

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
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As Engrossed: S3/19/15

A Bill

SENATE BILL 982

By: Senators Irvin, K. Ingram, L. Chesterfield, Elliott

By: Representatives Scott, C. Armstrong, Blake, D. Ferguson, V. Flowers, M. Hodges, Nicks, Richey, Tucker, Walker

For An Act To Be Entitled

AN ACT TO *IMPROVE THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM*; TO PROVIDE ADEQUATE OVERSIGHT OF COMMITMENT REDUCTION SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO IMPROVE THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM; AND TO PROVIDE ADEQUATE OVERSIGHT OF COMMITMENT REDUCTION SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) When effective community-based services are not available as an alternative to incarceration, the results are the secure confinement of youths who pose little or no threat to public safety;

(2) When effective community-based alternatives are in place, use of confinement and commitments to the Division of Youth Services of the Department of Human Services can be reduced with no compromise of public safety; and

(3) The state can realize significant fiscal savings, while positively impacting the lives of youthful offenders, by encouraging and investing in the use of effective community-based alternatives, and by



reserving the use of state commitments and secure confinement for youthful offenders who pose a serious risk to public safety.

(b) The purpose of this act is to establish a mandate for the provision of services to reduce youth incarceration, and to provide oversight and accountability for the effectiveness of commitment reduction services to the state and to stakeholders in the juvenile justice system.

SECTION 2. Arkansas Code § 9-28-203(a) and (b), concerning the powers and duties of the Division of Youth Services of the Department of Human Services, are amended to read as follows:

(a) The Division of Youth Services of the Department of Human Services shall perform the following functions and have the authority and responsibility to:

(1) Coordinate communication among the various components of the juvenile justice system;

(2) Oversee reform of the state's juvenile justice system;

(3) Provide services to delinquent and families-in-need-of-services youths;

(4) Conduct research into the causes, nature, and treatment of juvenile delinquency and related problems;

(5) Develop programs for early intervention and prevention of juvenile delinquency;

(6) Maintain information files on juvenile delinquents in the state;

(7) Develop effective community-based alternatives to confinement, incarceration, and commitment of youths;

(8) Actively pursue the maximization of federal funding for juvenile delinquency and related programs;

~~(8)~~(9) Evaluate the effectiveness and efficiency of the programs and services offered by the division and recommend changes to the Governor;

~~(9)~~(10) Provide a system of education in residential facilities operated by the division that conform to the guidelines established by the Department of Education and as set forth in § 9-28-205; and

~~(10)~~(11) Do and perform all other actions and exercise all other authority not inconsistent with the provisions of this subchapter as ~~may be~~ necessary to carry out the purposes and intent of this subchapter.

(b) In addition to other duties enumerated in this subchapter, the division shall provide services as follows:

(1) The Civilian Student Training Program shall provide services to youths that shall consist of, but not be limited to, school reintegration, counseling, tutoring, job placement counseling, corrective behavior skill counseling, and training;

(2)(A) Case management services ~~will~~ shall include, but not be limited to:

(i) Making placement recommendations to court authorities; and

(ii) Arrangement, coordination, and monitoring of services for a juvenile.

(B) These services may be acquired by agreement with community providers, other agencies, or individuals as ~~may be~~ necessary;

(3)(A) Client-specific services shall consist of, but not be limited to:

(i) Independent living, tracker, or proctor services;

(ii) Family or individual therapy; and

(iii) Individualized treatment or supportive care services.

(B) ~~These services may be acquired by agreement with community providers or other agencies or individuals deemed professionally capable of delivering the required services~~ comprehensive community-based providers capable of delivering the required continuum of services;

(4)(A) Reduction in commitment services shall include services to address public safety, supervision, and rehabilitative needs of youths who may otherwise be detained, incarcerated, or committed to the Division of Youth Services.

(B) Reduction in commitment services may include without limitation:

(i) Electronic monitoring;

(ii) Family or individual therapy;

(iii) Day treatment services;

(iv) Residential or outpatient mental health counseling, sex offender counseling, or substance abuse counseling;

(v) Parenting classes for youths or custodians;

(vi) Respite care; and

(vii) Emergency shelter services.

(C) These services may be acquired by agreement with comprehensive community-based providers capable of delivering the required continuum of services.

(D) The division shall collect data regarding the effectiveness of these services and report semiannually to the Youth Justice Reform Board;

~~(4)(A)~~(5)(A) Serious offender programs, for youths charged with violent offenses, shall consist of appropriate residential treatment programs at any of the youth services centers or facilities.

(B) Serious offender programs or community-based programs may be acquired by agreements with entities or agencies deemed appropriate and capable of providing such services;

~~(5)(6)~~ Less restrictive community-based programs selected by the Director of the Division of Youth Services of the Department of Human Services for youths not deemed at risk of performing violent offenses;

~~(6)(A)~~(7)(A) Observation and assessment services shall consist of, but not be limited to, those activities necessary to ensure appropriate recommendations for intervention, services, and placement of low-risk and medium-risk juveniles.

(B) Observation and assessment services may be acquired by agreements with community providers or other agencies or individuals deemed to have the appropriate level of expertise to perform observation and assessment or diagnosis and evaluation;

~~(7)(A)~~(8)(A) Residential observation and assessment services shall consist of, but not be limited to, those activities necessary to ensure appropriate recommendations for intervention, services, and placement of high-risk juveniles.

(B) Residential observation and assessment services may be performed by or at appropriate state-operated facilities or by agreement with appropriate agencies or individuals deemed to have the appropriate level of expertise to perform residential observation and assessment or diagnosis and evaluation;

~~(8)(A)(i)~~(9)(A)(i) Community-based alternative basic services

shall consist of, but not be limited to, prevention, intervention, casework, treatment, counseling, observation and assessment, case management, and residential services.

(ii) Primary goals for community-based alternative basic services shall be the prevention of youths from entering the juvenile justice system and the provision of professional, community-based, least-cost services to youths.

(B) These services ~~shall~~ may be acquired by agreements with ~~local community providers or other agencies or individuals deemed professionally capable and appropriate to deliver such services~~ comprehensive community-based providers capable of delivering the required continuum of services; and

~~(9)(A)(10)(A)~~ Expanded services may consist of, but not be limited to:

(i) Expansion of existing programs;

(ii) Specific programs for alcohol, drug, or sex offenders;

(iii) Special therapeutic treatment programs or client-specific services in which a consistent population has been defined as in need of multidiscipline care and services; ~~and~~

(iv) Expansion of proven, effective, early intervention and prevention program activities; and

(v) Restoration of previously proven effective interventions that prevent incarceration.

(B) Utilization of funds appropriated for expanded services shall be as directed by the director.

SECTION 3. Arkansas Code Title 9, Chapter 28, is amended to add an additional subchapter to read as follows:

Subchapter 12 – Youth Justice Reform Board

9-28-1201. Youth Justice Reform Board – Creation – Membership.

(a) To ensure statewide accountability for the delivery of youth services consistent with this Act, the Division of Youth Services of the Department of Human Services shall create the Youth Justice Reform Board no later than sixty (60) days following the effective date of this section,.

(b)(1) The members of the Youth Justice Reform Board shall be selected by the Director of the Division of Youth Services of the Department of Human Services for a single four-year term, with appointments approved by the Governor.

(2) The Youth Justice Reform Board shall be composed of a maximum of twenty-one (21) representatives who have demonstrated a commitment to improving youth services, with individuals selected from key stakeholder groups, including without limitation:

(A) Juvenile justice system-involved families;

(B) Youths who have received or are receiving services delivered by the division;

(C) Representatives from the Department of Education, Department of Workforce Services, the Division of Children and Family Services of the Department of Human Services, and the Division of Behavioral Health Services of the Department of Human Services;

(D) Youth services providers;

(E) Circuit court judges who routinely preside over juvenile cases;

(F) The Administrative Office of the Courts;

(G) Prosecuting attorneys or deputy prosecuting attorneys who are routinely involved in juvenile delinquency cases;

(H) Public defenders or deputy public defenders who are routinely involved in juvenile delinquency cases;

(I) Advocacy groups, including the designated state protection and advocacy group for individuals with disabilities, and other research and advocacy groups with established leadership for children and families in Arkansas;

(J) The Juvenile Ombudsman;

(K) Members of the Arkansas Coalition for Juvenile Justice Board;

(L) Members of the Arkansas Supreme Court's Commission on Children, Youth, and Families' Subcommittee on Juvenile Justice Reform; and

(M) Experts in adolescent development.

(c) The Director of the Division of Youth Services of the Arkansas Department of Human Services, or his or her designee, shall serve as chair of the Youth Justice Reform Board.

(d) The Youth Justice Reform Board shall meet at least quarterly.

(e) The Division of Youth Services shall provide administrative support necessary for the Youth Justice Reform Board to perform its duties.

(f) The Youth Justice Reform Board shall cease operation by June 30, 2019.

9-28-1202. Powers and duties.

(a) As used in this section:

(1) "Proven effective alternatives" means interventions, supports, programs, and practices that are recognized as best practices based on rigorous evaluation and research, or are based on a clear and well-articulated theory or conceptual framework for delinquency prevention. These include, without limitation, community-based services which are currently provided or have been provided and have demonstrated to be effective in reducing secure confinement and institutional placement of youthful offenders;

(2) "Secure confinement" means confinement in a public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody and is used for the placement and disposition of a juvenile adjudicated to be delinquent; and

(3) "Serious risk to public safety" means a high risk that a youth will reoffend without intervention as measured by a validated risk assessment.

(b) The Youth Justice Reform Board shall:

(1) Assist the Division of Youth Services of the Department of Human Services in determining the method for calculating savings realized from reduced state commitments and in educating the public about the plan developed to reduce reliance on secure confinement; and

(2)(A) Make annual reports to the division, the Governor, and the General Assembly regarding system reform and improvements needed to implement the goals and purposes of this subchapter.

(B) By no later than June 30, 2016, the Youth Justice Reform Board shall submit to the Division of Youth Services, the Governor, and the General Assembly a plan to reduce over a two-year period the use of secure confinement for youths who do not present a serious risk to public

safety.

(C) The plan to reduce secure confinement shall include measurable objectives for developing and maintaining proven effective alternatives to secure confinement in communities statewide, as well as strategies to achieve those objectives throughout all parts of the juvenile justice system.

(c) To provide needed expertise, the Youth Justice Reform Board may seek outside technical assistance to aid its work.

9-28-1203 Summary of savings.

(a) The Division of Youth Services of the Department of Human Services, through the Youth Justice Reform Board, no later than July 1, 2016, shall establish a method to calculate state costs saved from the avoidance of and reductions in youthful offender commitments by each judicial district.

(b) The division shall include in its annual report a summary of the data and method used to calculate savings generated from a reduction in commitments, the total amount of savings generated, and the impact of such reduction on public safety and youth outcomes.

(c) The General Assembly shall consider the summary of savings in making appropriations to the division to allow for the support and expansion of proven effective community-based alternatives to secure confinement for youths who otherwise would have been committed to the division.

/s/Irvin