

ENHANCED JUVENILE JUSTICE GUIDELINES

Disclaimer

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NCJFCJ

- National non-profit judicial membership organization
- The **MISSION** of the National Council of Juvenile and Family Court Judges is to provide all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice.

Thank You

- State Justice Institute
- Update Committee

Poll Question

- How Familiar Are You with the original Juvenile Delinquency Guidelines:
 - I helped create them
 - I've used them
 - I've read them
 - I've heard of them
 - I've never heard of them

Introducing the Enhanced Juvenile Justice Guidelines (Spring 2005)

Introducing the New Enhanced Juvenile
Justice Guidelines (Winter 2019)

**WHAT DO YOU THINK IS
MOST IMPORTANT IN
JUVENILE JUSTICE COURT
CASE PROCESSING?**

HISTORY OF THE ENHANCED JUVENILE JUSTICE GUIDELINES

What do you think has changed the most in juvenile justice over the last 15 years?

THE UPDATE PROCESS

Why Did the Juvenile Delinquency Guidelines Need to be Updated?

- Language
- New practices in courts
- New recommended practices
- More and better research about youth and crime
- Supreme Court rulings

The Update Process (1)

- It was a lot!

The Update Process (2)

- The Update Committee met in December 2017
- Prior to the meeting each member of the committee was assigned a chapter of the JDG to review and identify changes that would need to be made
- At the December 2017 meeting the Committee discussed each chapter and the proposed changes
- Each month NCJFCJ staff would update a chapter of and send it to the Update Committee for review
- The Update Committee met online each month and discussed the update and any questions that came up as a result
- Then NCJFCJ updated the chapters again
- And the Updated Committee reviewed and commented one final time

THE KEY PRINCIPLES

Changes to the Key Principles

- The Key Principles are now grouped:
 - Fairness, Equity, and Procedural Justice
 - Pursuit of Excellent
- We also added two key principles:
 - Equity of Access
 - Adolescent Development

Fairness, Equity, and Procedural Justice

- All members of the juvenile justice court shall work to promote equity and impartiality when working with youth of color.
- All members of the juvenile justice court shall treat youth, families, crime victims, witnesses, and others with respect, dignity, courtesy and cultural understanding.
- Juvenile justice court judges should ensure their systems divert cases to alternative systems whenever possible and appropriate.
- Youth charged in the formal juvenile justice court must have qualified and adequately compensated legal representation.
- Juvenile justice court judges should ensure crime victims have access to all phases of the juvenile justice court process and receive all services to which they are entitled by law.

Fairness, Equity, & Procedural Justice

- Juvenile justice courts should render timely and just decisions and trials should conclude without continuances.
- Juvenile justice system staff should engage parents and families at all stages of the juvenile justice court process to encourage family members to participate fully in the development and implementation of the youth's intervention plan.
- The juvenile justice court should engage the school and other community support systems as stakeholders in each individual youth's case.
- Juvenile justice court judges should ensure court dispositions are individualized and include graduated responses, both sanctions and incentives.
- Juvenile justice court staff should demonstrate an understanding of adolescent development.

Pursuit of Excellence (1)

- Juvenile justice court judges should engage in judicial leadership and encourage system collaboration.
- Juvenile justice systems must have adequate staff, facilities, and program resources.
- Juvenile justice courts and juvenile abuse and neglect courts should have integrated one family-one judge case assignments.
- Juvenile justice court judges should have the same status as the highest level of trial court in the state and should have multiple year or permanent assignments.
- Juvenile justice court judges should hold their systems and the systems of other juvenile justice court stakeholders accountable.

Pursuit of Excellence (2)

- Juvenile justice court judges should ensure the court has an information system that can generate the data necessary to evaluate performance, facilitate information sharing with appropriate agencies, and manage operations information.
- Juvenile justice court judges should ensure effective post-disposition review is provided to each delinquent youth as long as the youth is involved in any component of the juvenile justice system .
- The juvenile justice court judge is responsible to ensure that the judiciary, court staff, and all system participants are both individually trained and trained across systems and roles.
- I thought this seemed more like a pursuit of excellence rather than a procedural justice principle, please let me know your thoughts.

CHANGES TO GUIDELINES THEMSELVES

We Updated the Language

- The most notable change to the language is the title – The Enhanced Juvenile Justice Guidelines.
 - The term delinquency and delinquency court were replaced with juvenile justice.
- We removed terms that are no longer used.
- We added new language, particularly around sexual orientation and gender identity.

Changes in Practice

- Increased use of risk, need, and responsivity to make decisions
- Increased use of diversion programs
- Reduced use of detention
- Changes in the ways in which cases can be dismissed/processed

Changes in Recommended Practice

- Use of fines and fees for youth
- Shackling youth
- Changes in thinking about privacy
- Recommendations regarding racial and ethnic disparities
- Recommendations regarding gay, lesbian, bi-sexual, transgender and gender non-conforming youth

More and Better Research About Youth and Crime

- Use of risk, need, and responsivity instruments to understand youth crime
- Adolescent development
- Adolescent recidivism

Supreme Court Rulings

- Roper v. Simmons, 541 U.S. 1040 (2005)
- Graham v. Florida, U.S. Supreme Court, 560 U.S. (2010)
- Miller v. Alabama, U.S. Supreme Court, 567 U.S. (2012)

Changes to the Format

- The Enhanced Juvenile Justice Guidelines is a completely web-based document
- Links to additional resources
- Searchable

What do you think the future of juvenile justice will look like?

Next Steps

- Add demonstration sites
- Create supporting tools
- Present at national conferences
- More webinars on specific aspects of the EJJG

What Tools and Resources Would You Like To See Created?