting in a unique set of natural supports and community services designed to achieve a positive set of outcomes. The goal of wraparound is to identify the services and supports that a youth and the youth's family needs and provide them as long as they are needed in order to prevent juveniles from moving back and forth between institutional

and residential services, often never being afforded the opportunity of rehabilitation because of inadequate or unstable services.

One of the key focuses of the wraparound approach is on the juvenile's family. The family is the initial foundation of a youth's world, and therefore to modify a youth's behavior and provide an adequate continuum of treatment and rehabilitation, it is essential to understand and involve the family. This is noted in the state requirements of the JJDP A of 2002 (see Appendix F on page 141):

Provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency.

Wraparound programming should maximize collaboration and coordination among the multiple stakeholders of a youth's life, be team-driven, actively involve families at every level of the wraparound process, be culturally competent, be developed and implemented based on an interagency, community-based, collaborative process, and should have outcomes stated in measurable terms that are monitored on a regular basis.

Equitable Treatment of Youth

A guiding principle of the juvenile system is that all juveniles should be sanctioned fairly and equally for delinquent acts and status offenses. All youth and juveniles should have equal access to services that meet their individual needs and are likely to prevent further criminal behavior through a uniform system of service delivery.

All youth and juveniles should have equal access to services that meet their individual needs.

Therefore, special efforts are necessary to promote fairness in programs and ensure these programs are available in all areas in order to support youth to stay in their homes and in their communities rather than detention and incarceration when it is not warranted based on valid screening and assessment instruments. These special efforts include identifying and implementing programs and strategies that reduce unfair practices system-wide, reinforcing the importance of fairness in policies and procedures, providing training on cultural competency to staff and personnel who work directly with youth, implementing screening criteria with objective guidelines that are validated

as race-neutral and race-sensitive and are reviewed annually, and providing supplemental resources and programs to areas that have high rates of over-representation or high percentages of minority youth. The state requirements of the JJDP A of 2002 require that states (see Appendix F on page 141):

Provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income and disability.

One recent concern in the juvenile justice system is that African-American and other minority youth are disproportionately represented throughout the juvenile justice system. This is reflected as one of the core requirements specified in the JJDP A of 2002--to reduce disproportionate minority contact within the juvenile justice system.

Ensuring the Presence of Necessary Fundamental Components

Four fundamental components are vital to the success of any effective system, including a juvenile justice system:

- funding;
- planning;
- a research and evaluation capacity; and,
- qualified personnel.

Funding

In a juvenile justice system, adequate funding must be available to provide all of the services in the continuum of treatment and rehabilitative alternatives, from prevention through transition.

In a juvenile justice system, funding sources may be from the federal, state, or local levels or from a combination of sources. Funding and resources are critical to implementing any system and achieving the goals of the system. In a juvenile justice system, adequate funding must be available to provide all of the services in the continuum of treatment and rehabilitative alternatives, from prevention through transition. Available funding must also be prioritized to obtain maximum effectiveness and provide the necessary services and programs to treat and rehabilitate the maximum number of juveniles and prevent future delinquency. This is noted in the state requirements of the JJDP A of 2002 (see Appendix F on page 141):

Provide that the state agency designated to administer the state plan will give priority in funding to programs and activities that are based on scientifically based research, review the state plan and provide an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and not fund those programs that failed to demonstrate their success in achieving goals.

Planning

In the juvenile justice system, planning should identify the purpose of the system and what programs and services are necessary to provide the continuum of treatment and rehabilitative alternatives.

Planning is essential for the success of any system. In order for a system to be effective, it should have a long-term strategic plan that focuses on what the system is to accomplish and how it will accomplish this both effectively and efficiently. For example, in the juvenile justice system, planning should identify the purpose of the system and what programs and services are necessary to provide the continuum of treatment and rehabilitative alternatives to reintegrate juveniles back into the community while preventing future reoffenses.

Some key planning elements include:

- mission and vision statements;
- effective collaboration of the entities or agencies involved in the system; and,
- coordination of the services to be provided.

These are included in the state requirements of the JJDP A of 2002 (see Appendix F on page 141):

Provide for an advisory group that shall consist of not less than 15 and not more than 33 members appointed by the chief officer of the state that shall participate in the development and review of the state's juvenile justice plan, have the opportunity to review and comment on grant applications submitted under the JJDP A, and submit recommendations regarding compliance with JJDP A to the chief executive officer and the legislature of the state.

Provide for the analysis of juvenile delinquency problems in, and the

juvenile delinquency control and delinquency prevention needs (including educational needs) of the state, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile justice and delinquency prevention needs of the state. This analysis should contain:

- A plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;*
- A plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and*
- A plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services.*

Mission and Vision Statements

A *mission statement* defines the overall purpose of the system and focuses on the target population to be served and what services will be provided. Mission statements focus on the current capacities of the system and how they will impact the public or the community. A *vision statement* is a description of where the system should be or will be in the future. The vision statement focuses on the entities, agencies, and staff within the system in order to remind them what the system is striving to become. The vision should impact the allocation of resources and services in order to achieve the values that the vision expresses.

All key players in a system should be invested in and committed to the mission and vision statements. These should be the driving force in

Mission and vision statements should be the driving force in what the system has to offer and what the system could potentially offer in the future.

what the system has to offer and what the system could potentially offer in the future.

The mission statement of the juvenile justice system should explain what it would accomplish by providing services and programs to juveniles and what impact it would have on treatment, rehabilitation, and future delinquency. The vision statement should describe how the key players will achieve the mission and where the juvenile justice system should be in the future.

Collaboration between Key Players

In any system that involves more than one key player, those involved should work together to ensure that all of the necessary services and programs are provided. All agencies that work with youth and families in the juvenile justice system should integrate their efforts and not independently consider the limited issue(s) that have brought a youth into the system, in order to deliver the range of services needed by youth and their families. This is noted in the state requirements of the JJDP A of 2002 (see Appendix F on page 141):

Provide that not less than 75 percent of the funds available to the state under the formula grant be used for...:

- *Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, etc.*

Coordination of Services and Resources

When coordination is not present, duplication of services and gaps in the services provided may lead to a less effective and efficient use of resources.

In addition to collaboration between key players, in order for a system to be both effective and efficient, there should be coordination of the services and programs organized and administered in order to maximize the system's impact and capabilities. When coordination is not present, duplication of services and gaps in the services provided may lead to a less effective and efficient use of resources.

In a juvenile justice system, the goal is to treat and rehabilitate juvenile offenders and prevent future delinquency. The key players must utilize available funding efficiently to provide the necessary continuum of alternatives, such as community-based and institutional programs, in order to implement the mission and vision and achieve an effective juvenile justice system. This is noted in the state requirements of the JJDP of 2002 (see Appendix F on page 141):

Provide for coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations and other related programs (such as education, special education, recreation, health and welfare programs) in the state.

Research and Evaluation Capacity

Critical to the success of any system or program is the presence of a research and evaluation capacity. This capacity should exist at all levels in the system and incorporate the effective usage of performance measures and data collection and analysis. This is noted in the state requirements of the JJDP of 2002 (see Appendix F on page 141):

Provide for the development of an adequate research, training, and evaluation capacity within the state.

Also, the evaluation capacity enables oversight of the system.

Performance Measures

One example of an effectiveness measure commonly used in the juvenile justice system is recidivism, or the reoffense of a juvenile.

Performance measures tell how well someone or something is performing. Performance measurement is often utilized as a management tool to enhance decision-making, quality of services, and accountability of organizations. Having adequate performance measures in place allows a system or agency to convey that it works and is successful in what it accomplishes. Performance measures may be utilized to set staff and organizational priorities, monitor progress in achieving goals and objectives, prioritize services and stakeholders, allocate resources more

efficiently, and strengthen practices in accomplishment of one's mission.

In relation to the juvenile justice system, performance measures should ensure that agencies show constituents that the system does work to ensure public safety, meet the needs of the youth, and provide accountability to the system. It should be noted that performance measures in the juvenile justice system should not be utilized in an attempt to develop a national standard for juvenile justice systems because a large portion of the juvenile justice resources are contributed by, and the initial stages of contact with the juvenile justice system occur at, the local level.

Although recidivism is a commonly used measure of effectiveness nationwide, there is no national standard definition or rate for recidivism for juveniles.

One example of an effectiveness measure commonly used in the juvenile justice system is recidivism, or the reoffense of a juvenile. According to the OJJDP, recidivism is one of the most commonly used performance measure of the success of juvenile justice system outcomes. A recidivism rate may reflect any number of possible measures of repeat offending, such as arrest, referral, adjudication, and commitment within a specific period.

Although recidivism is a commonly used measure of effectiveness nationwide, there is no national standard definition or rate for recidivism for juveniles. Such a rate would not be of much use because of the varying ways that states measure recidivism. For example, the period of time between reoffense varies by state and ranges from three months to five years. In addition, some states measure recidivism based on rearrest, whereas some states include the tracking of recidivism into the adult criminal system. See Appendix G, page 146, for a sample of how some states measured recidivism over a twelve-month period.

Data Collection and Analysis

Data should be collected in order to assess performance, determine the system's overall effectiveness, and identify strengths and areas of improvement.

A key component in any juvenile justice system is the data that is collected and monitored. This data should be collected in order to assess performance, determine the system's overall effectiveness, and identify strengths and areas of improvement. It should also be used to identify the target population to be served and provide evidence-based programs and services, or the need therefor, to provide throughout the continuum of treatment alternatives. It is crucial to have a data collection

plan in place in order to determine what data needs to be collected, the population the data comes from, the length of time needed to monitor the data, methodology in collecting the data, comparisons that should be made with the data, existing data sources, and new data sources, while ensuring the credibility and costs of the data collection.

Data Entry Issues

It is critical to collect and analyze data that is valid and reliable. In order to ensure that the data is valid and reliable, the data entry process must be clear, consistent, and accurate. Key issues in data entry include:

- *Accuracy*: measures must be in place to ensure that the correct data is being entered into the system;
- *Uniformity*: the data must be entered consistently;
- *Timeliness*: there should be a reasonable timeframe from when the data is collected to when it is entered in the system;
- *Reliability*: the data entry process must not only be consistent, but also dependable; and,
- *Quality Control*: data that is collected and entered must be periodically reviewed to ensure completeness, accuracy, and consistency.

Other factors must also be in place for data entry and processing. The data entry system will be largely based on the resources available to staff, the staff must be adequately trained on the data system, and there has to be a commitment or buy-in to the system by the key stakeholders in order for the system to produce meaningful results. An ideal data entry system must also be simple to use, easy to understand, and have the utility to process the data that will be meaningful to the overall system.

Reporting

Once the data has been entered and processed, it must produce reports that are meaningful to

outputs, outcomes, and other performance measures of the juvenile justice system. Data reporting should determine how the data is presented and ensure that it is presented in such a way that it is easy to understand both from the staff and public's perspective. It should also provide results over designated timeframes to be utilized in performance measurement.

Data Elements

A wide variety of data elements can be collected and analyzed in relation to the juvenile justice system, such as age, race, and gender of juvenile offenders. As stated above, there should be a data collection process in place, the data entry should be consistent and reliable, and the data should be reported and utilized in a way that is meaningful in performance outcomes in the effectiveness of the juvenile justice system.

OJJDP requires that states collect a minimum amount of data necessary to conduct an analysis of current juvenile crime problems and juvenile justice and delinquency prevention and educational needs within the state.

The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for use of its Formula Grants Program, requires that states collect a minimum amount of data necessary to conduct an analysis of current juvenile crime problems and juvenile justice and delinquency prevention and educational needs within the state. (See Appendix F, page 141, for a complete list of state application requirements for OJJDP's Formula Grant Program.) The minimum data reporting requirements as listed in the Formula Grant Application should cover a three-year period and include the following:

- juvenile arrests by offense type, gender, age, and race;
- number and characteristics of referrals by offense type, gender, age, and race;
- number of cases handled formally and informally by gender, race, and type of disposition;
- number of delinquent and status offenders admitted to juvenile detention centers and adult jails and lockups by race and gender; and,
- other social, economic, legal, and organizational conditions considered relevant to delinquency programming.

The data as specified above may be utilized for multiple analyses and reports to obtain a better understanding of the juvenile justice system and how well it is performing. For example, if one wanted to measure the juvenile offender population in detention facilities and disproportionate minority contact, then the following performance measures could be utilized:

- percent of youth who are detained;
- percent of youth in non-secure detention by program type;
- average length of stay in secure and non-secure detention;
- percent of detained youth who are African-American;
- percent of African-Americans in secure and non-secure detention by program type; and,
- percent of arrested African-Americans under eighteen who are sent to adult court.

This data could also be used more broadly in relation to other data collected to perform analyses to identify areas of high or increased delinquency to determine whether the problem is in relationship to the community rather than race, to identify the most egregious points of disparate treatment, and to study disproportionate minority involvement that identifies the decision points at which minority youth face the most bias. The same analysis could be performed based on age, gender, and other ethnicities.

Oversight of the System

A comprehensive juvenile justice system should have an oversight entity created by state statute that has full access to all documentation and facilities within the system.

Oversight of the juvenile justice system, its programs, and its facilities is critical. Oversight should facilitate the monitoring and reporting of juvenile justice reform efforts while ensuring a legitimate and humane system. Information gathered and produced by the oversight entity should be readily available and provided to both the public and the Legislature. A comprehensive juvenile justice system should have an oversight entity created by state statute and that is provided full access to all documentation and facilities

within the system. The oversight entity should also be responsible for the accountability of the system by responding to grievances and ensuring the well-being of youth within the system.

Qualified Personnel

An essential element in implementing any system is the presence of a dedicated and properly trained workforce. The workforce should have an investment in the mission and vision statements of the system.

In the juvenile justice system, the workforce must be committed to serving youth and juveniles, support and involve the family, treat all youth fairly, and have the resources necessary to fulfill this commitment.

In the juvenile justice system, this workforce must be committed to serving youth and juveniles, support and involve the family, treat all youth fairly, and have the resources necessary to fulfill this commitment. Effective recruitment efforts should be in place to hire the most qualified workers and these workers should be retained using performance-based evaluations with merit-based incentives, such as competitive salaries and appropriate caseloads. New hires should receive job-specific competency testing and comprehensive training during the first year and on an as-needed basis annually thereafter. When more than one key player is involved, there should be strong lines of communication among the workforce, and that key player must be knowledgeable about the other key players' policies and procedures and receive cross-training in the other services and programs provided.

Chapter 4: The Legal Environment, Key Players, and Service Structure of Mississippi's Juvenile Justice System

The role of state government in administering juvenile justice is similar to that of the federal government. The state's roles and responsibilities in the juvenile justice system are to establish rules, regulations, and minimum standards; to provide services; and to provide funding to the key players in the state's juvenile justice system.

This chapter describes the legal environment for Mississippi's juvenile justice system and describes the roles and responsibilities of key players and the system's service structure. This chapter also describes how data is collected and reported within the system and how the system is funded.

Legal Environment for Mississippi's Juvenile Justice System

Two key pieces of recent state legislation affecting how the Mississippi juvenile justice system operates were the Juvenile Justice Reform Act of 2005 and the Juvenile Delinquency Prevention Act of 2006. Also, as noted on page 29, a lawsuit filed in 2003 regarding the state's juvenile training schools resulted in a consent decree and memorandum of agreement between the U. S. Department of Justice and the Mississippi Department of Human Services.

The following subsections contain brief discussions of these key pieces of legislation and the consent decree and memorandum of agreement.

Recent State Legislation Related to Juvenile Justice

The Juvenile Justice Reform Act of 2005 was a move toward a system of rehabilitation rather than institutionalization.

The Mississippi Legislature passed the Juvenile Justice Reform Act of 2005 (Chapter 471, *Laws of 2005*) in an effort to reform Mississippi's juvenile justice system and move toward a system of rehabilitation rather than institutionalization. This legislation prevents the institutionalization of status offenders, requires that youth court judges consider other dispositional alternatives such as community-based services prior to the institutionalization of first-time nonviolent

offenders, required the creation of adolescent offender programs for all eighty-two counties by 2010, created a juvenile detention facilities monitoring unit, and created an adolescent team to assist in the referrals of juveniles to appropriate mental health providers.

The Juvenile Delinquency Prevention Act of 2006 expanded the juvenile justice reform effort begun in 2005.

The Legislature sought to build on its 2005 reform act with the passage of the Juvenile Delinquency Prevention Act of 2006 (H. B. 199, Regular Session, 2006). This legislation expanded the minimum standards of operation of Mississippi's juvenile detention facilities (see Appendix H, page 147), required the use of transition planning for juveniles released from the training schools, created a study committee to determine which entity should provide educational services to juveniles committed to detention facilities, required adolescent offender programs to incorporate evidence-based practices that include specific services, and created two grant programs for funding community-based programs for youth courts, faith-based organizations, and non-profit organizations.

Appendix I on page 151 provides brief descriptions of other state legislation from 2002 through 2007 that has impacted the state's juvenile justice system.

Consent Decree and Memorandum of Agreement Regarding Juvenile Training Schools

In 2003, the U. S. Department of Justice filed a lawsuit against the state citing violations of constitutional and statutory rights of juveniles at the two state-supported training schools.

In 2002, the United States Department of Justice investigated Mississippi's two state-supported training schools operated by the Division of Youth Services--Oakley Training School for males and Columbia Training School for females--and subsequently filed a lawsuit against the state of Mississippi in 2003.

The lawsuit cited violations of constitutional and statutory rights of juveniles at these facilities. Examples of the deficiencies noted in the report and lawsuit, include, but were not limited to:

- noncompliance with mental health and medical care and educational requirements;
- deficiencies in protection of juveniles from harm, such as abusive disciplinary practices or abusive staff; and,

- programmatic deficiencies, including the training of staff, staff shortages, absence of a grievance process for juveniles within these facilities, and absence of a quality assurance program.

In May 2005, the State of Mississippi agreed to cooperate with the Department of Justice to take corrective action to address the deficiencies at each facility.

In May 2005, the State of Mississippi and the Department of Justice signed a consent decree, which was approved by the United States District Court for the Southern District of Mississippi. In this settlement agreement, Mississippi acknowledged that it had violated the federal rights of juveniles at the two state-supported training schools and agreed to cooperate with the Department of Justice to take corrective action to address the deficiencies at each facility. The consent decree specifically addresses the protection from harm and medical care claims raised in the lawsuit. Additionally, the State of Mississippi and the Department of Justice signed a Memorandum of Agreement (MOA) that resolves litigation concerning the mental health, rehabilitation, education, and special education claims raised in the lawsuit. This agreement and the consent decree included the use of a court-appointed monitor to provide updates every four months to the Department of Justice on compliance with the agreement.

A court-appointed monitor is to provide updates every four months to the Department of Justice on the state's compliance with the agreement.

The consent decree and the MOA may be in effect until 2009, but could be terminated by the United States District Court prior to that date if the state has substantially complied with each of the provisions of the agreement and has maintained substantial compliance for at least two years.

Appendix D on page 134 provides a brief description of the consent decree and memorandum of agreement.

Key Players and their Roles and Responsibilities

Exhibit 8, page 92, profiles the Mississippi juvenile justice system (as well as the systems of Colorado and Utah) based on a comparison of state systems compiled by the National Center for Juvenile Justice in May 2006. For a description of the characteristics and how other states' juvenile justice systems are organized and administered, see Appendix J on page 156.

Key players in Mississippi's juvenile justice system, which must operate within the legal environment described in the previous section, include numerous judicial and executive bodies, as well as other entities. These key players are:

- the youth courts;
- the youth drug courts;
- several state agencies, including:
 - the Division of Youth Services (within the Department of Human Services);
 - the Office of Justice Programs (within the Department of Public Safety);
 - the Children's Services Division (within the Office of the Attorney General);
 - the Division of Children and Youth Services (within the Department of Mental Health);
 - the Administrative Office of the Courts;
 - the Department of Education; and.
 - the Bureau of Mental Health (within the Governor's Office, Division of Medicaid);
- other entities, including:
 - the community mental health centers and private non-profit entities;
 - county-operated juvenile detention facilities;
 - the State Advisory Group (Juvenile Justice Advisory Committee);
 - the Interagency Coordinating Council for Children and Youth;
 - the Interagency System of Care Council;
 - the Mississippi Judicial College; and,
 - the Legislature.

The following subsections contain brief descriptions of each of these entities' roles in the state's juvenile justice system.

Youth Courts

Because no sentencing guidelines exist for juvenile offenders, the youth court has discretion in selecting the dispositional alternative.

State law provides several options for creating youth courts that are based on the presence of family, county, or chancery courts in a given county. (See page 57 and Appendix K on page 166 for a description of the law related to the formation of youth courts in Mississippi and the hierarchy of courts that may hear juvenile cases.) Mississippi youth courts have exclusive original jurisdiction in all proceedings concerning a delinquent child or a child in need of supervision, except when the act committed by a child over the age of thirteen is a criminal offense punishable in the circuit court and, in certain child custody cases, where abuse is alleged.¹ Because no sentencing guidelines exist for juvenile offenders, the court has discretion in selecting the alternative it deems appropriate, is in the best interest of the child and community, and that is available in their county or region of the state. Appendix L, page 167, provides a list of the dispositional alternatives that youth court judges may consider for those youth adjudicated as delinquent and Appendix M, page 169, describes the dispositional alternatives for youth deemed in need of supervision.

Youth Drug Courts

Mississippi currently has six youth drug courts.

A drug court is a special court given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services, and immediate sanctions and incentives. Drug courts may be targeted for youth or adults. Both adult and youth drug courts share three primary goals:

- to reduce recidivism;
- to reduce substance abuse among participants; and,

¹ Juveniles certified as adults and transferred to the circuit court are not committed to juvenile detention facilities operated by the Division of Youth Services or county-operated juvenile detention facilities. Once a juvenile has been certified as an adult and adjudicated, he/she is under the jurisdiction of the Mississippi Department of Corrections.

- to rehabilitate participants.

Drug court participants undergo long-term treatment, counseling, sanctions, incentives, and frequent court appearances. Successful completion of the treatment program may result in dismissal of the charges, reduced sentences, lesser penalties, or a combination of these. Currently there are six established youth drug courts in Mississippi, located in Adams, Desoto, Forrest, Hinds, Madison, and Rankin counties.

State Agencies

Multiple state agencies participate in the administration of the juvenile justice system in Mississippi, including the Department of Human Services' Division of Youth Services, the Department of Public Safety's Division of Public Safety Planning, the Office of the Attorney General, and the Department of Mental Health.

Division of Youth Services within the Department of Human Services

The Department of Human Services' Division of Youth Services (DYS) is responsible for implementing laws and policy relating to youth services; coordinating the entities that provide services to youth; and supervising the administration of the two state-supported training schools. Included in its responsibilities are administration of federal funds for adolescent offender programs, supervision of Youth Services counselors located throughout the state, administration of A-Teams (see Appendix N, page 170), and preparation of an annual statistical report on juvenile offenders. DYS has seven regional locations in addition to the central office in Jackson.

One of the Division of Youth Services' responsibilities is to supervise the administration of the two state-supported training schools.

DYS also is responsible for other community and institutional programs and services related to juveniles. The primary goals of community services offered through DYS are: to ensure a balanced approach of accountability, competency development, and community safety; to decrease recidivism at the state training schools and divert youth from out-of-home placement; to establish multi-agency, cooperative partnerships with local communities; and, to establish uniformity in DYS services. See Appendices O and P, pages 171 and 173, for lists and brief descriptions of the

community and institutional programs and services offered by DYS.

Office of Justice Programs within the Department of Public Safety

The Office of Justice Programs is the entity designated by the Governor to carry out the purposes of the Juvenile Justice and Delinquency Prevention Act.

The Office of Justice Programs, within the Department of Public Safety's Division of Public Safety Planning located in Jackson, is the entity designated by the Governor through executive order to carry out the purposes of the Juvenile Justice and Delinquency Prevention Act. The office's responsibilities include preparation and administration of the three-year comprehensive state plan for carrying out the purposes of the act, administration of federal grants (such as the Juvenile Accountability Block Grant program² and the Formula Grant Program), and monitoring state-supported training schools and county-operated juvenile detention centers. Appendix Q, page 175, describes the grant programs administered by the Department of Public Safety.

Children's Services Division within the Office of the Attorney General

The Attorney General's Office administers four adolescent offender programs and various prevention programs for at-risk youth.

The Children's Services Division of the Office of the Attorney General administers four adolescent offender programs (per FY 2007 data) and various prevention programs for at-risk youth through Boys & Girls Clubs of America, YMCA, Big Brothers Big Sisters, and Communities in Schools. These programs are funded through an annual appropriation of federal TANF (Temporary Assistance to Needy Families) funds from the Mississippi Legislature.

Division of Children and Youth Services within the Department of Mental Health

The Department of Mental Health, through the Division of Children and Youth Services, operates two psychiatric hospital facilities and two specialized facilities that serve youth with various mental health treatment needs. Only two of these facilities are designated for juvenile offenders.

² The Juvenile Accountability Block Grant (JABG) is authorized through the Omnibus Crime Control and Safe Streets Act of 2002 and administered by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Two mental health facilities are designated for juvenile offenders.

Appendix R, page 177, describes each facility and the population served. (For admissions criteria for these two types of facilities, see Appendices S and T, pages 179 and 181.)

DMH works with community-based programs in establishing and coordinating mental health programs for children and youth and also administers a MAP Team in each of its fifteen regions (see Appendix N, page 170). The division has also established a minimum required level of services and provides Medicaid certification for community mental health centers.

Administrative Office of the Courts

The Mississippi Administrative Office of the Courts (AOC) was established to assist in the efficient administration of the nonjudicial business of the state's court system. Responsibilities of the AOC include the collection of case statistics from civil, criminal, and youth courts; coordination and conducting of studies and projects to improve the administration of justice; preparation and submission of budget recommendations for the maintenance and operation of the judicial system; certification of drug court programs in the state; assurance that all drug court programs comply with all applicable state and federal regulations and with the rules promulgated by the State Drug Court Advisory Board; and assurance that all drug court programs follow the key components of drug courts. (See Appendix U, page 183, for the key components of drug courts.)

Department of Education

The Mississippi Department of Education (MDE) has several responsibilities regarding compulsory school attendance of children. State law requires a parent, legal guardian, or custodian who has legal control or charge of a child age six to seventeen years to send the child to school during the entire school year. Effective July 1, 2003, a child who enrolls in public kindergarten will follow the same guidelines of the compulsory attendance law. The department employs compulsory school attendance officers through the Office of Dropout Prevention. School attendance officers are located in every county of the state, with some of their responsibilities including the location of all compulsory age students not attending school, working with the courts in their respective jurisdictions, counseling youth to remain in and

complete school, and attempting to secure social or welfare services to promote a child staying in school. For a complete list of the duties of school attendance officers, see Appendix V on page 184.

MDE's related responsibilities include enforcement of compulsory school attendance and administering the accreditation system and curriculum framework for the two training schools.

The department also is responsible for the accreditation of schools throughout the state. The Office of Accreditation is responsible for administering the state's performance-based accreditation system for public schools and the accreditation system for nonpublic schools electing to seek accreditation from the State Board of Education, including the two training schools operated by DYS.

The Department of Education has also established the requirements for the alternative school program for compulsory-school-age children. MISS. CODE ANN. §37-13-92 (1972) requires that the boards of all school districts establish, maintain, and operate alternative school programs. This act specifies what students are eligible to attend the school (such as any child referred to such school by the dispositive order of a chancellor or youth court judge and with consent of the superintendent), that such school shall meet all appropriate accreditation requirements of the State Department of Education, and that the State Board of Education shall promulgate minimum guidelines. See Appendix W on page 185 for the minimum guidelines and procedures of alternative school programs.

MDE establishes requirements for the alternative school program and the Youth Offender Program (in conjunction with the Department of Corrections).

The Department of Education also prescribes the Mississippi Curriculum Framework, which is utilized at both of the training schools operated by DYS. The courses offered at each facility are approved by MDE. Also, these schools offer a variety of vocational education classes that are approved by MDE's Office of Vocational Education.

MDE also administers the Youth Offender Program in conjunction with the Department of Corrections through the use of grant funding to provide vocational training at the Mississippi State Penitentiary, the Central Mississippi Correctional Facility, the South Mississippi Correctional Institution, and the Walnut Grove Youth Correctional Facility.

Bureau of Mental Health within the Governor's Office, Division of Medicaid

The Bureau of Mental Health is responsible for administering inpatient psychiatric services through both privately operated Psychiatric

Residential Treatment Facilities (PRTF) and psychiatric programs within general hospitals. The division is also responsible for approving Medicaid-eligible services, setting Medicaid policy for mental health, and monitoring programs for utilization and compliance with state and federal regulations.

Other Entities Involved in Mississippi's Juvenile Justice System

Community Mental Health Centers and Private-Non-Profit Entities

Mississippi's fifteen community mental health centers provide a variety of services such as preventive mental health programs, diagnostic and evaluation services, screening and assessment services, individual and group therapy, intensive crisis counseling, case management, and day treatment for youth with mental health needs, including juvenile offenders. Also, private, non-profit entities provide similar services to children and youth in need of mental health treatment. Appendix X, page 186, provides more detailed information regarding these service providers.

County-Operated Juvenile Detention Facilities

Mississippi currently has eighteen county-operated juvenile detention facilities.

Mississippi currently has eighteen county-operated juvenile detention facilities capable of providing secure detention for up to 565 juveniles at one time. Appendix Y, page 187, provides a listing of facilities and number of beds at each. The administration of these facilities varies across the state, with some being administered by the youth courts and others administered by the Sheriff's Department or municipal law enforcement as a co-located, yet separate, facility with the adult jail.

State Advisory Group (Juvenile Justice Advisory Committee)

The Juvenile Justice Advisory Committee plays an integral role in the state's eligibility for receipt of JJDPA formula grant funds.

The Juvenile Justice and Delinquency Prevention Act of 2002 provides that each state have an advisory group for juvenile justice programs with the purpose of overseeing the state's juvenile justice system and coordinating the efforts of all entities that provide services to juvenile offenders through development of a comprehensive state plan. According to the JJDPA, the governor is

responsible for appointing the members to serve on the state advisory group.

The Juvenile Justice Advisory Committee also plays an integral role in eligibility for JJJPA formula grant funds. In order to receive these funds, a state's juvenile justice advisory group must:

- participate in the development of the state plan for juvenile justice programs;
- have the opportunity to review and comment on any grant applications submitted to the state agency responsible for administering the plan;
- advise the state agency responsible for preparing and administering the state plan;
- submit to the Legislature recommendations related to compliance issues for the deinstitutionalization of status offenders, separation of juvenile and adult populations in secure detention facilities, and removal of juveniles from adult secure detention facilities; and,
- contact and seek input from juveniles under the jurisdiction of the juvenile justice system.

Interagency Coordinating Council for Children and Youth (ICCCY)

MISS. CODE ANN. §43-14-1 (1972) provides for the development and implementation of a coordinated interagency system of necessary services and care for children and youth up to age twenty-one with serious emotional/behavioral disorders who can be successfully diverted from institutional placement. This coordinated interagency system of necessary services and care is to be named the System of Care Program. This act also defines the establishment of and composition of the Interagency Coordinating Council for Children and Youth.

MISS. CODE ANN. §43-14-1 (2) (1972) designates the members of the ICCCY to include:

- State Superintendent of Education;
- Executive Director of the Department of Mental Health;
- Executive Director of the Department of Health;
- Executive Director of the Department of Human Services;
- Executive Director of the Division of Medicaid;
- Executive Director of the Department of Rehabilitation Services; and,
- Executive Director of Mississippi Families as Allies for Children’s Mental Health.

Interagency System of Care Council (ISCC)

MISS. CODE ANN. §43-14-1 (1972) provides for the creation of the Interagency System of Care Council to serve as the mid-level state management team for the ICCCY. The composition of the ISCC will be determined by staff from the various state agencies that serve on the ICCCY.

Mississippi Judicial College

The Mississippi Judicial College offers an annual Juvenile Justice Symposium and a Youth Court Judges/Referees Conference.

The Mississippi Judicial College is a division of the University of Mississippi Law Center funded through grants from the Department of Finance and Administration through the Criminal Justice and Highway Safety divisions. The Judicial College is responsible for the education and training of court-related personnel, providing technical assistance to the courts, and identifying the needs of the courts. Specific to juvenile justice, the college offers an annual Juvenile Justice Symposium and a Youth Court Judges/Referees Conference. Also, the Mississippi Judicial College is responsible for monitoring the compliance with judges’ mandatory continuing judicial education.

Mississippi Legislature

In addition to passing laws, the Legislature approves budgets and appropriates state general and special funds to various state agencies and state programs related to juvenile justice. The House of Representatives has recently established a standing Juvenile Justice Committee with twenty-five members.

Process Flow of Juveniles through the Mississippi Juvenile Justice System

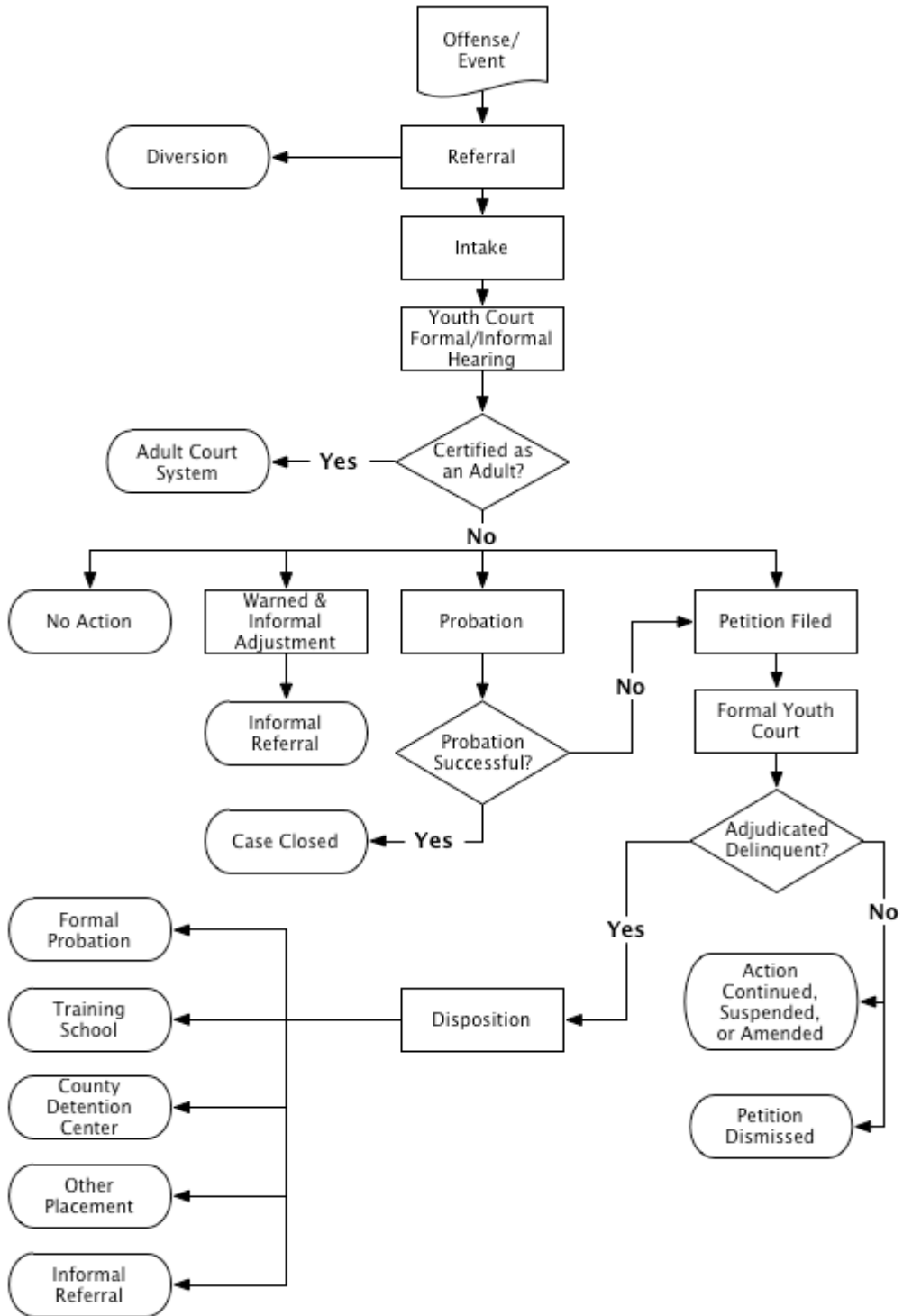
Once a referral is received by the Youth Court Intake Unit, state law requires that a preliminary investigation be completed to determine further action.

Exhibit 4, page 41, depicts the process flow of juveniles through Mississippi's juvenile justice system.

Several points in the flow depicted in Exhibit 4 involve a *referral*. The Division of Youth Services defines a *referral* as "a request by police, parents, or an agency that a juvenile intake unit take appropriate action concerning a juvenile alleged to have committed a delinquent or status offense." Once a referral is received by the Youth Court Intake Unit, which includes at least one Division of Youth Services Counselor and may include additional county staff, state law requires that a preliminary investigation be completed to determine whether the interest of the child or the public requires the youth court to take further action.

Youth Services counselors typically gather information about the alleged offense as well as social, educational, and home-life history that will assist the youth court counselor, the prosecutor, and youth court judge in determining the child's needs and which dispositional alternatives are in the best interest of the child and the public. Appendix L, page 167, provides a list of the dispositional alternatives that youth court judges may consider for those youth adjudicated as delinquent and Appendix M, page 169, describes the dispositional alternatives for youth deemed in need of supervision.

Exhibit 4: Flow of Adjudicated Juveniles through Mississippi's Juvenile Justice System



SOURCE: PEER analysis of the Mississippi juvenile justice system.

Data Collection and Reporting within the State's Juvenile Justice System

The juvenile justice system in Mississippi relies on a combination of sources to collect and report data from various state agencies regarding specific elements of the system, such as juvenile delinquency data, grant administration and oversight data, and the process data of a juvenile through the court system. The following sections and subsections provide a brief overview of the data elements collected and reported by some of the key players within the juvenile justice system in Mississippi.

Juvenile Justice Data Collection and Reporting by the DHS Division of Youth Services

The Division of Youth Services is the primary entity responsible for providing or coordinating services to at-risk youth and juveniles. Therefore, DYS utilizes an electronic case management system that allows real-time data to be collected on juveniles moving through the juvenile justice system. In addition to the reports that can be produced through the case management system, DYS also produces an annual report regarding the number and disposition of juvenile cases based on county and type of offense. The following subsections briefly describe these data collection and reporting methods.

Case Management System

DYS utilizes an electronic case management system that allows real-time data to be collected on juveniles moving through the juvenile justice system.

In December 2000, the Division of Youth Services purchased an electronic case management system with federal grant funds that will assist in the tracking of juveniles throughout the juvenile justice system and provide the data necessary to measure the performance of the various juvenile justice programs. This case management system should allow multiple agencies to share information about individual juvenile offenders while ensuring confidentiality of information.

The system will be implemented at the two state training schools and in the field offices where most juveniles have their first contact with the juvenile justice system. As of May 2007, the Case Management System (CMS) had been installed in

the DYS central office, both training schools, and each of the division's seven regional offices.

With this system, Youth Services counselors can capture data at intake and enter dispositional alternative data, including specific classes completed, the date of completion, and total hours attended. The case management system has a reporting feature that will allow it to run pre-programmed standard reports such as caseload data and number of referrals, as well as ad hoc reports based on an agency's needs. A sample report provided by DYS for the training schools included data such as the facility name, home county of the juvenile, date of birth, age of intake, most serious offense, intake date, length of stay, and the number of prior commitments.

Annual Report

MISS. CODE ANN. §43-21-257 (1972) requires DYS to maintain a state central registry containing the number and disposition of cases and to publish an annual statistical report. The annual report includes: contact information for DYS; an organizational chart; basic terminology; comparison by year for referrals, offenses, dispositions, and training school commitments; a list of and brief descriptions of community and institutional services; and various statistical data for referrals, offenses, and dispositions by state, county, and region.

Three-Year Comprehensive State Plan of the DPS Office of Justice Programs

The state must submit annually to the OJJDP performance and compliance reports regarding the comprehensive state plan.

In order to receive formula grants from the OJJDP under the JJDP of 2002, a state must submit a plan for carrying out its purposes applicable to a three-year period. Such plan shall be amended annually to include new programs, projects, and activities. Also, the state must submit annual performance and compliance reports regarding the comprehensive state plan.

The JJDP describes the minimum requirements that should be included in the state plan as follows:

- description of the state's juvenile justice system;
- analysis of juvenile crime problems and juvenile justice needs;

- plans for compliance with the four core requirements of the JJDPDA (see Appendix C, page 131);
- plans for the coordination of child abuse and neglect and delinquency programs;
- program descriptions and funding;
- subgrant award assurances;
- membership listing of the state advisory group; and,
- staff of the JJDPDA Formula Grants Program at DPS.

Administrative Office of the Courts

As noted previously, the Administrative Office of the Courts' primary responsibility is to assist in the efficient administration of the nonjudicial business of the state's court system. Regarding the juvenile justice system in Mississippi, the AOC utilizes two systems to collect and report data that are both designed to compile youth court statistical data and to track juveniles throughout the judicial system. The following subsections briefly describe the two systems used by AOC.

Mississippi Supreme Court Automated Tracking System (SCATS)

The most widely used data system within the courts is the Mississippi Supreme Court Automated Tracking System (SCATS). SCATS was designed by the AOC for the purpose of obtaining accurate youth court statistical data, as well as to institute a youth court child tracking system. However, due to the tedious process of data entry and the limited amount of data it is able to collect, primarily on information available at intake and disposition only, the system is now based on self-reporting Youth Court Case Tracking Forms that are submitted monthly to the AOC and entered into the database by AOC staff. These issues in data collection and reporting resulted in the development of the Mississippi Youth Case Information Delivery System to replace the SCATS system (see below).

Mississippi Youth Case Information Delivery System (MYCIDS)

Because MYCIDS is web-based, the data can be entered as the juvenile moves through the juvenile justice system.

The Mississippi Youth Case Information Delivery System (MYCIDS) is a web-based case management system designed specifically to track juveniles throughout the judicial system. The data collected is much more specific and comprehensive in comparison to the SCATS system. MYCIDS was developed by the AOC through utilization of federal grants from the Court Improvement Program (CIP) in order to replace the SCATS system. A key advantage to MYCIDS is that because it is web-based, the data can be entered in real time, which means the data can be entered as the juvenile moves through the juvenile justice system, thus allowing the data to be more accurate and more readily accessible.

Department of Education

The Mississippi Department of Education collects and reports data utilizing two data systems regarding risk factors for at-risk youth and juveniles, such as school dropout rates and school attendance records. The subsections below briefly describe these two programs.

Mississippi Assessment and Accountability Reporting System (MAARS)

The Mississippi Assessment and Accountability Reporting System (MAARS) is a database operated and maintained by MDE that produces a variety of reports, including true and full cohort studies on dropout, completion, and graduation data by count and rate.

Mississippi Student Information System (MSIS)

The Mississippi Student Information System (MSIS) was created to comply with the Performance Based Accreditation Model established by the Education Reform Act of 1982 that focused on the accurate reporting of student attendance and personnel at the school level. MSIS provides for the electronic collection and storage of comprehensive detailed data about teachers, administrators, students, and school board members. Also, MSIS allows for the electronic transfer of student records between school districts. Some of the information reported

includes monthly school enrollments, classroom teacher salary by district, and vocational enrollment data.

Funding of Mississippi's Juvenile Justice System

The juvenile justice system in Mississippi is funded through a combination of sources, including federal funds, state general funds, state special funds, and local funds. Exhibit 5, page 47, summarizes recent fiscal years' funding for juvenile justice programs and services, by source.

State agencies, local units of government, and other entities that provide community-based services receive federal funds for juvenile justice programs and some entities use federal funds to supplement local and private funds for the administration of community-based programs.

Exhibit 5. Snapshot of Funding by Selected Fiscal Years in the Mississippi Juvenile Justice System

Program/Service	Agency/Entity	Funding Source - Type	Fiscal Year*	Funding Amount (\$)
Adolescent Offender Programs	Division of Youth Services	Temporary Assistance for Needy Families (TANF) - Federal	2008	6,714,099.00 ¹
Adolescent Offender Programs	Division of Youth Services	Social Services Block Grant (SSBG) - Federal	2007**	1,379,715.00
Community Services	Division of Youth Services	Tony Gobar Grant - State	2008	750,000.00
Community Services	Division of Youth Services	Pacific Institute Training/TANF - Federal	2008	250,000.00
Community Services	Division of Youth Services	Fast ForWard/TANF - Federal	2008	750,000.00
Oakley Training School	Division of Youth Services	No Breakout was Available ²	2007	10,681,225.00
Columbia Training School	Division of Youth Services	No Breakout was Available ²	2007	5,828,886.00
Community-Based Programs (Local Level)	Office of Justice Programs	Formula Grant - Federal	2006	240,000.00
Community-Based Programs (Local Level)	Office of Justice Programs	Juvenile Accountability Block Grant (JABG) - Federal	2006	500,400.00
Community-Based Programs (Local Level)	Office of Justice Programs	Title V Incentive Grant - Federal	2006	56,250.00
Juvenile Rehabilitation Facility	Department of Mental Health	State Funds	2007	4,864,209.00
Juvenile Rehabilitation Facility	Department of Mental Health	Special Funds ³	2007	47,250.00
Specialized Treatment Facility for Emotionally Disturbed Youth	Department of Mental Health	State Funds	2007	2,710,950.00
Specialized Treatment Facility for Emotionally Disturbed Youth	Department of Mental Health	Special Funds ³	2007	3,298,575.00
Community Mental Health Centers	Department of Mental Health	Various Federal Grants	2007	2,868,751.00

Career and Technical Education at Columbia and Oakley	Department of Education	Federal Grant	2007	4,706.00
Vocational Education Teacher Salaries and Equipment Costs	Department of Education	State Funds	2007	274,586.00
Neglected and Delinquent Program	Department of Education	Title 1, Part D Funds -Federal	2007	698,011.00
Youth Drug Courts	Administrative Office of the Courts	State Drug Court Fund - State Level, Fee-Based	2007	549,222.03

*Fiscal years for the allocated funding vary by the data submitted to PEER from the agencies based on the most recent allocations available.

**SSBG funds are allocated based on Federal Fiscal Year.

¹ FY 2008 funding includes the TANF funds provided to four AOPs originally administered by the Attorney General's Office.

² DYS staff noted that the majority of the annual expenses at both Oakley and Columbia are paid by state funds. However, a small percentage of the total funding for each of the training schools comes from federal sources and no breakout on the amounts was readily available.

³ Special funds include Healthcare Expendable Trust Funds, Drug Court Assessment Funds, Medicare, and Medicaid funds.

SOURCE: Budget information on juvenile justice programs and services from the Division of Youth Services, Department of Public Safety, Department of Mental Health, Department of Education, and Administrative Office of the Courts.

Chapter 5: Problems in Mississippi's Juvenile Justice System

Mississippi's fragmented juvenile justice system does not equitably provide an adequate continuum of treatment and rehabilitative alternatives to meet the needs of all juveniles in every county.

PEER compared the Mississippi juvenile justice system to a comprehensive juvenile justice system, elements of which were identified by the federal Office of Juvenile Justice and Delinquency Prevention (see pages 10 through 14). PEER made this comparison by conducting interviews with the key players at all levels of the juvenile justice system (see Method, page 2), as well as reviewing documentation provided by the key players.

In conclusion, PEER found that Mississippi's juvenile justice system has numerous deficiencies in comparison to a comprehensive system. The system:

- needs a comprehensive continuum of treatment and rehabilitative alternatives, from prevention to transition; and,
- does not effectively identify and meet the needs of all juveniles in every county because of deficiencies in screening and assessment, case management, wraparound programs and services, and does not always address the equitable treatment of youth.

Also, the system's deficiencies in funding, planning, research and evaluation capacity, and qualified personnel limit its effectiveness.

The following sections contain discussions of the above-noted deficiencies.

Need for a Comprehensive Continuum of Treatment and Rehabilitative Alternatives

Mississippi's juvenile justice system does not provide a comprehensive continuum of treatment and rehabilitative alternatives to juveniles from prevention to transition.

As noted in PEER's description of a comprehensive juvenile justice system on pages 10 through 27, an effective system should have a continuum of treatment and rehabilitative alternatives available

Key players' concerns regarding the lack of a continuum in Mississippi primarily focused on the need for community-based alternatives and a need for gender-specific alternatives.

throughout the seven stages of the system, from prevention to transition.

Although Mississippi does provide some of the necessary programs and services at several stages in the continuum (e. g., training schools, detention, and probation), the state does not provide comprehensive services and adequate care in all stages. This was noted by almost all of the key players interviewed by PEER. Concerns for the lack of a continuum primarily focused on the need for community-based alternatives and a need for gender-specific alternatives.

Staff of the Division of Youth Services, the Department of Mental Health, the Division of Medicaid, the Office of Justice Programs, and youth court county judges and referees noted the following concerns regarding community-based alternatives and programs:

- Need for more mid-range alternatives to incarceration/detention, noting that, in general, the Mississippi system moves juveniles from probation straight to the training schools;
- Because of the shortage of community-based alternatives and the number of juveniles housed in the training schools, the length of stay has been reduced and is not adequate to rehabilitate the juveniles truly in need of a secure facility;
- Need for more group homes and therapeutic foster homes through the Department of Mental Health, instead of only serving the severely mentally ill juvenile offenders;
- Need for more therapeutic foster homes for juveniles diagnosed as having a serious emotional disturbance;
- Need for all counties to have access to a youth drug court;
- Need for more community-based alternatives to address mental health needs and reduce the amount of out-of-home placement of juveniles normally placed in private residential treatment facilities;

- Need for more educational services and programs targeting juveniles;
- Community mental health centers should at a minimum provide an AOP, mental health screenings, and provide crisis intervention care;
- Need for more placement options for juveniles, particularly status offenders, youth in mental health crisis, youth sex offenders, and juveniles without insurance or Medicaid eligibility;
- Insufficient long-term placement options for youth with a serious emotional disturbance; and,
- Need for more aftercare services to transition juveniles back into the community.

Staff of the Division of Youth Services, the Department of Mental Health, the Office of Justice Programs, and youth court county judges and referees noted the following concerns regarding the need for gender-specific alternatives and programs:

- Need for gender-specific programs available in the state in all areas of treatment aside from detention and training schools;
- Need for alcohol and drug treatment facilities for females; and,
- Inadequate resources for female offenders, such as alcohol and drug inpatient services and long-term residential care.

Other concerns illustrating the need for a continuum of care included the need for a uniform youth court system and disparities in the quality and number of services and programs among many of the regional and local entities, such as programs and services offered through community mental health centers, alternative schools, and detention centers.

This disparity in the services provided is significantly reflected at the youth court level. For example, the Juvenile Justice Reform Act of 2005 required that judges first consider all other available options before committing a first-time

non-violent offender to a state training school and required that no status offenders be committed to a training school. Also, MISS. CODE ANN. § 43-21-605 (1972) lists the dispositional alternatives that should be available in all courts. However, what should be done and what actually is available often differ.

If a youth court judge has no alternatives to consider and the child is in need of services, then the judge may have to commit the juvenile offender to a detention facility or a training school, even though these alternatives may not have been the first choice.

After determining the needs of a juvenile offender, a judge makes a determination as to which alternative (i. e., institution or community-based service) is in the best interest of the juvenile and the community. The judge also takes into consideration the financial impact of treatment on the family's ability to pay. For example, if the child is not on Medicaid or does not have access to health insurance through a parent or guardian, then the judge must consider whether the family can afford the services needed. According to interviews with youth court judges, sometimes the family cannot afford the treatment ordered, which limits the alternatives available to the youth court judge. If a youth court judge has no alternatives to consider and the child is in need of services, then the judge may have to commit the juvenile offender to a detention facility or a training school, even though these alternatives may not have been his or her first choice.

Deficiencies in Identifying and Meeting the Needs of All Juveniles in Every County

Mississippi's juvenile justice system does not effectively identify and meet the needs of all juveniles in every county because of deficiencies in screening and assessment, case management, wraparound programs and services, and does not always address the equitable treatment of youth.

As noted in PEER's description of a comprehensive juvenile justice system on pages 10 through 27, at least four key tools and guiding principles must be in place in order to identify and meet the needs of juveniles throughout the state in an effective manner.

PEER found that Mississippi's juvenile justice system has no statewide classification system, has not implemented its recently purchased case management system on a statewide basis, and needs wraparound services that focus on the juvenile and his or her family. Also, the system may possibly not be promoting equitable treatment of youth on a statewide basis, with a wide variance

in treatment and rehabilitative alternatives available to juveniles from county to county.

No Statewide Classification System for Juveniles

Although the Division of Youth Services is the lead agency within the juvenile justice system in providing services at the training schools, adolescent offender programs, and other community and institutional services, DYS currently does not have a statewide classification system that utilizes an evidence-based screening and assessment tool for the placement of youth to ensure that the treatment selected is best suited for the youth.

Two of the primary concerns of staff of the Division of Youth Services were in regard to the Oakley and Columbia training schools:

- Too many juveniles are being housed in the training schools that are low-risk and would be better served by placement in the community; and,
- Because of the shortage of community-based alternatives and the number of juveniles housed in the training schools, the length of stay has been reduced and is not adequate to rehabilitate the juveniles truly in need of a secure facility.

Establishment of a statewide classification system would provide more appropriate placement options for youth and could ultimately lead to a system utilizing sentencing guidelines.

These two concerns are directly affected by the need for a statewide classification system to match youth placements adequately with treatment programs based on a uniform assessment of risk and need. For example, those youth identified as having increased needs and risk factors would be better suited for more intensive supervision and secure care settings, whereas those youth identified as having decreased needs and risk factors would be better suited to less restrictive supervision and non-secure care settings. Because there is a shortage of community-based programs due to disparities in local funding and a need for state funding for such programs (see page 62), youth courts generally are limited on dispositional options for juveniles. Therefore, many juveniles who are low-risk and would be better served in the community are placed in the training schools. Placement of these juveniles in the training schools also impacts the capacity and average daily population of the schools, which may cause the length of stay for the juveniles who are truly in need of this secure care confinement to be shorter. Establishment of a statewide classification system

would provide more appropriate placement options for youth and could ultimately lead to a system utilizing sentencing guidelines.

The Division of Youth Services is currently in the process of developing a statewide classification system to be implemented for use at the training schools utilizing the Youth Assessment Screening Instrument (YASI).

To compound the issues stated above, the Mississippi training schools are currently being operated under a consent decree and memorandum of agreement with the U. S. Department of Justice, prompted by litigation from advocacy groups for inadequate services and treatment for juveniles. The Division of Youth Services is currently in the process of developing a statewide classification system to be implemented for use at the training schools utilizing the YASI (see page 15.)

DYS is currently in the final stages of development and is prepared to perform pilot testing of the classification system based on a matrix of risk and needs as a result of the YASI assessment. The purposes of this system would be to reduce the number of youth placed at the training schools not in need of that setting, be able to serve those youth who are in need of this setting for longer periods of time if necessary, and bring the training schools closer to compliance with the consent decree.

Need for a Comprehensive Case Management System

Although the Division of Youth Services has purchased an electronic case management database system, it has not yet been implemented statewide.

If the case management system is to be effective in tracking juveniles and measuring performance of programs, then juvenile detention facilities should have appropriate, yet limited, access to the system.

In December 2000, the Division of Youth Services purchased an electronic case management system through federal grant funding that will assist in the tracking of juveniles throughout the juvenile justice system and provide the data necessary to measure the performance of the various juvenile justice programs. Although the case management system has been implemented in the two training schools and each of the seven regional offices of the DHS (see page 42), PEER has concerns about implementation of the case management system and roadblocks that might hinder the effectiveness of the system.

One concern PEER notes is that DHS staff stated that county-operated detention facilities will not have access to these systems, which could prevent certain data from being captured as a juvenile moves through the justice system. If the system is to be effective in tracking juveniles and measuring performance of programs, then juvenile detention

facilities should also have appropriate, yet limited, access to the case management system.

A second concern is that several youth courts already use case management systems to track the activities of their individual courts. While these youth courts have recognized the importance of a case management system, there must be uniformity in collecting and reporting data necessary to evaluate the effectiveness of juvenile justice programs. DYS staff noted that several youth court judges are opposed to using the DYS Case Management System in lieu of their own system.

Need for a Comprehensive Wraparound Approach

A wraparound approach should incorporate both the family and community support at every stage in the continuum of treatment and rehabilitative alternatives.

One concern evident in the literature and noted from the key players as PEER conducted interviews was in regard to the importance of having wraparound services and a system of care in place that focused on both the juvenile and his or her family. In the interview with the Division of Youth Services, DYS staff noted:

A need for delinquency prevention services that involve the juvenile's family, instead of the family becoming involved at the youth court stage in the system.

A key factor in implementing a wraparound approach is to incorporate both the family and community support at every stage in the continuum of treatment and rehabilitative alternatives. Evidence-based programs that are family-focused prove to be more effective in treating the juvenile.

Youth May Not Be Treated Equitably

In some counties, services and programs may be comprehensive and would fulfill the continuum; however, this is not the case in every county.

A guiding principle in the implementation of a comprehensive juvenile justice system is the equitable treatment of all of the state's youth, both in terms of providing adequate programs and services to all juveniles throughout the state and ensuring that minorities are not disproportionately represented within the system.

One of the primary concerns noted from all of the key players interviewed by PEER was the disparity in the treatment and rehabilitative alternatives available to juveniles in every county within the

state. In some counties, services and programs were said to be comprehensive and would fulfill the continuum; however, this is not the case in every county. For example, the Rankin County Youth Court employs a full-time youth crisis specialist. This grant-funded position has assisted the court in overcoming multiple barriers for youth and families who were in need of mental health services rather than incarceration. This position has allowed the crisis specialist to provide immediate face-to-face intervention and assessment for children who are experiencing behavioral, mental, or substance abuse problems and make immediate referrals to service providers. However, in Neshoba County, PEER's interviews with the youth court referee noted the need for youth mental health and crisis services. The referee said that often a youth in crisis or in need of immediate mental health treatment must be taken to the emergency room at the local hospital due to insufficient alternatives available in that county.

Other highlights of the key player concerns included:

- Need for a uniform youth court system, with a large disparity in the services available and provided;
- Legal representation is fragmented and varies among the different youth courts;
- There is significant variation in the state's school districts regarding alternative schools and the local district has the discretion as to whether a juvenile with a pending charge may be admitted into an alternative school;
- The current system of indeterminate length of stay in the training schools needs to be changed to indeterminate with minimum and maximum specified periods of time in order to not detain a juvenile longer than necessary in an institution over community-treatable factors, such as anger management;
- Community-based programs and other alternatives to detention or incarceration are not available to every county, such as youth drug courts; and,

- Quality and range of services vary among the community mental health centers in regard to juvenile and youth services.

There is a need for a uniform youth court system in Mississippi. State law provides several options for creating youth courts that are based on the presence of county or chancery courts in a given county. Therefore, uniform service delivery does not occur throughout the state and juveniles in every county do not have the same access and availability to treatment and rehabilitative alternatives.

Mississippi's youth courts have exclusive original jurisdiction in all proceedings concerning a delinquent child, a child in need of supervision, a neglected child, an abused child or a dependent child, except when the act committed by a child is a criminal offense that is punishable in the circuit court and in certain child custody cases where abuse is alleged. Additionally, youth courts have a primary role in the placement of juvenile offenders in the state.

Youth courts established through the county court system tend to have access to and more resources available for community-based programs and other dispositional alternatives through strong support and funding from the county board of supervisors.

However, the structure of a youth court varies from county to county. MISS. CODE ANN. §43-21-107 (1) (1972) states that the county court serves as the youth court and the county court judge also serves as the youth court judge. When no family or county court exists, the chancery court serves as the youth court and the chancery judge serves as the judge of the youth court. Municipalities may also utilize their municipal court as the youth court when there is no family or county court (as of July 1, 1979) if the governing authorities of the city adopt a resolution stating such. No additional municipal youth court shall be formed after January 1, 2007. Appendix K, page 166, shows where these potential youth courts fall within the hierarchy of the courts that may handle juvenile matters.

Due to the fact that the majority of delinquency prevention and other services occur at the local and regional levels, the need for a uniform court system creates gaps and disparities in the services provided to juveniles. For example, youth courts established through the county court system tend to have access to and more resources available for community-based programs and other dispositional alternatives through strong support and funding from the county board of supervisors. However, several youth courts served by a referee or special master noted insufficient resources and services for juveniles due to the lack of or

insufficient support from the county board of supervisors. One youth court referee even stated that due to a need for crisis intervention facilities in combination with those youth entering the juvenile justice system in that county with mental health issues, youth are often sent to the emergency room at the local hospital because no services are available, or those services that are available take one to two weeks for the juvenile to be admitted.

Although the Legislature established the Commission on a Uniform Youth Court Systems and Procedures nearly twenty years ago, the Legislature has not implemented the commission's recommendations to establish a statewide county court system and place youth court jurisdiction exclusively in the county courts.

The commission's 1989 report to the Legislature recommended establishing a statewide county court system that would have exclusive jurisdiction over youth court cases.

During the 1988 Session, the Legislature established the Mississippi Commission on a Uniform Youth Court Systems and Procedures (see MISS. CODE ANN. §43-21-701). The duties of this commission were to study the youth court system in Mississippi, prepare a report to the Legislature on the findings and recommendations from the study, and serve as a clearinghouse and information center regarding the youth court system. In formulating its report, the commission was to take into consideration the following:

- whether a uniform statewide youth court system would be desirable;
- how best the service needs of the state could be met in relation to the taxing and resource capacity of various multi-county districts now existing or proposed;
- whether counties in a given service area or district may develop district shelters, detention centers, and diagnostic centers to serve a multi-county area; and,
- what proposals or alternatives would update or modernize the system to provide staffing for all counties and citizens.

In its report to the Legislature in 1989, the commission recommended the following:

- Mississippi should establish a county court system statewide.
- County courts should have exclusive jurisdiction over youth court cases.

- County court judges should have a salary on par to that of circuit and chancery court judges and should be required to serve full-time.
- Counties that cannot afford a county court on their own should be allowed to establish two-county court districts.
- Counties should be required to fund all county courts and their attendant personnel.

Despite the above recommendations by the commission, the Legislature took no action to establish a statewide uniform youth court system through the county courts.

The implementation of a uniform youth court system also was noted as a concern by several of the key stakeholders during this review and included youth court judges, youth court chancellors, youth court referees, and the AOC. Another legislative attempt to implement a uniform youth court system occurred in House Bill 1411 during the 2002 Regular Session, but died in committee.

The Mississippi juvenile justice system does not have a system in place to determine whether disproportionate minority contact by the system occurs within the state.

One of the requirements in the Three-Year Comprehensive Plan compiled by the State Advisory Group and the Office of Justice Programs is to identify the current problems and needs of the state's juvenile justice system. One of the primary concerns noted in the report was the need for a plan to monitor Disproportionate Minority Contact (DMC), one of the four core requirements of the JJDP of 2002, despite the fact that more African-American juveniles are referred to the youth courts than any other group. However, DPS has recently contracted with an individual to serve as the DMC Coordinator at Public Safety Planning.

Deficiencies in Fundamental Components of an Effective System

The Mississippi juvenile justice system's deficiencies in funding, planning, research and evaluation capacity, and qualified personnel limit its effectiveness.

As noted in PEER's description of a comprehensive juvenile justice system on pages 10 through 27, certain fundamental components must be in place

in order for any system to be effective, including the state's juvenile justice system. These components include the necessary funding and resources for programs and services; adequate planning, including collaboration, coordination, and oversight; an adequate research and evaluation capacity at all levels; and qualified personnel. The following subsections describe conditions in Mississippi's system that hamper its effectiveness.

Need for Funding of Community-Based Services

One of the primary concerns noted from all of the key players interviewed by PEER was the need for funding, particularly from the state, for community-based programs and other services. Due to the need for state funding, programs at all levels in the state must rely on federal and local funding for services and programs. Highlights of the key players' concerns included:

- Mental health staffing for Adolescent Offender Programs is difficult because it requires a master's-level clinician, a position that generally requires higher wages than many local areas can afford.
- Counseling programs using Medicaid funds are already under-funded and the demand for these services is much higher than the funds available to reimburse services.
- Inadequate funding is a fact at all levels in the juvenile justice system; funding is often reactive, after litigation such as for the training schools, rather than proactive funding for the entire system.
- Because the community mental health centers are classified as political subdivisions of the state, the funding of potential services is limited by having to pay the 25% state Medicaid match. Therefore, community mental health centers rely on local support to fill the gap, even though the majority of their services are fee-based, similar to how a private practice operates, yet private facilities do not have to pay the Medicaid match.

The Lack of a Uniform Youth Court System Results in Inconsistent Services Available to Juveniles Statewide

Federal and local funding for the youth court system have been insufficient and the Legislature has not appropriated general funds statewide for a state-funded youth court system. Therefore, each county's board of supervisors or the municipal government determines the amount of funding for operation of youth courts. Sole reliance on local funding directly inhibits the consistency of services available to juveniles in smaller counties, poorer counties, or counties with little support from the community for juvenile programs.

As noted previously, youth court cases may be handled by county court judges in those counties having county courts or by chancellors or referees appointed by chancellors in those counties served by the chancery court. (See Appendix Z, page 188, for the type of youth court serving each county.) Because youth courts and the youth court judges are not state-funded, counties must rely solely on local support and funding for the operations of the youth court, staffing, and services or programs provided through or in conjunction with the youth courts.

Youth courts that receive limited funding from the local boards of supervisors are unable to offer the necessary programs and services for juvenile offenders and therefore must rely either on probation, detention, or the training schools as the only disposition alternatives. On the other hand, some counties have very strong support and local funding from the community, such as the Rankin County Youth Court, and can therefore administer their own detention centers, youth drug courts, and other disposition alternatives.

Local funding also directly impacts the number and range of staff that may be employed by a youth court. Typically youth courts operating under the jurisdiction of the county courts have more adequate staffing for the operational purposes of the state. For example, some counties may employ a designated youth court clerk, whereas other counties rely on volunteers or DYS staff to input youth court case data. The disparity in staff funding is primarily evident in counties where youth court cases are served by referees appointed by chancellors. These referees are often attorneys in private practice that must rely on their private staff to assist in the operation of youth court cases as well as utilize their own facilities.

Disparities in the number and level of staff also directly impact the quality of data that is reported regarding youth court cases.

AOC staff noted that there is no uniform youth court system, nor is there a uniform youth court clerk system. Although Senate Bill 2477, 2007 Session, amended MISS. CODE ANN. §43-21-801 (1972) to establish the Youth Court Support System to ensure that all youth courts have sufficient support funds, the bill also stated that each regular youth court referee is eligible for youth court support funds so long as the senior chancellor does not elect to employ a youth court administrator.

Disparities in the number and level of staff also directly impact the quality of data that is reported regarding youth court cases. For those few youth courts that employ a youth court clerk, the data regarding youth court cases is reported more consistently and completely than those courts that must rely on part-time volunteers or DYS social workers, who may not be adequately trained in the proceedings of the youth court.

Reliance on Local and Federal Funding is Insufficient for a Statewide Service Delivery Structure

Reliance on local and federal funding reduces the community-based alternatives to detention and incarceration, because such funding for community-based programs is not sufficient to make these programs available in all areas of the state. The need for a state funding structure for community-based programs to cover those areas without current funding limits the number of treatment options available for both first-time non-violent juvenile offenders and status offenders.

The Juvenile Delinquency Prevention Act of 2006 provided the framework for a new option for funding community-based programs to be administered by the Department of Human Services.

Community-based services are limited by program funding from local and federal sources and accrediting bodies that limit the number of juveniles that may be served at one time. Therefore, without state funding support to cover the gaps for these programs, several counties in the state do not have a range of options for community-based services. Community-based alternatives to incarceration currently include adolescent offender programs, services offered through the fifteen community mental health centers in the state, non-profit agencies, and communities that have chosen to create juvenile justice programs with federal grant funds, local funds, or private funds.

The Juvenile Delinquency Prevention Act of 2006 provided the framework for a new option for

funding community-based programs to be administered by the Department of Human Services. The Tony Gobar Juvenile Justice Alternative Sanction Grant Program will provide grants to faith-based organizations and non-profit 501 (c)(3) organizations that develop and operate community-based alternatives to institutionalization. To be eligible for these grant funds, the organization must work with the youth court to develop and operate a juvenile justice alternative sanction that will decrease reliance on institutional services. Examples of these programs include, but are not limited to, after-school and weekend programming, job readiness programs, home detention programs, restitution, conflict resolution programs, and community service.

This legislation required the creation of a special fund for the grant program, consisting of funds appropriated by the Legislature and funds from any other source. However, the legislation did not establish eligibility requirements based on performance measures for the entities to receive funding for community-based programs.

Lack of a State Funding Structure Limits Access to Community-Based Programs Outside of AOPs

One of the primary community-based programs available for juvenile offenders is the adolescent offender program (AOP). AOPs have been funded by a subgrant of TANF (Temporary Assistance to Needy Families) funds and SSBG (Social Service Block Grant) funds through the Division of Youth Services or Office of the Attorney General. The lack of a state funding structure to supplement these programs and their sole reliance on federal funding limits access to community-based programs and services outside of AOPs in all areas of the state.

With each AOP only capable of serving forty to sixty-five juveniles per year, juveniles in some parts of the state do not have access to community-based services and programs that offer an alternative to institutionalization outside of the AOP structure.

As previously mentioned, two different agencies administer funds for adolescent offender programs in Mississippi. These funds flow through the Department of Human Services, but a legislatively mandated subgrant requires distribution to the two different agencies. As of July 31, 2007, the Department of Human Services' Division of Youth Services administered forty-five adolescent offender programs and the Attorney General's Office administered four. These two groups of AOPs covered a total service area of fifty-nine counties, which left twenty-three counties not served by an adolescent offender program. As of November 30, 2007, DYS provided documentation to PEER of an AOP administered in every county

within the state, whether currently operating or proposed to be operating as soon as the providers are established. (Appendix AA, page 190, lists the counties served by an AOP based on funding source.) With each adolescent offender program only capable of serving forty to sixty-five juveniles per year, juveniles in some parts of the state do not have access to community-based services and programs that offer an alternative to institutionalization outside of the AOP structure.

Even though the Juvenile Justice Reform Act of 2005 requires the presence of AOPs in each county by 2010, the Legislature has not appropriated general funds to pay for these services or to expand on these services by establishing additional community-based programs or services. The Attorney General receives an annual appropriation of up to \$4.5 million of the Department of Human Services' TANF funds for subgranting with entities that will develop and implement programs that serve unmet needs of "at-risk" youth. The appropriation language states that no more than \$2.5 million shall be allocated among entities such as the Boys & Girls Clubs of America, Big Brothers Big Sisters, Communities in Schools and no more than \$2 million shall go to the State Coalition of Young Men's Christian Association (YMCA). The Attorney General's Office also has chosen to fund adolescent offender programs with a portion of these funds.

In addition to the AOPs, the Attorney General uses these federal dollars to fund prevention programs such as after-school programs and other programs for non-violent offenders. (See discussion on page 11 regarding prevention services.) The Governor implemented a line-item veto of these TANF funds received by the Attorney General's Office and moved them back to the responsibility of DYS in calendar year 2007. Therefore, DYS is currently administering the funds for the four adolescent offender programs and other prevention programs previously administered by the Attorney General's Office. At this time it is uncertain how DYS will allocate the funding and thus the prevention programs that consistently were funded by the Office of the Attorney General may not receive funding from DYS.

The entities that provide AOP services for the Division of Youth Services must compete annually through an RFP process for funds to operate their programs per federal regulations, resulting in uncertainty of the amount of grant funds available and the potential that they may not receive funds

to continue their program. DYS is currently ahead of schedule with AOP implementation. Although the goal for July 1, 2007, was twenty counties, DYS provided documentation to show that all counties are now included in an AOP service area. (MISS. CODE ANN. Section 43-27-201 [1972] mandates that all counties be served by July 1, 2010.) Without additional funding, it is uncertain whether these programs will continue to be available in every county due to their sole reliance on federal grants.

Limited Oversight has Affected Stability of Funding and Inhibited Long-Term Planning

Other Mississippi community-based programs for juvenile justice depend on federal JJDPa formula grants, Title V grants, and JABG grants for funding. However, oversight of this funding through the Department of Public Safety has been limited, resulting in a reduction of funding and therefore inhibiting the long-term planning of programs utilizing unstable funding sources.

As noted previously, the community-based programs provided in Mississippi are financed by limited federal funds or reliance of local funding not available for statewide distribution. Each federal allocation received by the state is based on total available funds at the federal level and demographics or performance at the state level.

Without federal funds, the community-based alternatives currently available in Mississippi might cease to exist and there would be only two options for youth court judges-- release or institutionalization.

For example, Mississippi's funding from the formula grant program has been relatively stable over the last four years, while the JABG program funds and Title V funds available for FY 2006 are approximately one-fifth the amount that was available in FY 2002. Federal TANF funds are a subject of concern as a result of the reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act, which could reduce the amount of funds received by the state that can be used on programs such as juvenile justice programs. Also, noncompliance with the new TANF work participation requirements implemented in October 2006 could result in a financial sanction as high as five percent of the federal grant, as well as the commitment of more TANF funds to monitor work activities of program participants. (Appendix CC, page 193, describes the new work participation requirements.) Losses of funds from TANF could require additional expenditure of state funds for TANF programs and a loss of flexibility in how these funds may be spent.

Without federal funds, the community-based alternatives currently available in Mississippi might cease to exist and there would be only two options for youth court judges--release or institutionalization.

Noncompliance Issues within the State have Limited the Administration of Federal Grants and Available Funding for Community-Based Programs

Noncompliance with the Juvenile Justice and Delinquency Prevention Act and the Omnibus Crime Control and Safe Streets Act and deficiencies in administration have resulted in a reduction of available federal funds through the Department of Public Safety. These are funds that could have been used for community-based programs.

As described in Appendix Q, page 175, formula grants, Title V, and JABG grants are used to fund multiple community-based programs for juvenile offenders and these grant funds are administered by the Department of Public Safety. As stated on page 78, the Mississippi Department of Public Safety's administration of these grants has been of some concern to the federal Department of Justice.

The state's noncompliance with federal requirements and deficiencies in administration have resulted in delays in funding and therefore have further impeded the state's ability to offer alternatives to juvenile institutionalization.

As of March 2006, DPS was still administering FY 2003 grant funds and was at risk of losing additional federal funds if these funds were not soon allocated to providers. As of July 2007, the Juvenile Justice Specialist at DPS was still administering FY 2005 grant funds. PEER reviewed compliance monitoring determination letters and program monitoring visit reports that showed that DPS was not submitting some of the required paperwork to the Department of Justice in a timely manner and was not ensuring compliance with the Juvenile Justice and Delinquency Prevention Act, resulting in delays in allocation of available funding.³ Exhibit 6, page 80, describes these funding implications.

Several service providers could have taken advantage of these available federal funds to create or maintain community-based services for juvenile offenders, but the state's noncompliance with federal requirements and deficiencies in administration have resulted in delays in funding and therefore have further impeded the state's

³ DPS provided documentation to PEER on November 30, 2007, that the Department of Justice had issued a Grant Adjustment Notice stating that all formula grant financial and performance reporting requirements have now been met by Public Safety Planning, resulting in the release of the holding of the FY 2005 funds.

ability to offer alternatives to juvenile institutionalization.

Local Governments Eligible for Federal Funding did Not Take Advantage of Federal Funding for Community-Based Programs

Several local governments did not take advantage of \$411,480 that would have been available for community-based programs using federal fiscal Year 2003 funding, while some other local governments are not eligible for receipt of JABG funds because they do not have the community coalitions required for receipt of funds.

Local governments typically fail to take advantage of JABG funds for several reasons, including inadequate staff to prepare grant applications and administer grant funds, insufficient funds to meet the requirement of a ten percent match, or the need for a community coalition to meet JABG requirements. (See Appendix BB, page 191 for purposes of the JABG funds. Appendix DD, page 194, lists those entities eligible for JABG funds in 2003 that did not apply for these funds. Federal Fiscal Year 2004 funding is currently being allocated and therefore 2003 data is the most recent currently available.)

PEER believes that there may be untapped resources such as community planning and development districts and other resources that could assist localities in preparing grant applications that could help with obtaining funding for community-based programs. However, the most critical area of potential development is establishment of community coalitions.

For a local government to receive JABG funds, it must establish a local community coalition to coordinate juvenile community services and to develop a plan for the distribution of grant funds. This coalition must include representation from certain groups (e. g., police, prosecutors, schools).

For a local government to receive JABG funds, it must establish a local community coalition to coordinate juvenile community services and to develop a plan for the distribution of grant funds. This coalition must include police; sheriffs; prosecutors; state or local probation services; juvenile court; schools; businesses; and religious, fraternal, nonprofit, or social service organizations. Because juvenile justice delinquency prevention and intervention should be a partnership among the local and state government with the assistance of federal resources, community coalitions can assist in the identification of community needs and resources for juvenile offenders. According to interviews with youth court judges and staff, they do not have the time or resources to research the availability of resources within their county or region. Often members of the community are knowledgeable about various services or may know

of other individuals who are knowledgeable about potential service providers that could be of use to the youth court as dispositional alternatives.

For example, Adams County formed a community coalition to oversee programs provided by the community and ensure that no duplication of services for juveniles occurred. According to its Board President and the Adams County Youth Court Judge, the coalition is an important resource in meeting the needs of youth in the county. Formation of this coalition has opened the door to additional funding options for community-based services.

Technical Assistance is Needed to Obtain Federal Funding for Community-Based Programs

No technical assistance or resource management component exists to assist communities in obtaining federal funds for community-based youth programs.

There is a heavy reliance on federal funding to supplement local funding of programs or to pay for the entirety of community-based programs in the state, yet there is no technical assistance or resource management component to assist communities in obtaining federal funds that already exist or potential funds that could be used for various community-based programs. The lack of this component could contribute to the problem in the above discussion on those local governments that did not take advantage of or were not eligible for federal funds through DPS. Since the Department of Public Safety is the entity responsible for administering federal grants funds, it should be the entity to identify potential federal funding for programs and provide technical assistance to communities in applying for federal grant funding, not only for the grants they administer, but for other sources of funding as well.

The lack of technical assistance could have contributed to the problem of some local governments not taking advantage of or not being eligible for federal funds through DPS.

This component was available in both of the comparison states, Colorado and Utah, referred to as juvenile justice systems with strengths that could be utilized in Mississippi (see pages 91 through 95). In Colorado, this function is performed by the state advisory group and the Division of Juvenile Corrections. Potential funding sources are referred to within the three-year comprehensive plan and the plan also provides a section of resources for evidence-based programs

and juvenile justice program research for entities to review and potentially utilize in the applications for these grant funds.

This component is more formal in Utah, where the Division of Juvenile Justice Services has an Office of Federal Revenue Management. Some of the responsibilities of this unit include:

- identifying new sources of federal funding;
- informing others on these federal funding possibilities and requirements;
- coordinating the drafting of grant proposals; and,
- coordinating the collection and transfer of data to federal information systems when required for funding.

Having a research and evaluation capacity dedicated to resource management has the potential to open up new sources of funding for community-based programs. More community-based programs could be implemented in the state through education at the local level on available funding sources and evidence-based programs and by providing the necessary technical assistance needed to apply for federal grants.

Inadequate Planning in the Juvenile Justice System

Planning is a key component to any system. Plans must be in place to utilize efficiently and effectively the available resources to achieve the goals and objectives of the juvenile justice system. Some of the primary sub-functions of planning include the presence of mission and vision statements, collaboration of key players, coordination of services and resources, and oversight.

Mission and Vision Statements

Mississippi has no mission or vision statements to provide immediate and future goals of the juvenile justice system. Since Mississippi's system is a combination of state and local entities, services, and programs, there is no one centralized agency or key player that determines the goals of the juvenile justice system and that the system has mission and vision statements to reflect these goals. Instead, each key player has its own mission and vision specific to the services and programs provided.

Collaboration of Key Players

Without the collaboration of the key players, services and resources cannot be coordinated efficiently and effectively.

Another key element in achieving an effective juvenile justice system is the collaboration of the key players involved in the juvenile justice system. It is increasingly evident that juveniles entering the juvenile justice system often have more than one pressing issue. For example, a juvenile may need educational services while at a state training school in addition to mental health counseling and services. Because the juvenile justice system is administered by multiple key players in Mississippi, it is crucial that these key players work together to provide the necessary continuum of treatment and rehabilitative alternatives.

The need for collaboration in Mississippi was noted to PEER as a concern by the key players, and included these observations:

- Need for investment and collaboration regarding DYS's statewide assessment tool because some youth court judges currently utilize their own assessment preferences;
- AOPs funded by DYS should only be administered through the community mental health centers to enhance the service delivery of these programs;
- Community mental health centers have no real input into the DMH State Plan, even though they must adhere to its minimum established guidelines; and,
- The Department of Education does not have a representative on the State Advisory Group, also referred to as the Juvenile Justice Advisory Committee.

Without the collaboration of the key players, services and resources cannot be coordinated efficiently and effectively (see the following section).

Coordination of Services and Resources

In addition to collaboration of the key players involved in the juvenile justice system, these key players must also coordinate their respective services and resources to maximize efficiency and effectiveness and limit the gaps and duplication of services. The key players in the Mississippi system

Federal requirements impact the state's juvenile justice system at all levels down to the regional and local levels.

noted that there is a need for coordination at all levels within the juvenile justice system.

One example of a need for coordination in the Mississippi system was provided by a community mental health center director to show that coordination must occur at all levels, from the federal level down. As this director noted, each state agency must adhere to federal law and regulations applicable to its own programs, services, and funding. For example, DYS has to adhere to the federal work participation requirements established through Congress to be eligible for TANF funding for programs such as adolescent offender programs. MDE will always have to adhere to federal laws and regulations in providing educational services to compulsory school-age youth in the state. Therefore, any programs or services offered through the use of state TANF funding and which provides educational services will have to be in compliance with both of these federal guidelines.

These federal requirements impact the system at all levels down to the regional and local levels. Community mental health centers are required to provide day treatment within each school district through DMH guidelines (state level). However, federal education requirements conflict with the appropriate amount of time specified for this day treatment because of the number of hours specified for education (federal), the number of hours specified by DMH, and the number of hours in a regular school day. Therefore, the staff interviewed from the community mental health center noted that the center cannot realistically provide day treatment at the schools within its region, so it therefore only provides day treatment at the center's main regional facility.

The Division of Youth Services and the Department of Public Safety's Office of Justice Programs have overlapping responsibilities regarding juvenile justice programs and state law does not designate which entity is ultimately responsible for overseeing and coordinating juvenile justice programs in Mississippi.

Regarding the state's juvenile justice system, MISS. CODE ANN. §43-27-8 (1972) defines the duties and responsibilities of the Department of Human Services as:

- implementing and administering laws and policy relating to youth services;

- coordinating the efforts of the agency with those of the federal government and other state departments and agencies, county governments, municipal governments, and private agencies that provide youth services;
- establishing standards and providing technical assistance and supervision for youth services programs in all state-supported juvenile correctional facilities; and,
- promulgating and publishing the rules, regulations, and policies of the department as needed for the administration and maintenance of the facilities and programs according to accepted standards of juvenile care and treatment.

However, in Executive Orders Number 200 and 381, governors William L. Waller and William Winter designated the Division of Criminal Justice Planning within the Governor's Office as the entity responsible for administering the Juvenile Justice and Delinquency Prevention Act. According to MISS. CODE ANN. §45-1-33, the functions of this office and the responsibility for the Juvenile Justice Advisory Committee (state advisory group) were transferred to the Department of Public Safety in 1989.

Thus the Office of Justice Programs within the Division of Public Safety Planning at the Department of Public Safety is the entity responsible for supervising preparation and administration of the state plan for carrying out the purposes of the Juvenile Justice and Delinquency Prevention Act (JJDP). Compliance with this act allows the state, local units of government, and other entities within the state to receive grant funds for delinquency prevention and intervention programs. The act also requires that the designated entity (the Office of Justice Programs) be responsible for monitoring the state training schools and the county-operated juvenile detention centers, analyzing the needs of the juvenile justice system, describing performance goals and priorities of the juvenile justice system, providing for the coordination and utilization of existing juvenile delinquency programs, and developing a research, training and evaluation capacity for the juvenile justice system. Appendix F, page 141, contains a complete list of the

elements of the state plan that the Office of Justice Programs is responsible for administering.

While state law (MISS. CODE ANN. §43-27-8) gives to the Division of Youth Services the responsibility for coordinating the responsibilities of the entities involved in providing services to juveniles within the juvenile justice system, gubernatorial executive orders designate the Department of Public Safety as the entity responsible for administering federal legislation that is critical to the success of juvenile justice programs. Because of this, the Division of Youth Services and Office of Justice Programs have some duplicative and overlapping responsibilities for coordination and direction of the juvenile justice system.

The involvement of the Office of the Attorney General adds to the fragmentation of the current juvenile justice system and does not place decision-making and planning for delinquency prevention in the hands of those tasked with the responsibility through state and federal law.

The Juvenile Justice and Delinquency Prevention Act defines a juvenile delinquency program as one that addresses delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training and research, including drug and alcohol abuse programs, and one that is designed to reduce known risk factors for juvenile delinquent behavior, provide for activities that build on protective factors and develop competencies in juveniles to prevent and reduce the rate of delinquent juvenile behavior.

Different performance measures are used to gauge the effectiveness of the adolescent offender programs administered by the Office of the Attorney General and the Division of Youth Services.

Beginning in FY 2001, the Office of the Attorney General has received an annual appropriation of up to \$4.5 million in TANF funds from the Legislature to create and implement programs that serve unmet needs of “at-risk” youth and this office is the only entity that receives funds for prevention efforts through legislative appropriation. The legislative appropriation states that specific entities are to receive these funds, including Communities in Schools, Big Brothers Big Sisters, Boys & Girls Clubs of America and YMCA, and allows some discretion on how these funds are spent. The Attorney General has chosen to fund four adolescent offender programs and various prevention programs with these funds.

In FY 2007, the Office of the Attorney General distributed over \$4.1 million to twenty-four entities for prevention programs. However, the Division of Youth Services is the primary entity responsible for

administering adolescent offender programs, also through the use of TANF funding, and through state law, every county should have an established AOP by the year 2010. Therefore, there is overlap in the services provided, and through a lack of coordinated administration of these programs, different performance measures are used to gauge the effectiveness of the adolescent offender programs at each agency (see page 85).

PEER believes that the entities that are responsible for overseeing the juvenile justice system in Mississippi should determine how prevention needs should be addressed in the future, rather than the Office of the Attorney General.

While PEER acknowledges the importance of these prevention programs and does not question their success, PEER does believe that the entities that are responsible for overseeing the juvenile justice system in Mississippi (i.e., the state advisory group, the entity that administers the JJDP [currently the Department of Public Safety], and the Division of Youth Services) should determine how prevention needs should be addressed in the future, rather than the Office of the Attorney General. The Attorney General has broad authority to represent the legal interests of the state of Mississippi, but has no additional authority to administer juvenile justice programs, other than the direct appropriation of funds for programs of “at-risk” youth. The state advisory group and the entity that administers the JJDP (currently the Department of Public Safety) are the entities with the responsibility for identifying juvenile justice needs and establishing program goals and priorities, which includes delinquency prevention efforts. Additionally, the Division of Youth Services is given statutory authority for coordinating the entities that provide services to juveniles in the juvenile justice system.

Decision-making and planning for delinquency prevention efforts should be coordinated and centralized.

The involvement of the Office of the Attorney General adds to the fragmentation of the current juvenile justice system and does not place decision-making and planning for delinquency prevention in the hands of those tasked with the responsibility through state and federal law. In order for the juvenile justice system to be effective, decision-making and planning for delinquency prevention efforts should be coordinated and centralized.

The Juvenile Justice Reform Act of 2005 provided for adolescent teams, or A-Teams, as a multidisciplinary approach to treating the needs of the juvenile population.

The Juvenile Justice Reform Act of 2005 created adolescent teams, also referred to as A-Teams, in MISS. CODE ANN. Section 43-14-1 (1972) to provide system of care services for nonviolent youthful offenders who have serious behavioral or

emotional disturbances. (See Appendix A, page 129, regarding serious emotional disturbances.) According to the Department of Mental Health, Division of Children and Youth Services, and as noted previously, *system of care services* is a coordinated, cohesive system of care that is child-centered and family-focused.

The Juvenile Justice Reform Act of 2005 sought to bring a multidisciplinary approach to treating the needs of this population, including education, mental health, and other social services. As stated on page 5, various risk factors and other characteristics have been identified in juvenile offenders and treating or addressing these issues may assist in the rehabilitation of juvenile offenders and in the prevention of future contact with the juvenile justice system.

The Juvenile Justice Reform Act of 2005 requires that an A-Team be created for each multidisciplinary assessment team (MAP Team) currently in existence and be composed of a minimum of five members, but provides no structure for the administration of A-Teams and does not identify which entity is responsible for overseeing their creation. (Appendix N, page 170, describes the membership requirements for A-Teams and MAP Teams.)

PEER determined through documentation submitted by DYS staff that DYS created an A-Team in each of its seven regions. However, the A-Teams have not been created for each of the existing fifteen MAP Teams, based on DMH regions, as required by the Juvenile Justice Reform Act of 2005.

A-Teams have not been created for each of the existing fifteen MAP Teams, based on DMH regions, as required by the Juvenile Justice Reform Act of 2005.

Oversight

OJJDP and the key players in the Mississippi system have noted that there is a need for oversight for Mississippi's juvenile justice system as a whole.

Oversight is a key component in any planning process. The purpose of oversight is to ensure accountability in the juvenile justice system by ensuring that all of the key players, programs, and services are achieving all of their goals and objectives in the most effective and cost-efficient manner. OJJDP and the key players in the Mississippi system have noted that there is a need for oversight for Mississippi's juvenile justice system as a whole. The Compliance Monitoring Report produced for Mississippi every five years by OJJDP noted:

- While Mississippi has a process for the identification of facilities in the monitoring universe that holds juveniles, the process has not been utilized in nearly five years;
- While Mississippi has a process for the classification of juvenile facilities, the process has not been utilized; and,
- A need exists for a strategic long-term state plan regarding the juvenile justice system as whole.

Because Mississippi's state advisory group for juvenile justice has been inactive until recently, oversight of juvenile justice programs has been limited and Mississippi has lost federal funds due to noncompliance with the Juvenile Justice and Delinquency Prevention Act.

The Juvenile Justice and Delinquency Prevention Act of 2002 provides that each state have an advisory group for juvenile justice programs. Each state's advisory group should play an important role in overseeing the state's juvenile justice system and in coordinating the efforts of all entities that provide services to juvenile offenders through development of a state plan.

To receive JJDPA formula grant funds, a state's juvenile justice advisory group must participate in development of the state plan and perform other functions. Prior to January 2006, Mississippi's state advisory group had met only two times since January 2003 and had received no gubernatorial appointments since 1998.

According to the JJDPA, the state advisory group or committee is to consist of not less than fifteen and not more than thirty-three members with training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency. Other requirements include the representation of local government, law enforcement, and juvenile justice agencies; public agencies and private non-profit agencies concerned with social services, welfare, education, mental health, and other youth services; volunteers; youth workers; individuals with special experience in addressing problems related to school violence, vandalism, learning disabilities, emotional difficulties, abuse and neglect and youth violence; and individuals who have been or currently are under the jurisdiction of the juvenile justice system.

Mississippi receives an annual allocation of JJDPA formula grant funds. In order to receive funds from the formula grant program, a state's juvenile justice advisory group must:

- participate in the development of the state plan for juvenile justice programs;
- have the opportunity to review and comment on any grant applications submitted to the state agency responsible for administering the plan;
- advise the state agency responsible for preparing and administering the state plan;
- submit to the Legislature recommendations related to compliance issues for the deinstitutionalization of status offenders, separation of juvenile and adult populations in secure detention facilities, and removal of juveniles from adult secure detention facilities; and,
- contact and seek input from juveniles under the jurisdiction of the juvenile justice system.

The governor of a state is responsible for appointing members to serve on the state advisory group.

In Mississippi, the state advisory group is known as the Juvenile Justice Advisory Committee. Although the current governor appointed members to the state advisory group and they held their first meeting in January 2006, compliance letters obtained from the Department of Justice show that prior to that, Mississippi's state advisory group had met only two times since January 2003 and had received no gubernatorial appointments since 1998.

Because the advisory group has been inactive until recently, it did not participate in updating the state plan, advising the Office of Justice Programs on administering the plan, or carry out any of the other responsibilities enumerated above. As a result, oversight and funding of Mississippi's juvenile justice programs have suffered.

Insufficient oversight of Mississippi's juvenile justice programs has resulted in the state's noncompliance with federal requirements, which causes a reduction of available federal formula grant dollars and in the restriction of drawdown of federal grant dollars.

One requirement of the state plan, which is to be developed and updated by the state advisory group and the Department of Public Safety's Office of Justice Programs, is to provide for an adequate system of monitoring detention facilities to ensure that the requirements of the JJDPA are met. Compliance with this requirement ensures that the state receives the maximum amount of federal dollars available, which can then be used for the creation or maintenance of other local and state juvenile delinquency and prevention programs. Appendix C, page 131, provides a description of the four core requirements with which a state must comply in order to receive its full formula grant. Noncompliance results in a reduction of available federal funds.

PEER reviewed Department of Justice monitoring letters, compliance determination letters, the Compliance Monitoring Report, and other documents for FY 2003 to FY 2005 and confirmed that the Office of Justice Programs has struggled with its oversight responsibilities regarding juvenile justice. These documents revealed the following compliance issues:

- Mississippi was not in compliance with the deinstitutionalization of status offenders requirement for FY 2004 and FY 2005, resulting in the loss of twenty percent of the formula grant award for each of those years.
- Mississippi was not in compliance with the jail and lock-up removal requirement for FY 2004 and FY 2005, resulting the loss of twenty percent of the formula grant award for each of those years.
- Many instances of sight and sound violations (i. e., a juvenile offender must not come into visual or audible contact with an adult inmate) of juveniles with adult inmates have gone unreported due to the fact that Mississippi makes frequent use of adult inmate trustee labor in its facilities.

- Mississippi was not in compliance with the disproportionate minority contact requirement because it did not submit a plan update or an acceptable plan for reducing disproportionate minority contact for FY 2003 through FY 2005, resulting in the loss of twenty percent of the formula grant award for each of those years.
- Since 2001, Mississippi has not submitted to the Department of Justice the required progress reports for the grants that include an assessment of the state's progress in meeting each of the compliance requirements. This has resulted in the restriction of drawdown of any federal funds until the reports are submitted. Mississippi also has not submitted its annual report to the Governor describing its compliance with the four core requirements as required by the state plan.

When a state falls out of compliance with the four core requirements of the JJDP, it will be penalized by 20% and must use 50% of the remaining funds to come back into compliance. Therefore, even though the state still receives some formula grant funding, the amount able to be utilized for community-based and other programs is limited by an additional 50% due to the funds that must be set aside for the state to utilize on noncompliance program areas.

When a state falls out of compliance with the four core requirements of the JJDP, it will be penalized by 20% and must use 50% of the remaining funds to come back into compliance.

Exhibit 6, page 80, shows the funding implications resulting from the state's noncompliance with requirements of the Juvenile Justice and Delinquency Prevention Act for fiscal years 2002 through 2006, with Fiscal Year 2007 amounts not yet awarded. According to follow-up interviews with the Juvenile Justice Specialist at DPS, the state's continued noncompliance with the core requirements of the JJDP will result in continued reductions of available grant funding for fiscal years 2007 and 2008.

**Exhibit 6: Examples of How Noncompliance with JJDP
Requirements Has Impacted Formula Grant Funding for
Mississippi's Juvenile Justice System**

Grant Title	Year	Amount of Funds Available if Mississippi Were in Compliance with All Four Core Requirements of the JJDP	Amount Actually Awarded	Dollars Lost for Failure to Comply
Formula Grant	2002	\$ 600,000 base \$ <u>279,000</u> supplement \$ 879,000 total	\$879,000	\$ 0
	2003	\$ 600,000 base \$ <u>277,000</u> supplement \$ 877,000 total	\$657,750	\$ 219,250
	2004	\$ 665,000 base \$ <u>212,000</u> supplement \$ 877,000 total	\$526,200	\$ 350,800
	2005	\$ 648,000 base \$ <u>227,000</u> supplement \$ 875,000 total	\$350,000*	\$ 525,000
	2006	\$ 600,000 total	\$240,000	\$ 360,000
	2007	Not yet awarded	--	--

SOURCE: United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention

Amount Available is defined as the amount the state would be entitled to receive if it were in compliance with all four core requirements, plus any supplement for programs that provide for accountability-based sanctions.

* Drawdown of these funds is currently restricted pending submission of overdue progress and/or performance reports. DPS provided documentation to PEER on November 30, 2007, that the Department of Justice had issued a Grant Adjustment Notice stating that all formula grant financial and performance reporting requirements have now been met by Public Safety Planning, resulting in the release of the holding of the FY 2005 funds.

Insufficient Research and Evaluation Capacity

Another key component in any planning process is having an adequate research and evaluation capacity in order to be able to identify the problems and needs within the juvenile justice system. Two fundamental tools for an effective

research and evaluation capacity are performance measures and data collection. Both the OJJDP and all of the key players in the Mississippi system noted that there is a need for an adequate research and evaluation capacity in the Mississippi system. OJJDP concerns noted:

- Mississippi's process for identification of facilities is not capturing information on all facility types;
- Mississippi has performed on-site facility inspections only sporadically since 2001, despite its written policies and procedures to the contrary;
- Mississippi has not consistently met OJJDP's minimum standard for data verification in a given year.

Key players in the Mississippi juvenile justice system noted:

- DPS does not have the legislative authority to require facilities to submit the data necessary for compliance monitoring;
- DPS does not have the capacity to perform analysis on the data received from the Juvenile Jail Logs or from DYS and therefore contracts it out;
- Data utilized in the three-year comprehensive state plan is aggregated upon submission to DPS, therefore no individual-level analysis may be performed;
- Data reported by the SCATS system (see page 44) is self-reported and often inconsistent because the background and training of the individual who inputs or records the data varies among jurisdictions; and,
- Currently the courts are reporting case information through two separate systems, SCATS and MYCIDS (see pages 44 and 45), therefore making data comparisons between the two systems difficult to obtain a statewide analysis.

Performance Measures

In order for a research and evaluation capacity to be effective, the necessary performance measures must be in place to know what data to collect and what measures will be used to determine whether programs and services are effectively achieving their goals and objectives. One example of a performance measure commonly used in all juvenile justice systems is recidivism (see page 23).

Although recidivism is a common effectiveness measure for juvenile justice programs, Mississippi does not utilize a comprehensive approach to defining recidivism in all of its programs and only compiles recidivism data for the training schools, just one component of the system.

According to the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), recidivism is a commonly used measure of the success of juvenile justice system outcomes. (See page 23.)

DYS measures recidivism at the training schools as the return of a juvenile offender to a training school within any given year.

In Mississippi, the Division of Youth Services measures recidivism at the training schools as the return of a juvenile offender to a training school within any given year. The division does not continue to monitor repeat offenders who may move into the adult system as a result of committing an offense after the age of eighteen or those who commit offenses while under the age of eighteen who are certified as adults and moved out of the youth court system. The data is combined for both training schools and not separated by school. Also, recidivism data is not captured for other components of the state's juvenile justice system.

Mississippi's juvenile justice programs do not have standard outputs and outcomes to measure program success.

Additionally, the Department of Public Safety's Office of Justice Programs requires that grantees submit performance measures for programs funded with JABG funds, including output indicators, but does not require the reporting of outcomes for the various programs funded through their agency. PEER staff reviewed a handout for a training session on performance management for JABG program areas that was prepared for the Office of Juvenile Justice and Delinquency Prevention by the Juvenile Justice Evaluation Center and the Justice Research and Statistics Association. This data supports states' use of

output indicators, short-term outcome indicators, and intermediate outcome indicators for the JABG program to measure performance of specific programs. (See Appendix EE, page 195, for definitions of these terms). For example, purpose area #8 of the JABG program deals with the creation and use of juvenile drug courts to assist in the treatment of juveniles with substance abuse problems. The training handout provides the following recommended performance measures for this purpose area:

- *Output indicators:* staff training and court capacity;
- *Short-Term Outcomes:* time to enrollment in program and availability of drug-court treatment services (space and variety);
- *Intermediate-Term Outcomes:* number of youths served and level of service provided by drug court; completion of treatment by youths in drug court program.

For the formula grant program, DPS has not determined what outcome measures are appropriate for the various program areas.

The formula grant program also requires the reporting of outcomes. However, DPS has not determined what outcome measures are appropriate for the various program areas. OJJDP also provides examples of performance outputs and outcomes for standard program areas associated with the formula grant program. For example, program area #19 pertains to juvenile justice system improvement with compliance with the four core requirements and increasing the availability and types of prevention and intervention programs. For this program area, OJJDP defines mandatory performance measures and suggests other measures, including:

- number and percentage of program youth completing the program;
- number and percentage of youth exhibiting a desired change in targeted behaviors (e. g., substance abuse, antisocial behavior, family relationships); and,
- number of programs modified based on evaluation/research study results.

Without a plan for evaluation with specifically defined outcomes for various types of programs

and a designated entity responsible for the assimilation and reporting of this data, the question of whether the juvenile justice system in Mississippi is effective in reducing juvenile offenses may continue to be difficult to answer.

The Office of Justice Programs has not established a research and evaluation capacity within the state plan as required by the Juvenile Justice and Delinquency Prevention Act of 2002. Also, the only effectiveness data collected and monitored through DYS is for the training schools and does not include any other of the community and institutional services provided. As a result, Mississippi has no formal system of evaluation to determine the effectiveness of juvenile justice programs.

As noted previously, the Department of Public Safety's Office of Justice Programs is responsible for the administration of the Juvenile Justice and Delinquency Prevention Act in Mississippi. The act requires that the state plan provide for the development of an adequate research, training, and evaluation capacity of juvenile justice programs within the state.

Although state law requires DYS to maintain a state central registry containing the number and disposition of cases, as well as publish an annual statistical report, DYS is not required to collect data on the effectiveness of juvenile justice programs such as community and institutional services.

According to the Department of Public Safety, this requirement is not addressed in the state plan and the Office of Justice Programs utilizes the Social Science Research Center at Mississippi State University for research and evaluation because it is not capable of performing these functions on its own.

Although the Division of Youth Services is required by MISS. CODE ANN. §43-21-257 (1972) to maintain a state central registry containing the number and disposition of cases, as well as publish an annual statistical report, it is not required to collect data on the effectiveness of juvenile justice programs such as community and institutional services. The only evaluative information the Division of Youth Services provides is the recidivism rate for the two state training schools in the performance indicators and measures section of its budget request.

Currently each entity involved in the administration of juvenile justice programs in Mississippi evaluates performance according to specific federal requirements for its own programs or according to what it deems most appropriate. Programs created for similar purposes and administered by different entities have no common measure of effectiveness to gauge program success. For example, as noted on page 73, the Division of Youth Services and the Attorney

General's Office both administer adolescent offender programs. However, as shown in Exhibit 7, below, the two entities evaluate the performance of their programs differently. Without consistent performance measures, it is impossible to assess which adolescent offender programs that serve juvenile offenders in Mississippi are most effective.

Data Collection and Analysis

Another fundamental for a research and evaluation capacity to be effective is the presence of a uniform data collection process and analysis of the data collected in order to have valid and consistent data to be used to develop performance measures, as well as in determining the strengths and weaknesses of the juvenile justice system.

Exhibit 7. Description of DYS and Attorney General Performance Measures for AOPs

Division of Youth Services' AOP Performance Measures	Office of the Attorney General's AOP Performance Measures
<p>Project Outcomes:</p> <ul style="list-style-type: none"> • reduction in training school commitment rates • reduction in alcohol/drug abuse • proven success rate in the decline of recidivism within the targeted youth population • follow-up services provided for targeted youth and families • reduction and prevention of out-of-wedlock pregnancies • formation and maintenance of two-parent families 	<p>Measures of Success:</p> <ul style="list-style-type: none"> • reduced recidivism of youths returning before the youth court • increased school attendance • improved academic performance • reduced incidents of inappropriate behavior problems at school and at home • improved employment opportunities

SOURCE: PEER analysis of the Division of Youth Services and the Office of the Attorney General's FY 2006 *Scope of Services* for the adolescent offender programs.

Mississippi's juvenile justice system does not currently use a uniform information management system statewide to collect, analyze and summarize the data needed to determine the effectiveness of juvenile justice programs, but some steps are being taken to implement one.

An information management system should provide an organization with the ability to collect, analyze, and summarize the data it needs to perform effectively. It should provide accurate information on activities and performance that can assist managers with resource planning and organizational decision-making.

DPS does not collect data from any of the other entities involved in the juvenile justice system, such as MDE, DMH, or AOC, to utilize in conjunction with basic youth case data to establish performance measures for effectiveness of programs, nor is the data from any of these entities collected in the same manner, with some using electronic and web-based systems and some still utilizing paper reporting systems.

An information management system could assist the entities in Mississippi's juvenile justice system in determining whether programs are accomplishing the tasks for which they were created. Currently, there is no uniform information management system that collects comprehensive data for juveniles, including their medical and social histories; their offenses; the dispositional alternatives ordered; or tracks their progress through the juvenile justice system. Rather the data collected in the state varies by entity and typically is not widely shared among those involved in the juvenile justice system. For example, DPS is the entity charged with carrying out the responsibilities and requirements of the JJDP, which includes preparation of a three-year comprehensive plan to address how the data reflects the effectiveness of the state's programs and juvenile justice needs. However, the majority of data used by DPS originates from DYS and Juvenile Jail Logs, in which the data is limited to the referral, reason for referral (offense), and the disposition. DPS does not collect data from any of the other entities involved in the juvenile justice system, such as MDE, DMH, or AOC, to utilize in conjunction with basic youth case data to establish performance measures for effectiveness of programs, nor is the data from any of these entities collected in the same manner, with some using electronic and web-based systems and some still utilizing paper reporting systems.

Although a single, uniform database may not be feasible to collect and report data regarding juveniles, there are still methods that could be utilized within the state to promote uniform collection processes and juvenile information sharing of pertinent data. Not only would this streamline the system, it would reduce the fragmentation of the current system by allowing the key stakeholders to share information readily and develop more effective performance measures

for the juvenile justice system as a whole. The OJJDP also published a set of guidelines that multiple entities and agencies may follow in establishing a juvenile information system. This guide focuses on the collaboration of the key stakeholders and the use of a uniform means of data collection.

The OJJDP has published a set of guidelines that multiple entities and agencies may follow in establishing a juvenile information system.

Despite the state's lack of a uniform information management system that collects comprehensive data for juveniles, some entities within the Mississippi juvenile justice system are moving toward data collection systems with common elements. As noted previously, the Division of Youth Services has purchased a case management system through federal grant funding that will assist in the tracking of juveniles throughout the juvenile justice system and provide the data necessary to measure the performance of the various juvenile justice programs. This case management system should allow multiple agencies to share information about individual juvenile offenders while ensuring confidentiality of information. The basis of the system will be located at the two state training schools and in the field offices where most juveniles have their first contact with the juvenile justice system. Youth Services counselors can capture data at intake; enter dispositional alternative data, including specific classes completed, the date of completion and total hours attended. The case management system does have a reports feature that will allow it to run pre-programmed standard reports such as caseload data and number of referrals as well as ad hoc reports based on an agency's needs.

Also, as noted previously, the Administrative Office of the Courts is currently in the process of implementing its Mississippi Youth Case Information Delivery System (MYCIDS) for use in the youth courts throughout the state. MYCIDS is a web-based case management system designed through Court Improvement Program (CIP) funding with the specific purpose to enhance the tracking of juveniles throughout the judicial system. Currently, twenty counties have implemented and are utilizing the MYCIDS database (see Appendix FF on page 196.) Youth court staff can capture individual data at intake; enter dispositional alternative data; and track a juvenile's case from one youth court to another, provided both youth courts utilize the system. Because MYCIDS is web-based, this juvenile data can be collected in real-time; for example, juvenile information regarding the initial hearing can be collected and entered while the hearing takes place. Even though the

DYS and AOC are working together to develop an interface for the two information management systems.

system is web-based, unique user identification and password protection are necessary in order to access the system. Since AOC also stores the data entered into the system at a central location, AOC can produce a wide variety of reports, such as caseload data and number of referrals. A primary disadvantage to MYCIDS, however, is that courts are not required to utilize the system and therefore some youth courts may choose to utilize data collecting and reporting systems self-designed through the use of local funding.

Currently, these two systems are collecting duplicative data, such as referrals, offenses, and dispositions, but DYS and AOC are working together to develop an interface for the two systems that will allow each system to transfer data sets to eliminate this issue. The pilot test is being funded through Court Improvement Program monies and is taking place with the youth court and youth services staff at the Adams County Youth Court in Natchez. Once a successful interface has been established, the primary hurdle will be to promote the two systems at the local and judicial levels to establish uniformity in collecting and reporting data necessary to evaluate the effectiveness of juvenile justice programs.

Need for Qualified Personnel

The last concern noted from the key players when PEER conducted interviews was the importance of having qualified personnel throughout the juvenile justice system. This workforce should be invested in the system to treat and rehabilitate youth and should receive adequate training and cross-training among the key players in the system in order to be effective.

Some of the key players' concerns regarding personnel and staffing included:

- DPS has been without a compliance monitor for several years;
- Mental health staffing for Adolescent Offender Programs is difficult because it requires a master's-level clinician, which generally requires higher wages than local areas can afford;
- Staff turnover at the training schools makes it difficult for MDE staff to obtain the educational records for the juveniles at each facility;

- Lack of a youth court clerk system causes data reported to AOC to be inconsistent and unreliable in some jurisdictions using the SCATS system; and,
- AOC lacks the support staff to train more than a few courts at a time to utilize the MYCIDS system.

Chapter 6: States' Organizational Models for Juvenile Justice Systems

This chapter describes the range of organizational models used by other states and focuses on two state models, features of which have been referred to by the Office of Juvenile Justice and Delinquency Prevention and a juvenile justice consultant as having potential for use in Mississippi.

Range of Organizational Models

Given that juvenile justice systems vary from state to state and are highly dependent on community resources and the unique juvenile needs of the state, there is no one organizational model that would work across the board for all states.

Based on other states' experience, a wide range of organizational models may be utilized for a juvenile justice system. According to research by the National Center for Juvenile Justice, states may be categorized as one of three basic models for organization of juvenile delinquency services: centralized, decentralized, and combination, as described in the following subsections. Given that juvenile justice systems vary from state to state and are highly dependent on community resources and the unique juvenile needs of the state, there is no one organizational model that would work across the board for all states.

Centralized Model (State Control)

States that use a centralized model for the juvenile justice system are characterized by a state executive agency having across-the-board control of services such as probation, institutional services, and aftercare. This model is implemented in those states that utilize a separate department strictly for juvenile justice, such as in Florida (see Appendix J, page 156).

Decentralized Model (Local Control)

States that use a decentralized model for the juvenile justice system are characterized by local control of the juvenile justice system and organization and administration of delinquency services. At a minimum, the local level controls ordinary probation services. Often times, local authorities will run the detention centers as well.

Some also share aftercare responsibilities with state agencies. Colorado is one state that uses a decentralized model.

Combination Model (State/Local Control Mixture)

States that use a combination model for the juvenile justice system are characterized by a mixture of state-controlled and locally operated delinquency services. States utilize their systems in a variety of ways under the combination model. Mississippi and Utah utilize a combination model.

Federal Recommendations for Mississippi's System

OJJDP staff and a juvenile justice consultant referred to aspects of the Colorado and Utah systems as having potential for implementation in Mississippi.

PEER interviewed OJJDP staff and the juvenile justice consultant hired by DYS to bring the training schools into compliance with the consent decree with the DOJ. During these interviews, aspects of the Colorado and Utah systems were referred to as having potential for implementation in Mississippi. Exhibit 8, page 92, briefly compares some of the key elements of these three juvenile justice systems.

There are both similarities and differences between the three systems, which further illustrates the wide range of models used in varying states' juvenile justice system. The primary differences noted in the exhibit included the purpose of the youth courts, the agency or agencies responsible for administering JJDP funds as well as delinquency institutions and oversight, juvenile detention organization, release decisions of juveniles following commitment, and juvenile probation organization.

Variation of Data Collection and Reporting

OJJDP has set minimum standards for data collection and reporting for its formula grants program that could be used as a guide for determining the data elements that should be collected and analyzed.

Considering the data elements that could be collected and analyzed in relation to the juvenile justice system, no set standard exists on what elements each state should collect and analyze. However, OJJDP has set minimum standards for its Formula Grants Program (see page 25.) Also, since Colorado and Utah were referred to as potential models, Exhibit 9, page 93, briefly compares some of the key data elements collected and analyzed within the three juvenile justice systems.

Exhibit 8. Comparison of Major Characteristics of Juvenile Justice Systems in Mississippi, Colorado, and Utah

Characteristic	Mississippi System	Colorado System	Utah System
<i>2005 Juvenile Population (ages 10-17)</i>	339,135	522,721	302,222
<i>Leading Juvenile Justice State Agency</i>	Department of Human Services, Division of Youth Services	Colorado Department of Human Services, Division of Youth Corrections	Department of Human Services, Juvenile Justice Services
<i>Separate Department of Juvenile Justice</i>	No	No	No
<i>Purpose of Youth Courts</i>	Standard Juvenile Court Act	Emphasis on public safety	Clauses emphasize punishment, deterrence, accountability, and/or public safety
<i>Lowest Age for Original Youth Court Jurisdiction</i>	10 years old	10	No specified age in Statute or Court Rules
<i>Oldest Age for Original Youth Court Jurisdiction</i>	17 years old	17	17
<i>Extended Age Youth Courts may Retain Jurisdiction</i>	19 years old	Until the full term of the dispositional order	20
<i>Administration of JJDPA Funds, Delinquency Institutions, and Oversight</i>	No overlap (separate agencies for each)	Same agency for funding and oversight	Same agency for funding and oversight
<i>Organization of Juvenile Delinquency Services</i>	Combination of state and local	Decentralized	Combination of state and local
<i>Purpose of Secure Detention</i>	Sanction for probation violations and a disposition alternative	Sanction for probation violations and a disposition alternative	Sanction for probation violations and a disposition alternative
<i>Juvenile Detention Organization</i>	Local executive and local judicial levels	State executive level	State executive level
<i>Organization and Administration of State Delinquency Institutions</i>	Department of Human Services, Division of Youth Services	Colorado Department of Human Services, Division of Youth Corrections	Department of Human Services, Juvenile Justice Services
<i>Placement Decisions of Juveniles</i>	Primarily with youth courts	Delinquency agency makes independent placement decisions	Youth courts
<i>Length of Stay Decisions of Juveniles</i>	Indeterminate commitments	Determinate commitments	Indeterminate commitments
<i>Release Decisions</i>	State delinquency agency	Juvenile parole board	Juvenile parole board
<i>Juvenile Probation Organization</i>	State executive and local judicial levels	Local judicial	State judicial
<i>Aftercare Services</i>	State executive level	State executive level	State executive level

SOURCE: National Center for Juvenile Justice Research.

Exhibit 9. Comparison of Data Elements Collected in Mississippi, Colorado, and Utah

Data Element	Mississippi DYS Annual Report	Mississippi DPS 3-Year Plan	Colorado 3-Year Plan	Utah Annual Report
Adjudications by Age, Race, and Gender			x	
Annual Budget				x
Commitment Trends by Race and Gender			x	
Core Services Provided to Juveniles			x	
Counties with Highest Referrals		x		
Counties with Lowest Referrals		x		
Delinquency Filings by Type			x	
Detainees by Age, Race and Gender				x
Detention Average Daily Population			x	x
Detention Length of Stay			x	x
Disposition by Age	x	x		
Dispositions by Type	x			x
Expulsion Reasons			x	
Funding History of Core Services			x	
Gender and Ethnicity of Staff vs. Juveniles				x
High School Drop-Out Rate			x	
High School Graduation Rate			x	
Juvenile Arrests by Age, Race, and Gender			x	
Juvenile Parole Results				x
Juvenile Population (10-17)			x	x
Juveniles in Detention			x	x

Data Element	Mississippi DYS Annual Report	Mississippi DPS 3-Year Plan	Colorado 3- Year Plan	Utah Annual Report
Map of Programs by County				x
Mental Health Commitments by Gender			x	
Mental Health Needs by Gender			x	
Non-Delinquent Offenses by Year		x		
Number and Type of Offenses	x	x		
Number of Home Detentions				x
Offenses by Age	x			
Offenses by Type and Gender			x	
Operating Budget by Office, Services, and Programs				x
Percentage Change in Disposition		x		x
Prior Out-of-Home Placement			x	x
Probation Length of Stay			x	
Public School Disciplinary Action			x	
Public School Enrollment			x	
Rate of Detention				x
Recidivism by Gender			x	
Referrals by Age	x			
Referrals by Race and Gender	x	x		
Restitution Payments				x
Service Coverage Area				x
Services and Programs Provided				x
Staff by Office				x
Staff Training by Type, Hours, and Staff Served				x
Substance Abuse by Gender			x	

Data Element	Mississippi DYS Annual Report	Mississippi DPS 3-Year Plan	Colorado 3- Year Plan	Utah Annual Report
Successful Probation			x	
Top 5 Dispositions	x			
Top 5 Offenses	x			
Total Referrals	x	x	x	x
Training School Commitments	x			
Unsuccessful Probation			x	
Yearly Comparison	x	x	x	x

SOURCE: MS DYS 2006 Annual Report; MS DPS 2006-2008 3-Year Comprehensive Plan; Colorado 2006-2008 3-Year Comprehensive Plan; and the Utah 2005 Annual Report.

Chapter 7: Policy Options and Recommendations

This chapter describes two broad policy options to achieve a more comprehensive and effective juvenile justice system in Mississippi. Also, it provides several recommendations to improve the current juvenile justice system's deficiencies in screening and assessment, case management, service delivery, and planning.

Need for Organizational Change

As noted in this report, the current juvenile justice system in Mississippi does not equitably provide an adequate continuum of treatment and rehabilitative alternatives to meet the needs of all juveniles in every county. The current fragmented approach within the state's system has resulted in the following deficiencies:

- does not provide a continuum of treatment and rehabilitative alternatives to juveniles from prevention to transition;
- does not effectively identify and meet the needs of all juveniles in every county;
 - no statewide classification system;
 - need for a comprehensive case management system;
 - need for equitable treatment of youth in both the adjudication process and service delivery;
- limited effectiveness because of deficiencies in fundamental components;
 - reliance on federal funding for programs and services;

- insufficient oversight of federal funding;
- inadequate planning in the coordination and collaboration of resources; and,
- insufficient research and evaluation capacity specifically focusing on data collection and analysis and performance measures.

Therefore, organizational change should occur in the current system by addressing the current issues and providing a foundation for the state to achieve a more comprehensive and effective juvenile justice system.

Policy Options for Organizational Change

To improve the current system and work toward achieving a more comprehensive juvenile justice system in Mississippi, the Legislature could choose from the following two options:

- *Option One:* Creation of a centralized and comprehensive research and evaluation capacity within the current juvenile justice system to be known as the Institute of Juvenile Justice Research to identify the resources necessary to build a comprehensive and effective system at an annual estimated state cost of \$950,200, consisting of existing costs of \$197,937 and estimated new costs of \$752,263 (see Table A, page 98); or,
- *Option Two:* Creation of a state Department of Juvenile Justice and Delinquency Prevention by moving existing system components into a centralized agency, as well as creating the research and evaluation capacity (mentioned in the first option) as one component within this department at an annual estimated state cost of \$45,050,661, consisting of existing costs of \$43,227,110 and estimated new costs of \$1,823,551 (See Table A, page 98).

Table A: Comparison of Total Estimated Annual Costs for Option One, the Institute of Juvenile Justice Research, and Option Two, the Department of Juvenile Justice and Delinquency Prevention, Based on New and Existing Expenditures

Option	Estimated New ¹	Existing	Total ²
One: IJJR	\$ 752,263	\$ 197,937	\$ 950,200
Two: DJJDP	\$1,823,551	\$43,227,110	\$45,050,661

¹Source of estimated new expenses would be state general funds.

²Excluding initial estimated one-time start-up costs to furnish office space.

SOURCE: Summary of PEER analysis regarding estimated annual expenditures and Fiscal Year 2007 actual expenditures.

Both options presented would involve creation of a research and evaluation capacity that would utilize uniform screening and assessment. Both options would increase costs beyond current state expenditures for juvenile justice.

Table B, page 99, gives additional detail on each option by major objects of expenditure. Both options have common elements. The first common element is that both of the options would involve creation of a research and evaluation capacity dedicated to juvenile justice within the state. This research and evaluation component would utilize a uniform screening instrument in assessing all juvenile offenders to determine the programs and services best suited to their needs.

The second common element of the options is that both would increase costs beyond current state expenditures for juvenile justice due to the creation of the above-described research and evaluation capacity, the development of new programs and services to meet the needs identified through the assessments and analysis of data, and resulting staffing and administrative costs.

Option One would address service needs through existing organizational structures, while Option Two would reduce organizational fragmentation through a newly created department focusing on juvenile justice issues.

The primary difference between the two options is that the first seeks to address service needs through existing organizational structures, while the second option seeks to reduce organizational fragmentation through a newly created department focusing on juvenile justice issues.

The following pages describe each of these options, actions necessary to implement each, and their respective strengths and weaknesses.

Table B: Comparison of Estimated Annual Expenditures for Option One, the Institute of Juvenile Justice Research, and Option Two, the Department of Juvenile Justice and Delinquency Prevention

Option One: IJR			
Expenditure	Estimated New¹	Existing²	Total
Personal Services - Salary and Fringes	\$504,340	\$197,937	\$702,277
Travel	40,476	0	40,476
Contractual Services ³	191,502	0	191,502
Commodities	9,199	0	9,199
Capital Outlay - Equipment ⁴	6,746	0	6,746
Total	\$752,263	\$197,937	\$950,200

Option Two: DJJDP			
Expenditure	Estimated New¹	Existing²	Total
Personal Services - Salary and Fringes	\$1,415,206	\$35,099,895	\$36,515,101
Travel	66,667	273,742	340,409
Contractual Services ⁵	315,416	4,908,272	5,223,688
Commodities	15,151	2,352,292	2,367,443
Capital Outlay - Equipment ⁴	11,111	592,909	604,020
Total⁶	\$1,823,551	\$43,227,110	\$45,050,661

¹Source of estimated new expenses would be state general funds.

²Existing expenditures for the four DPS staff were only available regarding Personal Services - Salary and Fringes.

³Contractual Services for the IJR include an estimated cost of \$94,605 for rental of office space. See pages 107 and 120-121 of this report for an explanation of the projection for office space.

⁴Capital Outlay- Equipment does not include one-time estimated costs to furnish office space. See pages 107 and 120-121 of this report for an explanation of the projection for office space.

⁵Contractual Services for the DJJDP include an estimated cost of \$155,820 for rental of office space.

⁶Total does not include Subsidies, Loans, and Grants expenditures, which are non-operational "flow-through" funds.

SOURCE: PEER analysis of estimated annual expenditures and Fiscal Year 2007 actual expenditures.

Option One: Creation of the Institute of Juvenile Justice Research within the State's Existing System

The Legislature could choose to create the Institute of Juvenile Justice Research (IJJR) to be housed within the Department of Public Safety.

Purpose of Option One

The research conducted by the IJJR would provide the necessary information to address deficiencies in the continuum of treatment and rehabilitative alternatives.

The primary purpose of the IJJR would be to satisfy one of the state requirements in the Juvenile Justice and Delinquency Prevention Act of 2002 that provides for the development of an adequate research, training, and evaluation capacity within the state, which is currently not being fulfilled within the Department of Public Safety. The research conducted by the IJJR would provide the necessary information to address deficiencies in the continuum of treatment and rehabilitative alternatives in the state by providing sufficient and consistent service delivery and planning through evidence-based research and evaluation.

Strengths of Option One

Option One works within the existing system, with minimal changes to the overall structure itself.

The first option is an approach for reorganization and structure of the state's juvenile justice system that works within the existing system, with minimal changes to the overall structure itself, while collecting and analyzing the necessary data to identify and analyze the juvenile justice needs and resources of the state. The IJJR would have the ability to utilize evidence-based research to develop strategic plans for equitable service delivery and associated state funding structures necessary to move toward a comprehensive continuum of treatment and rehabilitative alternatives.

Weaknesses of Option One

Option One does not provide direct accountability for the service structure in the system as a whole and still relies on the existing key players.

The primary weakness of the IJJR is that it does not provide direct accountability for the service structure in the system as a whole and still relies on the existing key players to implement programs and services within the existing organizational structure.

Responsibilities of the IJJR (Option One)

If the Legislature chooses Option One, it would charge the IJJR with the following responsibilities currently charged to the Department of Public Safety:

- Administer and implement the state's responsibilities according to the Juvenile Justice and Delinquency Prevention Act through the creation of a research and evaluation capacity.
- Provide state-level leadership for the development of the Mississippi Three-Year Comprehensive Plan on Juvenile Justice.

If the Legislature chooses Option One, it would also charge the IJJR with the following added responsibilities:

- Establish a mission statement and a vision statement with the focus on enhancing the juvenile justice system within the state.
- Conduct a needs assessment to determine what community-based services are needed by juveniles who enter or are most likely to enter the juvenile justice system in Mississippi.
- Study the cost of creating and maintaining non-duplicative community-based programs to meet Mississippi's juvenile justice needs statewide, including the utilization of the fifteen community mental health centers for provision of services.
- Develop a resource management capacity to identify potential federal funding sources and the requirements associated with the funding.
- Provide technical assistance to local communities in applying for grants and developing evidence-based programs.
- Serve as a central data collection point using the information provided through the DYS Case Management System, the DYS statewide classification system, the AOC MYCIDS database, and any data from the other

agencies represented on the ICCCY in order to develop the Three-Year Comprehensive State Plan under the requirements of the JJDP.

- Maintain and house the minutes from meetings of the State Advisory Group, ICCCY, and the ISCC.
- Propose a funding structure for providing community-based services and a plan for implementation.
- Produce a budget proposal for any additional youth and juvenile community-based programs and services to be provided by each agency within the state using evidence-based research and needs assessments. These budget proposals would be forwarded to each individual agency to be attached to its annual legislative budget request. The respective agencies could utilize the proposals provided by the IJJR to request any additional state funding necessary to implement programs.

Prior to implementation of the IJJR, the Office of Justice Programs would seek advice and confer with the State Advisory Group, the Interagency Coordinating Council for Children and Youth, and the federal Office of Juvenile Justice and Delinquency Prevention to determine and establish the qualifications for the director of the IJJR, as well as necessary staffing requirements. The director of the IJJR would then have the authority to appoint the necessary staff.

Legislative Action Needed for Implementation of Option One

If the Legislature chooses Option One, to implement the Institute of Juvenile Justice Research, the Legislature would:

- Amend MISS. CODE ANN. §45-1-2 and §45-1-33 to create the Institute of Juvenile Justice Research (IJJR) within the Department of Public Safety, Office of Justice Programs, and to transfer the responsibility for supporting the juvenile justice advisory committee to the institute.

If the Legislature chooses Option One and creates the IJJR, it would also:

- Amend MISS. CODE ANN. Section 43-21-323 (1972) to place the responsibility of the juvenile detention facility monitoring unit under the Institute of Juvenile Justice Research housed within the Department of Public Safety.

Timeline for Option One

If the Legislature chooses Option One, the Office of Justice Programs would continue to carry out its current responsibilities of the JJDP in the interim until the IJJR is fully staffed and funded. The IJJR would be created, funded, and begin operation accordingly:

- On July 1, 2008, the Office of Justice Programs, through consultation with the SAG, ICCCY, and OJJDP, would begin development of a proposal to the Legislature with the purposes to create, staff, and fund the IJJR.
- On July 1, 2009, the IJJR would be established, staffed, and funded through state statute. The Office of Justice Programs would then begin transfer of the responsibilities of the JJDP to the IJJR.
- By December 2009, PEER would conduct an interim review of the progress of the IJJR.
- By July 1, 2010, the IJJR would carry out all responsibilities of the JJDP.
- By July 1, 2011, the IJJR would submit its first budget proposals to the state agencies providing youth and juvenile programs and services for submission to the Legislature.
- By July 1, 2012, the IJJR would submit its first Comprehensive Three-Year State Plan to the OJJDP.
- By July 2012, PEER would conduct a final review of the creation, implementation, and effectiveness of the IJJR.

Potential Organizational Structure of Option One

PEER acknowledges that there is no one finite organizational structure for the creation and implementation of the IJJR. However, if the Legislature chooses Option One, one potential organizational structure to address the responsibilities listed above for the IJJR is provided in Exhibit 10, page 105.

In order to develop this organizational structure, PEER contacted the Colorado Department of Public Safety, which had been noted by the federal Office of Juvenile Justice and Delinquency Prevention as having a strong focus on research and analysis of juvenile justice data, needs, and programs. The Research Director at the Colorado DPS referred PEER to a consultant who has twenty years' experience working with state and local governments and whose current practice specializes in applied research and evaluation programs. He is currently working with the Colorado DPS Research Division in reorganizing and strengthening its research and evaluation capacity.

The consultant stated that based on his experience in developing research and evaluation capacities, it is critical to have a director or lead person with adequate educational and working experience in the area of juvenile justice. PEER worked with this consultant and explained the roles and responsibilities of the proposed IJJR and he determined that a range of three to four full-time research analysts and two to three full-time information technology personnel would be necessary to implement fully the institute's responsibilities. Of specific concern was ensuring that there was adequate staffing to complete thorough and comprehensive assessments on what programs are effective and would be necessary in order to design and implement a statewide service delivery structure based on the data collected and analyzed within the IJJR.

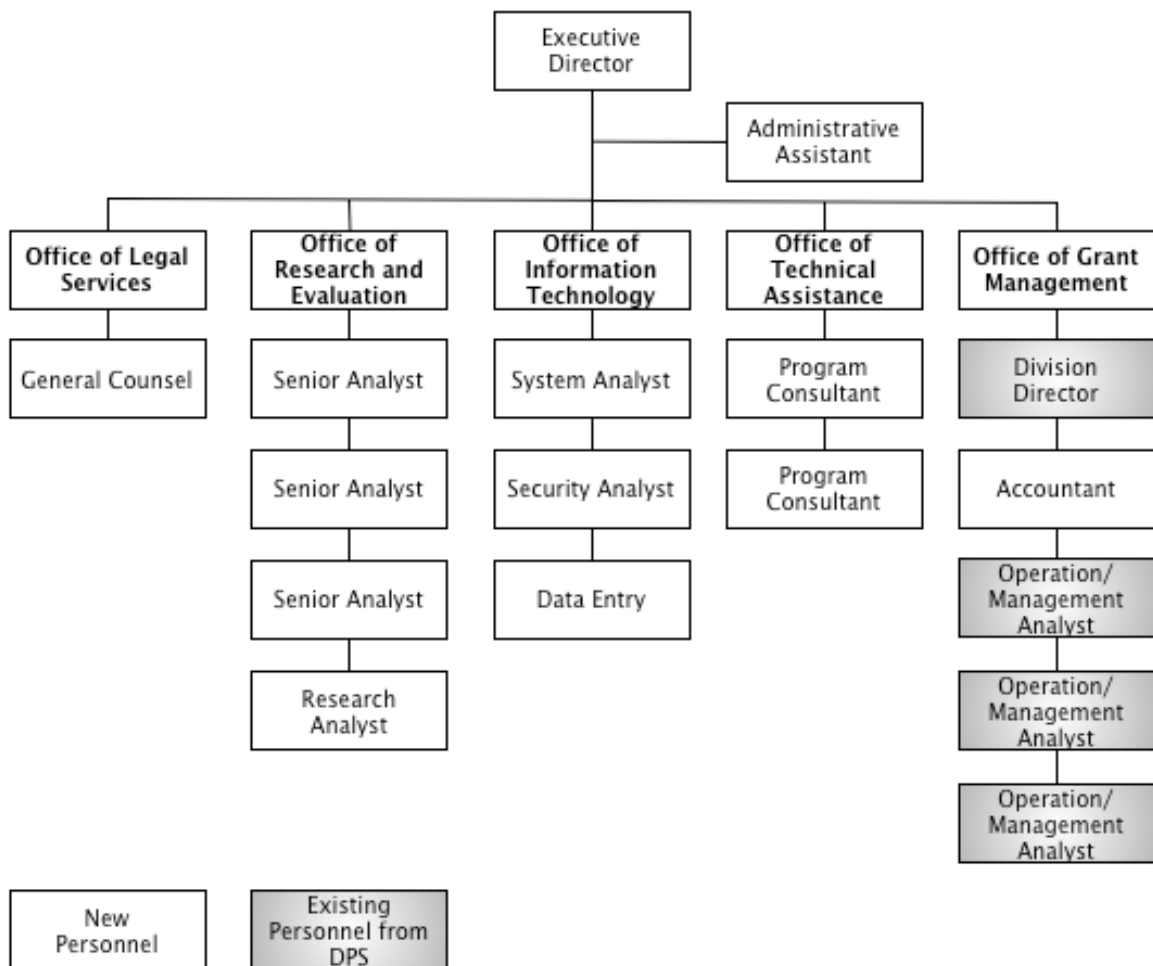
Cost of Implementing Option One: \$950,200

In order to estimate salary and fringe benefit costs, PEER worked with the State Personnel Board. Regarding expenditures by major budget category, PEER analyzed its own Fiscal Year 2007 major expenditures, excluding housing costs, to obtain an expenditure per staff estimate. This estimate was then applied to the number of staff at the IJJR,

keeping the same percentage expenditure by major budget category in order to obtain estimated annual expenditures for this option. Exhibit 11, page 106, lists the major estimated expenditures by category. Upon compiling the annual cost estimates for all of the major budget categories, excluding initial office furnishing costs, the total estimated expenditures for the IJJR would be \$950,200.

Exhibit 10. Potential Organizational Structure of the Institute of Juvenile Justice Research

Option One: IJJR



SOURCE: PEER analysis of the roles and responsibilities of the IJJR based on staffing requirements discussed with a research and evaluation capacity-building consultant.

Exhibit 11: Estimated Annual Expenditures of the Institute of Juvenile Justice Research

Agency/Facility	Personal Services - Salary and Fringes	Travel	Contractual Services	Commodities	Capital Outlay-Equipment ¹	Total
IJJR	\$702,277	\$40,476	\$191,502	\$9,199	\$6,746	\$950,200

¹Capital Outlay - Equipment expenditures only reflect the estimated annual costs and do not include the one-time estimated cost to furnish the office space.

SOURCE: PEER analysis of estimated expenditures.

Personal Services – Salary and Fringes: \$702,277

If the Legislature chooses Option One, there would be an additional staffing requirement of thirteen personnel based on the organizational structure seen in Exhibit 10, page 105. Additionally, four personnel would be transferred from the Department of Public Safety’s Office of Justice Programs based on the State Personnel Board’s analysis of current active positions regarding juvenile justice within that agency, bringing the total initial staffing requirements for the IJJR to seventeen.

PEER worked with the State Personnel Board’s classification system in order to match the desired responsibilities and educational requirements for each new position. SPB noted that for newly created positions, the starting salary begins at the starting pay of the salary range based on the classification level. Also, the Legislative Budget Office (LBO) noted that in order to calculate the fringe benefits of a position, the average rate of twenty-seven percent should be applied to the position’s salary. Therefore, the estimated salary and fringe benefit costs for the thirteen new personnel total \$397,118 and \$107,222 respectively, bringing the total costs for the new personnel to \$504,340. The salary and fringe benefit costs for the four existing personnel to be transferred to the IJJR total \$150,025 and \$47,912 respectively, bringing the total cost of these personnel to \$197,937. The cumulative staffing costs for the IJJR total \$702,277 for all seventeen personnel, including both salary and fringes. For a chart showing each proposed new position and the salary and fringes for that position, please refer to Appendix GG on page 197.

Travel: \$40,476

Assuming that the IJJR utilizes the same percentage of its total estimated expenditures for travel as PEER, the estimated expenditure for travel would be \$40,476 for seventeen personnel.

Contractual Services: \$191,502

Assuming that the IJJR utilizes the same percentage of its total estimated expenditures for contractual services as PEER, the estimated expenditure for this budget category would be \$96,897, excluding the estimated costs for office space.

PEER contacted the Department of Finance and Administration (DFA) in order to obtain an estimate for the cost of housing the IJJR. Based on the staffing requirements of the IJJR and adequate square footage for facilities, offices, a conference room, and file space, DFA provided an estimate of 420 square feet would be needed per employee. DFA also provided an estimate on newly acquired state property on North Street in Jackson that would be available on July 1, 2008, at \$13.25 per square foot. Therefore, the cost of housing the IJJR would be \$94,605 annually, which also includes the lease, utilities, and janitorial services.

Commodities: \$9,199

Assuming that the IJJR utilizes the same percentage of its total estimated expenditures for commodities as PEER, the estimated expenditure for this budget category would be \$9,199.

Capital Outlay - Equipment: \$6,746

Assuming that the IJJR utilizes the same percentage of its total estimated expenditures for equipment as PEER, the estimated expenditure for this budget category would be \$6,746, excluding estimated initial one-time start-up costs.

Regarding the estimated initial one-time office furnishing costs, PEER contacted the Department of Finance and Administration, which provided an average estimated range of \$2,000 to \$5,000 per office. This furnishing range is equivalent to an estimated initial total furnishing cost of \$34,000 to \$85,000 for seventeen personnel.

Option Two: Creation of an Independent Board of Juvenile Justice and Delinquency Prevention to Direct a Separate Department

The Legislature could choose to create an independent Board of Juvenile Justice and Delinquency Prevention and to move components and resources from the existing system into a centralized department that would be directed by the board.

Purpose of Option Two

The DJJDP would provide a uniform state-level structure to improve the programs and services provided and influence the entire spectrum of the juvenile justice system, while also developing long-term goals for the system.

The primary purposes of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) would be: promote public safety; hold youth accountable for their actions; prevent offending and re-offending through competency development of youth; and equitably provide the full range of the continuum of treatment and rehabilitative alternatives. The DJJDP would be developed to maximize current resources and would absorb the current agencies and divisions providing services to at-risk youth and juvenile offenders within Mississippi. The DJJDP would then be able to provide a uniform state-level structure in order to improve the programs and services provided and influence the entire spectrum of the juvenile justice system, while also gaining the ability to develop long-term goals of the overall system specifically focused on juvenile justice.

Strengths of Option Two

Option Two provides direct accountability to the juvenile justice system as a whole by having one centralized authority with direct control over the primary state-level programs, services, and resources.

The primary strength of this option is that it would provide direct accountability to the juvenile justice system as a whole by having one centralized authority with direct control over the primary state-level programs, services, and resources of the system. This new department would combine existing key players at the state level and maximize current resources to align the primary state entities that currently provide programs and services to juveniles within one department, allowing for more consistent planning, collaboration and coordination of resources, targeted mission and vision statements, and long-term planning of the juvenile justice system in its entirety, not limited to independent components.

Weaknesses of Option Two

Option Two has greater potential for incurring increased state costs.

The DJJDP has a greater potential than Option One for incurring increased state costs for additional staffing requirements, office space, and other overhead expenses necessary in the start-up of a new department.

Responsibilities of the DJJDP (Option Two)

If the Legislature chooses Option Two, at a minimum, the Legislature would charge the DJJDP with the following responsibilities:

- Administer and implement the state's responsibilities according to the Juvenile Justice and Delinquency Prevention Act through the creation of a research and evaluation capacity.
- Provide state-level leadership for the development of the Mississippi Three-Year Comprehensive Plan on Juvenile Justice.
- Establish a mission statement and a vision statement with the focus on enhancing the juvenile justice system within the state.
- Conduct a needs assessment to determine what community-based services are needed by juveniles who enter or are most likely to enter the juvenile justice system in Mississippi.
- Study the cost of creating and maintaining non-duplicative community-based programs to meet Mississippi's juvenile justice needs statewide, including the utilization of the fifteen community mental health centers for provision of services.
- Develop a resource management capacity to identify potential federal funding sources and the requirements associated with the funding.
- Provide technical assistance to local communities in applying for grants and developing evidence-based programs.

- Serve as a central data collection point using the information provided through the DYS Case Management System, the DYS statewide classification system, the AOC MYCIDS database, and data from the other agencies represented on the ICCCY in order to develop the Three-Year Comprehensive State Plan under the requirements of the JJDP.
- Maintain and house the minutes from meetings of the State Advisory Group, ICCCY, and the ISCC.
- Propose a funding structure for providing community-based services and a plan for implementation.
- In addition to its own annual budget request, the DJJDP would produce budget recommendations for youth and juvenile programs and services provided by state and local entities not under its jurisdiction, based upon the department's evidence-based research and needs assessments.
- Administer all youth programs assigned to it through legislation.

Prior to implementation of the DJJDP, the governing and advisory boards of the DJJDP discussed on page 112 would seek advice and confer with the present State Advisory Group, the Interagency Coordinating Council for Children and Youth, and the federal Office of Juvenile Justice and Delinquency Prevention to determine and establish the qualifications for the executive director of the DJJDP, as well as necessary additional staffing requirements outside of the transferred resources, in the most effective and cost-efficient manner. The director of the DJJDP would then have the authority to appoint the necessary additional staff. Until a permanent executive director has been identified and appointed to the DJJDP, the Executive Director of the former Division of Youth Services would serve in the capacity as interim executive director of the department.

The governing board and the interim executive director of the DJJDP would have the authority to establish the organizational structure of the department, which would include the creation of

any units necessary to implement the duties assigned to the department and consistent with specific requirements of law, including, but not limited to:

- Creation of a research and evaluation capacity focused on data collection and analysis and performance measures.
- Creation of a quality assurance and internal investigations capacity to provide oversight of programs and services for compliance monitoring and investigating internal and external complaints and grievances.
- Creation of a capacity to provide technical assistance to local communities and other providers of youth programs in regard to locating additional resources, funding sources, and grant writing assistance.
- Creation of a mental health and behavioral management capacity to ensure multidisciplinary programs and services are provided to those juveniles with mental health needs.
- Creation of a training capacity applicable to all employees within the DJJDP to ensure that qualified personnel are in place at all levels within the system when dealing with juveniles and providing cross-training in multiple areas of expertise when necessary.
- Development of a specific mission statement and vision statement for the DJJDP specifically targeting juvenile justice and the system as a whole.
- Development of a strategy for the long-term planning of the department regarding its overall goals, outputs, and outcomes.

Legislative Action Needed to Implement Option Two

If the Legislature chooses Option Two, in order to implement a separate Board and Department of Juvenile Justice and Delinquency Prevention, the Legislature would:

- Create a governing Board of Juvenile Justice and Delinquency Prevention through state statute that is effective upon passage and include, at a minimum, the following membership requirements as appointed by the Governor:
 - a licensed clinical psychologist with experience working with juvenile offenders;
 - an educational specialist from an alternative school;
 - a community mental health center director;
 - a public representative who has had prior experience serving as a guardian ad litem; and,
 - a certified social worker with experience working with juvenile offenders.
- Create the Department of Juvenile Justice and Delinquency Prevention through state statute.
- Specify that the board would meet before August 2008 and would select a chair that would serve for a one-year term and may not serve consecutive terms.
- The Legislature would create an advisory board to advise, without voting power, the governing board through state statute for the DJJDP that is effective upon passage and include, at a minimum, the following membership requirements:
 - One member from the House of Representatives appointed by the Speaker of the House.
 - One member from the Senate appointed by the Lieutenant Governor.

- One youth court judge appointed by the Speaker of the House.
 - One youth court judge appointed by the Lieutenant Governor.
- Amend MISS. CODE ANN. §43-27-2 (1972) to transfer the entire Division of Youth Services and any personnel at the local or regional level and its budget from the Department of Human Services to the Department of Juvenile Justice and Delinquency Prevention.
- Amend MISS. CODE ANN. §45-1-33 (1972) to transfer the staff and resources currently utilized for juvenile justice and respective federal grants within the Office of Justice Programs, Department of Public Safety, to the Department of Juvenile Justice and Delinquency Prevention.
- Amend MISS. CODE ANN. §41-19-301 and §41-19-291 (1972) to transfer the staff and resources currently utilized for the Juvenile Rehabilitation Facility and the Specialized Treatment Facility for Emotionally Disturbed Youth within the Department of Mental Health to the Department of Juvenile Justice and Delinquency Prevention.
- Ensure that the transfer of all personnel transferred to the newly created DJJDP from either DYS or DPS would not affect the rights or benefits of any employee.
- Create a transition council through state statute that is effective upon passage and responsible for gathering and evaluating current information and resources available, working in conjunction with the governing and advisory boards, with the purpose of overseeing the transfer of resources to the new department and making recommendations on key programmatic and organizational issues that would impact creation of the new department. This transition

council would include the following members:

- Executive Director of the Department of Finance and Administration, who would serve as the chair of the transition council.
- Executive Director of the Department of Human Services, or his/her designee.
- Executive Director of the Department of Public Safety, or his/her designee.
- Executive Director of the Department of Mental Health, or his/her designee.
- The Attorney General, or his/her designee.
- State Personnel Director of the State Personnel Board, or his/her designee.
- Executive Director of Information Technology Services, or his/her designee.
- The State Auditor, or his/her designee.
- Executive Director of the Legislative Budget Office, or his/her designee (advisory only).
- Executive Director of the PEER Committee, or his/her designee (advisory only).

If the Legislature chooses to implement the option of creating the DJJDP, it would also:

- Amend MISS. CODE ANN. Section 43-21-323 (1972) to place the responsibility of the juvenile detention facility monitoring unit under the Department of Juvenile Justice and Delinquency Prevention.
- Redirect TANF funds to the Department of Juvenile Justice and

Delinquency Prevention from the Attorney General's Office for future fiscal years and the appropriate staff responsible for administration of this funding.

Timeline for Option Two

If the Legislature chooses Option Two, the DJJDP would be created, funded, and begin operation accordingly:

- The transition council would identify all of the existing administrative, personnel, and other finances and resources to be transferred to the DJJDP before July 1, 2008.
- The Board of Juvenile Justice and Delinquency Prevention would be created and established effective July 1, 2008, to serve as the governing board of the DJJDP. All existing youth services resources and personnel would remain in place and function until July 1, 2009.
- The members of the governing and advisory boards for the DJJDP would be appointed by July 1, 2008.
- By August 1, 2008, the governing board for the DJJDP would meet and elect a chair and select an interim executive director.
- By December 2008, the governing board and the interim executive director of the DJJDP would provide a budget proposal to the Legislature for the staffing, funding, and location where the department would be housed.
- By December 2008, the governing board and the interim executive director of the DJJDP through consultation with the SAG, ICCCY, and OJJDP, would provide to the Legislature a proposal for the creation of the research and evaluation capacity.
- By July 1, 2009, the DJJDP would be fully staffed and funded, and all employees and entities previously

housed within another agency or division would be housed within the DJJDP.

- By July 1, 2009, the governing board of the DJJDP would have appointed the executive director of the department.
- By December 2009, the DJJDP would prepare a proposal and make recommendations to the Legislature for the purpose of redirecting any staff and resources vital to youth and juvenile programs to the DJJDP from the Department of Rehabilitative Services and the Department of Health.
- By July 2010, PEER would conduct an interim review of the progress of the implementation and organization of the DJJDP.
- By July 1, 2010, the DJJDP would obtain any redirected resources as approved by the Legislature.
- By December 2010, the DJJDP would provide a comprehensive budget request to the Legislature for the staffing and funding of the department and any identified programs and services necessary to provide the full range of the continuum of treatment and rehabilitative alternatives to juveniles.
- By July 1, 2011, the DJJDP would provide the full range of the continuum of treatment and rehabilitative alternatives equitably to juveniles statewide.
- By July 2012, PEER would conduct a final review of the creation, implementation, and effectiveness of the DJJDP.

Potential Organizational Structure of Option Two

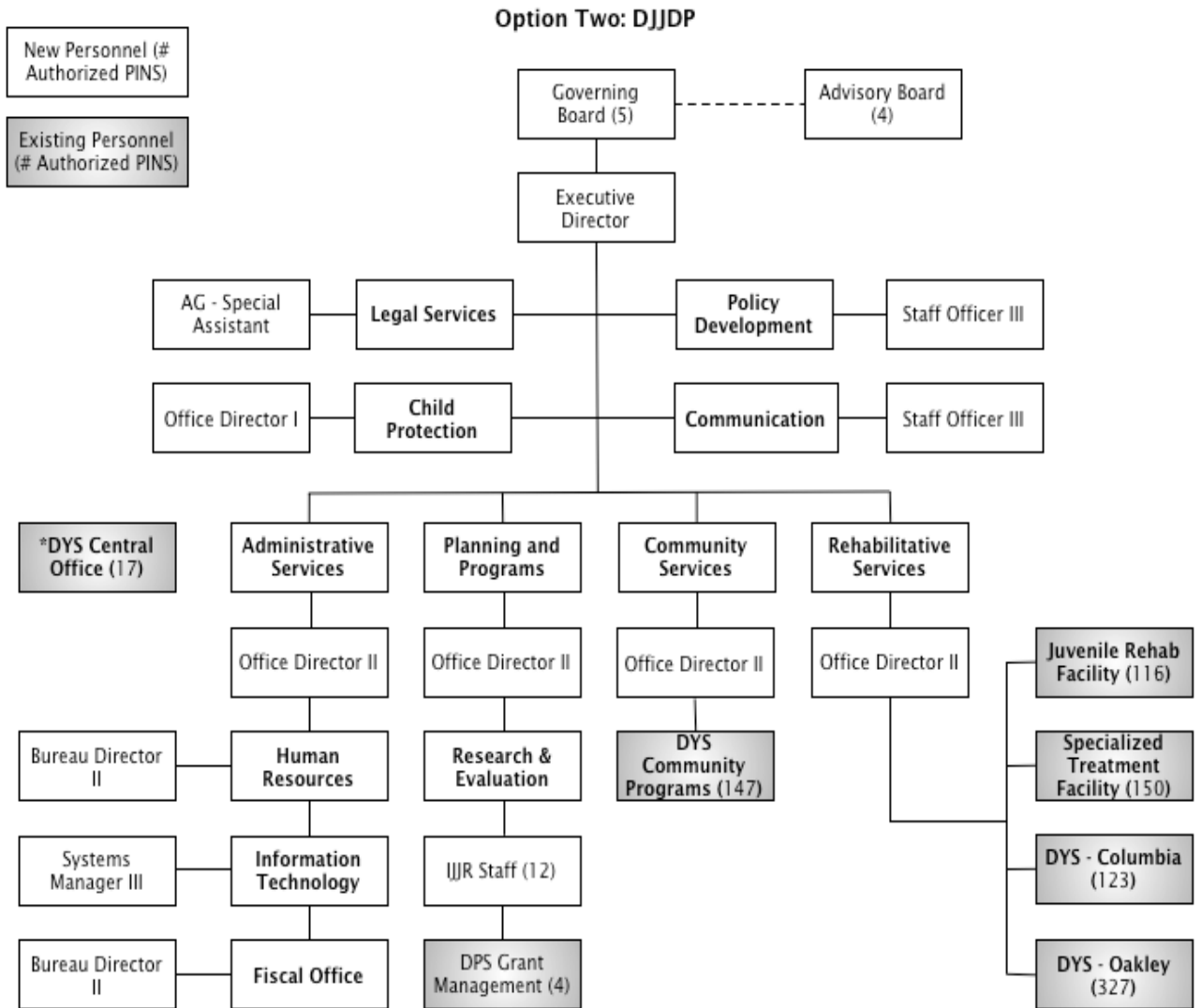
PEER contacted the State Personnel Board in order to compile information on the existing and new staffing resources required to develop a potential structure and costs of establishing a separate state DJJDP. In compiling the data, the SPB contacted

seven Southeastern states that have similar departments focused on juvenile justice regarding their programs, organizational structure, and executive director's salary. The SPB provided PEER with a functional organizational structure and a listing of programs associated with each major division, seen in Exhibit 12, page 118. Both PEER and the SPB acknowledge that this is but one of the many organizational structures that might be utilized in the development of a state department of juvenile justice. For more detail on the responsibilities and focus areas within each of the divisions provided in the exhibit below, see Appendix HH on page 198.

Cost of Implementing Option Two: \$45,050,661

In order to estimate the salary and fringe benefit costs, PEER worked with the State Personnel Board. Regarding expenditures by major budget category, PEER analyzed its own Fiscal Year 2007 major expenditures, excluding housing costs, to obtain an expenditure per staff estimate as seen in Option One. This estimate was then applied to the number of new staff at the DJJDP, keeping the same percentage expenditure by major budget category in order to obtain estimated annual expenditures for this option. In addition, for those existing resources transferred into the DJJDP, actual Fiscal Year 2007 expenditures were used to obtain the total expenditures by budget category for the new department. Exhibit 13, page 119, lists the major estimated expenditures by category. Upon compiling the annual cost estimates for all of the major budget categories, excluding estimated initial office furnishing costs, the total estimated annual expenditures for the DJJDP are \$45,050,661. It should be noted that this figure also does not take into account any future operating costs for programs or the development of a statewide service delivery structure as well as any additional staffing requirements as deemed necessary by the executive director.

Exhibit 12: Potential Organizational Structure of the Department of Juvenile Justice and Delinquency Prevention



*DYS Central Office authorized PINS include various positions that would be placed within the department by the Executive Director upon establishment of the DJJDP.

SOURCE: State Personnel Board; Division of Youth Services.

Exhibit 13: Estimated Annual Expenditures of the Department of Juvenile Justice and Delinquency Prevention

Agency/Facility	Personal Services - Salary and Fringes	Travel	Contractual Services	Commodities	Capital Outlay- Equipment ¹	Total ²
DJJDP	\$36,515,101	\$340,409	\$5,223,688	\$2,367,443	\$604,020	\$45,050,661

¹Capital Outlay - Equipment expenditures only reflect the estimated annual costs and do not include the one-time estimated cost to furnish the office space.

²Total does not include Subsidies, Loans, and Grants expenditures, which are non-operational "flow-through" funds.

SOURCE: PEER analysis of estimated expenditures of new personnel and actual Fiscal Year 2007 expenditures for existing resources.

Personal Services – Salary and Fringes: \$36,515,101

Based on the organizational structure provided by the SPB seen in Exhibit 12, if the Legislature chooses Option Two, there would be an additional staffing requirement of twelve administrative personnel (in addition to the staffing requirements for Option One). The salary and fringe benefit costs for the twelve new personnel based on SPB estimates total \$767,154 and \$207,132 respectively, bringing the total costs for the new administrative personnel to \$974,286. Additionally, the staffing requirements and costs for the creation of a research and evaluation capacity from Option One (IJJR) would also apply to the creation of the DJJDP, excluding the need for a separate general counsel. The estimated salary and fringe benefit costs for the twelve personnel required for the research and evaluation capacity total \$347,181 and \$93,739 respectively, bringing the total estimated cost of these personnel to \$440,920. The cumulative estimated staffing costs for the DJJDP total \$1,415,206 for all twenty-four new personnel including both salary and fringes. For a chart showing each proposed new position and the salary and fringes for that position, please refer to Appendix II on page 200. The SPB also provided the salary and fringes for existing resources that would be transferred to the DJJDP from the Juvenile Rehabilitation Facility, Specialized Treatment Facility, Division of Youth Services, and the Department of Public Safety. Exhibit 14, page 120, briefly describes the total number of authorized positions, the number of

vacant positions, and the number of filled positions with respective salary and fringes, listed as total compensation, required from the existing agencies and facilities as well as the research and evaluation capacity and the DJJDP administrative personnel based on the total number of authorized positions.

Exhibit 14: Projected Staffing and Personnel Costs of the Department of Juvenile Justice and Delinquency Prevention

Existing Resources	Authorized Positions	Vacant Positions	Filled Positions	Total Compensation
Juvenile Rehabilitative Facility	116	27	89	\$4,860,091
Specialized Treatment Facility	150	59	91	6,601,850
Division of Youth Services	614	101	513	23,440,017
Department of Public Safety	4	1	3	197,937
Subtotal	884	188	696	\$35,099,895
New Resources				
Research and Evaluation Capacity Staff	12	0	12	440,920
DJJDP Administrative Staff	12	0	12	974,286
Subtotal	24	0	24	1,415,206
Total	908	188	720	\$36,515,101

SOURCE: State Personnel Board.

Travel: \$340,409

Based on the actual expenditures for Fiscal Year 2007 from each of the existing agencies and facilities for travel, the estimated annual expenditures would be \$273,742. For the twenty-four new personnel, assuming that the DJJDP utilizes the same percentage of total estimated expenditures for travel that PEER expends, the estimated expenditure would be \$66,667. Therefore, the total estimated annual travel expenditures for the DJJDP would be \$340,409.

Contractual Services: \$5,223,688

Based on the actual expenditures for Fiscal Year 2007 from each of the existing agencies and facilities for contractual services, the estimated annual expenditures would be \$4,908,272, including the cost of office space. For the proposed new components, assuming that the DJJDP utilizes the same percentage of total estimated expenditures for contractual services that PEER expends, the estimated expenditure

would be \$159,596, excluding the estimated costs for office space.

Regarding the estimated cost of office space for the new personnel at the DJJDP, PEER contacted the Department of Finance and Administration (DFA). Based on the staffing requirements of the DJJDP and adequate square footage for facilities, offices, a conference room, and file space, DFA provided an estimate of 420 square feet would be needed per employee. DFA also provided an estimate on newly acquired state property on North Street in Jackson, Mississippi that would be available on July 1, 2008, at \$13.25 per square foot. This provides an estimated annual cost of \$155,820 for office space for new personnel, which also includes the lease, utilities, and janitorial services. Therefore, the total estimated costs for contractual services at the DJJDP would be \$5,223,688 annually.

Commodities: \$2,367,443

Based on the actual expenditures for Fiscal Year 2007 from each of the existing agencies and facilities for commodities, the estimated annual expenditures would be \$2,352,292. For the proposed new components, assuming that the DJJDP utilizes the same percentage of total estimated expenditures for commodities that PEER expends, the estimated expenditure would be \$15,151. Therefore, the total estimated costs for commodities at the DJJDP would be \$2,367,443 annually.

Capital Outlay - Equipment: \$604,020

Based on the actual expenditures for Fiscal Year 2007 from each of the existing agencies and facilities for equipment expenses, the estimated annual expenditures would be \$592,909. For the proposed new components, assuming that the DJJDP utilizes the same percentage of total estimated expenditures for equipment that PEER expends, the estimated expenditure would be \$11,111. Therefore, the total estimated costs for equipment at the DJJDP would be \$604,020 annually, excluding one-time initial start-up costs.

Regarding the estimated initial one-time office furnishing costs for the twenty-four new personnel at the DJJDP, PEER utilized the same estimate provided by DFA for Option One, averaging from \$2,000 to \$5,000 per office. This furnishing range

is equivalent to an estimated initial total furnishing cost of \$48,000 to \$120,000 for the new personnel.

Recommendations Independent of Policy Options

If the Legislature chooses to implement Option One for organizational change or take no action on either option, Recommendation 1, below, stands as presented. If the Legislature chooses to implement Option Two, the redirection of TANF funds noted in Recommendation 1, below, would be from the Office of the Attorney General to the Department of Juvenile Justice and Delinquency Prevention instead of the Division of Youth Services.

1. While the PEER Committee is aware that the Attorney General and the Governor are litigating the constitutional issues related to the Governor's veto of an appropriation of TANF funds to the Office of the Attorney General for the support of programs for "at-risk" youth, as a matter of public policy, in future fiscal years, the Legislature could consider redirecting these funds to the Division of Youth Services.

The redirection of these funds to DYS would improve the coordination of juvenile justice programs in Mississippi and ensure that program providers compete to provide the highest-quality programs for the least cost. The Legislature would require the Division of Youth Services to continue to use such funds for adolescent offender programs and other community-based prevention programs such as those currently administered by the YMCA, Boys & Girls Clubs of America, and Big Brothers Big Sisters to meet the needs of juvenile offenders or those at risk of becoming juvenile offenders. This would include a requirement that DYS spend one-fourth of the appropriated TANF funds on the creation and maintenance of adolescent offender programs and three-fourths of the appropriated TANF funds on the creation and maintenance of community-based prevention programs. The administration of these funds would be handled in accordance with TANF regulations and state procurement regulations, including the requirement that they be awarded through a competitive process.

As the entity responsible for administering the laws and policies relating to youth services and as the entity responsible for ensuring that adolescent offender programs provide services to youth in each county by 2010, the Division of Youth Services would be the entity that determines where AOPs would be located based on statewide juvenile justice needs. Additionally, redirecting TANF funds would allow the state advisory group, the Division of Youth Services, and the entity responsible for the administration of the JJDPa to assess the needs of the Mississippi juvenile justice system and incorporate delinquency prevention goals and priorities into the system.

PEER does not question the effectiveness of programs provided by the Attorney General, but the successful administration of the current juvenile justice system is hindered by the presence of multiple agencies in the decision-making process. In order to prevent disruption of programs currently funded with TANF through the Office of the Attorney General, the Legislature would require the Division of Youth Services and the Office of the Attorney General to develop and implement a joint plan for the transition of these TANF funds to DYS by FY 2009. The Legislature would require oversight of the administration of such plan by the juvenile justice State Advisory Group. This plan would include, at a minimum:

- removal of the Office of the Attorney General from the administration of TANF funds for programs for “at-risk” youth by FY 2009; and,
- a requirement that DYS issue requests for proposals for all adolescent offender program services and delinquency prevention program services beginning with the distribution of FY 2010 funds. The current request for proposals that DYS utilizes for its adolescent offender programs and a separate request for proposals for prevention programs would include the following provisions to ensure that those entities selected as providers are those that could most effectively and efficiently administer the AOPs and prevention programs:

- *Needs assessment*--A formal needs assessment would be used to determine what tasks and services are needed, including a clear definition of the need to be addressed, estimated resources needed to address the problem, and a description of deficiencies of resources relative to addressing the problem.
- *Systematic review of proposals*--In order to ensure selection of the lowest and best bidder for a contract, DYS would clearly establish the criteria on which the bidders would be judged, assign possible point values to each criteria, and train the proposal evaluators as to how to assign points objectively based on documentation provided by the bidder in the proposal. The Division of Youth Services would also be required to include a provision for competitive priority for current service providers. The RFP would include a Previous Program Performance Statement that would allow entities that received funding in the previous year to request competitive priority consideration for funding for the upcoming year. This would allow bonus points to be awarded to bidders based on a review of performance measures, program activities, and program initiatives.
- *Contract monitoring and evaluation*--Outputs and outcomes for adolescent offender programs and delinquency prevention programs would be established in order to measure program performance. Contract monitoring would provide opportunity for the agency to measure the contractor's performance level and adherence to contract terms. Evaluation at the end of the contract would assess the contractor's performance in meeting the agency's expectations and contractual terms. Evaluation is important for either future selection of or termination of a contractor.

By removing the Attorney General from the administration of programs for “at-risk” youth, decision-making for community-based programs could be centralized to ensure that the needs of the state’s juvenile offenders and those at risk of becoming juvenile offenders are met. Additionally, the inclusion of the above provisions in the RFP process for AOPs and delinquency prevention programs would allow for continued funding of currently effective and efficient providers of services.

2. The Governor should appoint a representative from the Department of Education to the State Advisory Group to enhance its capability in identifying the juvenile justice needs of the state and establishing programs and services to best suit juveniles in the state.
3. In order to determine the effectiveness of community-based programs and institutional programs, the Division of Youth Services should develop and implement standard performance measures, including at a minimum:
 - output and outcome measures by program;
 - a requirement that standard performance measures be used by any entity that provides programs or services in conjunction with or funded through DYS; and,
 - creation of an audit system that includes a financial and a performance audit of programs on an annual basis.
4. The Division of Youth Services should continue the development of its YASI-based statewide classification system to determine youth placement options based on the youth’s levels of risk and need in order to provide the continuum of treatment and rehabilitation in the least restrictive setting possible.

The division’s staff should also meet with youth court judges and personnel to receive input and review the strengths and weaknesses of this classification system. Initially, the system should classify those youth who are not being served in the appropriate settings, so that immediate efforts may be taken to identify other placement options. The long-term goals of this classification system would be to provide the necessary data regarding the service delivery

requirements of juveniles in the state and to utilize this data to create a strategic statewide service delivery structure. Once a uniform service delivery structure has been established and implemented, DYS and the youth courts could then determine the viability of developing uniform sentencing guidelines for juveniles. This system would be evaluated and revised as needed on an annual basis. Upon completion of this system, the Legislature could mandate its use by all programs administered and organized by the Division of Youth Services and the youth courts by July 1, 2009.

5. A uniform youth court system should be established through the implementation of a statewide county court system with exclusive jurisdiction over juveniles in the state in order to reduce the disparities of services, programs, staffing, and data collection found in the current structure. The Legislature should mandate counties to fund these courts and in counties where it is not feasible to have a single county court, then a regional county court could be established, with each county contributing to the regional court. Additionally, the counties could be granted the authority to levy taxes if necessary to obtain the funding for this uniform court system.
6. The purpose clause of youth courts in Mississippi statute should be updated to replace the language from the Standard Juvenile Court Act of 1959 to language promoting the Balanced and Restorative Justice (BARJ) model. At the very least, the Mississippi statute should be modified to include the three primary focus areas of the BARJ model, which include public safety, accountability, and competency development, in addition to the Standard Court Act language. Incorporation of the BARJ model would better facilitate the court's focus on a continuum of treatment and rehabilitative alternatives through prevention and graduated sanctions.
7. Similar to Senate Bill 2818, 2007 Regular Session, which established uniform educational services among detention centers, the Legislature should mandate all county courts to utilize the AOC MYCIDS database and provide the necessary funding for hardware and technical support. In addition, upon completion of the interface with the DYS

CMS database, all DYS and youth court staff would have access to a central registry of juvenile offender data that could be tracked at the individual level, allowing for more detailed information to be collected and used in the DYS Annual Report and the Three-Year Comprehensive Plan.

8. The statewide entity responsible for juvenile justice planning in Mississippi should study the feasibility of charging the parents of a juvenile offender if their child is housed in a state-operated secure care institution for more than twenty-four hours. As an example, in Utah, in this situation the parents are charged a child support payment to the state, with the amount based on the parents' annual income. In instances in which the annual income is not sufficient, the state requires no payment. If this requirement were implemented in Mississippi, the funds collected could be used to supplement funding for community-based programs.

Appendix A: Factors Associated with the Risk of a Child Developing a Serious Emotional Disturbance

Factors associated with the risk of a child developing a serious emotional disturbance include, but are not limited to:

- failure to achieve developmental milestones with appropriate stages or in normal time ranges in infancy or early childhood;
- environmental stresses that precipitate social breakdown such as divorce, death of a family member, homelessness, parental unemployment, severe deprivation due to poverty, single parenthood in a family;
- families who have experienced alcoholism, drug addiction and mental illness;
- children and adolescents who have been subject to child abuse, neglect, or sexual abuse; and,
- having a parent who has been or is incarcerated.

Although no national study has been conducted to determine the incidence or prevalence of mental disturbances in children, Mississippi and other states are able to *predict* the incidence or prevalence of mental disturbances in children by utilizing standardized methodologies published by the National Center for Mental Health Services. These predictions include a broad group and a severe group, whose classification is determined by a more stringent definition, with severe including those individuals deemed to have “extreme functional impairment.” According to the Department of Mental Health’s 2006 State Plan, Mississippi’s estimated prevalence range for children and adolescents, ages nine to seventeen years is 11 percent to 13 percent for the broad definition of serious emotional disturbance and 7 percent to 9 percent for the severe group. Utilizing the broad definition, an estimated 42,838 to 50,627 of the estimated total of 389,435 of children in Mississippi, ages 9 years to 17 years, may be at risk for a serious emotional disturbance.

SOURCE: Department of Mental Health 2006 State Plan and the 2006 Division of Children and Youth Services Directory.

Appendix B: Supreme Court Cases Affecting the Juvenile Justice System

Kent v. United States (1966)--Courts must provide the “essentials of due process” in transferring juveniles to the adult system. Technically, this decision only applied to District of Columbia courts, but its impact was more widespread and created a constitutional challenge to *parens patriae*. This questioned whether the theory of less due process for juveniles, but more concern for their personal interest as a compensating benefit, may not exist realistically and therefore the juvenile may actually receive the worst of both worlds.

In re Gault (1967)--Juveniles have four basic constitutional rights in hearings that could result in commitment of a juvenile to an institution: right to notice, right to counsel, right to question witnesses, and the right to protection against self-incrimination.

In re Winship (1970)--In all delinquency adjudications, the state must prove its case beyond a reasonable doubt as one of the “essentials of due process.”

McKeiver v. Pennsylvania (1971)--Jury trials are not constitutionally required in juvenile court hearings based on the argument that juries are not known to be more accurate than judges in the adjudication stage and could be disruptive to the informal atmosphere of the juvenile court by making it more adversarial.

Eddings v. Oklahoma (1982)--In juvenile matters, a defendant’s youthful age should be considered a mitigating factor in deciding whether to apply the death penalty.

Schall v. Martin (1984)--Preventative detention serves a legitimate state objective in protecting both the juvenile and society from pretrial crime and is not intended to punish juveniles.

Stanford v. Kentucky (1989)--This case established the minimum age for the death penalty at sixteen years old.

Roper v. Simmons (2005)--This case established the minimum age for the death penalty at eighteen years old.

SOURCE: *Juvenile Offenders and Victims: 2006 National Report*.

Appendix C: Core Requirements of the JJDP A For Receiving a Full Formula Grant

1. Deinstitutionalization of status offenders

The state plan shall provide that:

- (A) Juveniles who are charged with or who have committed an offense that would not be a crime if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities, excluding:
 - i. juveniles who are not charged with or who have committed a violation of section 922(x)(2) of Title 18, United States Code, or of a similar state law;
 - ii. juveniles who are charged with or who have committed a violation of valid court order; and,
 - iii. juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the state.
- (B) Juveniles shall not be placed in secure detention facilities or secure correctional facilities,
 - i. Who are not charged with any offense; and,
 - ii. Who are:
 - 1. Aliens; or,
 - 2. Alleged to be dependent, neglected or abused.

2. Separation

The state plan shall provide that:

- (A) juveniles alleged to be or found to be delinquent or juveniles within the purview of item #1 above will not be detained or confined in any institution in which they have contact with adult inmates; and,
- (B) there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles.

3. Jail Removal

The state plan shall provide that no juvenile shall be detained or confined in any jail or lockup for adults except:

- (A) juveniles who are accused of nonstatus offenses who are detained in such jail or lock-up for a period not to exceed 6 hours:
 - i. for processing or release;
 - ii. while awaiting transfer to a juvenile facility; or,
 - iii. in which period such juveniles make a court appearance and only if such juveniles do not have contact with adult inmates and only if there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles;
- (B) Juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays and legal holidays), and who are detained in a jail or lock-up
 - i. in which:
 - 1. such juveniles do not have contact with adult inmates; and,
 - 2. there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles; and,
 - ii. that:
 - 1. is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
 - 2. is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearance within 48 hours (excluding Saturdays, Sundays and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; or,
 - 3. is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

4. Disproportionate minority contact

The state plan shall address juvenile delinquency prevention efforts and system improvements designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

SOURCE: Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5633).

Appendix D: Federal Reform Efforts Affecting the Juvenile Justice System

The Juvenile Delinquency Prevention and Control Act of 1968

This legislation was designed to encourage states to develop programs and plans for community-based services for juveniles and promised federal funds to pay for them.

The Juvenile Justice and Delinquency Prevention Act of 1974

This act replaced the Juvenile Delinquency Prevention and Control Act of 1968, adding the focus on the deinstitutionalization of juveniles and awarding federal funds to states that accomplished the goals of this act.

Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP A)

The Juvenile Justice and Delinquency Prevention Act of 2002 (43 U.S.C. 5601-5681) is the federal legislation that directs juvenile justice systems in the United States. The purpose of this legislation was to support state and local programs that prevent juvenile involvement in delinquent behavior; assist state and local governments in promoting public safety by encouraging accountability for delinquent acts; and assist states and local governments in addressing juvenile crime through technical assistance, research, training, evaluation, and sharing of information about effective programs for combating juvenile delinquency.

Compliance with the requirements of this act results in the receipt of federal grant funds that state and local units of government may use to fund community-based programs and improve the services provided to juvenile offenders and those at risk of becoming juvenile offenders. There are four core requirements of the JJDP A for receiving the maximum amount of available federal grant funding:

- deinstitutionalization of status offenders;
- separation of juveniles and adults;
- jail removal; and,
- addressing disproportionate minority contact.

Appendix C, page 131, describes the four core requirements as specified by the JJDP.

U. S. Department of Justice Consent Decree and Memorandum of Agreement

In 2002, the United States Department of Justice conducted an investigation of Mississippi's two state-supported training schools operated by the Division of Youth Services--Oakley Training School for males and Columbia Training School for females--and subsequently filed a lawsuit against the state of Mississippi in 2003. The lawsuit cited violations of constitutional and statutory rights of juveniles at these facilities. Examples of the deficiencies noted in the report and lawsuit, include, but were not limited to:

- noncompliance with mental health and medical care and educational requirements;
- deficiencies in protection of juveniles from harm, such as abusive disciplinary practices or abusive staff; and,
- programmatic deficiencies, including the training of staff, staff shortages, absence of a grievance process for juveniles within these facilities, and absence of a quality assurance program.

In May 2005, the State of Mississippi and the Department of Justice signed a consent decree that was approved by the United States District Court for the Southern District of Mississippi. In this settlement agreement, Mississippi acknowledged that it had violated the federal rights of juveniles at the two state-supported training schools and agreed to cooperate with the Department of Justice to take corrective action to address the deficiencies at each facility. The consent decree specifically addresses the protection from harm and medical care claims raised in the lawsuit. Additionally, the State of Mississippi and the Department of Justice signed a Memorandum of Agreement that resolves litigation concerning the mental health, rehabilitation, education, and special education claims raised in the lawsuit. This agreement and the consent decree included the use of a court-appointed monitor to provide updates every four months to the Department of Justice on compliance with the agreement.

The most recent monitoring report included compliance efforts from December 15, 2005, through April 30, 2006, and included reports of verbal and physical abuse by staff, neglected sanitation and maintenance of these facilities,

inadequate medical and dental care, an absence of adequate mental health screening, the need for additional staff at Oakley Training School, and a concern for a general lack of progress in meeting the requirements of the consent decree and Memorandum of Agreement.

The consent decree and the MOA may be in effect until 2009, but could be terminated by the United States District Court prior to that date if the state has substantially complied with each of the provisions of the agreement and has maintained substantial compliance for at least two years.

SOURCE: U. S. Department of Justice; Office of Juvenile Justice and Delinquency Prevention; 42 U.S.C. 5633.

Appendix E: Glossary

Accountability-Based Sanctions

Any service, sanction, or juvenile offender option that juvenile offenders are subject to and whose primary goal is to hold adjudicated juvenile offenders responsible for their delinquent conduct.

Aftercare

The status of a juvenile conditionally released from a treatment or confinement facility and placed under supervision in the community.

Child

A person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a “child” or “youth” for youth court matters. The terms “youth” and “child” are synonymous.

Child In Need of Supervision

A child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

1. Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or,
2. While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or,
3. Runs away from home without good cause; or,
4. Has committed a delinquent act or acts.

Commitment

A youth court disposition ordering an adjudicated delinquent be held, for a definite or indefinite period of time, by the state’s delinquency agency, typically in a training school or other secure institution.

Community-Based Facility, Program or Service

Refers to a small, open group home, or other suitable place located near the juvenile’s home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment and other rehabilitative services.

Custodian

Custodian means the any person having the present care or custody of a child whether such person be a parent or otherwise.

Deinstitutionalization

The effort to remove juveniles, specifically status offenders, from secure detention facilities.

Delinquent Act

Any act, which if committed by an adult, is designated as a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death. A delinquent act includes escape from lawful detention and violations of the Uniform Controlled Substances Law and violent behavior.

Delinquent child

Delinquent child means a child who has reached his tenth birthday and who has committed a delinquent act.

Diversions

The practice of officially stopping or suspending a case prior to court adjudication and referring the juvenile to a community education, treatment, or work program in lieu of adjudication or incarceration.

Guardian

Guardian means a court-appointed guardian of the person of a child.

Intake

This term is defined variously from state to state. In general, it refers to a decision-making process for determining how a case will be handled. The intake process typically involves screening a referral for legal sufficiency and making an initial determination regarding how it should be handled, formally or informally.

Intermediate-term Outcomes

These are the results that occur after the short-term outcomes.

Long-term Outcomes

These are the ultimate impact of a program.

Output indicators

Demonstrate the implementation of program activities and include products of activities and indication of services provided.

Parent

Parent means the father or mother to whom the child has been born, or the father or mother by whom the child has been legally adopted.

Probation

The conditional freedom granted by a judge to a juvenile offender, as long as the person meets certain conditions or behavior.

Release

A release occurs when the juvenile is allowed to leave the institution and return to the community, whether supervised or unsupervised, and whether terms are imposed as a condition of release.

Secure Detention Facility

Refers to any public or private residential facility that includes construction fixtures designed to physically restrict the movements and activities juveniles or other individuals held in lawful custody in such facility; and is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

Short-Term Outcomes

Also referred to as initial outcomes. These outcomes are the immediate results of the program.

Status Offense

Conduct subject to adjudication by the youth court that would not be a crime if committed by an adult.

Treatment

Refers to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training and other rehabilitative services designed to protect the public.

Unit of Local Government

A unit of local government includes any city, county, town, borough, village or other general-purpose political subdivision of the state; an Indian tribe that performs law enforcement functions as determined by the United States Secretary of the Interior.

Waiver

An act that allows for a case normally under the jurisdiction of the youth court to be heard in a criminal court.

Youth

A person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a "child" or "youth" for youth court matters. The terms "youth" and "child" are synonymous.

Youth Court

The Youth Court division.

SOURCE: Juvenile Justice and Delinquency Prevention Act of 2002; National Center for Juvenile Justice; MISS. CODE ANN. §43-21-105; Office of Juvenile Justice and Delinquency Prevention Fact Sheet #58 (March 1997).

Appendix F: Summary of the State Plan Requirements Included in the JJDP A

In order to receive a formula grant under the Juvenile Justice and Delinquency Prevention Act, the state is required to submit a state plan applicable for a three-year period, although it is to be updated annually to include new programs, projects, and activities. The JJDP A mandates that the state plan contain the following requirements:

1. Designate the state agency that will serve as the sole agency responsible for supervising the preparation and administration of the plan;
2. Contain evidence that the state agency designated will have the authority, by legislation if necessary, to implement the state plan;
3. Provide for an advisory group that shall consist of not less than fifteen and not more than thirty-three members appointed by the chief officer of the state that shall participate in the development and review of the state's juvenile justice plan, have the opportunity to review and comment on grant applications submitted under the JJDP A, and submit recommendations regarding compliance with JJDP A to the chief executive officer and the legislature of the state;
4. Provide for consultation with and participation of units of local government or combinations thereof in the development of a state plan which takes into consideration the needs of units of local government;
5. Ensure that $66 \frac{2}{3}$ of funds received by the state under the formula grant go to programs of units of local government or combinations of such, to programs of local private agencies, and for programs of Indian tribes that perform law enforcement functions applicable to the detention and confinement of juveniles, to the extent that the programs are consistent with the state plan;
6. Provide for an equitable distribution of the assistance received through the formula grant within the state, including rural areas;
7. Provide for the analysis of juvenile delinquency problems in and the juvenile delinquency control and delinquency prevention needs (including educational needs) of the state, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile justice and delinquency prevention needs of the state. This analysis should contain:

- a. A plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;
 - b. A plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and,
 - c. A plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services.
8. Provide for coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations and other related programs (such as education, special education, recreation, health and welfare programs) in the state.
 9. Provide that not less than 75 percent of the funds available to the state under the formula grant be used for:
 - a. Community-based alternatives to incarceration and institutionalization;
 - b. Community-based programs and services to work with:
 - i. Parents and other family members;
 - ii. Juveniles during their incarceration; and, with their families to ensure the safe return to their homes;
 - iii. Parents with limited English-speaking ability;
 - c. Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, etc.
 - d. Programs that provide treatment to juvenile offenders who are the victims of abuse or neglect and to their families in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;
 - e. Educational programs or supportive services for delinquent or other juveniles to encourage juveniles to remain in school; to assist them in making the transition to the world of work and self-sufficiency; and that enhance the coordination with local schools to ensure that instruction received outside of school is closely aligned with instruction provided in school.
 - f. To expand the use of probation officers for the purpose of permitting nonviolent juvenile offenders (including status offenders) to

- remain at home as an alternative to incarceration or institutionalization and to ensure that juveniles follow the terms of their probation;
- g. Counseling, training and mentoring programs, which are designed to link at-risk juveniles and juvenile offenders with responsible individuals who are properly screened and trained.
 - h. Programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;
 - i. Projects designed to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;
 - j. Programs and projects designed to provide for the treatment of youths' dependence on or the abuse of alcohol or other addictive or non-addictive drugs;
 - k. Programs for positive youth development that assist delinquent and other at-risk youth in obtaining a sense of safety and structure, a sense of belonging, a sense of self-worth and social contribution, a sense of independence and control over one's life and a sense of closeness in interpersonal relationships;
 - l. Programs centered around a system of graduated sanctions;
 - m. Community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration so that juveniles may be retained in their homes;
 - n. Programs to assist families with limited English-speaking ability to assist delinquent juveniles to overcome language barriers that may prevent the complete treatment of such juveniles;
 - o. Programs designed to prevent and to reduce hate crimes committed by juveniles;
 - p. After-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;
 - q. Community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful re-integration into the community;

- r. Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;
 - s. Programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans and discharge plans.
10. Provide for the development of an adequate research, training, and evaluation capacity within the state;
 11. Provide that status offenders and other juveniles will not be placed in secure detention facilities or secure correctional facilities except under certain circumstances;
 12. Provide that juveniles shall not be detained or confined in any institution in which they have contact with adult inmates and that there is in effect a state policy that requires those individuals who work with the juvenile and adult population be trained and certified to work with juveniles;
 13. Provide that no juvenile shall be detained or confined in any jail or lock-up for adults except in certain situations;
 14. Provide for an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure facilities to insure that the requirements of JJDPa are met and for annual reporting of the results to the Administrator and has enacted legislation which conforms to the monitoring requirements.
 15. Provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income and disability;
 16. Provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency;
 17. Provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan;
 18. Provide assurances that any assistance provided under this act will not cause displacement of any currently employed employee, that activities will not impair an existing collective bargaining relationship or agreement;
 19. Provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received;
 20. Provide reasonable assurance that federal funds made available under this act will be used to supplement and increase (but not supplant) the level of the state, local and other non-federal funds that would in the absence of such federal funds be made available for the

- programs described in this act, and will in no event replace such state, local and federal funds;
21. Provide that the state agency designated to administer the state plan will give priority in funding to programs and activities that are based on scientifically based research, review the state plan and provide an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and not fund those programs that failed to demonstrate their success in achieving goals;
 22. Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system;
 23. Provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense that an appropriate public agency shall be notified that such juvenile is being held for the violation, that the agency interview the juvenile within twenty-four hours, and submit a needs assessment to the court and hold a hearing within forty-eight hours;
 24. Provide an assurance that if the state receives 105 percent of the amount of the formula grant received in FY 2000, all of the excess shall be expended for programs that are part of a comprehensive and coordinated community system of services;
 25. Specify a percentage, not to exceed five percent, of funds received under the formula grant for expenditure by the state to provide incentive grants to units of local government that reduce the caseload of probation officers;
 26. Provide that the state implement a system to ensure that if a juvenile is before the court in the juvenile justice system, public child welfare records will be made known to the court;
 27. Establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and
 28. Provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such act (42 U.S.C. 671) including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).

SOURCE: Juvenile Justice and Delinquency Prevention Act of 2002 (Section 223 of 42 U.S.C. 5633).

Appendix G: Reoffending Data from Studies of Juveniles Released from State Incarceration

Recidivism Measured for Twelve-Month Follow-up Period	States
Rearrest: Delinquent/criminal offenses in the juvenile and adult systems	Florida, New York, Virginia
Rereferral to court: Delinquent/criminal offenses in the juvenile and adult systems	Colorado, Maryland
Reconviction/readjudication: Delinquent/criminal offenses in the juvenile and adult systems	Alaska, Florida, Georgia, Kentucky, Maryland, North Dakota, Oklahoma, Virginia
Reincarceration/reconfinement: Delinquent/criminal offenses in the juvenile and adult systems	Florida, Maryland, Virginia
Reincarceration/reconfinement: All offenses in the juvenile and adult system	Arizona, Ohio, Texas
Reincarceration/reconfinement: Delinquent offenses in the juvenile system only	Arizona, Missouri, New Mexico

SOURCE: "Chapter 7: Juvenile Offenders in Correctional Facilities," *Juvenile Offenders and Victims: 2006 National Report*.

Appendix H: Minimum Standards of Operation for Juvenile Detention Centers Upon Passage of the Juvenile Delinquency Prevention Act of 2006

MISS. CODE ANN. §43-21-323 (1)(a) (1972) requires the juvenile detention facilities monitoring unit to ensure and certify that the juvenile detention facilities are in compliance with the minimum standards of operation, as established in MISS.CODE ANN. §43-21-321. These minimum standards of operation include the following:

1. All juveniles shall undergo a health screening within one (1) hour of admission to any juvenile detention center, or as soon thereafter as reasonably possible. Information obtained during the screening shall include, but shall not be limited to, the juvenile's:
 - a. Mental health;
 - b. Suicide risk;
 - c. Alcohol and other drug use and abuse;
 - d. Physical health;
 - e. Aggressive behavior;
 - f. Family relations;
 - g. Peer relations;
 - h. Social skills;
 - i. Educational status; and,
 - j. Vocational status.
2. If the screening instrument indicates that a juvenile is in need of emergency medical care or mental health intervention services, the detention staff shall refer those juveniles to the proper health care facility or community mental health service provider for further evaluation, as soon as reasonably possible. If the screening instrument, such as the Massachusetts Youth Screening Instrument version 2 (MAYSI-2) or other comparable mental health screening instrument indicates that the juvenile is in need of emergency medical care or mental health intervention services, the detention staff shall refer the juvenile to the proper health care facility or community mental health service provider for further evaluation, recommendation and referral for treatment, if necessary within forty-eight (48) hours, excluding Saturdays, Sundays and statutory holidays.
3. All juveniles shall receive a thorough orientation to the center's procedures, rules, programs and services. The intake process shall operate 24 hours per day.
4. The directors of all of the juvenile detention centers shall amend or develop written procedures for admission of juveniles who are new to the system. These shall include, but are not limited to, the following:

- a. Determine that the juvenile is legally committed to the facility;
 - b. Make a complete search of the juvenile and his possessions;
 - c. Dispose of personal property;
 - d. Require shower and hair care, if necessary;
 - e. Issue clean, laundered clothing as needed;
 - f. Issue personal hygiene articles;
 - g. Perform medical, dental and mental health screening;
 - h. Assign a housing unit for the juvenile;
 - i. Record basic personal data and information to be used for mail and visiting lists;
 - j. Assist juveniles in notifying their families of their admission and procedures for mail and visiting;
 - k. Assign a registered number to the juvenile; and,
 - l. Provide written orientation materials to the juvenile.
5. All juvenile detention centers shall adhere to the following minimum standards:
- a. Each center shall have a manual that states the policies and procedures for operating and maintaining the facility, and the manual shall be reviewed annually and revised as needed;
 - b. Each center shall have a policy that specifies support for a drug-free workplace for all employees, and the policy shall, at a minimum, include the following:
 - i. The prohibition of the use of illegal drugs;
 - ii. The prohibition of the possession of any illegal drugs except in the performance of official duties;
 - iii. The procedure used to ensure compliance with a drug-free workplace policy;
 - iv. The opportunities available for the treatment and counseling for drug abuse; and,
 - v. The penalties for violation of the drug-free workplace policy;
 - c. Each center shall have a policy, procedure and practice that ensures that personnel files and records are current, accurate and confidential;
 - d. Each center shall promote the safety and protection of juvenile detainees from personal abuse, corporal punishment, personal injury, disease, property damage and harassment;
 - e. Each center shall have written policies that allow for mail and telephone rights for juvenile detainees, and the policies are to be made available to all staff and reviewed annually;
 - f. Center food service personnel shall implement sanitation practices based on State Department of Health food codes;
 - g. Each center shall provide juveniles with meals that are nutritionally adequate and properly prepared,

- stored and served according to the State Department of Health food codes;
- h. Each center shall offer special diet food plans to juveniles under the following conditions:
 - i. When prescribed by appropriate medical or dental staff; or
 - ii. As directed or approved by a registered dietitian or physician; and,
 - iii. As a complete meal service and not as a supplement to or choice between dietary meals and regular meals;
 - i. Each center shall serve religious diets when approved and petitioned in writing by a religious professional on behalf of a juvenile and approved by the juvenile detention center director;
 - j. Juvenile detention center directors shall provide a written method of ensuring regular monitoring of daily housekeeping, pest control and sanitation practices, and centers shall comply with all federal, state and local sanitation and health codes;
 - k. Juvenile detention center staff shall screen detainees for medical, dental and mental health needs during the intake process. If medical, dental or mental health assistance is indicated by the screening, or if the intake officer deems it necessary, the detainee shall be provided access to appropriate health care professionals for evaluation and treatment. Youth who are held less than seventy-two (72) hours shall receive treatment for emergency medical, dental or mental health assistance or chronic conditions if a screening indicates such treatment is needed. A medical history of all detainees shall be completed by the intake staff of the detention center immediately after arrival at the facility by using a medical history form which shall include, but not be limited to, the following:
 - i. Any medical, dental and mental health treatments and medications the juvenile is taking;
 - ii. Any chronic health problems such as allergies, seizures, diabetes, hearing or sight loss, hearing conditions or any other health problems; and
 - iii. Documentation of all medications administered and all health care services rendered;
 - l. Juvenile detention center detainees shall be provided access to medical care and treatment while in custody of the facility;
 - m. Each center shall provide reasonable access by youth services or county counselors for counseling opportunities. The youth service or county counselor shall visit with detainees on a regular basis;

- n. Juvenile detention center detainees shall be referred to other counseling services when necessary including: mental health services; crisis intervention; referrals for treatment of drugs and alcohol and special offender treatment groups;
 - o. Local school districts shall work collaboratively with juvenile detention center staff to provide special education services as required by state and federal law;
 - p. Recreational services shall be made available to juvenile detainees for purpose of physical exercise;
 - q. Juvenile detention center detainees shall have the opportunity to participate in the practices of their religious faith as long as such practices do not violate facility rules and are approved by the director of the juvenile detention center;
 - r. Each center shall provide sufficient space for a visiting room, and the facility shall encourage juveniles to maintain ties with families through visitation, and the detainees shall be allowed the opportunity to visit with the social workers, counselors and lawyers involved in the juvenile's care;
 - s. Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. Plans shall include providing the youth and his or her parents or guardian with copies of the youth's detention center education and health records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers; and
 - t. The Juvenile Detention Facilities Monitoring Unit shall monitor the detention facilities for compliance with these minimum standards, and no child shall be housed in a detention facility the monitoring unit determines is substantially out of compliance with the standards prescribed in this subsection.
6. Programs and services shall be initiated for all juveniles once they have completed the admissions process.
 7. Programs and professional services may be provided by the detention staff, youth court staff or the staff of the local or state agencies, or those programs and professional services may be provided through contractual arrangements with community agencies.
 8. Persons providing the services required in this section must be qualified or trained in their respective fields.
 9. All directors of juvenile detention centers shall amend or develop written procedures to fit the programs and services described in this section.

SOURCE: MISS. CODE ANN. §43-21-323 (1) (a) and §43-21-321.

Appendix I: State Reform Efforts Affecting the Juvenile Justice System (2002–2007)

Chapter 602, *Laws of 2002*

The Mississippi Legislature passed House Bill 974 during the Regular Session of 2002 (Chapter 602, *Laws of 2002*) in an effort to provide minimum standards of operation for the juvenile detention centers in the state. Some of these standards included: health screening for all juveniles upon admission to juvenile detention centers; develop certain written procedures for intake of juveniles; and, create a juvenile detention facilities task force.

Chapter 410, *Laws of 2002*

The Mississippi Legislature passed House Bill 1399 during the Regular Session of 2002 (Chapter 410, *Laws of 2002*). This act amended MISS. CODE ANN. §43-21-561 (1972) through deletion of the provision that prohibits youth courts from reciting any of the facts or circumstances upon which an adjudication is based in youth court orders.

Chapter 515, *Laws of 2003*

The Mississippi Legislature passed the Alyce Griffin Clarke Drug Court Act during the Regular Session of 2003 (Chapter 515, *Laws of 2003*) in an effort to reduce the incidence of alcohol and drug use and addiction by establishing drug courts adaptable to chancery, circuit, county, youth, municipal and justice courts. This act established the goals of the drug courts, created the State Drug Court Advisory Committee, assigned certification and monitoring responsibility to the Administrative Office of the Courts, established requirements for an alcohol and drug intervention component, established requirements for participating in drug courts, specified eligible funding means for drug courts, and established that successful completion of drug court may result in expunction of the participant's criminal record.

Chapter 423, *Laws of 2003*

The Mississippi Legislature passed House Bill 800 during the Regular Session of 2003 (Chapter 423, *Laws of 2003*). This act amended MISS. CODE ANN. §43-21-753 (1972) to abolish the jurisdictional limitation concerning where the teen court program may be established, to allow the teen court program to be established in any county in the state, and to delete the grade requirement for participation in the teen court program.

Chapter 444, *Laws of 2003*

The Mississippi Legislature passed House Bill 1366 during the Regular Session of 2003 (Chapter 444, *Laws of 2003*) to amend Chapter 602, *Laws of 2002*, to create a juvenile detention facilities task force and establish its duties, to reestablish the task force and provide it with additional duties relating to the implementation of the uniform standards that have been established by the task force, and to expand the membership of the task force.

Chapter 450, *Laws of 2003*

The Mississippi Legislature passed Senate Bill 2363 during the Regular Session of 2003 (Chapter 450, *Laws of 2003*) to amend MISS. CODE ANN. §43-21-613 (1972) to authorize the youth court to order annual permanency hearings for children adjudicated abused or neglected who remain in the custody of the Department of Human Services.

Chapter 439, *Laws of 2004*

Chapter 439, *Laws of 2004*, amended the authority for the Juvenile Detention Facilities Task Force by extending its reporting deadline from November 1, 2003, to December 1, 2004.

Chapter 590, *Laws of 2004*

The Mississippi Legislature passed House Bill 897 during the Regular Session of 2004 (Chapter 590, *Laws of 2004*) to amend MISS. CODE ANN. §43-21-605 (1972) to authorize youth court judges to order parenting classes and

counseling for parents or guardians of delinquent youth who are sentenced to training schools and to provide that youth courts shall use low-cost or no-cost services unless the person ordered to attend elects to pay the cost.

Chapter 443, *Laws of 2004*

The Mississippi Legislature passed House Bill 1500 during the Regular Session of 2004 (Chapter 443, *Laws of 2004*) to amend MISS. CODE ANN. §43-21-603 to provide that if a child has been adjudicated a delinquent child in youth court, then the court must consider certain additional factors before entering a disposition order; to provide that if the disposition ordered by the youth court includes placing the child in a training school, an admission packet shall be prepared for the child that contains certain information and the court shall provide the admission packet to the training school before the child's arrival at the school; and, to provide the hours of admission for a training school.

Chapter 549, *Laws of 2004*

The Mississippi Legislature passed Senate Bill 2862 during the Regular Session of 2004 (Chapter 549, *Laws of 2004*) to amend MISS. CODE ANN. §43-21-603 (1972) to provide that when the Department of Human Services files an affidavit with the youth court that a child committed to its custody is believed to be in need of treatment for a mental or emotional disorder, the court shall refer the child to the community mental health center for evaluation and civil commitment if necessary.

Chapter 535, *Laws of 2005*

The Mississippi Legislature passed Senate Bill 2366 during the Regular Session of 2005 (Chapter 535, *Laws of 2005*) to amend MISS. CODE ANN. §43-21-603 (1972) to authorize the transfer of copies of a child's original cumulative school record as a prerequisite to commitment to a state training school; and to amend MISS. CODE ANN. §43-21-605 (1972) to restrict the conduct for which a child may be committed to a training school and to set standards for the programs maintained at the state training schools.

Chapter 471, *Laws of 2005*

The Mississippi Legislature passed the Juvenile Justice Reform Act of 2005 (Chapter 471, *Laws of 2005*) in an effort to reform Mississippi's juvenile justice system and move toward a system of rehabilitation rather than institutionalization. This legislation prevents the institutionalization of status offenders, requires that youth court judges consider other dispositional alternatives such as community-based services prior to the institutionalization of first-time nonviolent offenders, requires the creation of adolescent offender programs for all eighty-two counties by 2010, creates a juvenile detention facilities monitoring unit, and creates an adolescent team to assist in the referrals of juveniles to appropriate mental health providers.

Chapter 539, *Laws of 2006*

The Mississippi Legislature sought to build on its 2005 reform act with the passage of the Juvenile Delinquency Prevention Act of 2006 (Chapter 539, *Laws of 2006*). This legislation expanded the minimum standards of operation of Mississippi's juvenile detention facilities, required the use of transition planning for juveniles released from the training schools, created a study committee to determine which entity should provide educational services to juveniles committed to detention facilities, required adolescent offender programs to incorporate evidence-based practices that include specific services, and created two grant programs for funding community-based programs for youth courts, faith-based organizations, and non-profit organizations.

Chapter 568, *Laws of 2007*

The Mississippi Legislature passed Senate Bill 2818 during the Regular Session of 2007 (Chapter 568, *Laws of 2007*) to amend MISS. CODE ANN. §43-21-603 and §43-21-605 (1972) to require notification to the school district of a student's detention in a juvenile detention facility and to set standards for educational services provided by local school districts to detained students in these facilities. The Legislature shall annually appropriate sufficient funds for the provision of educational services to detainees in detention centers and to equip and maintain computer labs at each of the detention facilities. This act also amended MISS. CODE ANN. §37-13-80 (1972) to require the

Office of Dropout Prevention to establish a procedure for the tracking of students in juvenile detention centers.

Chapter 478, *Laws of 2007*

The Mississippi Legislature passed House Bill 526 during the Regular Session of 2007 (Chapter 478, *Laws of 2007*) to amend MISS. CODE ANN. §43-21-261 (1972) to provide that the attorney for a child shall have the right to copy records, reports, or investigations that are to be considered by the youth court for a hearing.

Chapter 557, *Laws of 2007*

The Mississippi Legislature passed Senate Bill 2477 during the Regular Session of 2007 (Chapter 557, *Laws of 2007*) to amend MISS. CODE ANN. §43-21-801 (1972) to abolish the Youth Court Incarceration Alternatives Fund and establish the Youth Court Support Fund. This act provides the purpose of such fund, provides specific appropriation to the fund, and mandates the juvenile justice training for youth court judges and referees. This act also amends MISS. CODE ANN. §43-21-803 (1972) to abolish the Tony Gobar Juvenile Justice Alternative Sanctions Grant Fund; creates the Tony Gobar Individualized Assessment and Comprehensive Community Intervention Initiative (IACCII) Program; and, provides for specific appropriation to the Tony Gobar IACCII Fund.

This law also increases the support staff allowance for trial court judges with certain attendant restrictions through amendment of MISS. CODE ANN. §9-1-36 (1972).

SOURCE: www.state.ms.us, Legislative Bill Status for the 2002-2007 regular legislative sessions.

Appendix J: Comparison of States' Juvenile Justice Systems

Although there are fundamental stages and components, juvenile justice systems vary from state to state and community to community, based on services and programs provided, funding sources, entities accountable for services, and how data is collected and reported.

Purpose of Juvenile Courts

States vary in how they express the purposes of their juvenile courts, through both the philosophy of the court and the approach the court takes.

Balanced and Restorative Justice (BARJ)

The most common clauses today focus on the Balanced and Restorative Justice (BARJ) approach, commonly referred to as Restorative Justice. Sixteen states currently use all or parts of the BARJ model. There are three basic principles to Restorative Justice:

- Public safety;
- Accountability - Individual accountability to victims and the community; and,
- Competency Development - Juvenile offender skill development to lead to more productive and law-abiding lives.

Even when juvenile courts are based on the BARJ approach, there is no single blueprint that will work in every state. Implementation must be guided based on the needs of the state and the communities in which the juvenile courts serve. The key strengths of the BARJ approach are that it focuses on the importance and involvement of the juvenile offender, the victim, and the community. This approach has the potential to strengthen the support of the juvenile justice system and develop more investment into the system by building connections among community members.

Standard Juvenile Court Act

Several states have purpose clauses based on the Standard Juvenile Court Act, including Mississippi. There are twelve states using the act and five states that use a combination of the act with BARJ emphasis. The act was originally issued in 1925 and revised numerous times, with the 1959 version of the act generally being the most influential. The fundamental purpose of the Standard Juvenile Court Act is more traditional and states that:

...each child coming within the jurisdiction of the court shall receive...the care, guidance, and control that will conduce to his welfare and the best interest of the State, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.

Although language from this act is still widely used, it uses more generic and traditional language focusing on the care of the juvenile offender. It merely refers to the best interest of the state without taking into account specific accountability of the juvenile offender to the victim and community, nor does it reflect an emphasis on public safety.

Legislative Guide for Drafting Family and Juvenile Court Acts

Several states also have purpose clauses based on the Legislative Guide for Drafting Family and Juvenile Court Acts, a publication from the late 1960s. Currently, twelve states use all or parts of the guide's language. The purposes of this guide include:

- To provide for the care, protection, and wholesome mental and physical development of juvenile offenders;
- To remove juvenile offenders from the consequences of criminal behavior, and to substitute it with programs of supervision, care, and rehabilitation;
- To remove a child from the home only when necessary for his welfare or in the interests of public safety; and,
- To assure all parties their constitutional and other legal rights.

Although this guide does reference the importance of juveniles' mental health needs, it does not refer to the

accountability that a juvenile must take towards the community and the victim.

Other

Some states have purpose clauses that are based on their own language or through combinations of other approaches with their own language inserted. Six states have clauses that emphasize the protection of the public and the accountability of the juvenile offender. Some of these states even use purpose clauses that emphasize the punishment of criminal acts for juveniles. On the other end of the spectrum, there are a few states using purpose clauses that focus primarily on the welfare of the child. Four states have such language that emphasizes the promotion of the welfare and best interests of the juvenile as the sole or primary purpose of the juvenile court system.

Age Range for Youth Court Jurisdiction

States vary in the age range of juveniles in which the youth courts have jurisdiction based on lowest age, oldest age, and extended age a court may retain jurisdiction for disposition purposes and delinquency matters.

Lowest Age

The lowest age a youth court may have original jurisdiction over juveniles varies from six years old to ten years old, or no specified lowest age in statute at all. Most commonly, states have no specified minimum age of jurisdiction. Thirty-four states have no minimum age specified in statute. The next most common scenario is that states have a minimum age of ten years old. Eleven states, including Mississippi, have an established a minimum age for youth court jurisdiction of ten years old. One state has set the minimum age at six years old, three states at age seven, and one state at age eight.

Oldest Age

The oldest age a youth court may have original jurisdiction over juvenile varies from fifteen years old to seventeen years old. The most common is those states having an eldest age for youth court jurisdiction of seventeen years old. Thirty-seven states, including Mississippi, have an

oldest age of seventeen. Ten states have an oldest age of sixteen years old, and three states have an oldest age of fifteen years old.

Extended Age

States also have an extended age over which a youth court may retain jurisdiction over juvenile for disposition purposes in delinquency matters. The extended age a youth court may retain jurisdiction over juveniles varies from eighteen years old to twenty-four years old, or no specified age stating that jurisdiction will continue until the full term of the dispositional order has been fulfilled. The most common is those states having an extended age for youth courts to retain jurisdiction of twenty years old, with thirty-two states in this category. Seven states have an extended age of eighteen. Four states have an extended age of twenty-four years old. Three states retain jurisdiction over juveniles until the full term of the dispositional order has been fulfilled. Two states have an extended age of nineteen years old, including Mississippi. One state has an extended age of twenty-one years old and one has an extended age of twenty-two years old.

Agencies that Administer JJDP A Funds

States vary in what agency has the responsibility of administering federal JJDP A funds, the responsibility of administering state delinquency institutions, and the responsibility of performing statistical analysis to develop the juvenile justice needs within the state. In fourteen states, including Mississippi, each of these three responsibilities is assigned to its own agency. In eighteen states, the same agency that administers the federal JJDP A funds also is responsible for delinquency institutions. Also in eighteen states, the same agency that administers federal JJDP A funds is responsible for performing the statistical analysis to develop the analysis of juvenile justice needs within the state.

Organization of Juvenile Delinquency Services

Although states vary in what juvenile delinquency services are provided and who is responsible for provided these services, the organization of juvenile delinquency services can be broken down in three primary categories: centralized, decentralized and combination. Twelve states organize services in a centralized method, characterized by a state executive agency having broad control over

juvenile delinquency services. Eighteen states organize services in a decentralized method, characterized by local control of services. The most common method is a combination of centralized and decentralized, where organization features a mix of state-controlled and locally operated delinquency services. Twenty states, including Mississippi, organize delinquency services through a combination method.

States that Utilize a Separate Department of Juvenile Justice

Currently ten states utilize a separate state department responsible for the administration and oversight of the juvenile justice systems. The remaining states most commonly utilize a division or office within a state department, typically a social or human services department. However, several additional states are currently in the process of proposing the shift from a division or office within a social or human services department to a separate state department.

Purpose of Secure Detention

There are four primary purposes states use secure detention: a sanction for probation violations, a disposition option, a combination of the two, or solely for temporary holding purposes. The most common purpose for utilizing secure detention in states is for a combination of sanction of probation violations and as a disposition option. Thirty-two states, including Mississippi, utilize secure detention both as a sanction for probation violations and as a disposition option. Seven states utilize secure detention solely as a sanction for probation violations. Two states utilize secure detention solely as a disposition option. Nine states use secure detention solely for temporary holding purposes.

Organization and Administration of Detention

There are three primary means for how detention is organized and administered in each state, either by an executive agency, a judicial agency, or a combination thereof.

Executive Agency

Thirty-one states organize and administer juvenile detention through an executive agency, either at the state level, local level, a combination thereof, or at the district level. Of these states, thirteen states organize and administer detention solely through a state executive agency. Thirteen states organize and administer detention solely through a local executive agency. Five states organize and administer detention through a combination of state and local executive agencies.

Judicial Agency

Five states organize and administer juvenile detention through a judicial agency, either at the state or local level. Of these states, three states organize and administer detention solely through a local judicial agency. Two states organize and administer detention solely through a state judicial agency.

Combination of Executive and Judicial Agencies

Fourteen states organize and administer juvenile detention through a combination of an executive and judicial agency, either at the state or local level. Of these states, eleven states organize and administer detention through a combination of local executive and local judicial agencies, including Mississippi. Two states organize and administer detention through a combination of state executive, local executive, and local judicial agencies. Only one state organizes and administers detention through a combination of state executive and local judicial agencies.

Organization and Administration of State Delinquency Institutions

There are four primary means for how state delinquency institutions are organized and administered in each state: either by a social or human services agency, a juvenile corrections agency, an adult corrections agency, or a child protection/juvenile corrections agency. The most common means of organization and administration is the responsibility of either a social or human services agency or a juvenile corrections agency. A social or human services agency organizes and administers state delinquency institutions in fifteen states, including Mississippi. A juvenile corrections agency organizes and administers state delinquency institutions in sixteen states. An adult corrections agency organizes and

administers state delinquency institutions in ten states. A child protection/juvenile corrections agency organizes and administers state delinquency institutions in eight states. Only one state organizes and administers state delinquency institutions through a Department of Law and Public Safety.

Placement of Juveniles Following Commitment Order

There are three primary means for who determines where committed juveniles are placed, through independent placement decisions made by the state delinquency agency, through the youth court, or where placement is guided by a matrix. The most common means of who determines where committed juveniles are placed is by the state delinquency agency, with twenty-six states using this method of placement. In twenty-one states, including Mississippi, the youth court either solely or in conjunction with the state delinquency agency, will determine where committed juveniles are placed. Three states rely on a matrix to determine court-ordered placements.

Length of Stay

With regard to the length of time that juveniles are committed, there are six basic disposition models: indeterminate only, indeterminate with a minimum, indeterminate with a maximum, indeterminate with both a minimum and maximum, determinate only, and indeterminate and determinate. The most common is those states using indeterminate commitments, or commitments with an indefinite length of stay. Twenty states, including Mississippi, utilize indeterminate only length of stay. In five states, length of stay is indeterminate, but must at least satisfy a minimum period of time. Similarly, six states' length of stay is indeterminate, but cannot exceed a maximum specified period of time. One state utilizes indeterminate lengths of stay, but specifies both a minimum required period of time and a maximum period of time not to be exceeded. Twelve states authorize or allow the youth courts to determine length of stay based on indeterminate or determinate, or those commitments with specified lengths of stay determined in advance, commitments. Six states determine length of stays that are determinate only.

Release of Juveniles

Who determines when juveniles should be released back into the community can be the responsibility of the agency or institution to which the juvenile has been committed, the youth court having jurisdiction over the juvenile, a youth parole board, or a combination thereof. The most common release of juveniles is determined by the agency to which the juvenile has been committed, with twenty-three states, including Mississippi, using this method. In ten states, the youth court having jurisdiction over the juvenile has the sole authority to decide when juveniles are released. Seven states utilize a youth parole board to make release decisions for juveniles. Ten states share the responsibility of release decisions among agencies, courts, and youth parole boards.

Organization and Administration of Juvenile Probation

There are three primary means for how detention is organized and administered in each state, either by an executive agency, a judicial agency, or a combination thereof.

Executive Agency

Fourteen states organize and administer juvenile probation through an executive agency, either at the state level, local level, or a combination thereof. Of these states, twelve states organize and administer probation solely through a state executive agency. One state organizes and administers probation solely through a local executive agency. One state organizes and administers probation through a combination of state and local executive agencies.

Judicial Agency

The most common organization and administration of juvenile probation is done through a judicial agency, either at the state level, local level, a combination thereof, or at the district level. Of these states, ten states organize and administer probation solely through a state judicial agency. Nine states organize and administer probation solely through a local judicial agency. Only one state organizes and administers probation through a combination of state and local judicial agencies.

Combination of Executive and Judicial Agencies

Sixteen states organize and administer juvenile probation through a combination of an executive and judicial agency, either at the state level, local level, or a combination thereof. Nine states, including Mississippi, organize and administer probation through a combination of state executive and local judicial agencies. Five states organize and administer probation through a combination of local executive and local judicial agencies. One state organizes and administers probation through a combination of state executive and state judicial agencies. One state organizes and administers probation through a combination of local executive and state judicial agencies.

Organization and Administration of Aftercare

There are three primary means for how aftercare services are organized and administered in each state, either by an executive agency, a judicial agency, or a combination thereof.

Executive Agency

The most common organization and administration of aftercare services is that of an executive agency, either at the state level, local level, a combination thereof, or at the district level. Thirty-six states, including Mississippi, organize and administer aftercare solely through a state executive agency. Three states organize and administer aftercare through a combination of state and local executive agencies.

Judicial Agency

Four states organize and administer aftercare through a judicial agency, either at the state level, local level, or a combination thereof. Of these states, two states organize and administer aftercare solely through a local judicial agency. One state organizes and administers aftercare solely through a state judicial agency and one state through a combination of state judicial and local judicial agencies.

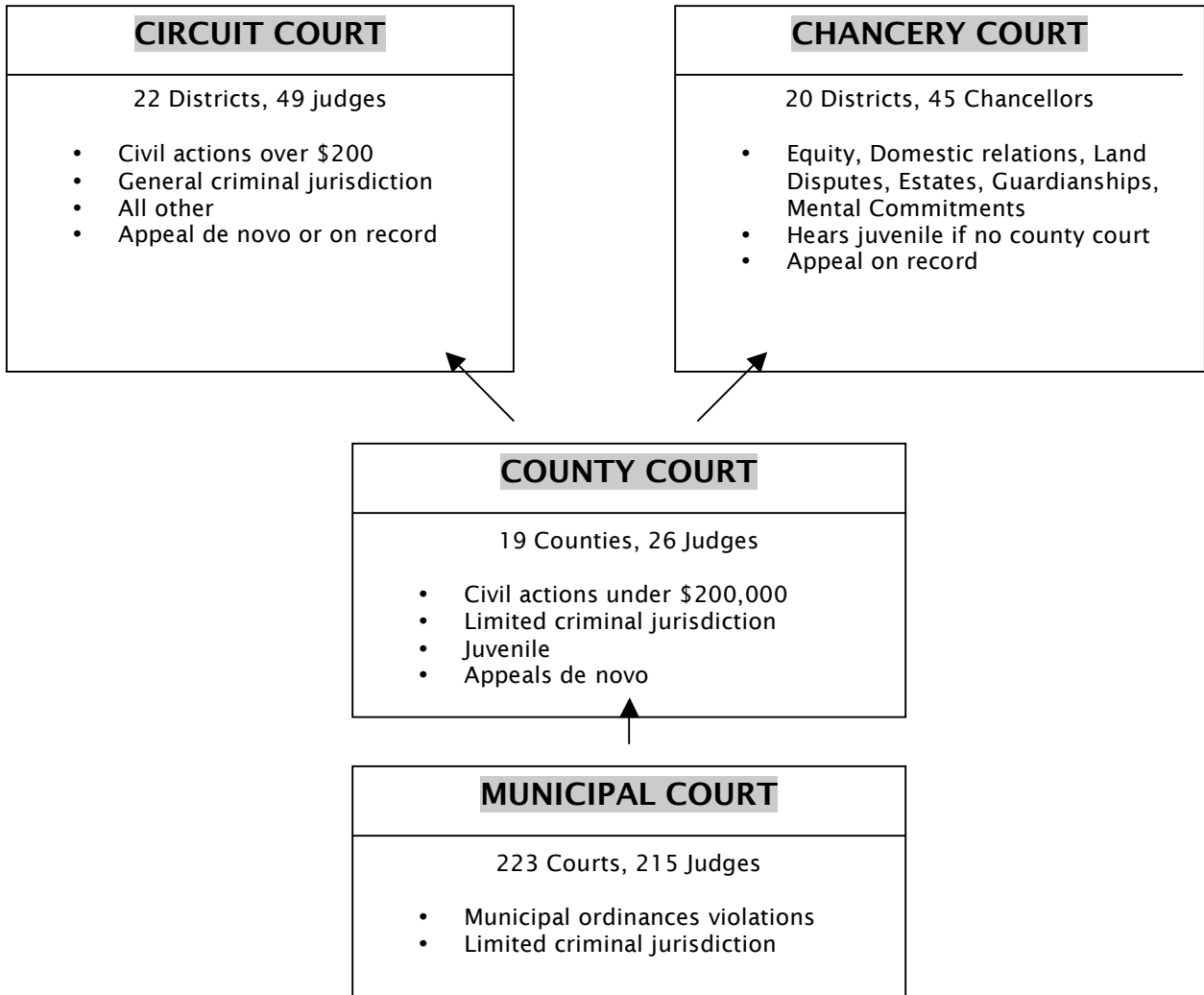
Combination of Executive and Judicial Agencies

Seven states organize and administer aftercare services through a combination of an executive and judicial agency,

either at the state level, local level, or a combination thereof. Two states organize and administer aftercare through a combination of state executive and state judicial agencies. Five states organize and administer aftercare through a combination of state executive and local judicial agencies.

SOURCE: National Center for Juvenile Justice.

Appendix K: Hierarchy of Courts and Jurisdiction in Mississippi



SOURCE: Administrative Office of the Courts, 2005, as reported in the *Mississippi Official and Statistical Register, 2004-2008*.

Appendix L: Dispositional Alternatives Available for a Child Adjudicated as Delinquent

According to MISS. CODE ANN. § 43-21-605, a disposition order for delinquency cases may include any of the following alternatives:

1. Release the child without further action;
2. Place the child in the custody of the parents, a relative or other persons subject to any conditions and limitations, including restitution, as the youth court may prescribe;
3. Place the child on probation subject to any reasonable and appropriate conditions and limitations, including restitution, as the youth court may prescribe;
4. Order terms of treatment calculated to assist the child and the child's parents or guardian which are within the ability of the parents or guardian to perform;
5. Order terms of supervision which may include the participation in a constructive program of service or education or civil fines not in excess of \$500, or restitution not in excess of actual damages caused by the child to be paid out of his own assets or by the performance of services acceptable to the victims and approved by the youth court and reasonably capable of performance within one year;
6. Suspend the child's driver's license by taking and keeping it in the custody of the court for not more than one year;
7. Give legal custody of the child to any of the following:
 - a. The Department of Human Services for appropriate placement; or
 - b. Any public or private organization, preferably community-based, able to assume the education, care and maintenance of the child, which has been found suitable by the court; or
 - c. The Department of Human Services for placement in a wilderness training program or the Division of Youth Services for placement in a state-supported training school.

If legal custody of a child is given to any of the above, the disposition order must be the least restrictive alternative appropriate to the best interest of the child and the community; must allow the child to be in reasonable proximity to the family home community given the alternatives available to the court; and it must provide that the court has considered certain needs of the child.

8. Recommend to the child and the child's parents or guardian that the child attend and participate in the Youth Challenge Program under the Mississippi National Guard. This is a voluntary program, where the National Guard selects its participants and the Youth Court may not order a child's participation.
9. Adjudicate the juvenile to a Statewide Juvenile Work Program if the program is established in the court's jurisdiction which includes a term of service from 24 to 120 hours of community service that is supervised by police officers or reserve officers;
10. Order the child to participate in a youth court work program;
11. Order the child into a juvenile detention center operated by the county or through an interlocal agreement with another county for the purpose of housing delinquents. Detention cannot exceed 90 days and any detention exceeding 45 days shall be administratively reviewed by the Youth Court no later than 45 days after the order. This is not an option for first-time non-violent offenders unless all other options have been considered and the court makes a specific finding of fact that detention is appropriate.
12. Referral to an A-Team provided system of care services.

SOURCE: MISS. CODE ANN. § 43-21-605 (1972).

Appendix M: Dispositional Alternatives Available for a Child in Need of Supervision

For those youth that the Youth Court adjudicates as child in need of supervision, MISS. CODE ANN. §43-21-607 (1972) states that there are several alternatives or combinations of alternatives the youth court may utilize:

- The youth court may release the child with no further action or may place the child in the custody of the parent, a relative or other person subject to any conditions and limitation.
- The youth court may also place the child under youth court supervision subject to conditions or limitations. Treatment based on the needs of the child or the child's parent, guardian or custodian and supervision of the child including constructive service, education or restitution are also alternatives that court may consider.
- The Youth Court may not order the child to a state training school, but may give legal custody to the Department of Human Services for placement in a wilderness training school, any private or public organization that is able to assume the education, care and maintenance of the child or may order the child to participate in a youth court work program.

SOURCE: MISS. CODE ANN. §43-21-607 (1972).

Appendix N: MAP Teams and A-Teams

MAP Teams	A-Teams
<p><u>Target Population</u> First Priority: Children and youth up to age 21 who are seriously emotionally disturbed/seriously mentally ill (inclusive of Conduct Disorder) and who require services from multiple systems and who can be successfully diverted from inappropriate institutional placement.</p> <p>At the Discretion of the Local MAP Team: Children and youth up to age 21 who are seriously emotionally disturbed or seriously mentally ill and who are identified by the Youth Court as “status offenders”* and who could be successfully diverted from inappropriate 24-hour institutional psychiatric placement have been included by some MAP Teams.</p>	<p><u>Target Population</u> Section 43-14-1(4)(b) Juvenile offenders (up to age 20) who are identified by the respective youth court in each youth’s home county as non-violent youthful offenders who have serious behavioral or emotional disorders; these “non-violent offenses” include those termed “status offenses.”*</p> <p>The “non-violent offender” has been defined as including non-status and status offenses as long as they are non-violent. Specifically these are as follows: alcohol offenses; arson; making threat of injury to a building, school, or program; burglary; runaway; contempt of court; disorderly conduct; drug offenses; grand larceny; harassment; malicious mischief; petit larceny; and shoplifting.</p> <p>Section 43-21-605(1)(k)(iii) & (1) “The disposition order provides that the court has considered the medical, educational, vocational, social & psychological guidance, training, social education, counseling, substance abuse treatment, and other rehabilitative services required by that child as determined by the court; or Referral to A-Team provided system of care services.”</p>
<p><u>Team Coordinators</u></p> <ul style="list-style-type: none"> • Community mental health center • Others as approved by DMH 	<p><u>Team Coordinators</u></p> <ul style="list-style-type: none"> • Division of Youth Services Regional Director • Others as approved by DHS DYS
<p><u>Team Composition</u></p> <ul style="list-style-type: none"> • Local community mental health center • Local school district • Local Department of Human Services • Local Health Department • Local Rehabilitation Services • Family representative • Other community stakeholders with resources beneficial to target population 	<p><u>Team Composition</u></p> <ul style="list-style-type: none"> • Youth court counselor • Community mental health professional • School counselor or school attendance officer • Social services/child welfare professional • Parent of a child with a serious emotional disturbance who has been in the juvenile justice system

*Status Offenders include Child in Need of Supervision, Runaway, Disobedient Child, Child in Need of Special Care, Truancy

SOURCE: Department of Mental Health

Appendix O: Community Services Programs and Services

Probation and Aftercare Services: Youth Services counselors provide individual, group and family counseling, intake, pre-court investigation, case management, and referral and placement services to juveniles referred to the youth courts.

Adolescent Offender Program: Local communities, with the assistance of the program, coordinate and provide services to at-risk families by coordinating services, sharing resources and reducing the number of young offenders being placed in state training schools.

Community Services Intensive Supervision Program: A community-based intensive supervision program is provided for serious habitual youthful offenders.

Volunteer Services Coordinator Program: Youthful offenders and their families are united with individuals, organizations and community civic groups to obtain and coordinate services and share resources.

Transitional Living Center: A voluntary, group living program that provides assistance in employment, educational opportunities, independent living, community life and staff development.

Community Restitution, Apprenticeship-Focused Training (Project CRAFT): Youth between 15 and 19 years old that have been released from the training school on parole, participating in the Youth Re-Entry, Transitional Living Center, or another community-based release program are tested for aptitude and offered training in the building and construction trades. This program closed on September 30, 2006, at the end of the contract term.

Youth Re-Entry Project: Youth between 14 and 17 years old who are serious or violent offenders are referred to this voluntary program by youth courts in Hinds, Madison, Rankin, and Warren counties. This program provides development of Individual Treatment Plans, Intensive Counseling, Life Skills, GED Preparation, Vocational Training, and Job Placement. This program ended on June 30, 2006, at the end of the contract term.

Interstate Compact on Juveniles: Provides for the welfare and protection of juveniles and the public through cooperative supervision of delinquent juvenile on probation for parole, return of runaways, absconders and

escapees, return of juveniles charged as delinquent, and additional measures which any two or more party states may find desirable.

SOURCE: *Mississippi Department of Human Services Division of Youth Services Annual Report*, January 1 through December 31, 2006.

Appendix P: Institutional Services and Programs

Educational & Technical Assistance Programs

Winning Reading: Students scoring third grade or below sequentially progress through the program from entry-level skills in reading to fourth-grade skill level.

Fast ForWord Program: A computer-based reading program from Scientific Learning and a cognitive learning tool that re-trains the brain to learn in a more efficient way to allow the students to achieve greater success.

Local Area Network (LAN) Computer Labs: A thirteen-work-station network lab provides remedial and job interest assessment, and a fourteen-work-station lab provides AZTEC software for remedial work, grade-level course work and enrichment.

Interactive Video Network: Students in both training schools can interact with each other in GED and gifted classes. Students can also take electronic field trips and view satellite downlinks of various programs.

Library/Media Services: Teachers assist with instructional planning and delivery. This program is provided to all students.

The General Education Diploma (GED) Preparation and Testing: Offered to eligible students at Williams School and East Columbia School.

ACT Preparation and Testing: Offered to students who have graduated from high school or earned a GED.

Vocational Technical Education: Funds and grants have been received to improve educational programs at the Oakley and Columbia campuses.

Mississippi Arts Commission: Community In School Grant Project is currently serving students at the training schools in creative writing and art classes, taught by licensed instructors from the nearby college.

Counseling and Personal Development Programs

Para-military Program: Five instructional parts are utilized to instill responsibility, attention to detail, and a sense of order and discipline: Drill and Ceremonies, Military Conduct, Physical Training, Fellowship and Teamwork, and Leadership Development.

Individual/Group Therapy: Counseling that emphasizes reality therapy, social skills development, anger management, sex education, including information on sexually transmitted diseases and abstinence, drug and alcohol awareness, and character education.

Character Education Training: Offered to students at institutions, the aim of the program is the development of responsible citizenship skills.

Diagnostic and Evaluation: Each student receives a physical and a mental health assessment that includes an IQ test, personality profiles, drug and alcohol abuse risk questionnaire, suicide risk assessment, achievement testing and a trauma risk assessment tool to gather medical, dental, recreational, educational, vocational and psychological data.

Multi-systemic Service: A self-improvement and life skills training program offered to students at Oakley Training School as part of Phase I of the Re-Entry Project. The program consists of life management skills sessions, evaluation, and aftercare services.

SOURCE: *Mississippi Department of Human Services Division of Youth Services Annual Report*, January 1 through December 31, 2006.

Appendix Q: Description of the Formula Grant and the Juvenile Accountability Block Grant (JABG)

JJDPA Formula Grants Program

The Juvenile Justice and Delinquency Prevention Act of 2002 provides funds to states and units of local government to assist them in planning, establishing, operating, coordinating and evaluating projects that result in more effective education, training, research, prevention, diversion, treatment and rehabilitation in the area of juvenile delinquency and to improve the juvenile justice system. Each state receives an annual allocation based on the population of people under the age of eighteen.

In order to receive this formula grant, a state must create and implement a state plan that addresses the twenty-eight requirements specified in 42 U.S.C. 5633. The requirements are summarized in Appendix F, page 141, but examples of these requirements include the creation and active participation of a state advisory group, analysis of juvenile delinquency needs of the state, the prohibition of placement of status offenders in secure detention facilities, and the provision for an adequate system of monitoring of jails and detention facilities.

Failure to comply with four specific requirements of the JJDPA results in the reduction of a state's annual allocation by twenty percent for each of the four requirements. Appendix C, page 131, describes the four core requirements that must be met in order to receive funds.

The state may use no more than ten percent of its allocation for the purpose of developing a state plan to ensure compliance with the JJDPA requirements, pre-award activities associated with the state plan, for expenditures necessary for the efficient administration of the plan such as monitoring and evaluation, and for one full-time staff position. The state may also use no more than five percent of its annual allocation to provide financial assistance to its state advisory group. Federal fiscal year 2003 grants ranged from \$13,593 to \$50,000.

Juvenile Accountability Block Grant Program

The Department of Public Safety administers the Juvenile Accountability Block Grant program. The purpose of this program is to help states and units of local government fund accountability-based programs and services that reduce juvenile offenses. The Office of Juvenile Justice and Delinquency Prevention awards block grants to states that are then required to pass through at least seventy-five percent of the funds to local jurisdictions. According to the Department of Justice, each state's award includes a base allocation of half of one percent of available funds and a formula based on law enforcement expenditures and the number of violent crimes committed. States and units of local government are required to provide a ten percent cash match and must use a juvenile crime enforcement coalition.

The JABG program is not a competitive grant. These funds are used to develop programs in one or more of sixteen purpose areas and activities. Examples of these purpose areas and activities include training for law enforcement and court personnel, juvenile courts and probation, and school safety.

SOURCE: Mississippi Department of Public Safety; United States Department of Justice.

Appendix R: Description of Facilities of the Department of Mental Health that Serve Youth

East Mississippi State Hospital

- Provides comprehensive inpatient psychiatric and medical services to individuals between twelve years and seventeen years eleven months who reside in any of the five mental health regions assigned to EMSH's catchment area.
- Operates an acute psychiatric unit designed to provide diagnostic evaluation and short-term treatment for adolescents with impaired emotional, social, psychological and academic functioning.

Specialized Treatment Facility for the Emotionally Disturbed

- Provides twenty-four-hour, seven-day per week secure, therapeutic environment for adolescents with a serious emotional disturbance from throughout Mississippi.
- Adolescents are referred through other DMH agencies or will be committed through the chancery court or another court of competent jurisdiction.
- The delinquent offenders are treated within the institutional care program at the facility. They are required to attend the four-classroom school five days per week.

Juvenile Rehabilitation Facility

- Provides twenty-four-hour residential care and habilitation services for adolescents with mental retardation who are residents of the state and are in need of a structured comprehensive setting. The adolescents are committed through the chancery court or another court of competent jurisdiction.

Oak Circle at Mississippi State Hospital

- Provides a range of inpatient psychiatric services designed to serve the needs of individuals between the ages of four and twelve (children), between twelve and seventeen years eleven months (adolescents), and individuals over eighteen who reside within any of the ten community mental health regions assigned to the MSH catchment area (includes acute treatment).

SOURCE: Department of Mental Health

Appendix S: Juvenile Rehabilitation Facility Admissions

The ways a client can be admitted to a Juvenile Rehabilitation Facility:

- The client may be committed by the youth court, in which case the youth court judge would sign an order ordering the child to the facility.
- The client may be ordered by commitment through a chancery court in which the chancery judge would sign a commitment order ordering the child to the facility.
- The client may be transferred from another one of the five Department of Mental Health Mental Retardation facilities by a transfer order signed by the director of the facility.

The following information is required upon admission:

- Certified copy of affidavit requesting commitment
- Pre-evaluation screening documents
- Certified copy of physician/psychologist certificate of need of commitment
- Certified copy of court order, which should include a statement of what less restrictive placement alternatives were considered and why each was rejected.

The following information is requested upon admission if not previously submitted:

- Physical exam/medical history by physician
 - Results of any tests/screenings—e. g., TB skin test
 - Proof of immunization
 - Prescriptions for any medications
 - Medicaid cards
- Current psychological testing
- Current social history
- Identification information
 - Birth certification
 - Social Security card
- School records
- Authorization naming the Juvenile Rehabilitation Facility as representation payee for all third-party payments.

The Juvenile Rehabilitation Facility serves individuals who:

- Have attained the age of thirteen years but are less than eighteen years old. Persons under thirteen or over eighteen will be considered on an individual basis depending on availability of beds.
- Have a diagnosis of mental retardation. Definition includes any person who has been diagnosed as having significantly sub-average intellectual functioning, existing with related limitations in the following adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.
- Potential clients must exhibit a need for active treatment in areas related to adaptive skills.
- In need of therapeutic/habilitative environment such as an Intermediate Care Facility for the Mentally Retarded.

SOURCE: <http://www.jrf.state.ms.us/jrfadmission.htm>

Appendix T: Specialized Treatment Facility

Specialized Treatment Facility provides twenty-four-hour residential services to adolescents aged thirteen to twenty-one years with the following:

1. A diagnosable psychiatric disorder on Axis I of the DSM-IV-TR.
2. In need of long-term residential services as evidenced by one of the three: 1.) failure to respond to less restrictive treatment plans, 2.) inadequate treatment options exist in child's community, OR 3.) child is being stepped-down from acute care setting.
3. Full scale IQ of 60 or above, unless there is substantial evidence that the IQ score is suppressed due to psychiatric illness.
4. Application for voluntary admission or ordered for placement as specified in Mississippi statute by youth court, family court, or chancery court or upon transfer from another Department of Mental Health facility as specified in Mississippi statute.
5. Admission for emergency/acute psychiatric care for substance abuse is not appropriate.
6. No pending criminal charges, as specified in Mississippi statute.

The following documents must be submitted to Specialized Treatment Facility Admission's Office for all admissions:

1. Negative two-step TB skin test results that must be within thirty days of the admission date (state law).
2. Physical exam/medical history by physician within the last twelve months.
3. Current psychological testing, including an assessment of intellectual functioning within the last sixty days.
4. Current social history within six months.
5. Proof of immunization by original certificate of compliance form.
6. All current medications to be brought to facility on day of admission.
7. Medicaid card.
8. Birth certificate, photocopy.
9. Social Security card, photocopy.
10. School cumulative record including, if applicable: a Pupil Personal Data Sheet, a current Individualized Educational Plan, and a current Assessment Team report.
11. Any other materials which may be pertinent in determination of needed services from Specialized Treatment Facility.

12. Negative pregnancy test within seventy-two hours prior to admission.

The following additional documents must be submitted to Specialized Treatment Facility Admission's Office for all involuntary admissions:

1. A certified copy of an Affidavit and Order of Commitment, alleging that the person is in need of residential placement and requesting that such person be committed to and confined to Specialized Treatment Facility for evaluation and treatment.
2. A copy of the Commitment Pre-evaluation Screening completed by the area community mental health center within sixty days.
3. A certified copy of the Physician's/Psychologist's Certificate of Need.

If transferred from another Department of Mental Health Facility, then an Order of Transfer must be completed by both facility directors and submitted along with the above-listed information.

SOURCE: <http://www.stf.state.ms.us/Admissions.htm>

Appendix U: Key Components of Drug Courts

- Drug courts integrate alcohol and other drug treatment services with justice system case processing.
- Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- Eligible participants are identified early and placed promptly in the drug court program.
- Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
- Abstinence is monitored by frequent alcohol and other drug testing.
- A coordinated strategy governs drug court responses to participant compliance.
- Ongoing judicial interaction with each drug court participant is essential.
- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
- Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

SOURCE: Administrative Office of the Courts.

Appendix V: Duties of School Attendance Officers

- Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school.
- Cooperate with all courts of competent jurisdiction.
- Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children enrolled in nonpublic school.
- Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school.
- Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school.
- Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the office shall notify the parents and school officials as to where the child was physically located.
- Collect and maintain information concerning absenteeism, dropouts, and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement.
- Perform all duties relating to compulsory school attendance established by the State Department of Education or district school attendance supervisor or both.
- Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from the school. The school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

SOURCE: Mississippi Department of Education.

Appendix W: Minimum Guidelines and Procedures for Alternative Schools

- Clear and consistent goals for students and parents;
- Curricula addressing cultural and learning style differences;
- Direct supervision of all activities on a closed campus;
- Full day attendance with a rigorous workload and minimal time off;
- Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
- Continual monitoring and evaluation and formalized passage from one step or program to another;
- A motivated and culturally diverse staff;
- Counseling for parents and students;
- Administrative and community support for the program; and,
- Clear procedures for annual alternative school program review and evaluation.

SOURCE: MISS. CODE ANN. §37-13-92 (1972).

Appendix X: Operation and Funding of Community Mental Health Centers

The Regional Commission Act of 1966, which the Mississippi Legislature amended in 1972, 1974 and 1997, authorizes counties in Mississippi to form multi-county regional commissions on mental health and mental retardation. This legislation provided the structure for the creation of the community mental health centers and the first community mental health center in Mississippi was funded in January 1968. There are currently fifteen community mental health centers that are governed by a regional commission representing each county in a service area who are appointed by each county's board of supervisors. Community mental health centers provide a variety of services including: preventive mental health programs, diagnostic and evaluation services, outpatient mental health services such as individual and group therapy, intensive crisis counseling, case management services, day treatment, therapeutic foster homes and therapeutic residential treatment, and inpatient treatment at local hospitals, specialized psychiatric hospitals and alcohol and drug treatment.

Local, state, and federal dollars fund these centers and the Department of Mental Health certifies these centers to provide services and monitors those funds that flow through the Department of Mental Health. The majority of funding for public mental health services for children and adolescents delivered through the community mental health centers is administered by the Department of Mental Health's Division of Children and Youth Services. The Mississippi Legislature annually allocates a portion of the funds to the Department of Mental Health required for state match dollars for Medicaid reimbursement for mental health services provided through community mental health centers. Currently the community mental health centers must pay the remainder of the state match dollars. Medicaid currently reimburses for outpatient services for children and youth with serious emotional disturbances (see Appendix A, page 129, for definition of *serious emotional disturbance*) delivered through the community mental health centers, including: individual, group and family therapies; day treatment; and case management.

SOURCE: Department of Mental Health, Division of Children and Youth Services Directory and interviews with Department of Mental Health staff, Division of Medicaid staff, and staff from community mental health centers.

Appendix Y: List of County-Operated Juvenile Detention Facilities and the Number of Beds at Each Facility

Juvenile Detention Facility	Number of Beds
Adams County Juvenile Detention Center	26
Alcorn County Juvenile Detention Center	16
DeSoto County Juvenile Detention Center	36
Forrest County Juvenile Detention Center	47
Harrison County Juvenile Detention Center	48
Henley-Young Juvenile Justice Center (Hinds County)	84
Jackson County Juvenile Detention Center	28
Jones County Juvenile Detention Center	24
Lauderdale County Juvenile Detention Center	30
Lee County Juvenile Detention Center	24
LeFlore County Juvenile Detention Center	30
Lowndes County Juvenile Detention Facility	25
Pike County Juvenile Detention Center	22
Rankin County Juvenile Detention Center	30
Scott County Temporary Holding Facility	12
Warren County Juvenile Detention Center	30
Washington County Juvenile Detention Center	28
Yazoo County Juvenile Detention Center	25
Total Beds	565

SOURCE: Public Safety Planning, Department of Public Safety.

Appendix Z: Counties Served by Type of Youth Court

County	County Court Judge	Chancellor	Referee
Adams	X		
Alcorn			X
Amite			X
Attala		X	
Benton			X
Bolivar	X		
Calhoun			X
Carroll		X	
Chickasaw			X
Choctaw		X	
Claiborne			X
Clarke		X	
Clay			X
Coahoma	X		
Copiah			X
Covington			X
De Soto	X		
Forrest	X		
Franklin			X
George			X
Greene			X
Grenada			X
Hancock			X
Harrison	X		
Hinds	X		
Holmes			X
Humphreys			X
Issaquena			X
Itawamba			X
Jackson	X		
Jasper			X
Jefferson			X
Jefferson Davis			X
Jones	X		
Kemper		X	
Lafayette			X
Lamar			X
Lauderdale	X		
Lawrence			X
Leake			X
Lee	X		

County	County Court Judge	Chancellor	Referee
Leflore	X		
Lincoln			X
Lowndes	X		
Madison	X		
Marion			X
Marshall			X
Monroe			X
Montgomery			X
Neshoba		X	
Newton			X
Noxubee			X
Oktibbeha			X
Panola			X
Pearl River			X
Perry			X
Pike	X		
Pontotoc			X
Prentiss			X
Quitman			X
Rankin	X		
Scott			X
Sharkey			X
Simpson			X
Smith			X
Stone			X
Sunflower			X
Tallahatchie			X
Tate			X
Tippah			X
Tishomingo			X
Tunica			X
Union			X
Walthall			X
Warren	X		
Washington	X		
Wayne			X
Webster			X
Wilkinson			X
Winston		X	
Yalobusha			X
Yazoo	X		

SOURCE: Administrative Office of the Courts.

Appendix AA: Counties Served by an Adolescent Offender Program and Source of Funding

County	AOP Funding Source
Adams	TANF
Alcorn	SSBG
Amite	SSBG
Attala	TANF
Benton	TANF
Bolivar	TANF
Calhoun	TANF
Carroll	TANF
Chickasaw	SSBG
Choctaw	TANF
Claiborne	TANF
Clarke	TANF/YMCA
Clay	TANF
Coahoma	TANF
Copiah	TANF/YMCA
Covington	TANF
DeSoto	TANF
Forrest	TANF
Franklin	SSBG
George	TANF/YMCA
Greene	TANF/YMCA
Grenada	TANF
Hancock	TANF/YMCA
Harrison	TANF/YMCA
Hinds	TANF
Holmes	SSBG
Humphreys	TANF
Issaquena	TANF
Itawamba	TANF
Jackson	TANF/YMCA
Jasper	TANF/YMCA
Jefferson	TANF
Jefferson Davis	TANF
Jones	TANF
Kemper	TANF
Lafayette	TANF
Lamar	TANF
Lauderdale	TANF
Lawrence	TANF/YMCA
Leake	TANF
Lee	TANF

SOURCE: DYS

County	AOP Funding Source
Leflore	TANF
Lincoln	TANF/YMCA
Lowndes	TANF
Madison	TANF
Marion	TANF
Marshall	TANF
Monroe	SSBG
Montgomery	TANF
Neshoba	TANF
Newton	TANF/YMCA
Noxubee	TANF
Oktibbeha	SSBG
Panola	SSBG
Pearl River	SSBG
Perry	TANF
Pike	TANF
Pontotoc	TANF
Prentiss	TANF/YMCA
Quitman	TANF
Rankin	TANF/YMCA
Scott	TANF
Sharkey	TANF
Simpson	TANF
Smith	TANF/YMCA
Stone	TANF
Sunflower	TANF
Tallahatchie	TANF
Tate	TANF/YMCA
Tippah	TANF/YMCA
Tishomingo	SSBG
Tunica	SSBG
Union	TANF
Walthall	SSBG
Warren	TANF
Washington	TANF
Wayne	TANF
Webster	TANF
Wilkinson	TANF
Winston	TANF
Yalobusha	TANF
Yazoo	TANF

Appendix BB: Description of the Purpose Areas for Juvenile Accountability Block Grant (JABG) Funds

1. **Graduated Sanctions:** Developing, implementing, and administering graduated sanctions for juvenile offenders.
2. **Corrections/detention facilities:** Building, expanding, renovating or operating temporary or permanent juvenile corrections or detention facilities, including training of personnel.
3. **Court staffing and pretrial services:** Hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system.
4. **Prosecutors (staffing):** Hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced.
5. **Prosecutors (funding):** Providing funding to enable prosecutors to address more effectively problems related to drugs, gangs and youth violence; providing funding for technology, equipment and training to assist prosecutors in identifying violent juvenile offenders and expediting their prosecution.
6. **Training for law enforcement and court personnel:** Establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime.
7. **Juvenile gun courts:** Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders.
8. **Juvenile drug courts:** Establishing juvenile drug court programs to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to integrate administration of other sanctions and services for such offenders.
9. **Juvenile records system:** Establishing and maintaining a system of juvenile records designed to promote public safety.
10. **Information sharing:** Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social service agencies to make more informed decisions regarding the early identification, control,

supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

11. **Accountability:** Establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.
12. **Risk and needs assessment:** Establishing and maintaining programs to conduct risk and needs assessments of juvenile offenders that facilitate effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment, to such offenders.
13. **School safety:** Establishing and maintaining accountability-based programs that are designed to enhance school safety.
14. **Restorative justice:** Establishing and maintaining restorative justice programs.
15. **Juvenile courts and probation:** Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism.
16. **Detention/corrections personnel:** Hiring detention and corrections personnel and establishing and maintaining training programs for such personnel to improve facility practices and programming.

SOURCE: Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5633).

Appendix CC: Description of New TANF Work Participation Requirements

The United States Congress reauthorized the Temporary Assistance to Needy Families (TANF) program in the Deficit Reduction Omnibus Reconciliation Act of 2005. As a result of the reauthorization of the TANF program, states are facing new, more stringent guidelines in the federal requirements for participation in the program. Some of the most critical changes that will have a potential impact on Mississippi's participation in the program include:

- changing the base year for determining caseload reductions from 1995 to 2005;
- requiring work participation rates of fifty percent for TANF program participants; and,
- changes in the set of activities that can be counted as work activities for TANF recipients[#].

While PEER cannot predict with certainty the fiscal impact of TANF work participation rule changes, increased participation requirements could result in the state's losing funds due to sanctions for failure to meet targets or the state's having to commit more TANF funds to monitor work activities of participants. In any case, other social services programs, such as those youth service programs funded through TANF funds, could be subject to a reduction in funding.

SOURCE: PEER analysis of data from the Mississippi Department of Human Services, National Conference of State Legislatures, American Public Human Services Association, and the National Governors' Association.

[#] The federal government currently allows each state to define categories of federal work activities such as unsubsidized employment, on-the-job-training, and job search and job readiness assistance. The reauthorization of the TANF program requires the United States Department of Health and Human Services to create standard definitions for these countable work activities and standards for reporting work participation rates, which could hinder states' flexibility in meeting work participation requirements.

Appendix DD: Units of Local Government Eligible to Receive JABG Funds in FY 2003 That Did Not Apply for Funds

Locality	FY 2003 Eligible Amount*
Harrison County	\$42,654
City of Gulfport	40,840
City of Biloxi	38,547
City of Vicksburg	29,966
City of Meridian	25,264
Lowndes County	16,755
Rankin County	16,303
City of Moss Point	14,892
Lauderdale County	14,459
City of Columbus	13,627
Warren County	12,057
Marshall County	10,657
Walthall County	10,422
City of Starkville	10,121
City of Indianola	9,885
City of Grenada	9,846
City of Pearl	8,884
Pearl River County	6,788
Covington County	6,785
Claiborne County	6,527
Lafayette County	6,305
City of Oxford	6,016
Tippah County	5,862
City of Batesville	5,723
Monroe County	5,656
Scott County	5,611
Yazoo County	5,508
Sunflower County	5,323
Neshoba County	5,197
City of Ocean Springs	5,195
Simpson County	5,106
Marion County	5,059
Total Funds Available	\$411,840

*The amount of funds allocated to a specific jurisdiction is non-competitive and is determined by law enforcement expenditures and crime data. In order to receive the allocated funds, an entity must have a community crime coalition and a coordinated enforcement plan for administering grant funds according to the needs of the jurisdiction. Each entity is required to submit an application to the Department of Public Safety that includes membership of its community crime coalition, analysis of juvenile justice system needs and proposed programs and services to address its existing juvenile crime problem.

SOURCE: Department of Public Safety, Planning Division, Office of Justice Programs

Appendix EE: Characteristics of Good Performance Measures

Good performance measures should share a number of common characteristics:

- **Mission based:** grounded in the core values of an agency and the community aimed at achieving the over-arching goals of the system;
- **Widely accepted:** by being based on the values of the agency and community, the performance measures should be widely accepted and invested in by interested stakeholders at all levels;
- **Clear and measurable:** should be clear, logical, and directly linked to missions, goals, objectives, and outcomes;
- **Valid and reliable:** good performance measures should measure what is supposed to be measured and must yield expected results over time;
- **Based on individual outcomes:** should be based on case-level data, have comparisons made to a baseline, and therefore be capable of reporting also on trends and relationships;
- **Unambiguous:** the performance measure should be clear and logical and easily understood with little debate;
- **Utilize economic and timely data:** data should not take too long to collect or be too expensive to collect, process, and be reported; and,
- **Strength-based:** measures should be focused on positive performance leading to successful outcomes rather than focused on deficits.

SOURCE: "Performance Measures for the Juvenile Justice System," American Prosecutors Research Institute.

Appendix FF: Counties Using the AOC MYCIDS Database

Counties Currently Using MYCIDS	Proposed Counties to Implement MYCIDS
Adams Amite Claiborne Franklin Hancock Harrison Hinds Holmes Humphreys Jackson Jones Leflore Madison Pike Rankin Sunflower Walthall Warren Washington Yazoo	Bolivar Clarke Copiah Covington Greene Jasper Jefferson Jefferson Davis Kemper Lamar Lauderdale Lawrence Lowndes Marshall Newton Perry Scott Simpson Smith Stone Tunica Wayne Wilkinson

SOURCE: Administrative Office of the Courts.

Appendix GG: IJJR Proposed Additional Positions with Salary and Fringe Benefit Requirements

IJJR Position	Salary	Fringe (27%)	Total Compensation
Executive Director	\$45,155	\$12,192	\$57,347
Administrative Assistant	\$26,357	\$7,116	\$33,473
General Counsel	\$49,937	\$13,484	\$63,421
Research Statistician III	\$29,842	\$8,057	\$37,899
Research Statistician II	\$28,627	\$7,729	\$36,356
Research Statistician II	\$28,627	\$7,729	\$36,356
Research Statistician I	\$26,130	\$7,055	\$33,185
System Analyst II	\$30,668	\$8,280	\$38,948
System Specialist I	\$34,279	\$9,256	\$43,535
Data Entry Operator II	\$19,075	\$5,150	\$24,225
Program Specialist	\$27,616	\$7,456	\$35,072
Program Audit Analyst	\$22,445	\$6,060	\$28,505
Accountant II	\$28,360	\$7,658	\$36,018
Total	\$397,118	\$107,222	\$504,340

SOURCE: PEER analysis of SPB authorized positions; fringe benefit rate of 27% from LBO.

Appendix HH: SPB-Proposed Responsibilities for the Offices within the DJJDP

Office	Responsibilities
Legal Services	<ul style="list-style-type: none"> • Provides legal counsel
Policy Development	<ul style="list-style-type: none"> • Coordinates state juvenile justice policy • Provides advice on policy issues • Ensures state compliance with federal law, regulation, and policy
Child Protection	<ul style="list-style-type: none"> • Performs internal audits and ensures compliance • Provides child advocacy by meeting at least the minimum health and educational requirements to juveniles • Oversees juvenile and family relations
Communications	<ul style="list-style-type: none"> • Oversees public relations • Disseminates information to the public and provides outreach • Develops publications • Manages the website
Administrative Services	<ul style="list-style-type: none"> • Provides agency administrative support (i. e., Human Resources, Information Technology, Staff Training)
Planning and Programs	<ul style="list-style-type: none"> • Conducts strategic planning and assessments of juvenile justice issues • Responsible for overseeing all planning, research and evaluation, quality assurance, and grant disbursement within the department

Community Services	<ul style="list-style-type: none"> • Provides the necessary programs and services to juveniles and their family while the juvenile is in the community environment • Provides consultative and evaluation services • Conducts comprehensive psychological, social, and educational assessments
Rehabilitative Services	<ul style="list-style-type: none"> • Provides the necessary programs and services to juveniles and their family while the juvenile is committed to the state juvenile justice system, such as institutionalized and residential treatment • Conducts comprehensive psychological, social, and educational assessments • Provides health and educational services to juveniles while he/she is under the care of the state system

SOURCE: State Personnel Board.

Appendix II: DJJDP Proposed Positions with Salary and Fringe Benefit Requirements

DJJDP Position	Salary	Fringe	Total Compensation
Executive Director	\$100,000	\$27,000	\$127,000
AG-Special Assistant	\$68,500	\$18,495	\$86,995
Staff Officer III (Policy Development)	\$57,594	\$15,550	\$73,144
Staff Officer III (Communications Director)	\$57,594	\$15,550	\$73,144
Office Director I (Child Protection)	\$57,593	\$15,550	\$73,143
Office Director II (Planning & Programs)	\$63,408	\$17,120	\$80,528
Office Director II (Community Services)	\$63,408	\$17,120	\$80,528
Office Director II (Rehabilitative Services)	\$63,408	\$17,120	\$80,528
Office Director II (Administrative Services)	\$63,408	\$17,120	\$80,528
Bureau Director II (Human Resources)	\$53,601	\$14,473	\$68,074
Systems Manager III (with ITPDC review)	\$65,039	\$17,561	\$82,600
Bureau Director II (CFO)	\$53,601	\$14,473	\$68,074
Total	\$767,154	\$207,132	\$974,286

SOURCE: SPB proposed authorized positions with salary and fringe benefits.

Agency Responses



STATE OF MISSISSIPPI
HALEY REEVES BARBOUR, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
DONALD R. TAYLOR
EXECUTIVE DIRECTOR

December 5, 2007

Max K. Arinder, Ph.D.
Executive Director
Joint Committee on Performance Evaluation and Expenditure Review
Post Office Box 1204
Jackson, MS 39215-1204

Dear Dr. Arinder:

Thank you for the opportunity to review your report entitled *Juvenile Justice in Mississippi: Status of the System and a Strategy for Change*. My remarks follow:

- I believe that the proposed establishment of a research institute under the Department of Public Safety is costly and not warranted at this time. A cost benefit analysis would not likely justify these expenditures, and such sums could be put to far better use.
- I have no position regarding the establishment of the Division of Youth Services as a separate department.

Please direct any questions to my attention.

For a better Mississippi,


Donald R. Taylor

DRT:RH:rgs



HALEY R. BARBOUR
GOVERNOR

STATE OF MISSISSIPPI
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PUBLIC SAFETY PLANNING

GEORGE PHILLIPS
COMMISSIONER

December 6, 2007

Mr. Lonnie Edgar
PEER
501 North West Street, Suite 301-A
Jackson, MS 39201

Dear Mr. Edgar:

Thank you for providing the Division of Public Safety Planning Office of Justice Programs the opportunity to review the draft PEER report. After initial review of the draft report completed by employees of Justice Programs, we are submitting the following responses to PEER findings. We are also recommending that these responses be incorporated into the final PEER report.

Responses to PEER findings:

PEER Finding:

“Because the DPS has not administered federal grants for juvenile justice properly, Mississippi has not received all of the federal funds available to it through the JJDP Act and Omnibus Crime Control and Safe Streets Act.”

Agency's Response:

It is recommended that wording be change to reflect due to “non-compliance” Mississippi has not received all of the federal funds available to it through the JJDP Act and Omnibus Control and Safe Streets Act. (See State Monitoring Report)

PEER Finding:

The State is out of Compliance with DMC and has contracted with USM to do DMC.

Mr. Lonnie Edgar
PEER
Page 2

Agency's Response

The State is now in Compliance with DMC; Mary Lukens was hired through contract employment to be the DMC Coordinator. However, the State is in partnership with USM (also the Statistical Analysis Center (SAC) for Mississippi) to do data collection.

PEER Finding:

“ July 2007, Juvenile Justice Specialist(JJS) still administering FY 05 grant dollars”

Agency's Response:

Due to staffing shortages, OJJDP (Office of Juvenile Justice and Delinquency Prevention) reports were delinquent, but all reports are now current and OJJDP have released all grant funding under FY 05. All of FY 05 funding has been sub-granted. (See GAN for verification of funding release)

PEER Finding:

Due to not having “qualified personnel” the programs have not been managed properly.

Agency's Response:

We do not concur with the statement of not having “qualified personnel” as reasons for programmatic findings, and would like for the PEER report to reflect the following as reasons for any findings: (1) Hiring Freezes implemented by the State resulting in staffing shortages (2) Vacancies throughout the program (3) Requiring of training to new staff once vacancies were filled.

Also, the Juvenile Justice Program has never been fully staffed until this year FY 07.

PEER Finding:

Mississippi should provide more TA (Technical Assistance) utilizing Colorado's and Utah's Plan.

Mr. Lonnie Edgar
PEER
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Agency's Response:

We concur that more community based programs and Technical Assistance could be implemented in the State through education at local level on available funding and sources; we further concur that Colorado's and Utah's Plan could be used as a road map for the State.

PEER Finding:

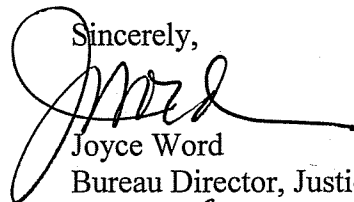
"Insufficient oversight of Mississippi's juvenile justice programs has resulted in a reduction of available federal formula grant dollars and in the restriction of drawdown of federal grant dollars."

Agency's Response:

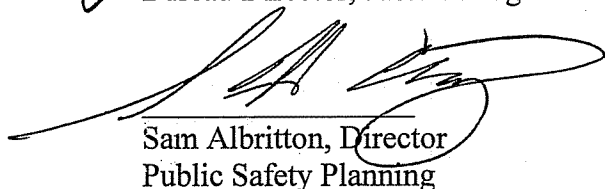
We do not concur with the statement of "Insufficient oversight" resulted in the loss of money and believe that the PEER report should be changed to reflect "Non-compliance" with the OJJDP Act as the reason for formula grant reductions. There are many factors surrounding compliance. One of the most important factors of compliance is for the State of Mississippi to implement legislation to hold facilities who must report, accountable in accordance to the ACT. Currently, the State is not in compliance because of the local reporting on behalf of facilities who securely detain juveniles.

If you need any further clarification or information please do not hesitate to call me. This agency is committed to the Juvenile Justice Program and improving the Juvenile Justice System for the State of Mississippi.

Sincerely,



Joyce Word
Bureau Director, Justice Programs



Sam Albritton, Director
Public Safety Planning

CC: George Phillips
Commissioner

DEPARTMENT OF MENTAL HEALTH

State of Mississippi

1101 Robert E. Lee Building
239 North Lamar Street
Jackson, Mississippi 39201



(601) 359-1288
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Sandra Parks, Director
Division of Children & Youth Services

November 30, 2007

Joint Legislative PEER Committee
P.O. Box 1204
Jackson, MS 39215-1204

Dear Joint Legislative PEER Committee:

Thank you for the opportunity for me to review the report, Juvenile Justice in Mississippi: Status of the System and Strategy for Change, prepared by the PEER Committee on Juvenile Justice. It is imperative that all agencies serving the juvenile population work together in improving the services, funding, planning, and evaluation for this population. The Department of Mental Health, Division of Children and Youth supports the recommended improvements and expansion of the juvenile justice system as approximately 68% of youth in the juvenile justice system have a serious emotional or behavioral disturbance. DMH has collaborated with the Department of Human Services, Division of Youth Services in the development of A Teams (multidisciplinary interagency teams for adolescents identified as juveniles). The two Divisions have also worked diligently on the expansion of AOP, Adolescent Offender Programs, across the state and to promote a unified assessment/screening tool for juveniles who have mental disorders. The Division of Children and Youth will continue to collaborate with the Division of Youth Services and other agencies to improve the service system array for juveniles in the prevention of mental illness and in the treatment of emotional//behavioral disturbances.

After reviewing the comprehensive report, DMH has several concerns and comments regarding the recommendations. There are as follows:

In **Chapter 5**, there was a comment regarding CMHC's input to the Mental Health State Plan. Community Mental Health Centers as well as other providers have the availability of providing input to the Mental Health State Plan as per the requirements of the State Mental Health Planning Council Bylaws, Article II, Section 1 (1-3) and Article VI, Section 5.

Chapter 5, there was a comment made regarding the requirement of day treatment programs operated by CMHCs. CMHC's do have the option of meeting the day treatment requirement from the DMH Minimum Standards by operating after school programs, which have been shown to be just as effective as those programs that operate during the school day.

Chapter 5: A-Teams were developed in the DHS, Division of Youth Services seven regions instead of the DMH, 15 regions because of the need to meet the requirements of the legislation

with no extra funds or resources. It is cost-effective to utilize the seven DYS regional directors for the A-Team Coordinators since they are already trained in the youth court process. Additionally, DMH, Division of Children and Youth Services provided some funds for training of the A-Teams and continue to provide technical assistance to the A-Team Coordinators and the members. The A-Team Coordinators participate in the MAP Team Coordinators meetings three times annually to promote continuity of care and receive technical assistance regarding their meeting times, dates, rules, procedures, etc. DMH plans to continue share the oversight and further development of the A-Teams with DHS and the seven regional coordinators.

In **Chapter 7**, there is discussion regarding the minutes from meetings that reads, “maintain and house the minutes from meetings of the State Advisory groups, the ICCCY and ISCC.” The Chairman of the ICCCY and the ISCC is contingent upon who is elected which is on an annual basis. The Chairman is responsible for the collection and the distribution of the minutes. Every member of the ISCC and ICCCY has copies of minutes in their files.

Chapter 7: Under the creation of a Governing Board of Juvenile Justice and Delinquency Prevention, there is list of appointed members. The appointed CMHC director should be changed to a *mental health provider with expertise and experience in administering community based programs for juveniles* as many CMHC Executive Directors don't have the appropriate background and education in serving children/youth in the juvenile justice system.

Chapter 7: The Department of Mental Health does not recommend the transfer of staff and resources currently utilized for the Juvenile Rehabilitation Facility and the Specialized Treatment Facility from DMH to the new Dept. of Juvenile Justice and Delinquency Prevention if created. The youth served in these facilities have a primary diagnosis of a serious emotional disturbance at the Specialized Treatment Facility and a primary diagnosis of mental retardation at the Juvenile Rehabilitation Facility. The youth at these facilities are provided with appropriate treatment and care respective of these different diagnoses. If transferred, these facilities would not be a cohesive part of the DMH community-based programs for children & youth which might reduce community based options upon discharge and aftercare.

Again, thank you for the opportunity to provide these comments. If you need clarification please feel free to contact me at 601-359-1288 or by e-mail: Sandra.parks@dmh.state.ms.us.

Sincerely,



Sandra Parks, M.C.P., CMHT

Director, Division of Children & Youth Services

MS Department of Mental Health

cc: Ed LeGrand, Executive Director
Matt Armstrong, Bureau Director
Diana Mikula, Bureau Director

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL



December 3, 2007

Max K. Arinder, Ph.D.
Director
Joint Committee on Performance and Expenditure Review (PEER)
P.O. Box 1204
Jackson, MS 39215

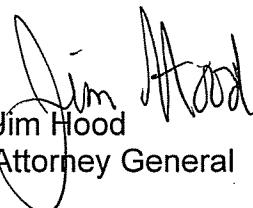
Dear Dr. Arinder:

Thank you for the opportunity to respond to PEER's "Juvenile Justice in Mississippi: Status of the System and a Strategy for Change" Executive Summary. I am not aware of any change within the Mississippi Department of Human Services to warrant PEER's recommendation to move the administration of the TANF funds from my office to the Department of Youth Services. Hence, I respectfully disagree with this PEER recommendation. I have attached a copy of our response to your prior tabled report entitled "A Review of Recent Reforms to Mississippi's Juvenile Justice System" dated September 6, 2006.

It is noted that "PEER does not question the effectiveness of programs provided" through the TANF funding appropriated to our office. In the absence of any comprehensive reforms to the Juvenile Justice system where there is proven efficacy of centralization of decision making for all community-based programs, there is no reason to consider changing the appropriation of these funds to our office.

I respectfully request that this response and the accompanying attachments be incorporated in PEER's final report as an attachment.

Sincerely yours,


Jim Hood
Attorney General

Enclosure

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

September 6, 2006

Max K. Arinder, Ph.D.
Director
Joint Committee on Performance and Expenditure Review (PEER)
Post Office Box 1204
Jackson, Mississippi 39215-1204

Dear Dr. Arinder:

In response to PEER's "A Review of Recent Reforms to Mississippi's Juvenile Justice System" report, let me begin by stating that I fully agree with PEER's premise that fragmentation of the responsibility for juvenile justice is not ideal and a coordinated approach would better address this area. However, I fear that PEER has overlooked the reality of Department of Human Services' (DHS's) history of mismanagement and currently limited abilities. As evidenced by PEER's previous reports, investigations and disallowances by the federal government, and even litigation regarding violations of federal law, it is clear that DHS has not been able to effectively manage its current programs. We should not jeopardize successful community-based programs by transferring them to an agency that is overwhelmed and underperforming. Where I would like to see PEER's focus is on DHS as a whole. Our Point Sheet, which was previously provided and is attached for your convenience, demonstrates that the issues do not lie solely with TANF.

Placing all juvenile justice funding issues with DHS is not a course of action which will work in the current climate. The agency's history of administration related to flexible TANF funding is plainly inadequate, lacks any semblance of comprehensive planning, and is devoid of the necessary vision to fully take advantage of these funds. Almost \$30 million dollars have been stockpiled in reserves to date by the current DHS administration and approximately \$18 million more will be added this year that could have been expended to expand and strengthen services to at-risk youth. That DHS did not draw down and/or utilize these federal funds further illustrates the systemic administrative failure to maximize the potential impact of this assistance. Although DHS will have hoarded approximately \$50 million dollars of TANF money, the PEER recommendation is to redirect an additional \$4.5 million in TANF funds

(\$5.5 million currently) legislatively appropriated to this office specifically for Boys and Girls Clubs, Big Brothers Big Sisters, Communities in Schools and YMCA programs. DHS states that these reserves are necessary due to the fact that the reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act threatens to reduce the amount of TANF funds received by the state. While provisions of this reauthorization are troubling, it is interesting to note that these reserves were building prior to the enactment of this legislation. Additionally, DHS should be focusing on Section 6071 of this piece of legislation which allows DHS to apply for the "Option for Hurricane Katrina Disaster States to Delay Application." If the concern of DHS is that noncompliance with the new TANF work participation requirements scheduled for implementation in October 2006 could result in a financial sanction as high as five percent of the federal grant, as well as the commitment of more TANF funds to monitor work activities of program participants, then DHS should pursue this waiver.

DHS is in litigation as to the child welfare system and, as you are aware, the training schools have been under scrutiny as referenced in your report as to the U.S. Department of Justice Consent Decree and Memorandum of Agreement. Focus should be directed on DHS's lack of management and control of the programs currently under their umbrella. There should be concern as to how adding additional responsibilities to DHS may further cripple a struggling agency. DHS is not in a position to rise to this challenge.

In contrast to PEER's current recommendation that our successful programs should be moved to DHS, previous PEER reports have harshly criticized DHS for inept management, failure to follow state and federal law, and misuse of state and federal funds. For example, PEER has criticized DHS's funding decisions as imprudent and found that the agency violated federal law by improperly using family preservation funds to pay salaries. See PEER Report #362, September 11, 1997, www.peer.state.ms.us/362.html at 3. DHS's record with community based programs is just as troubled. While reviewing one community based program, PEER concluded that DHS had "not accurately estimated the costs" of the program, had "violated federal regulations" regarding expenditures, had "over-obligated" its available funds, and had possibly even violated state ethics laws. See PEER Report # 330, November 16, 1995, www.peer.state.ms.us/330.html at 3-4. As recently as 2003, PEER found that DHS continues to have policies and procedures "inconsistent with state laws." See PEER Report # 462, December 19, 2003, www.peer.state.ms.us/462.html at 2.

DHS has simply not been a good steward of state or federal funds. According to a 2000 PEER report, the federal Office of Inspector General demanded that DHS return **\$14.7 million** in federal funds because DHS's use of the funds had violated federal law. See PEER Report # 413, December 6, 2000, www.peer.state.ms.us/413.html at 1.

Ultimately, DHS settled the issue by repaying approximately \$7 million. DHS's record with respect to TANF funds is similarly unfortunate. In 1997, PEER recommended that DHS "present a complete compendium of what the department intends to achieve with its TANF authority and how it intends to measure its achievements. Specifically, the department should prepare measurable outcomes" See PEER Report # 357, June 10, 1997, www.peer.state.ms.us/357.html at 2. Now, almost ten years later, PEER's current report again criticizes DHS for the lack of standard performance measures for TANF programs. See Current Recommendation Number 5. In 2003, PEER documented that DHS had failed to maximize federal funds in four out of five areas and had failed to apply for additional available federal funds. See PEER Report # 462, December 19, 2003, www.peer.state.ms.us/462.html at 3. PEER also concluded that DHS's performance was so poor as to place the agency in danger of losing federal funds through penalties. See id.

While it is true that centralization may, under the proper management, produce benefits, it is not the case that centralization is the best idea in every situation. Indeed, when the legislature previously addressed the fragmentation of children's services by merging DHS with the then stand-alone Department of Youth Services, PEER concluded that the merger actually resulted in an increase in administrative costs while the amount of training decreased. See PEER Report # 279, May 26, 1992, www.peer.state.ms.us/1192.html at 5. Moreover, PEER noted that DHS's bureaucracy resulted in increased inefficiencies because "[m]ultiple levels of DHS management control hampered the Office of Youth Services, with personnel, purchasing, and budgeting becoming more complex." Id.

Further evidence of DHS's poor performance regarding the TANF programs already under its control can be found in a November 2004 letter written by Carlis V. Williams, Southeast Regional Administrator, U.S. Department of Health and Human Services, to Don Taylor, Executive Director, Mississippi Department of Human Services:

The review was performed, and with the outstanding cooperation and candor of you and your staff, ACF confirmed that many deficiencies in internal controls within MDHS exist and they have directly contributed to the audit findings and reportable conditions cited by the State Auditor's Office over the past few years.....

The MDHS did not comply with Federal regulations at 45 CFR Part 92.40 with regard to subrecipient or subgrantee monitoring. In pertinent part, this section requires that grantees must monitor the activities of subgrantees.

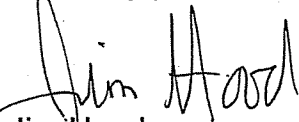
Max K. Arinder, Ph.D.
Page 4
September 6, 2006

- *By not monitoring the subgrants until the projects were completed, MDHS failed to carry out its responsibility for managing the day-to-day operation of the subgrants.*
- *By not monitoring the subgrants until the projects were completed, MDHS failed to assure that contracted performance goals, i.e., number of participants served, were being achieved, and if not, that corrective action was taken to either address the enrollment problem or modify the amount of the subgrant.*

The Boys & Girls Clubs, Big Brother Big Sisters, Communities in Schools and YMCA programs which are funded by the legislative appropriation to the Attorney General's Office are exceptional community-based prevention programs that make a statewide difference. However, this did not happen on its own volition. Staff from my office work closely with these programs and continue to do so to ensure the greatest outcome. Ms. Williams' letter acknowledges that DHS does not provide oversight to the subgrantees funded through that agency. The addition of more programs which would need to be monitored, audited, and provided with technical assistance and training without the commensurate increase in administrative capability would be problematic. Programs will fail if they are not supported, both fiscally and programmatically.

Thank you for the opportunity to provide this response. I respectfully request that this response be incorporated in PEER's final report as an attachment. Also, I would appreciate meeting with the full PEER Committee prior to their voting on this report. Please let me know when that would be convenient.

Sincerely yours,



Jim Hood
Attorney General

Attachment

A Review of Recent Reforms to Mississippi's Juvenile Justice System

The Office of the Attorney General Response to PEER's Preliminary Report Point Sheet

HISTORY:

The funding for community-based programs was appropriated to the Office of the Attorney General by the Legislature beginning in FY 2001. The Legislature specifically named Boys and Girls Clubs, Big Brothers Big Sisters, and Communities in Schools in that legislation. In FY 2004, funding was increased and the YMCAs were added to the legislation. The appropriation was the result of the above referenced organizations approaching the Legislature, as well as then Attorney General Mike Moore, about their desire for stability and continuity which they did not have with the Mississippi Department of Human Services (MDHS) due to the fact that MDHS requires all programs to compete for funds from year to year through an RFP process. The goal of the programs was to establish sustainable community-based programs that keep youths in school, out of trouble, and focused on their futures which was not possible under the MDHS system.

Sustaining the development and growth of community-based programs is in some ways in opposition to the administrative approach practiced by MDHS. The entrenched bureaucratic structure and nature of MDHS has historically impeded the creation of coordinated, long term programs and services to address the identified social needs of Mississippians as well as many of the objectives of the various Federal funding mechanisms it is charged with administering. This is very dramatically illustrated by MDHS's handling of surplus TANF funds for a multitude of social service programs. From the beginning of this effort in 2000 when over 400 submitted proposals were funded by MDHS, regardless of the evaluated impressions of capability and appropriateness, this bureaucratic structure has acted without the focus and direction needed to facilitate sustained proven programs. This lack of coordinated direction resulted in the expenditure of approximately \$130 million in 2000 and \$60 million the next year without establishing a viable, ongoing and coordinated network of community-based services. The Office of the Attorney General investigated the expenditures on the specific cases referred and found evidence of fraud and misuse by subgrantees resulting in several prosecutions as well as reimbursement of funds to the State.

Each year since 2000, funded programs have had to "start over" by enduring a competitive request for proposal process to secure the next year's funding with no true assurances that it would lend toward the longer term development of their services. The lack of consistent funding levels from year to year has also made real program planning and development difficult at best. Additionally, during the contract periods, the unresponsive bureaucracy has saddled subgrantees with debilitating occurrences such as the delays of processing monthly payments and budget modifications for extended periods. The priority of the system appears to be more on the process of the system rather than the goals and objectives the system is in place to facilitate. This condition can be no more apparent than in the example of two Department of Mental Health, Regional Mental Health Centers that have recently chosen to decline application for AOP continued funding rather than endure the difficulties inherent in MDHS's bureaucracy.

Program Statistics

The general goals of the community-based programs funded through the Office of the Attorney General are to provide services that will keep youths in school, prevent teenage pregnancy and prevent at-risk children from moving into delinquent or criminal activities. Based on the extensive collection of outcome data gathered by the Office of the Attorney General from all TANF subgrantees these goals are beginning to be realized with the potential for greater achievement. Subgrantees gather information pertaining to their clients in such areas as school performance and attendance, Youth Court involvement, teen pregnancy, graduation and drop-out rates.

The programs funded through the Office of the Attorney General report approximately 24,000 youths served on a daily basis, employ approximately 500 Mississippians, have more than 2000 volunteers, and are located in 35 Mississippi counties.

For FY 2005, the following information was reported in the year-end progress report to MDHS:

1. 17,084 youths participating in the programs were promoted academically to the next grade level
2. Final report for the contractual period verifies a statewide increase in GPA of approximately 2% over those reported during the third quarter reporting period.
3. In FY 2004 juvenile crime increased statewide; however, 44 counties reported a decrease in juvenile crime, 28 of those counties have TANF funded programs funded by the Office of the Attorney General from funds appropriated by the Legislature (*Statistics obtained from MDHS website*)
4. In FY 2003, 51 counties reported a decrease in teen pregnancy rates, 35 of those counties have TANF funded programs funded by the Office of the Attorney General appropriated by the Legislature (*Statistics obtained from MDH website*)
5. In FY 2004, 45 counties reported an increase in school attendance, 27 of those counties have TANF funded programs funded by the Office of the Attorney General from funds appropriated by the Legislature (*Statistics obtained from MDE*)
6. In FY 2004, of the 44 counties reporting a decrease in school drop-out rates, 29 of those counties have TANF funded programs funded by Office of the Attorney General from funds appropriated by the Legislature (*Statistics obtained from MDE*)
7. In FY 2004, 55 counties reported an increase in high school graduation rates, 35 of those counties have TANF funded programs funded by the Office of the Attorney General from funds appropriated by the Legislature (*Statistics obtained from MDE*)

***State data was the most recent available, at the time of the report, from the agencies referenced.**

The Office of the Attorney General Success Record:

Boys and Girls Club of America

Through the partnership established between the Office of the Attorney General and the Boys and Girls Club of America (BGCA), BGCA has committed millions of new dollars over the years to Mississippi. From 2001 through 2006 BGCA has granted or will grant \$9,232,814.07 in OJP funds. The breakdown of OJP funds each year is as follows:

2006	\$1,998,000.00
2005	\$2,305,000.00
2004	\$1,295,814.07
2003	\$1,450,000.00
2002	\$1,145,000.00
2001	\$1,039,000.00
Total	\$9,232,814.07

Efficient and Effective Stewards of TANF Dollars

The contract between MDHS and the Office of the Attorney General authorized an Administrative Cost Rate of 15%. Since the inception of the agreement, the Office of the Attorney General has maintained an average 6% Administrative Cost rate to allow for more funds to be expended on community-based crime prevention activities.

	AG	Total	Adm Costs	Authorized	Adm Cost Savings
	Adm Costs	Grant Costs	%	Adm Costs	
FY2004	\$259,461.94	\$4,239,827.43	6.12%	\$635,974.11	\$376,512.17
FY 2005	\$270,315.26	\$3,974,347.91	6.80%	\$596,152.19	\$325,836.93

The Administrative Costs saved by the Office of the Attorney General would not be seen in the large Administrative Cost pool within an agency such as MDHS. The additional \$702,349.10 put into community-based services during FY 2004-2005 by the Office of the Attorney General allowed for more "at-risk" children to be served that would not have been served through MDHS.

FACTS:

State and Federal Regulations

The Office of the Attorney General follows all federal TANF regulations. Federal staff, as well as the legislative leadership were consulted as to the issue of competitive awards. The Office of the Attorney General is in full compliance with both federal and state rules and regulations. In fact, contained in the subgrantee document the Office of the Attorney General signed with MDHS for the period July 1, 2005 through June 30, 2006 is the following language: "With regard to this subgrant, MDHS recognizes and acknowledges that the Office of the Attorney General as a branch of state government is **not** required to let a request for proposal to disburse these funds in compliance with H.B. 81, subject to instructions to the contrary from Region IV, ACF, DHHS."

Adolescent Offender Programs

The Office of the Attorney General funds four Adolescent Offender Programs (AOP) as stated in the PEER report. The Y-Cap program in DeSoto County is a prevention, intervention program. The program was originally funded by the Department of Human Services as a prevention, intervention effort, not an AOP, and has remained as such.

It should be noted that the funds allocated to the Office of the Attorney General through the legislative process were and are not intended for the expansion of AOPs. The legislative intent was to develop and implement programs that serve unmet needs of "at-risk" youths in the state. Again, the legislation specifies the entities. In an effort to assist MDHS, the Office of the Attorney General chose to fund four (4) AOPs through local YMCAs and continued funding for the Y-Cap program.

Funding Intent

The programs funded by the Office of the Attorney General are community-based programs. Youths participating in the programs are determined, as agreed by MDHS, to be at high risk for dropping out of school or becoming involved with the juvenile system based on factors such as low-income, minority status, single-parent households, and/or behavioral problems. Statistical data collected verifies the success of the programs in improving outcomes for youths participating. In comparing counties which have these programs to those that do not, statistics verify that in the counties having one or more of these programs more children are graduating from high school, more children are being promoted to the next grade level, fewer teens are becoming pregnant, and there are fewer youth court referrals. These programs work, and work well.

Contract Monitoring

MDHS's own monitors have commented on the thoroughness and efficiency of the Office of the Attorney General's subgrantee oversight system. MDHS receives quarterly reports on the status of the programs funded through the Office of the Attorney General, as well as conducting their own annual audits of the programs. These programs receive oversight from both entities. The following provides details relative to the oversight provided by the Office of the Attorney General:

Auditing Procedures for 2005-2006 Grant Period:

- Mandatory Training of all subgrantees
- Monitoring visit within 60 days of new contract period. The purpose of the visit will be to address auditing findings from prior contractual period. In addition, technical assistance for current contractual period will be provided to ensure that the program meets established criteria. However, technical assistance may be requested at any time during contractual period.
- Random unannounced spot checks will be conducted throughout the contractual period.
- Programmatic/Fiscal audits will be conducted between January and April of 2006. Audit reports to include findings will be provided to the program, Board President, Sandy Ray, and Clyde McGuire. A

written response to each finding must be provided to the Attorney General's Office within 30 days of receipt. All findings must be cleared within 60 days of the receipt of the initial findings letter or funding will be withheld until cleared.

Collaborative Relationships

The Office of the Attorney General and the community-based programs have a true collaborative relationship. Attorney General Office staff provide on-site technical assistance to programs experiencing difficulty. Assistance is ongoing until the program resolves problems and functions effectively and efficiently. This type assistance is not available through MDHS. More creative development and expansion of the programs has also been possible due to less bureaucracy in the Attorney General's system.

Staff from the Office of the Attorney General work with the programs to develop innovative partnerships designed to expand the programs into settings such as child abuse emergency shelters and juvenile detention centers.

The facilitative relationship of the Office of the Attorney General has garnered additional funding opportunities to enhance the community based programs which are funded in part with TANF dollars.

Department of Justice Consent Decree

The PEER Report notes that the State of Mississippi entered into a consent decree with the Department of Justice with respect to Oakley and Columbia Training Schools. It would be more accurate to explain that there are two agreements with the Department of Justice: a consent decree and a private memorandum of agreement. The consent decree addresses the topics of protection from harm, suicide prevention, and medical and dental care. The memorandum addresses mental health care, rehabilitation services, and special education. The consent decree is court enforceable. The memorandum is not court enforceable.

FUNDING MECHANISMS: OPPORTUNITIES AVAILABLE TO MDHS

Temporary Assistance for Needy Families (TANF)

Every TANF grant year, TANF funds are delineated as: 1) "assistance" which can only be used to pay for benefits directed at basic needs such as food, clothing, shelter, utilities, transportation and support for families that are unemployed; and 2) "new program" which can fund any new or expansion program initiative that meet one of the four TANF goals which are: provide assistance to needy families; end the dependence of needy parents by promoting job preparation, work and marriage; prevent and reduce out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families.

If TANF "new program" dollars are not obligated before the grant period ends, they must rollover into "assistance". (This could be TANF funds unused by subgrantees of MDHS or MDHS programs.)

Before MDHS allows these funds to lapse into “assistance”, MDHS could obligate the TANF dollars to expand the AOPs prior to the funds being reclassified as “ assistance”.

To eliminate the possibility of dismantling the strong collaborative and cooperative partnership established among the Office of the Attorney General and the Boys and Girls Clubs, Big Brothers and Big Sisters, Communities in Schools and YMCAs, an evaluation on the process MDHS utilizes to obligate “new” and “old” TANF dollars is highly recommended.

MDHS Executive Director Don Taylor took pride in building a coffer of \$200 million federal TANF dollars, which he deemed “rainy day funds” rather than utilizing the funds to increase community-based AOPs, expand family preservation services, expand child welfare services, all of which were appropriate uses of the funds. The State lost its flexibility to use the funds, because the funds were not obligated by the end of the appropriate federal fiscal year.

Since the TANF recipient count is decreasing, the rolled over TANF dollars will never fully be utilized for “assistance”. Subsequently, when the time period has ended for the “old” money that is not used, it must be returned to the federal government. This is the situation the State was faced with in FY 2000 which allowed the previous administration to misuse millions of TANF dollars, either the money was to be used or it had to be returned to the federal government.

Targeted Case Management (TCM)

MDHS has failed to use federal dollars currently available from the Division of Medicaid (DOM) for expanding the AOPs. There is a great opportunity for the Division of Youth Services (DYS) to take advantage of Targeted Case Management (TCM) to assist with funding the AOPs. This is a case management service that is funded through the Division of Medicaid (DOM). DYS could draw down Medicaid dollars through AOPs and eligible DYS personnel by documenting services that include: 1) assessing children’s needs; 2) arranging for delivery of services; 3) assisting children and their families in accessing services; 4) tracking children progress; 5) advocating for children; 6) consulting with service providers on behalf of children; and 7) arranging for crisis assistance.

For example, if DYS documents appropriate case management services on 1,000 Medicaid eligible clients, they have the potential to draw down approximately \$3.6 million in Medicaid funds. (1,000 eligible children @ \$300 per month x 12 months = \$3,600,00.00). In FY 2004, DYS received 19,832 reports of juvenile acts. In the same year, Oakley and Columbia Training Schools had approximately 550 children combined. A recommendation should be made that DYS pursue this option with DOM. The local funds received by the current AOPs and unmatched certified public expenditures through DYS could be utilized as the State match for federal Medicaid funds.

The Office of the Attorney General is willing to assist MDHS and the Division of Medicaid in establishing TCM for the purpose of funding AOPs throughout the state.

Medicaid Rehabilitation Option (Rehab Option)

This is another funding source through DOM. It basically has the same requirements of TCM. The Rehab Option would allow DYS to bill DOM for allowable rehabilitative mental health services that are not covered through the Department of Mental Health (DMH). By drawing down Medicaid dollars, DYS could free up general fund dollars that are currently being utilized for these mental health services. Texas and Alabama generate millions of dollars through the Rehab Option and TCM.

FUNDING MECHANISMS: AG'S EFFORTS TO ASSIST MDHS:

TANF/ MOE

The State is allotted 95 million dollars each year from the Temporary Assistance to Needy Families (TANF) block grant. The State is required to meet a Maintenance of Effort (MOE) requirement each year of \$23 million, in order to draw down the full grant allotment of \$95 million. If the State fails to meet the MOE requirement, the TANF grant is cut that amount, dollar for dollar, the next fiscal year. Not only is the grant cut, but, the MOE requirement increases by that same amount, resulting in the State being penalized twice. For the State of Mississippi, the MOE requirement is \$23 million each year. Historically, the State has utilized general funds to meet the requirement; however, last year there was approximately a \$15 million shortfall. There is, however, an option available to the State under TANF regulations, to identify state and local spending from other state programs that can be approved as certified spending.

In 2002, when it became apparent that the Mississippi Department of Human Services did not have a plan to address the pending loss of TANF funds, the Office of the Attorney General formed a team that was given the charge of identifying state and local spending that could be used to meet the MOE requirement. Through the work of the team, the State avoided a \$15 million cut to the 2004 grant; and, the MOE requirement did not increase by \$15 million in 2004. These efforts resulted in saving the State \$30 million.

CCDF Funds

While in the process of identifying MOE for the TANF grant, the fact that the CCDF (Child Care Developmental Funds) grant needed approximately \$3 million in matching funds to draw down the full allocation allotted to the State each year was raised. The State is entitled to receive approximately \$50 million each year for which we are required to provide a 25% match. In the past, the State has not had the general funds available to draw down the full allocation, thus leaving approximately \$9-10 million unclaimed each year, despite the fact that certified spending from other agencies has been an option for matching. The Attorney General's team began the process of identifying state and local spending that could be counted as certified spending for the CCDF grant. Spending from the Barksdale Reading Initiative was determined to be an appropriate match to draw down additional federal dollars under the CCDF grant. Clayton Barksdale and his staff worked with the Attorney General's team and the State Auditor's office in the identification, documentation and certification of Barksdale spending as a match for the CCDF grant. As the result of the initiative the State was able to draw down new federal money for much needed child care in the State.

This was the first time the State has taken, to this extent, advantage of certified spending as an alternative for meeting federal matching requirements for grants. And, Mississippi is the first state to utilize certified spending to this extent, to meet TANF MOE requirements. Other states have called, requesting information on the process utilized by Mississippi.

Child Care Developmental Fund

In 2004, Mike Moore agreed to donate \$2.6 million in Partnership money to MDHS for the ongoing fiscal support of Families First Resource Centers that were to be closed at the directive of Don Taylor. The centers had received written notice from Don Taylor that their contracts were being terminated due to a lack of funds. Mike Moore was no longer Attorney General, but wanted to help. He contacted the Office of the Attorney General asking that a plan be put in place to ensure that the money to be donated would be maximized to the fullest extent possible. The Office of the Attorney General staff looked at federal funds available to MDHS which had not been drawn down due to a lack of matching funds and came up with an innovative plan which enabled MDHS to draw down an additional \$8.9 million in new federal Child Care Developmental Funds (CCDF) which resulted in not a \$2.6 million gain, but rather a gain of \$11.5 million in new dollars for MDHS. The money was used to keep the centers open.

Adoption Initiative

The Office of the Attorney General worked with Mississippi College School of Law in an initiative designed to assist MDHS in the finalization of adoptions for foster children whose cases had been backlogged in the system for years. The initiative helped MDHS draw down approximately \$500,000 new federal dollars based on the increase in adoptions over prior years.

Child Support Revenue Maximization Effort

The Office of the Attorney General (AGO), the Administrative Offices of the Court (AOC), as well as other state entities, signed Memorandum of Understanding (MOU) with the Mississippi Department of Human Services (MDHS) on **September 30, 2004**, for the purpose of utilizing the spending occurring in these agencies to draw down federal dollars to which the State is entitled for child support efforts. The MOU's were prepared by MDHS staff, approved by federal staff, or so we were informed, and were executed by various state agencies through the efforts of the AGO. Then, staff from the AGO, as well as the AOC, immediately began compiling, documenting and certifying spending from the beginning of the quarter in which the MOU was signed as is permitted under the federal rules. The certified expenditures were then to be used to draw down the 66% federal share to which the State is entitled. From July 1, 2004 through September 30, 2005 the combined spending, which has been certified and provided to MDHS by the AGO, as well as the AOC, totals \$893,826.00. The 66% federal share to which the State is entitled is \$586,448.02. This is new money for the State which has been made possible by revenue maximization efforts of the Office of the Attorney General. No additional monies have been expended nor appropriated to access this money; however, staff time has been required to document and verify each claim.

The Attorney General received a letter from MDHS Executive Director Don Taylor dated **April 27, 2005**, in which he stated that Region IV Office of Child Support Enforcement, Atlanta, Georgia, had informed MDHS that the MOUs, which had been drafted by MDHS, had not been approved, as

originally communicated by MDHS. MDHS was planning to establish a more detailed cooperative agreement.

On **February 22, 2006**, MDHS Executive Director Don Taylor informed the AGO that MDHS had not drawn down any funds. He further stated that a revised agreement had recently been approved by federal staff and was ready for the Attorney General's signature. Based on MDHS's delay the State has lost the ability to claim spending from July 1, 2004 through September 30, 2005, a loss of \$586,448.02 in new money to the State.

RECOMMENDATIONS:

MDHS pursue available federal dollars through Targeted Case Management and the Rehab Option available through the Department of Medicaid to fund Adolescent Offender Programs.

MDHS evaluate its method of obligating "assistance" and "new program" TANF dollars.

The community-based crime prevention programs funded through the legislative appropriation remain with the Office of the Attorney General for consistency and efficiency.

JAMES L. ROBERTS, JR.

ATTORNEY

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December 03, 2007

Mr. Lonnie Edgar
PEER Committee
P.O. Box 1204
Jackson, MS 39215-1204

Dear Mr. Edgar:

Thank you for permitting me to read and review a portion of the proposed report on Juvenile Justice in Mississippi.

The other members of the Mississippi Advisory Committee on Juvenile Justice have not yet seen the report, and I trust that my views as Chairman are not offensive to them, nor to anyone else involved in the system.

It is obvious to me that the PEER Committee staff members have endeavored with dedication and diligence to analyze the system as it presently exists, and with continuing dedication, diligence and foresight to present workable and suitable options for the future.

Each and every component of the juvenile justice system is faced with tremendous and overwhelming challenges, and the policy makers in the legislature, as well as those decision makers in the executive and judicial branches have been given much food for thought in this insightful and in-depth report.

In keeping with Governor Barbour's mandate for this committee to fully and completely comply with all federal and state law, as well as to fully cooperate with the

legislature and judiciary in every respect, we shall endeavor to do so.

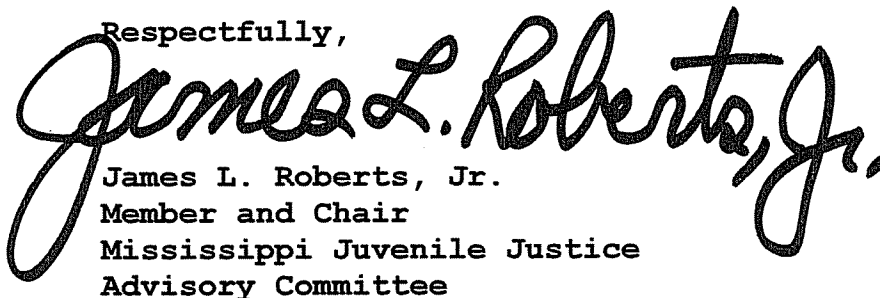
Cost is always most important, and the wise expenditure of all tax dollars should always be a concern.

That said, if funding was available, I would prefer option two. If funding is not available, I will encourage this Committee to work closely with all involved for the continued improvement of the juvenile justice system in Mississippi.

I am most grateful for the courtesy, cooperation and assistance of the PEER Committee and all its' staff, and I especially appreciate the dedicated effort involved.

I emphasize that I will work in cooperation and encourage the Committee to do so in any decision making process to the final product.

Respectfully,

A large, handwritten signature in black ink that reads "James L. Roberts, Jr." The signature is written in a cursive style with a large, looping initial "J".

James L. Roberts, Jr.
Member and Chair
Mississippi Juvenile Justice
Advisory Committee



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November 30, 2007

VIA HAND DELIVERY

Dr. Max Arinder
Executive Director
PEER
501 North West Street, Suite 301-A
Jackson, MS 39201

Re: Mississippi Administrative Office of
Courts Response

Dear Dr. Arinder,

Please accept this letter as the Mississippi Administrative Office of Courts response to the PEER, Juvenile Justice in Mississippi: Status of the System and a Strategy for Change, report. The Mississippi Administrative Office of Courts was privileged to assist you in this important work. We recognize the importance of the role of the court system in assuring that all children coming before our juvenile courts are treated fairly and are provided the necessary rehabilitative resources to allow them to succeed in becoming responsible members of society. I would offer the following comments to the report in the support of our common goal.

While touched upon by the report, I do not believe that sufficient emphasis has been given to the crisis our youth courts face regarding the lack of any State funded youth court support staff. As recognized by the report the delivery of services to juveniles is haphazard throughout the state. A major contributor to this dilemma is the lack of sufficient support staff available to the youth courts. There is currently no State funds dedicated to providing even a minimal level of acceptable support staff to the local courts. The resources of the youth courts available to meet the needs of the children in their care are tied wholly to the resources available to the local county. Consequently, children are treated inequitably. It is imperative that the State provide minimal support staff funding to ensure that each court shall have available, at least an acceptable minimal amount of support services to meet its children's needs. Moreover, through the availability of State support funds, minimum standards and qualifications can be demanded for the staff serving the youth courts.

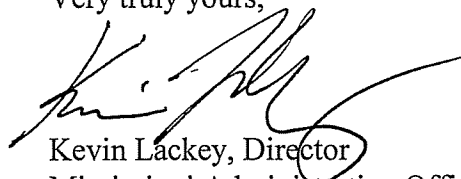
An important first step in addressing this crisis was made by the Mississippi Legislature in 2007 by the passage into law of Senate Bill 2477. Senate Bill 2477, requires the Mississippi Administrative Office of Courts to develop a formula to deliver minimal state funds to local youth courts to meet their support staff needs and to develop job descriptions and minimum qualification

requirements for staff so provided. Unfortunately funds were not provided by the 2007 Mississippi Legislature to fund Senate Bill 2477. Senate Bill 2477 however provides that it will be fully funded by the 2008 Mississippi Legislature.

As you review the disparities of services provided to juveniles in Mississippi, I urge you to consider recommending that Senate Bill 2477 be fully funded this next year. Until we address the inadequacies of the local youth courts' physical ability to provide for their children and enact reforms we shall never be able to ensure adequate rehabilitative services will be uniformly available to children throughout Mississippi. We must insure that acceptable infrastructure exist for each youth court in order to allow those courts to meet the challenges of the youth they serve.

Thank you for you consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin Lackey', with a long, sweeping flourish extending to the right.

Kevin Lackey, Director
Mississippi Administrative Office of Courts

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