

**MISSOURI STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE:
IDENTIFYING BARRIERS AND INCENTIVES FOR THEIR USE IN JUVENILE
DELINQUENCY CASES**

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ABSTRACT

On April 24, 2001, the Missouri Supreme Court issued an Order that approved the Standards for the Administration of Juvenile Justice for distribution. The standards were distributed to Missouri's Presiding Judges and Juvenile Officers. The purpose of this evaluation is to determine for juvenile delinquency cases how many circuit juvenile officers have implemented any one of the standards, and determine what are the incentives to implement the standards and what are the barriers.

The measurable goals of this project include: whether or not juvenile officers are resistant to the standards, are juvenile officers using the standards, what are the barriers to implement the standards, and what do juvenile officers identify as incentives to using the performance standards?

Although much has been written about the *Trial Court Performance Standards*, there is a paucity of information regarding juvenile justice performance standards and their application in administrative case processing from intake to case disposition in delinquency cases. Missouri's juvenile courts receive nearly 86,000 referrals each year; nearly 70% are handled administratively. The standards to set a framework into place how referrals are informally processed, what occurs, when it occurs, and when is done.

The research methodology used for the project included an electronic survey that was mailed to all 45 juvenile officers in the state. Respondents were given one week to respond and return the survey. The surveys provided information about how many juvenile officers implemented one or more of the eight standards, and what standards were implemented, the barriers for implementation and identify incentives that encouraged implementation. Additional telephone interviews were held with thirteen juvenile officers to determine more detail on how they were using each of the standards.

The conclusions drawn from this project are that the standards have received a positive acceptance from the juvenile officers: fifteen circuits or 39% have implemented two or more of the standards. The most significant barriers are the lack of adequate staff, and an omission of training. The most significant incentives

include certification by the Supreme Court that a circuit is in compliance with a standard, training, and funds to evaluate standard compliance.

I. INTRODUCTION

Although much has been written about performance standards as they apply to the courtroom, such as the Trial Court Performance Standards, Case Processing Time Standards, and Judicial Officer Workload, there is a paucity of information relevant to administrative case processing in juvenile justice. Nor is there much information available on performance standards and measures on the managerial process, such as informal adjustment the statutory authority for juvenile officers in Missouri to provide an administrative disposition to delinquency and child/abuse/neglect referrals. Missouri's forty-five (45) juvenile officers are the "registration desk" for all juvenile offenders and child victims of abuse and neglect. Each year juvenile officers receive in excess of 86,000 referrals from law enforcement agencies, schools, social service agencies, and parents. Authorized by court rule and statute, nearly 70% of all referrals for delinquency and child abuse/neglect are disposed of informally or administratively by the juvenile officer without the benefit of performance standards or measures. For many years, it has been difficult for Missouri juvenile justice professionals to define and defend the scope and framework of what they do in administering individual justice to individual child victims and juvenile offenders.

The organization of the Missouri Standards for the Administration of Juvenile Justice, approved by the Supreme Court for distribution May 10, 2001, follows much from the major volume of the four part series describing the Trial Court Performance Standards. There are eight areas of performance standards:

- Access to Juvenile Justice
- Independence and Integrity

- Timeliness and Responsiveness
- Records
- Victim Rights
- Delinquency Case Processing
- Dispositions
- Detention Facilities and Services

This paper will begin to examine the implementation or use of the standards by Missouri's 45 juvenile officers in juvenile delinquency cases and attempt to identify the barriers and incentives of applying the standards. Although the title of this paper is *Missouri Standards for the Administration of Juvenile Justice: Identifying the Barriers and Incentives for Their use in Juvenile Delinquency Cases*, many of the standards apply to child abuse/neglect cases as well; such as, Access to Juvenile Justice, Independence and Integrity, Timeliness and Responsiveness and Records. Specifically, these four standards will apply to the administrative process of receiving the child abuse/neglect referral, screening the report to determine the nature of the abuse/neglect, and deciding whether or not to proceed administratively (informal adjustment) or formally by filing a petition in juvenile court. Standards including Delinquency Case Processing, Dispositions, and Detention Facilities and Services do not apply to child abuse/neglect cases.

II. BACKGROUND: JUVENILE COURTS IN MISSOURI

Missouri's court of original jurisdiction in matters relating to juveniles is the circuit court. Administrative authority for the juvenile division in each circuit court rests with the presiding circuit judge, although in some circuits the functional administration of the division may be

designated to another circuit judge or associate judge within the circuit. Article V, section 5 of the Missouri Constitution places rule-making authority for the court system with the Supreme Court. Rules of practice and procedure for the juvenile court are outlined in the Missouri Rules of Court. Practice in the juvenile courts is governed by civil rules of court as in cases of equity. The juvenile court by statute and by rule is a court of civil process. The circuit court may adopt its own rules of practice and procedure as long as they are not inconsistent with Supreme Court Rules, the Constitution or statute.

Missouri currently has 45 different juvenile court systems operating independently, with little or no centralized administrative or procedural support or guidance. Ultimate superintending responsibility for the court system at the state level rests with the Supreme Court. Although the juvenile division is a division of the circuit court, it has been unique in its funding of personnel costs and operations. Unlike other divisions, juvenile court personnel are responsible for determining grounds for jurisdiction over juveniles who have committed law violations, status offenses, and those who have been victimized by abuse and neglect. Each circuit has a juvenile officer whose responsibility is taking charge of children who come within the jurisdiction of the juvenile court and administering juvenile court services. Thus, the juvenile officer's office is the registration desk for all juveniles who are reported to have committed an act of delinquency or victimized by abuse/neglect. In addition, the juvenile division is responsible for providing direct services to youth and families. As part of its function, the juvenile office provides many and varied intervention and treatment services including probation services and residential care. Challenges that have made it very difficult for many juvenile courts to pace include: an increase in referrals made to the juvenile court, specialized treatment needs of youth, legislative changes related to certification hearings regarding serious and chronic

offenders, permanency planning, amendments in the provision of state services, and fiscal austerity at the county level.

What the juvenile court does, who does it, when and how it is done has been poorly defined. Efforts to explain the nature and scope of juvenile justice business to the public, victims, media representatives, and legislators have long been inadequate. To say that juvenile court personnel are very busy and more resources are required to get the job done, no longer goes far in articulating the need. Horrific cases and sad stories are anecdotal and may support an argument or knee-jerk legislation, but they fail to explain the mission and breadth of the complex business of juvenile justice.

III. MISSOURI STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

The Standards in the Administration of Juvenile Justice now approved by the Supreme Court were developed to promote the development of best practice model and provide an empirical basis for planning, assessing, and improving juvenile justice in Missouri. The standards were intended to be fair, clear, adaptable, and connected to the overall mission of the juvenile justice system. Careful consideration was also given to issues of feasibility, measurability, and ease of implementation. The standards apply to juvenile “courts” in Missouri and defined by Missouri Supreme Court Rule 110.05. Thus, they are applicable to the juvenile office and the services that are provided, not to formal case processing of cases in the courtroom. The Trial Court Performance Standards are the best tools for performance measures in the courtroom. (See Appendix A for Standards in the Administration of Juvenile Justice and Commentary.)

Juvenile officers from rural and urban, multi-county, and single-county circuits were represented on the committee who developed these standards. Committee members were

mindful of the variability of available resources in circuits around the state and attempted to set standards that would not impose too onerous a burden to implement. In addition, the standards are premised on the notion that core values of equality, integrity, fairness, and justice should drive court performance. The standards offer a common framework for understanding and assessing the work of juvenile and family courts and enhancing performance.

To avoid redundancy, the committee did not develop standards that merely reiterate what is already in existence in policies, rules, and procedures set forth in Missouri statutes or Missouri Supreme Court Rules. When appropriate, the standards include references to the statutes and rules in order to help insure compliance and make juvenile justice staff more aware of the relationship of these to the performance standards.

The Missouri Court Performance Standards for the Administration of Juvenile Justice were developed for use by Missouri juvenile courts and juvenile justice professionals. The standards are premised on the notion that court performance should be driven by core values of equality, integrity, fairness, and justice. The standards offer a common framework for understanding and assessing the work of juvenile and family courts and enhancing performance.

It is intended that the standards will be adopted by Missouri juvenile courts. Collectively, the standards offer a vision to Missouri juvenile justice professionals of a system that balances individual rights with protection of the public. Through implementation of the standards, the Missouri juvenile justice offices can become more accountable and responsive to the public and better meet the needs of the family and children whom they serve.

The purpose of this study is to begin the examination of how juvenile officers have accepted the standards and how much the standards are being used. It seeks to identify the barriers that may hinder use of the standards and at the same time uncover incentives that may

promote successful implementation. The standards were introduced to juvenile court personnel in the fall of 2000 at state regional meetings for review and comment. At that time, personnel seemed receptive to the standards. In the fall of 2001, juvenile court staff members were again presented with the standards at state regional meetings, and they were again met with minimal resistance. Since the Supreme Court approved the standards in April 2001, however, no support has been provided to juvenile offices in the use or the implementation of the standards.

Revealing the barriers to implement the standards and discovering incentives will assist in planning services for juvenile offices to use and implement the standards, therefore the measurable objectives for this project include:

1. Are juvenile officers resistant to performance standards?
2. Are juvenile officers using the performance standards?
3. What are the barriers to using the performance standards?
4. What do juvenile officers identify as incentives to using the performance standards?

The standards are intended to offer a common framework for understanding the work of the juvenile office, and a means by which juvenile officers can evaluate and comprehend their own workload, as well as a means to make better and smarter choices about resource demand and need, and enhance performance. In addition, they give guidance on how courts can better serve the juvenile office customer, the public, be more responsive and accountable.

IV. BARRIERS AND INCENTIVES TO PERFORMANCE STANDARDS IN JUVENILE DELINQUENCY CASES

These standards are intended to offer a means for self-assessment and improvement for each juvenile office and our juvenile justice system. Implementation should be an ongoing process. The Missouri Standards for Administration of Juvenile Justice also provide a basis for

continual data collection, monitoring, and evaluation. Measurement of performance is an essential element to the overall success to the use of the standards. Upon implementing these standards, thoughtful consideration should be given about how processes and outcomes will be measured.

There are two dimensions to evaluating the success of Missouri's juvenile justice standards effort: evaluation of the implementation process and the evaluation of outcomes. The evaluation of the process consists of determining if and to what extent the practices described in the standards are actually being implemented. Attention to evaluating the process is essential. It would not be fair to judge standards based solely on outcomes, without attention given to whether they were implemented properly. Outcome data alone can be misleading and lead to the conclusion that standards were not achieving intended goals, when in fact they were not implemented properly. The standards reflect, for the most part, fairly specific practices and processes that when implemented, can have observable and measurable impact.

Evaluating processes alone, however, will not produce any information about the impact of the standards. When evaluating process, the questions are: *Is a particular standard being met? If not, why not? What is actually being done?* An outcome evaluation poses questions regarding the impact of a particular standard: *What is the result of having implemented this standard?* Ideally, this is measured against an expected outcome. For instance, if a standard sets a maximum time limit for a decision or other action, the following questions are relevant: *Are operations more efficient? Has case-processing time been reduced? Are users more satisfied?* Terms for describing expected outcomes should be as concrete as possible so that they can be relied on as performance indicators.

The mission of the Standards in the Administration of Juvenile Justice Committee was to establish standards for the operation of juvenile justice offices and their services, which did not include the development of a measurement system. The Committee members strove to create measurable standards; however, they felt it incumbent to identify some expected outcomes when standards are met. Each juvenile justice office must establish its own outcome for each standard, and this process may be greatly facilitated by using the suggested measures outlined in Appendix A.

Some potential methods of measurement are recommended, although these are not intended to be exhaustive. Circuits are encouraged to seek innovative means for measuring outcomes. Feasibility of methods of measurement, as well as preferences for use, will vary across juvenile offices. Users should be aware of the strengths and weaknesses of each proposed measure, and how to properly construct the measures (e.g., survey construction issues). Much of the data collected regarding performance indicators are qualitative and the same tools can be used to measure different outcomes. Structured interviews, facilitated focus groups, and surveys are recommended for several outcomes. To decrease costs and time spent in data collection, each of these methods can capture data on multiple outcomes. For instance, a single survey can capture data on perceptions of accessibility, fairness of recommendations and decisions, and timeliness of decisions and other actions.

Also, sound evaluation of effectiveness should ideally include multiple measures of a single outcome. Any single measurement method has weaknesses or degree of error; use of multiple and overlapping measures can greatly improve measurement quality.

The Trial Court Performance Standards volume provides an additional rich source of information on how standards can be measured.

V. ORGANIZATIONAL PERFORMANCE

While juvenile justice professionals have responsibility for complying with the standards, the intended focus is on how the juvenile justice office and its services as a whole performs, not any one individual. The overall performance of the juvenile justice office is advanced through a system in which standards are set and met. There are inherent rewards to an organization that is able to operate more efficiently, more effectively, and able to produce greater client satisfaction. Likewise, the juvenile justice office, not any one individual, is held accountable and experiences consequences when standards are not met.

The criminal justice observer John Dilulio proposes four civic ideals that form the basis of the justice system: a) doing justice; b) promoting secure communities; c) restoring crime victim and d) promoting non-criminal options. The Standards for Administration of Juvenile Justice are based on these ideals. Those juvenile offices that implement these standards can help insure that all those who are served by their agency—offenders, victims, and other participants—are treated fairly and equitably, that sanctions are just, and that there is a balance among public safety needs, individual rights, and the allocation of scarce resources.

VI. LITERATURE REVIEW: BARRIERS AND INCENTIVES TO IMPLEMENTATION OF PERFORMANCE STANDARDS

Juvenile court administrators, the judiciary, and juvenile justice professionals are increasingly seeking ways to demonstrate that the juvenile justice system can be effective and accountable and that juvenile courts perform vital functions. A system of performance standards offers one such avenue. Performance standards rooted in civic ideals offer a means for self-assessment, self-improvement, and accountability.

This paper reviews the literature relevant to court performance and juvenile justice standards. This review was conducted to inform the work of the Missouri Standards for Juvenile Justice Committee in developing a set of performance standards for juvenile courts in Missouri.

A. The Case for Performance Standards

Public polls indicate that the criminal justice system is less respected than most other public institutions, and court performance in particular is a source of dissatisfaction (Rottman and Casey, 1999). The juvenile justice system shares these image problems. High-profile crimes committed by juveniles fuels public fear and outrage and leaves the juvenile system vulnerable to attacks. The juvenile crime surge that began in the 1980s and continued through the mid-1990s triggered a demand for significant reforms in the juvenile justice system. Nearly every state has passed some legislation limiting juvenile court powers. The legitimacy and competence of the court continues to be challenged.

Courts have been criticized as non-responsive, inaccessible, and distanced from the problems of the general community. Casual observers and even participating citizens may perceive court processes as convoluted, arcane, and obscure, and these perceptions contribute to public dissatisfaction. As public trust declines, the legitimacy of the juvenile justice system declines.

According to proponents of reinventing government, public enterprises, like private ones, cannot be successful until they are directly accountable to the people they serve (Osborne and Gaebler, 1992). The notion that juvenile courts and the juvenile justice system should be accountable to the public is tough to refute, but determining what the public wants and the precise relationship between public demand and agency outcome is tricky. Should “consumer

satisfaction” figure into the equation for assessing court performance, and if so, who are the consumers of court outcomes? Is it those directly served or the community at large?

A major difficulty in regaining the public’s confidence is that the public’s expectations of what courts can and should accomplish may be at odds with what court insiders see as realistic objectives and goals. Public opinion is far from united, as some citizens advocate a system that focuses on rehabilitation, while others want one that insures incapacitation or retribution. Moreover, while few would argue that courts should strive toward fairness, justice, and equality, there may be considerable disagreement among stakeholders as to how these concepts should be defined, let alone translated into policy/procedures and subsequently measured.

Public demands fail to take into account the complexity of the tasks courts face. Juvenile and family courts are expected to solve problems that have never been completely resolved in any society -- problems such as family conflicts, mental illness, and defining the limits of “normal” adolescent behavior. And, like the adult criminal justice system, the juvenile system must maintain the delicate balance between protecting individual rights while protecting public safety. These problems are complex and fraught with value conflict. What is an ideal outcome for one participant or group is often seen as an example of poor court performance by those participants or groups on the “other side” of the issue.

Juvenile court professionals are aware of the limitations under which courts operate and the problem of contradictory goals, and they can easily grow frustrated in the face of public criticism. This is why the measurement of performance is so crucial. Osborne and Gaebler (1992) explain that, “If you don’t measure results you can’t tell success from failure, and if you can’t demonstrate results, you can’t win public support.” Standards can provide a means for measuring what courts do and demonstrate how processes and activities of the system are linked

to outcomes. In support of performance measurement systems, Joan Petersilia (1993:76) points out that: “When public agencies fail to define their mission internally, political influences are more apt to define it for them. And when they fail to articulate how they should be evaluated, outcome measurements such as recidivism rates will likely be imposed upon them.”

Public organizations have always been faced with the challenge of finding the best ways to measure performance. Unlike businesses that operate for profit, there is no clear bottom line that sums up success. How should the effectiveness of juvenile courts be measured? In order for standards to be useful, they must be more than just ideals. They need to take into account system capacity, they must be measurable, and they should set realistic benchmarks for an agency to achieve. Strong performance standards can help the juvenile system close the distance between how it should be performing and how it actually is. A set of performance standards can offer the system a way to balance the often-conflicting goals it is expected to achieve, through assessment of multiple outcomes.

The high rate of juvenile crime and the increase in juvenile violence is frequently offered as evidence that juvenile courts do not work effectively. The argument is that if juvenile courts were more effective, there would be less crime committed by juveniles. Certainly as one cog in the juvenile justice system, juvenile courts shoulder some of the responsibility for deterrence, rehabilitation, reintegration, incapacitation, and punishment. Yet as the criminal justice observer John DiIulio argues, the assumption that crime and recidivism rates constitute the sole or even the most important measures of performance by courts and criminal justice agencies is flawed (DiIulio, 1993: 1-3). While crime rates and offender behavior may be targeted for change by the juvenile court, a number of factors over which the court has no control also influence these.

B. The New Paradigm

There are other indicators of performance that must be considered to properly assess juvenile court performance. A new paradigm is emerging that goes beyond the assessment of court and other criminal justice agencies' performance through examination of crime rates and recidivism. The following section discusses this new paradigm.

In the new paradigm, performance measures for courts and other public agencies share an important characteristic with those traditionally used in the private sector—they are service-oriented. That is, they are defined by the members of the general public who experience the results of court and public agency activities. At the same time, proponents of the paradigm press for measures that are realistic, based on the daily activities of courts and other justice agencies, and take into account the constraints under which these agencies operate. Within the new paradigm, measures are explicitly directed at outcomes, rather than inputs, and take into account the multiple goals of courts and other justice agencies.

An important difference between the old and the new, or emerging paradigms, is reflected in the difference between the two dimensions for assessing court performance, one that concerns court structure and processes, and the other that concerns outcomes. Until the mid-1970s, structures and processes were regarded as the key elements in evaluation of court performance, and it was assumed that these inputs naturally came to bear on court outputs, which in turn influenced outcomes (Keilitz, 2000).

The conventional wisdom was that sufficient attention to successful court structure and processes guaranteed satisfactory outcomes. Certainly, these two dimensions are not independent of one another. Court structure and processes affect performance outcomes in that they are believed to mediate certain values, such as efficiency. Yet identification of the desired outcomes, let alone actual measurement of outcomes, went largely ignored. The role of the

public as consumers of court outcomes was also de-emphasized. Performance measurements were derived solely from court and justice system managers and other professionals, not the general public.

In the old paradigm, court performance researchers relied on performance indicators such as conviction rates and case processing times, which are process measurements. A great deal of emphasis was placed on the measurement of efficiency. Studies of this nature offered little insight into what was the *impact* of court processes and the relationship between efficiency and effectiveness (Cole, 1993). Nor could it be demonstrated whether courts were operating according to principles such as fairness, equity, and justice. Critics pointed out that a focus on efficiency at the expense of other values could produce injustice and damage institutional integrity (Gallas, 1987).

Beginning in the late 1970s, there was a shift in court performance research from relatively narrow topical research that focused on just one aspect of court performance (i.e. plea bargains) to broad-based research assessing the role of courts in the overall justice system. This shift began with a series of studies commissioned by the National Institute of Law Enforcement and Criminal Justice in 1978. This body of research was undertaken to study performance measures in the criminal justice system, including police, corrections, and courts. Among the findings that emerged from this project was that there was a lack of consensus in the field as to what should be measured, how measurement should take place, and the definitions of key court outcomes like justice and equality.

Despite the growing rhetoric regarding the need for value-based performance standards that address court outcomes and a system of strategies and techniques for assessing performance, most models fell short of the ideal. It was not until 1997, when the Bureau of Justice Assistance

published a four-volume set of materials on the Trial Court Performance Standards and Measurement System (first promulgated in 1990 by a national commission working with the National Center for State Courts), that a detailed blueprint for assessing court performance would become widely available.

The Trial Courts Performance Standards are clustered into five performance areas that represent the fundamental mission of courts. These are:

- Access to justice
- Expedition and timeliness
- Equality and fairness
- Integrity, independence, and accountability
- Commitment to public trust and confidence

The model supports four constructs, which reflect key elements in the new paradigm (Keilitz, 2000):

- 1) An emphasis on outcomes v. inputs
- 2) The court as an organization is the proper unit of analysis
- 3) The public has a role in defining the desired results
- 4) Courts are responsive to community needs

The TCPS model rejects a purely utilitarian approach (i.e. focusing exclusively on reduced offending as an outcome) that is disconnected from any underlying vision that is based on values. Agency policies can be fashioned and implemented without any attention to the values of an agency without there being any consistent theme that reflects agency mission. Such policies and practices may have a desired effect on crime rates and recidivism, without regard to the legitimacy of the means. Thus, articulation of underlying values—like justice and equality—

is a necessary component of a sound performance measurement system. In the TCPS model, performance is assessed in the context of these values.

However, a performance system in which only the underlying values and mission are identified is equally inadequate. Abstract values must be connected to concrete, observable performance indicators in order to be successfully measured. The Trial Courts Performance System Implementation Manual (1997) includes explicit measures of performance and offers detailed methods courts can use to gauge the effectiveness of the standards.

The TCPS model exemplifies the significance of the new paradigm to courts. It is both empirical and normative, clearly going beyond measurement of performance to defining and arguably even extending the mission, roles, and responsibilities of courts.

The authors of the *Bureau of Justice Planning Guide for Using the Trial Court Performance Standards and Measurement System* (1997: 4) note that “Several themes are interwoven throughout the standards: the court as service provider (customer orientation), problem solver, institution builder, and proactive governing agent in the community.”

Closely tied to the new roles and responsibilities, as defined in the new paradigm, is the restorative justice movement, which has gained momentum in the past decade. Elements of restorative justice reflect the emerging role of the courts as embedded in the community and a proactive player in community problem-solving efforts. Specialized courts, such as drug courts, domestic violence courts, and teen courts are another manifestation of the new paradigm, as these courts are more explicitly involved in the resolution of social problems.

Critics argue that the new role of the court as a social problem-solver is inappropriate. Defenders of this role point out that courts have always carried such responsibilities. The new paradigm, in effect, validates courts’ wide array of roles and responsibilities.

Within the new paradigm, it is not enough for courts to know what they do, but also what gets done. Courts are challenged to ask the questions: How effective are court activities and processes? and What is the impact of what the court does on the community? The result of implementing a full set of performance standards should be “demonstrable changes in the well-being of the public and the community served by the court [outcomes]” (Keilitz, 2000: 38).

The shift to the new paradigm is far from complete. Neither the TCPS nor other models that promote outcome-oriented, service-oriented performance systems have been wholly embraced by courts. The issues surrounding implementation and institutionalization are addressed in the upcoming section titled “Barriers and Incentives to Implementation.”

C. Models of Performance Standards for Juvenile Courts

There is no definitive model of performance standards for use by juvenile and family courts. Much of the literature on development and implementation of court performance standards concerns adult trial courts. Juvenile and family courts may opt to develop their own performance standard systems or modify models of performance standards developed for adult courts or other juvenile justice agencies. Bearing in mind there is no “one-size-fits-all” model, this section discusses some considerations for juvenile courts seeking to develop or adopt and implement a system of performance standards.

Friedman (1997) offers six characteristics necessary in order for a performance measurement system to be effective. The system must produce measures that are:

- a) Credible - they should be accurate and meaningful representations of the quality and quantity of services an agency provides;
- b) Fair - they should reflect factors that are within an agency’s control;

- c) Clear - they should be easy for both agency insiders and citizens to understand and useful to decision-making;
- d) Practical - they should not be too costly, complex, or cumbersome to implement;
- e) Adaptable - they should be fluid enough to change as the agency changes and grows; and
- f) Connected - they should integrate agency policies and with other aspects of planning, budget, and management.

While these are relevant criteria for both adult and juvenile court performance standards, there are important differences between how these types of courts operate that must be considered when designing or choosing a performance standard model. The proceedings of juvenile courts tend to be less adversarial than those of adult courts, for one. Juvenile courts have historically been more informal and more often take a proactive approach. Because youth are believed to be not yet fully set in their thinking and behavior patterns, there is a greater emphasis on rehabilitating juvenile offenders than is seen in the adult system.

Juvenile and family courts that hear cases involving domestic violence, divorces, custody disputes, and abuse and neglect of children, have cases that are particularly complex and address very sensitive and personal areas in children's and families lives. Because of the scope of the problems juvenile and family courts are faced with, these courts frequently collaborate with community organizations that have similar purposes (serving youth families) than do adult trial courts.

Another important feature of juvenile courts is that they are embedded in community systems and services, in that outcomes produced by the courts are not wholly independent of the other entities and/or organizations. Thus, standards that address performance of courts alone

may be inadequate to insure goals are met. For instance, standards may need to address the quantity and quality of services available to the courts as well.

The TCPS model requires significant modifications before it is effectual at the juvenile or family court level. Specific standards relevant to the role and tasks of the juvenile courts must be developed and performance indicators identified. However, the principles underlying the standards, as well as many of the measurement strategies, are applicable to juvenile and family courts.

Standards do exist for the administration of juvenile justice system-wide. A highly comprehensive set, the *Standards for Administration of Juvenile Justice and Delinquency Prevention* (National Advisory Committee, 1980), offers recommendations for performance in virtually every area of juvenile justice – from prevention to institutional placement.

A more focused set of recommendations is presented in the *Janiculum Report: Reviewing the Past and Looking Toward the Future of the Juvenile Court*. This report resulted from a symposium of professionals concerned with juvenile justice issues convened by the National Council of Juvenile and Family Court Judges and supported by the Office for Juvenile Justice and Delinquency Prevention and the State Justice Institute. The authors offer a blueprint for juvenile court reform and suggest important areas of court performance that should be addressed. Like the TCPS model, the Janiculum Report offers a mission for juvenile courts and describes the goals courts must attain in order to accomplish their mission. The performance areas include jurisdictional and structural issues, procedural issues, programmatic issues, and system accountability.

The *American Bar Association (ABA) Performance Standards for Juvenile Justice* is yet another comprehensive set of standards for the juvenile justice system. These are based on best-

practice research and legal precedent. This model is not explicitly based on service orientation, and does not reflect the themes of the new paradigm to the extent that the others described in this review do. Nevertheless, these standards do not ignore the role of the community and attempt to balance concern for the welfare and rights of the juvenile with the authority to sanction those who violate society's laws. The ABA standards are intended as an antidote to "piecemeal" and "quick fix" approaches that have been tried and failed. This model represents an effort to find some middle ground between "get tough" policies and "soft" policies in the interests of rehabilitation that compromise accountability.

Neither the *Standards for Administration of Juvenile Justice and Delinquency Prevention* the Janiculum Report recommendations, nor the *American Bar Association Performance Standards for Juvenile Justice* constitute a full performance standard system in the sense that the TCPS model does. For instance, these models do not include recommendations for performance indicators or measurement methods.

A common theme among these three juvenile justice model/blueprints is that they all advocate a balanced approach. Within this approach, the tasks of the juvenile justice system include protecting the community, promoting accountability so offenders decrease risk to re-offend and competency to increase chances the youth will lead a productive life, sanctioning delinquent behavior, and providing due process to those who appear before the court.

Any of these models may provide a useful starting point to courts seeking to introduce a performance standards system, and all have something to offer. The choice of which model to adopt is less about which model is the superior one, and more about which model is most compatible with the mission of a particular court and the most feasible to implement. Not

surprisingly, implementing a full system of performance standards can be daunting to courts. Issues surrounding implementation are discussed below.

D. Barriers and Incentives to Implementation

Implementation can be difficult for a number of reasons. A concern all too frequently put forth by those who participated in the development of court and other justice system standards is that implementation has not been pursued as avidly as hoped. One of the members of the committee that authored the ABA standards noted, “They have not been given a fair chance.”¹ Resistance to adopting a full model may be due to the fact that some states and jurisdictions prefer to adopt only part of the standards from a given model, and incorporate these into existing practices they regard as already adequate, rather than adopt the entire model.

However, the authors of the ABA standards argue that their model is interdependent, and that standards are significantly weakened if they are adopted without other, closely related standards. However, it is reasonable to expect that “generic” models (models not developed based on the needs of a specific jurisdiction) like the ABA and TCPS models, are likely to require some refining by courts in order to fit with specific courts needs and availability of resources.

Each court will undergo a period of learning and may find that “ideal measures” do not suit their organizational needs and must be modified before they are viable. It also may become necessary to update standards over time in response to changes in legislation, changes in the population an agency serves, or other variables that affect the social and legal context in which public agencies operate.

¹ Judge Patricia Wald, in the forward to “Robert Shepherd, Editor. 1996. “Juvenile Justice Standards: A Balanced Approach.” p. xii.

Judges or court administrators may also be resistive if they confuse performance standards with accreditation standards (Keilitz, 2000). These are not the same things. Performance standards are a means for internal evaluation and self-improvement, not a means for accreditation, recognition, or cross-agency comparison.

Some courts may lack the necessary resources to implement standards. Many juvenile courts/juvenile offices need whatever funding is allocated to simply maintain the status quo. They may not have the additional funding needed to hire new staff in order to meet recommended caseload ratios and contact standards, to implement the range of programs suggested by some standards, to train staff on the standards, or to upgrade detention facilities, among other things. The evaluation component, too, can be time-consuming and costly. The TCPS model, for example, relies on a wide array of data sources and techniques to assess performance. Measurement techniques include records review, systematic observation, simulations, surveys, and focus group work. Initial measures must be taken to provide the court with performance benchmarks, against which to compare subsequent performance after the standards are implemented.

However, performance standards advocates argue that the funding and resource shortages courts face are one reason why they *should* have performance standards. The standards can provide an agency with a rationale for requesting additional funds from funding sources. Ultimately, a system of standards that has the net result of a more effective and efficient court can result in tremendous long-term savings.

Court professionals may balk at accepting standards that are linked to performance indicators over which they have little control. Such standards can appear to set the agency up for failure. In his discussion of criminal justice performance measures, Logan (1993:37) argues that

it is important to evaluate performance “according to that which it is reasonable and realistic to regard as being within their sphere of influence, competence, and accountability.”² For instance, it is unrealistic to hold courts accountable for overall rates of juvenile crime in the community, though juvenile justice practitioners may agree that it is not unreasonable to expect to have an impact on rates of re-offending among juvenile offenders who have been served by the court.

Legal and policy restrictions are yet another obstacle. It is possible that existing laws and policies are either contrary to practices described in some models of performance standards – because the laws and policies are outdated, or because of the contradictory objectives of the juvenile justice system (for instance, rehabilitation versus punishment). Performance standard systems, however, can be designed to take into account competing goals.

Advocates of the new paradigm warn that implementation is inadequate if court professionals focus primarily on process measures and ignore or downplay outcome measures. Measuring performance simply by assessing compliance with standards (process measures) is not satisfactory. Court professionals must go beyond this to determine what is achieved when a standard is met (outcome measures). Failing to identify intended outcomes of the standards and the performance indicators, and blurring the distinction between inputs (process-related variables) and outputs and outcomes are “the most common pitfalls of performance measurement in the public sector” (Keilitz, 2000:36).

Human resistance to change can present a substantial barrier. Staff may feel threatened by a new set of standards that implies their current level of performance is unsatisfactory. The process of implementation may be viewed as time-consuming and disruptive to the normal workflow of the agency. These and other “negative mental models” hinder successful

² Logan’s essay concerns prison performance standards, but his statement in this regard is clearly applicable to

implementation (Keilitz, Ostrom, Kauder, 1997). Certainly, unintended consequences are virtually inevitable with any ambitious project like implementation of a full performance standards system. But careful planning and attention to line staff feedback can limit the impact of the unexpected. Also, courts that have experimented with adopting performance standards find it is a gradual process, one that is more successful if implemented in steps, rather than the entire package at once.

It is important to understand that implementation of performance measures is a process, not a one-time event or experiment. Full-fledged implementation does require a sufficient input of resources – both in terms of human efforts and in terms of fiscal resources. Yet none of this is a reason to reject performance standards or the new paradigm. Keilitz (2000:24) quotes a judge, who, upon viewing an early draft of the standards, observed that, “These things are like mom, apple pie, and the American way. Who can quibble with them?” Certainly whether juvenile courts choose to adopt the TCPS (modifying it to fit the different needs of specific juvenile courts) or other model, support from court administrators and management is critical. Standards created without the support of the judiciary and other key professionals are likely to fail.

Finally, it must be emphasized that failure to meet performance standards is not cause to sanction an agency. Poor performance may be an indicator that an agency does not have the resources needed to function according to standards. Standards should be viewed as “a tool for learning and self-diagnosis of a trial court’s health” (Hewitt, Gallas, and Mahoney, 1990). An important function of a performance standard system is to provide information to legislators and oversight agencies as to what courts need in order to perform better. The empirical evidence that

performance measures produce can be powerful leverage with which a court can secure resources needed to operate at its optimal level of performance.

E. Concluding Observations in Literature Review

Public agencies that undertake to develop and implement a performance standards system are faced with a significant challenge. Standards must be meaningful, realistic, and capable of being translated into terms that the “consumer” – the public who looks to these agencies for results – can understand and appreciate. Facing this challenge can prove to be well worth the effort, however. At a time when the effectiveness and even the existence of juvenile courts is routinely being called into question, performance standards can be a valuable tool in rebuilding public confidence. They can also assist in bringing some focus and coherence to a system that often appears fragmented and at cross-purposes with itself.

Performance standards are not ends in themselves. Nor are they fixed static concepts. Rather, they are elements in a dynamic process, a process that ultimately results in a juvenile justice system that is not only accountable, accessible, and trustworthy, but that can play a role in building a more just society and strengthening our communities.

VII. METHODOLOGY

On April 4, 2001, the Missouri Supreme Court issued an order approving the distribution of the Standards for the Administration of Juvenile Justice to all presiding judges and juvenile officers in the state. The Supreme Court did not mandate their implementation, nor was implementation of the standards mandated by the Office of State Courts Administrator. Instead they encouraged courts to adopt the standards and put them into use in each of the 45-circuit juvenile or family court offices. The juvenile officer in each circuit is in charge of office administration and case dispensation from referral receipt through intake, service process, and

decisions of whether to proceed formally or administratively. In addition, the juvenile/family court office provides intervention and education programs, supervision, as well as, monitors on-going case activity through termination of jurisdiction.

The research design for this paper is descriptive, and there were two instruments used to collect data. The first was an electronic survey questionnaire. (See Appendix B.) The second was a telephone interview guide. (See Appendix C.)

A. Survey Questionnaire

The survey questions served to gather a portrait of the standards being used by juvenile officers, how familiar they were with the standards, were the standards accepted, and were they of utility. Juvenile officers were asked if they were using any of the standards and, if so, how many standards did they implement? The expectation was that many of the standards would not be used, particularly, the rigorous case processing time frames. There were also questions directed at identifying various incentives to use the standards. For the most part, the expectation was that most juvenile officers would desire some tangible encouragement or recognition to use the standards; such as, funds to use to evaluate standard compliance, special recognition by the Chief Justice, and funds for specialized training. A comment line was also available for juvenile officers to offer their own incentive suggestion, hopefully providing a rich source of incentives to use for implementation.

Questions directed at illuminating barriers would tell us whether there was some particular barrier such as, not enough staff, no available training, time frames too rigorous, and staff not interested that would be a “show stopper” preventing implementation. Juvenile officers were also requested to indicate other barriers with the expectation being that comments would be received, for example, this is just “the state office once again telling us what to do.” If, on the

other hand, the juvenile officers were considering using the standards, they could indicate within the next year which of the standards would be implemented. Thus, offering a time frame to estimate implementation.

As a result of the survey, we expected to learn whether or not the juvenile officers and staff were accepting of the standards, whether or not the juvenile officers viewed the standards as important at both the local and state level, and how widespread the standards being used were. The expectation was that the juvenile officers would view the standards as an excellent resource tool that offers a framework for their administrative case processing. The survey was pre-tested by former court staff and some changes were made. The sample included the total universe of judicially appointed juvenile officers in the state. Some juvenile officers also carried additional titles of family court administrator or director of court services. The juvenile officer is cloaked with broad statutory authority and power to perform the duties incident to the office. The position of juvenile officer not only implements governing policies, but also sets the overall philosophy of the juvenile justice system in the community. The juvenile officer's role is unique in that the authority and power of the position is unchecked; no one else in the juvenile justice system has such authority to remove children from their home or detain juveniles on verbal authority. The juvenile officer and his or her staff members serve as prosecutor, probation officer, and treatment provider in all juvenile cases referred to the juvenile court.

An electronic response survey was e-mailed to all 45 juvenile officers in the state. Juvenile officers were advised that their identity and identification of their circuit would not be disclosed. As surveys were returned, responses were entered into an "Excel" spreadsheet. The survey requested *yes* or *no* responses and check boxes were provided. If the check boxes did not match their answer, comment areas were provided, such as, "should there be incentives for using

the standards?” If so, they were to check all that apply. If the check box did match their response, a comment could be offered.

The survey was designed for responses to be easily entered into the spreadsheet format. Each response was entered into a separate row making tabulation a simple process.

B. Interviews with Juvenile Officers

After survey responses were received from the juvenile officers and their responses recorded in a spreadsheet, a telephone questionnaire or interview guide was prepared. Of the 38 juvenile officers who responded to the initial survey, 13 juvenile officers were selected to undergo a telephone interview. The sample reflects a good geographical distribution of juvenile officers representing the central, northeast, northwest, and southwest portions of the state. These 13 juvenile officers were from rural multi-county, and single county circuits of the first class. Single county circuits from the first class tend to be more metropolitan, such as Platt County, which is, for the most part, a suburb of Kansas City. Also included were the major urban/metropolitan areas of the state: St. Louis and Kansas City. This sample consisted of circuit juvenile officers who were using the standards and several juvenile officers who were not using the standards. Juvenile officers were contacted by telephone to determine their willingness to participate in the interview and then an interview date was scheduled. The interview guide was sent to each juvenile officer several days in advance of the interview to help him or her prepare for the interview. In order to gather frank and candid comments the juvenile officers were advised that their identity and the circuit’s identity would not be disclosed. Each interview lasted approximately one hour. Each of juvenile officers responses were recorded and then returned to the interviewee to confirm or disconfirm the accuracy of their responses.

The purpose of the telephone interviews was to gather specific information on how juvenile officers were using the standards, identify additional factors that promote implementation, as well as to disclose the barriers where circuits have chosen not to implement any of the standards. Questions were developed to elicit responses to determine whether or not changes to local policy and procedure were necessary to implement the standards and whether or not “the way we have always done it” hinders the use of the standards? Juvenile officers were also asked whether additional resources were necessary, is the judge aware that the standards are being used, and is he/she supporting the standards? Inquiry was also made to whether or not the standards are being used in their juvenile office county budget process, such as, requesting additional support for implementation or resources to measure compliance? Additional questions were asked about the positive, negative, or critical attitudes of judges, juvenile officers, and local police on the use of the standards, and whether these attitudes contribute to the success or failure of implementing the standards.

In order for juvenile officers to do their work, process referrals, and make timely decisions, they rely upon law enforcement, schools, and social service agencies to make the referrals, complete investigations, submit reports, and follow up on case specific requests such as a criminal background report, student record, or historical information. It is important that these agencies are also aware of the standards. Therefore, juvenile officers were asked questions to determine whether other government agencies impede or promote compliance, as well as, determining what factors promote or impede *Independence and Integrity, Timeliness and Responsiveness Victim Rights, Delinquency Case Processing and Disposition*, specifically post-disposition supervision. In addition, questions were directed to gather views on what factors

promote or impede meaningful participation in the juvenile justice process without undue hardship or incontinence and access to 24/7 intake services.

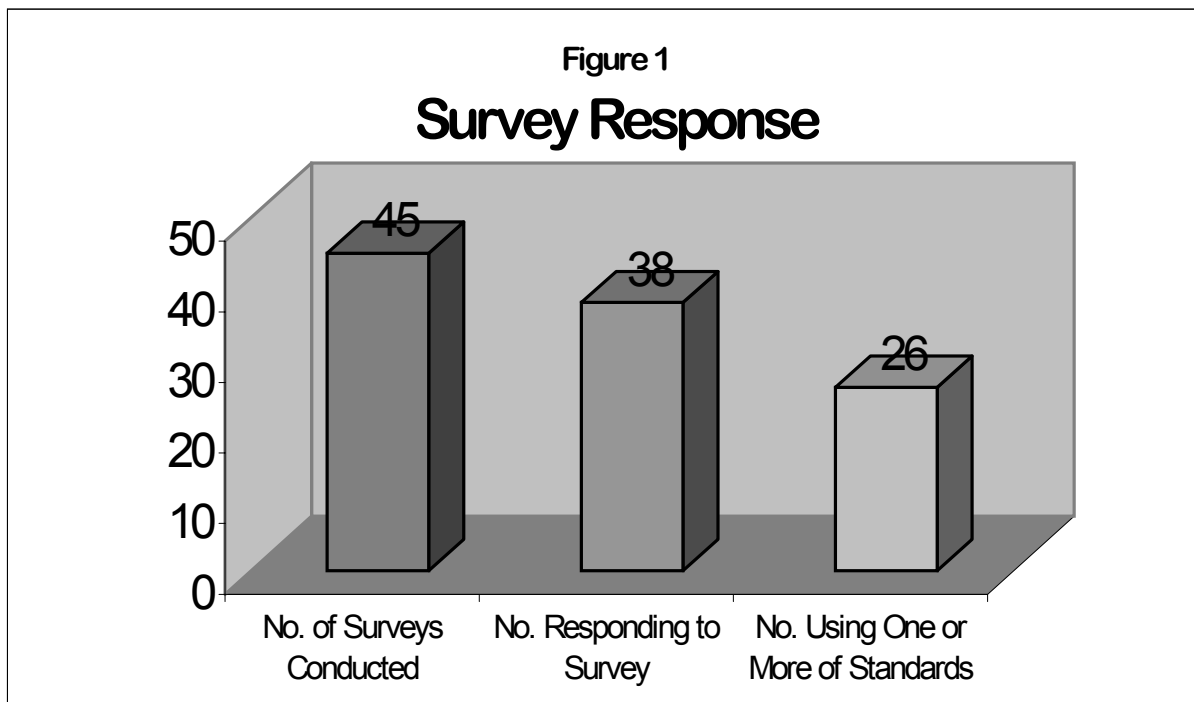
VIII. FINDINGS FROM SURVEY

How the juvenile officer administers juvenile justice in their circuit has been for most part unexplainable and undefined by an omission of performance standards. The juvenile court has exclusive jurisdiction over children and all referrals made to court go through administrative case processing (status offenders, victims of abuse neglect, law violations) provided by the juvenile office. As all referrals on cases are handled and disposed of administratively or filed in court for adjudication and disposition. It is the juvenile officer who decides what action should take place. The discretion that the juvenile officer has to make decisions is very broad. Without standards, how a juvenile officer exercises discretion and makes many decisions during administrative case processing can be explained perhaps in as many ways as there are juvenile officers. On two different occasions when the standards were reviewed across the state one comment consistently made by juvenile officers was that, “we are doing many of the standards now we just do not have them written down anywhere.”

What is new for juvenile officers in Missouri is that they now have eight performance standards that emphasize their missions and targets administrative or informal case processing. The standards outline in factual terms what juvenile officers do, consider, what action steps are taken, and a time frame to get things done. Furthermore, the standards operationally define what juvenile offender supervision consists of.

The standards although approved the Supreme Court, did not mandate their use, yet encouraged courts to adopt and use the standards. Thus, the primary focus of the survey for this paper was on determining:

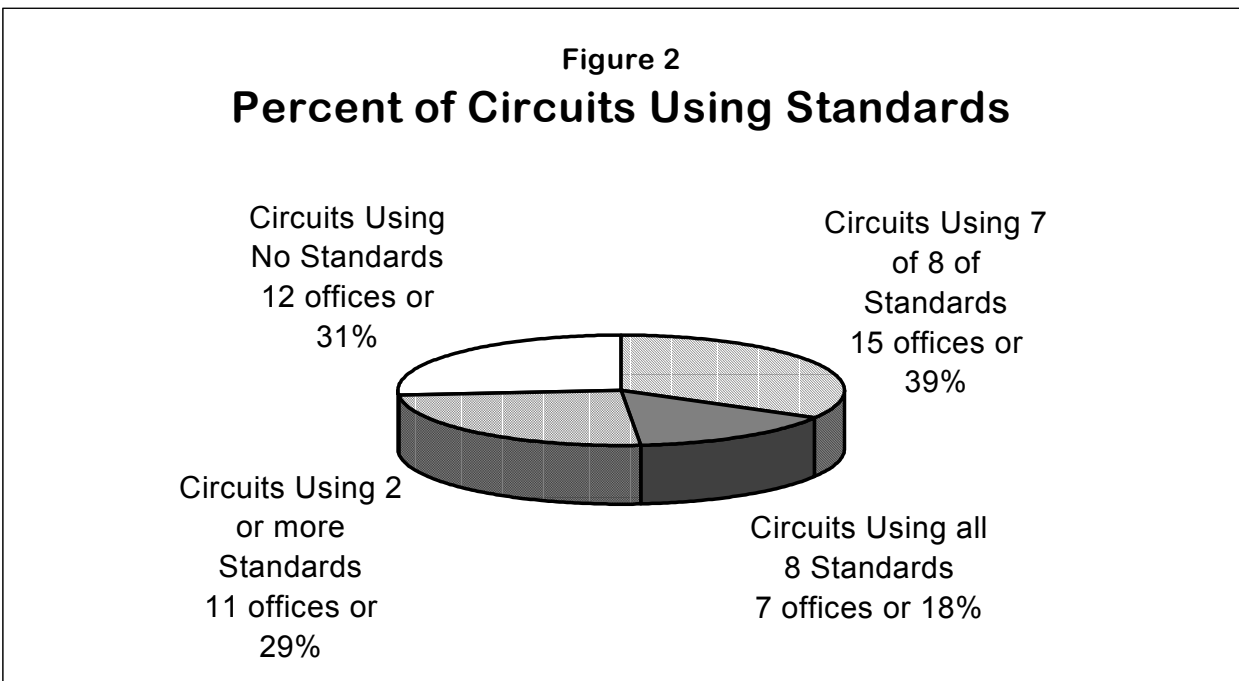
- Are juvenile officers resistant to the performance standards?
- Are juvenile officers using the performance standards?
- What are the barriers to using the performance standards?
- What do juvenile officers identify as incentives to using the performance standards?



Of the 45 surveys mailed to juvenile officers, 38 were returned with responses, and an overall response rate of 84.4% (see Figure 1). The 38 juvenile officers who responded represent 90% of Missouri counties and the City of St. Louis. The seven circuits that did not respond to the survey represent twelve counties or 10%. Overall the number of juvenile officers responding

and the number of counties included in this sample portrays a very significant portion of the state.

Overwhelmingly, with one exception, juvenile officers responding reported being familiar with the standards and at least 26 juvenile officers, or 68%, were using one or more of the standards.



The analysis provides some surprising results; of those circuit juvenile offices using the standards, 15 circuits, or 39%, are using seven out of the eight standards (see Figure 2). This is a significant result, since no additional resources or support have been provided to juvenile offices for this initiative.

Eleven (11) circuits, or 29%, of the juvenile officers are using two or more of the standards, and twelve (12) circuit juvenile officers, or 31%, **are not** using any of the standards.

A. Are the Juvenile Officers Using the Performance Standards?

Overall, 26, or 69%, of juvenile officers responding are using the standards. It was also rewarding to discover that almost all 35, or 92%, of the juvenile officers indicated that the standards were valuable to the administration of their office and valuable to the state. In addition, eight (8) circuits reported that they would be using some of the standards within six to twelve months. Should this occur 34, or 75%, of all circuit juvenile officers throughout the state (n = 45) will be using some of the standards by January 2003.

Although many officers report using several of the performance standards, it is beyond the scope of this paper to analyze to what degree juvenile officers are in compliance with a specific standard as reported. However, we have found that several circuits are using many of the standards and self report that they are not always in compliance, for example; one juvenile officer noted that, “we are not always able to meet the supervision contact standard due to our staffing pattern,” or that they are unable to meet the standard “due to lack of human resources.” Another juvenile officer noted that implementation of the standards is an “on-going process: we have implemented *access, independence and integrity, and timeliness*, we could not identify any barriers.” Another circuit reports only implementing delinquency case processing and that they are doing pieces of some other standards, and in some cases exceed the requirements. For example, “where monthly contact is required we may have weekly contact.” Juvenile officers report as a result of standards that improvement is being made, for example, “with regard to victim services we send notifications as required by statute, but we don’t have a victim rights advocate.” Other juvenile officers have reported improvement is needed in the area of access, and making accommodations for persons with a handicap. Still others report using independence and integrity and are working on a survey for users of the court, will conduct record review, and hold structured interviews with court customers.

Although the data revealed that many juvenile offices are using many of the standards, comments by the juvenile officers reveal that training maybe required for consistency in implementing any one of the standards. It maybe advantageous to accomplish one standard, measure compliance then move on to the next standard, rather than try to accomplish several at one time is too much a daunting task.

B. Are Juvenile Officers Resistant to the Performance Standards?

Overall, juvenile officers do not appear resistant to the standards. Nearly the entire sample indicated that the standards were valuable for the administration of juvenile justice in their office and valuable to the state. In addition, it is to the credit of juvenile officers that they have taken on such an effort to implement the standards in 26 circuit juvenile offices. An additional eight juvenile officers indicate they will be using one or more of the standards by January 2003.

Of the interviews conducted with juvenile officers, generally all expressed a positive attitude regarding the standards. Comments from the juvenile officers include the following: “the standards are good, however they need to measure effectiveness to see what works and what does not;” “I support the standards as they focus on public service and the standards serve the public;” “I believe the standards are important and serve as a guide to move forward;” “The standards represent an ideal that which we should all strive for;” and “The standards are a goal which we should all strive for.” As the standards are implemented, opportunities will arise where they can be revised to be more practical. One juvenile officer said, “the standards promote consistency across the state, promote professionalism, and are better for children. The standards provide a philosophy for dealing with juveniles.”

Some juvenile officers were more cautious in their attitudes about the standards, and commented, “The standards are good, positive; if all the courts/juvenile offices followed the standards there would be more consistency, and traditionally each circuit has operated differently.” One juvenile officer advised that he

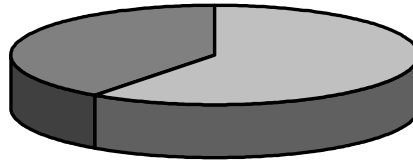
felt guilty that he had not done as much as we should have to implement the standards, however, it would be beneficial if some circuits who have implemented the standards could evaluate their impact to determine if additional resources could be justified.

One juvenile officer commented that his circuit was implementing the standards prior to them being approved by the Supreme Court, “the standards support our mission, they provide structure; however, we are concerned that the standards do not allow for autonomy/freedom which is a concern.”

To summarize, one juvenile officer commented, “Although I don’t agree with everything in the standards, I’m generally positive about them; but, I see them as a work in progress that needs to be tweaked and revisited, the ideal and what happens in practice are not always consistent.”

Figure 3
Incentives Offered

Incentives not
necessary
15 or 40%

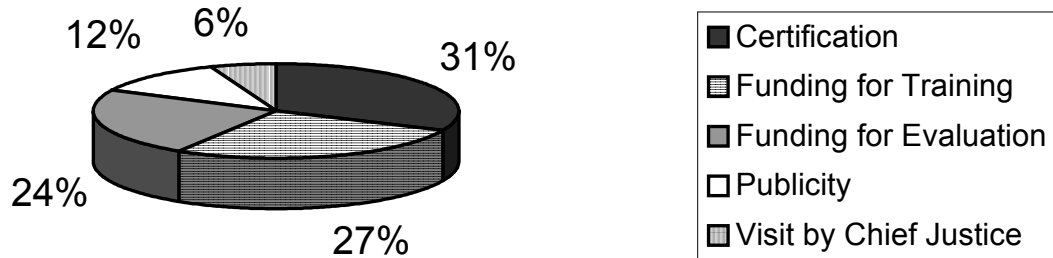


Incentives
should be
offered
23 or 60%

An issue considered was whether circuit juvenile officers need incentives to use the standards. To encourage juvenile officers to implement and use the standards can be a sensitive issue since the Supreme Court did not mandate implementation. Rather than being saliently coercive, such as, the suspicion that that a sanction may be imposed for not using the standards, providing positive incentives for their use would be a positive venture if the right incentives could be in place or offered.

Twenty-three (23), or 60%, of the circuit juvenile officers indicated incentives should be provided for using the standards and 15, or 40%, responded that incentives were not necessary (see Figure 3).

Figure 4
Incentive Choices (N = 69)



Of the 23 circuit juvenile officers who indicated that incentives were necessary, the most often indicated 19, or 31%, was recognition or certification by the Supreme Court that the juvenile office is in compliance with one or more of the standards (see Figure 4).

Other choices for incentives included 17 occurrences, or 27%, to provide for funds for training on implementation the standards. On 15 occasions, or 24%, of selections made indicated providing funds to evaluate compliance with a standard/s.

Other choices of incentives included seven (11), or 12%, for publicity for the juvenile office that the standards are in use, followed by seven (7) choices made for a personal office visit by the Chief Justice to present a certificate of recognition or achievement for implementing one or more of the standards.

The eight (8) circuit juvenile officers who indicated that they would be using the one or more of the standards within the next six (6) to 12 months, all selected as an incentive certification by the Supreme Court that their office is in compliance with one of more of the standards.

C. What do Juvenile Officers Identify as Incentives to Using the Performance Standards?

The majority of juvenile officers 23, or 60%, reported that incentives should be offered for implementing performance standards. The most popular choice was certification by the Supreme Court that the juvenile office is in compliance with a standard/s, followed by funds for training to implement standards, and funds to conduct standard compliance evaluation. Juvenile officers want to be recognized and rewarded by the Supreme Court for good work. Funds used to provide training and evaluation services are certainly the means to accomplish recognition by Supreme Court.

The juvenile officers who indicated that incentives were not necessary commented that the standards are part of their job and should not be honored or receive special recognition for doing their job. Several juvenile officers indicated that the standards ought to be adopted as a matter of professionalism.

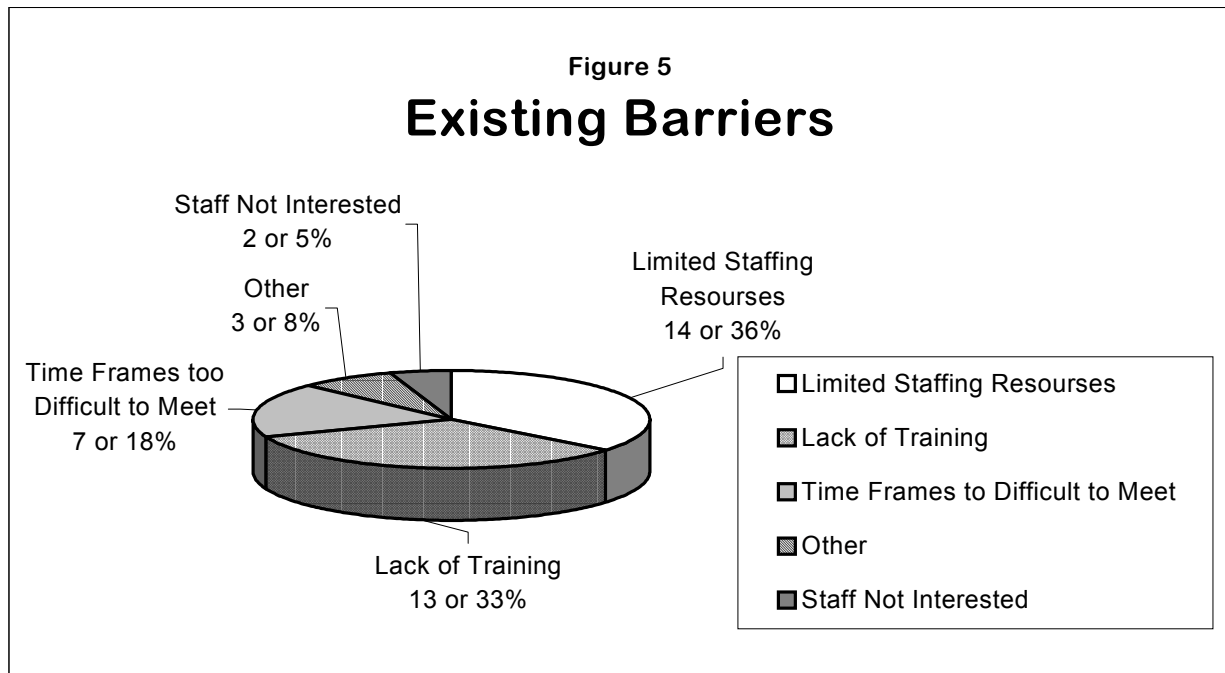
IX. BARRIERS

The survey results also provided information about barriers to implementation of the standards. It is worthwhile first to discuss the barriers that juvenile officers perceive to be present. Analysis of survey results then provides further insights.

A. What are the Barriers to Using the Performance Standards?

Out of the thirty-eight (38) juvenile officers, responding to the survey twenty-four (24) or 63% indicated at least one barrier existed to implement one or more of the standards. Overall there were thirty-nine (39) barrier selections made. The two barriers indicated most often did juvenile officers identify “limited staffing resources” on 14 occasions or 36% and the lack of training 13 times or 33%. Seven circuits or 18 % identified “time frames too difficult to meet.”

Three or 8% identified “other” followed by two circuits or 5% expressed “staff not interested” (see Figure 5).



Seven circuits indicated two or more barriers existed that prevented implementation, three circuits chose “lack of training” and “time frames too difficult to meet,” and two others chose “training” and limited staffing resources.” In addition, two circuits chose three barriers “limited staffing resources,” “lack of training,” and “time frames too difficult to meet.”

The three other choices made as barriers included such comments by one juvenile officers that stated,

identifying three barriers that are prohibitive to implement the standards, 1) failure of staff and myself to internalize the standards, such as the exact time frames for consistency, 2) need additional staff to accommodate smaller caseloads

and document every step of delinquency case processing, and 3) the lack of facilities and services to meet the standards and the needs of juveniles in this circuit, such as counseling and mental health services.

Another juvenile officer commented, “Standards ought to be connected to staffing approvals.”

B. Analysis of Survey Results on Barriers

The analysis of this data indicates that barriers are significant issues juvenile officers are considering at this point. The standards are presenting a perception of adding additional workload, and are not entirely seen as a method of self-assessment and improvement. Such comments from juvenile officers that documenting delinquency case processing requires a small caseload and access requirements in a facility are difficult to meet because no control over remodeling efforts clearly point that training is essential on how to plan for implementing the standards. Implementation of the standards it is not an all or nothing proposition. Training, good office assessment and a plan to implement one standard at a time will not be as burdensome as trying to implement all the standards. As one circuit reported, “we are trying to implement all the standards, but actually, we have implemented only pieces of each of them.” Clearly, training to implement the performance standards and an examination of human resource need in the juvenile office are necessary to successful implementation.

X. RESULTS OF THE PHONE INTERVIEWS

To build upon the information gathered from the electronic survey results, the author of this study followed up by conducting telephone interviews with selected juvenile officers who had responded to the survey. (See “Methodology” and Appendix C.) Information gathered from these interviews included such information

as (a) how the juvenile officers are using the standards; (b) additional resource needs; (c) judge involvement; (d) staff involvement; (e) any changes in practice and procedure; (f) the “way we have always done it” affects compliance with the standards; (g) whether other users of the court are aware of the standards; (h) whether other agencies promote or impede compliance with the standards; (i) what factors impede or promote access to juvenile justice services; (j) what factors bear on the juvenile officers’ ability to be timely and responsive; (k) what factors impede or promote delinquency case processing and capacity to provide intake services; (l) what factors bear on victim services; (m) what factors affect post-disposition supervision; (n) what factors promote or impede gender-specific and offense-specific programming; and (o) other comments by respondents.

A. How are the Juvenile Officers Using the Standards?

The results of the phone interviews yielded consistencies made in the findings and added some new categories of information. Although many juvenile officers have indicated that they are using one or more of the eight standards many report they are not in full compliance with any one standard. Some report using juvenile supervision contact standards, but are not able to make all the officer contacts with the juvenile because of staffing shortages. Some circuits report fully implementing the delinquency case processing standard, but are not doing juvenile offender classification, risk and need assessment, and at the same time implementing pieces of the other standards. Some juvenile officers have reported that implementation is an on-going process. One juvenile officer advised he is using all the standards and advised his office was meeting all the requirements of all the standards with the exception of the *disposition* standard. A couple of circuits have looked at the standards as goals to set, discussing the standards with staff and

breaking down resistance to change. Another reports implementing the *victim rights* standard and will notify victims when to appear in court as required by statute, however this fall short of what the standard intended as to the level of victim participation in the juvenile justice process.

B. Additional Resources

Many interviews revealed that juvenile offices have not added additional resources to implement any one of the standards. However, several juvenile officers have applied for victim advocacy grants. Another circuit juvenile officer received additional funds for interpreter services. Many juvenile officers are not using the standards in their budget process; however, when standards are implemented we will need to document outcomes and compliance to justify budget requests. Many juvenile officers reported that the standards are not part of this year's 2003-budget process.

C. Judges' Involvement

Many of the juvenile officers have reviewed the standards with the judge who oversees the juvenile court. Some of the comments made included that judge viewed the juvenile officer as the positions responsible for implementing the standards in the juvenile office. Many of the interview juvenile officers report that the judges are in support of the standards. The standards have been discussed at judicial conferences so they came as no surprise to the judges. For the most part judge have been positive about the standards. Since they have adopted other standards such as the *Trial Court Performance Standards*. However, they do not consider the TCPS as an incentive. The judges do not appear to be involved in the planning for implementation of the standards in juvenile justice. A juvenile officer noted that the judge is an incentive and welcomes the change to streamline the judicial process. He noted that the standards were not mandated; instead, they were presented as a best practice that is a good approach with judges.

The judges were very receptive to change if it benefits the child. Overall, the judges for the most part have been positive about the standards that suggest a practice that is good for the public; no negative attitudes have been expressed.

D. Staff Involvement

The juvenile officers interviewed express a very positive attitude about the standards. As one juvenile officer advised the standards lend credibility and legitimacy to the juvenile justice system. Many of the juvenile officers have discussed the standards with their staff and have provided copies of the standards to all of them. Some juvenile officers advised that the standards are being discussed at staff meetings frequently and are being presented in a way to set goals. A few other juvenile officers have not visited with their staff about the standards and at the same time report trying to implement parts of the standards.

E. Changed Practice and Procedure

Whether or not the juvenile officer has had to change practice to implement the standards was a question posed to juvenile officers. Juvenile officers are striving to achieve time frames when processing referrals, and are providing more thorough file documentation to record decisions. Some physical changes have been made to accommodate the disabled and intake is now one department to provide more consistency and the format of supervision progress reports have been changed to record supervision contacts. In addition, we have provided our own training concerning the standards. One juvenile officer has added a victim advocate to the staff. The standards are now placed into their own policy and procedure manuals. Another officer reported that although their practices have not changed a great deal, “we now have monthly face-to-face contact with the juvenile and the parents as provided by the contact standards for low risk offenders.”

The changes would be difficult and too time consuming if trying to implement all the standards, however, making change thus for to implement some of the standards have not been difficult. It has been difficult if staff do not see the need to meet with a high-risk youth once per week as the standard calls for. Some staff is resistant to change in general. There are some who do not agree with the supervision contact standards, they view it as being told how to supervise their case. They believe their discretion is being challenged.

One juvenile advised that once staff members begin to discuss the standards with other circuits and they hear that circuits are implementing the standards they (staff) would not be so apprehensive. They will want to “jump on the bandwagon.” There also should be regional dialog to share ideas of what works and what does not work as far as implementation. People in general are reluctant to change. One juvenile officer noted that we knew the standards were coming, we had the opportunity to walk through the issues and talk about the standards, the judge was on board with the standards this helped facilitate implementation.

Another question in the interviews was whether juvenile officers have the means to measure performance in light of the standards. Some juvenile officers responded that they are now conducting exit interviews with parents to measure performance. Case reviews are being used to determine contacts with juveniles, and general administrative oversight is being provided. We would like to reallocate staff to create a position for measuring customer satisfaction. Victims receive a survey and plans are underway to prepare a survey for parents whose children have been under the supervision of the court.

F. Whether the “Way We Have Always Done It” Helps or Hinders Compliance with the Standards.

Juvenile officers readily admitted that long-established habits – “the way we have always done it”— could hinder compliance with the standards. Staff members that have been around for a long time are not eager to change. They will not see a reason to change but see change as a threat or may interpret change as others not trusting them and their decisions. The standards will definitely be a change from past practice. “The way we have always done it” represents inertia and resistance to change; it has to be overcome in any organization. One juvenile officer noted that the standards were already in practice in his office, if he was unfamiliar with the standards, they could be viewed as the state telling the circuit how to do business. Now it has become more bureaucratic and staff has to worry about documentation what they did rather than just doing it, in this sense the way we have always done it is a hindrance.

G. Are Other Users (CASA’s, GAL’s, Public Defender, Prosecutor) of the Court Aware of the Standards?

It appears that most of the above named parties are not aware of all the standards; however, some of the lawyers representing juveniles are aware of the supervision contact standards. Some juvenile officers report that although many of players in their legal culture are not aware of the standards, they feel it is known that they are planning on implementing them. Several juvenile officers felt there was no mechanism in place to inform the users of the standards, and at the same time suggested that a brochure which outlines the standards and what to expect throughout the juvenile justice process could be beneficial. Juvenile officers also commented that the standards are posted in the lobby of the courthouse and been explained to the parties.

There are mixed views on whether the local legal culture and players in the juvenile court room would be a barrier to implement the standards. For example; some juvenile officers agree the local lawyers, GAL's and CASA's would be supportive, while some juvenile officers advise that they need to be involved in the planning process of implementing the standards as they play an integral role in our business. The public defenders can put up barriers, as they tend to have a different philosophy, such as continuances, and resolution delay. One juvenile officer commented that while we do accept feedback about needed services, customer satisfaction is not as applicable to the juvenile justice process. Another juvenile officer pointed out that parties will at different times be supportive of the standards and at other times present a barrier, as some parents view the juvenile justice intervention as an intrusion and are "in your face" that serve as barriers to provide services. If customers view the juvenile justice system as unfair, that will affect their cooperation. There will be a lack of trust, and lack of respect for the juvenile officer or the lawyers that will influence their participation and support of the standards.

Most of the juvenile officers interviewed agree that their customers would be supportive of the standards if they were more informed about them as they promote consistency and continuity. The standards are progressive and result oriented, the parents and parties would appreciate knowing how things will be handled and what to expect.

H. Do Other Agencies Promote or Impede Compliance with the Standards?

The juvenile justice system is a system of agencies that includes law enforcement agencies, social services, school and other community partnerships. The juvenile officer relies upon these agencies for referrals, reports and critical information before action can be taken. Timeliness can be impacted for practically any of the standards; victims' rights can be thwarted if information is not reported to the juvenile officer in a timely manner. These agencies are

critical for juvenile officers to do their job and they must be supportive of the standards for successful implementation. Some juvenile officers report that public defenders frequently request continuances, and reports from law enforcement have supervisory channels to go through for approval, which impact the timeliness of responses to weekend incidents. Many reports from law enforcement are incomplete and not always received in a timely manner, which can impact overall timeliness. If social service agencies may have different time frames to complete work that will greatly impact our timeliness and responsiveness.

I. What Factors Impede or Promote Access to Juvenile Justice Services?

The fact that people in the court community care about children and want what is in their best interest promotes meaningful participation in the juvenile justice process. Customers should see that the system is fair, that there is follow through by court personnel, and that staffs are efficient and courteous. Juvenile officers reported that court facilities “upgrades” that are intended to provide compliance with the Americans with Disabilities Act (ADA) should be made as quickly as possible if they fall short of major construction. Training needs to be provided on standard implementation and agencies such as the bar association need to be aware of the standards and be supportive.

An adequate number of staff and a system that monitors are factors that promote participation, just as an inadequate number of staff and a lack of a monitoring system can impede it. Inconsistent rules and policies can impede access to the justice process, as well as an increasing number of customers with mental health, drug and alcohol problems can drain resources and impede access for others. When there are unsupportive parents, they may hinder access to other options that are available to the customer, and the juvenile officer is seen as a prosecutor and the process turns adversarial. In addition, juvenile officers responded that the

attitudes of staff, attorneys, judges, and GAL's can impede participation, attitudes need to be positive rather than adversarial, and we need to work together.

J. What Factors Bear on the Juvenile Officer's Ability to be Timely and Responsive?

When this question was posed to the juvenile officers many of their responses were directed at delay in receiving information from other agencies. For example, juvenile officers responded that timeliness would be delayed if they have not received reliable information from all concerned parties, if the police do not finish a report a juvenile offender can walk away without consequence. Staff caseload size and the number of new and on-going cases affect the ability to be timely and responsive. Other juvenile officers responded that serious offender cases would cause lesser cases to be pushed aside, delaying response. Requests for continuances, heavy dockets, and parties who are absent from court hearings all cause delay and have a ripple effect on timeliness and responding to other pending cases. Also, juvenile office staff members are taking more time off since they have become state employees, and as staff members take more time off there are fewer people in the office to do the work.

Juvenile officers also responded that good education and intervention programs provide a means for timely response. Such as a new drug/ alcohol treatment center opening would allow juvenile to dispose of chemical abuse cases in a timely manner. Also, one juvenile officer responded that applying the National Council of Juvenile and Family Court Judges *Resource Guidelines* to delinquency cases assisted in timely response with juvenile offender referrals.

K. What Factors Impede or Promote Delinquency Case Processing, the Capacity to Provide "24/7" Intake Services?

Many juvenile officers have provided this service by an on-call schedule and making staff available for evening and weekend work. Intake services could improve for some juvenile

officers if staff members were compensated for their time on call and not just the time they are responding to a case. In other words more intake services could be provided rather than just handling the emergency intake. One juvenile officer has advised all agencies to call one central phone number if a juvenile officer is needed. This has supported prompt intake, and it has assisted other agencies response by having a locale on call policy.

Whether or not a circuit has a juvenile detention center impacts the character of intake service that is provided. If one juvenile officer is on-call in a multi-county circuit, travel time impacts response and access to intake services. For those multi-county circuits without a detention center there may be not central intake center for juveniles taken into custody. Thus the juvenile officer on call may be traveling on any given evening to several law enforcement agency locations, such as the municipal police department, county sheriff, or highway patrol station. There has to be adequate staff to have effective “24/ 7” intake services. On call schedules mean that compensatory time builds up, which can result in having officers required to take time off, and this in turn can hinder the availability of staff.

L. What Factors Bear on Victim Services?

In the past, the philosophy has been that “you get the bad guy and then you are done.” Victim services add the responsibility to share time with the victim. In addition to a change in philosophy, training (including training for law enforcement) and access to more information through MIS is required. Providing victim services are a court value and thus should be supported by a training and education program, which necessarily takes time to develop and institutionalize. At times victim service can be impacted on how the case is being managed, at times the case moves to fast and the victim is not notified and has not been given time to offer any input. There should be an established program and staff to provide victim services. Until

recently, providing victim services has not been a priority for juvenile officers in many circuits, and the need for providing information to victims has not been recognized. Victim services are most often necessary in two areas -- providing hearing notification and collecting monetary restitution. Many circuits do not have a victim advocate. The time it takes to provide victim services with existing staff is a barrier.

A victim advocate position can be justified, not only for victim service in juvenile offenses, but also in domestic violence and adult criminal proceedings. Asking juvenile officers to do it themselves as an additional responsibility has only provided hit and miss services.

M. What Factors Affect Post-Disposition Supervision?

Juvenile officers responded with a concern for human resources to get the job done. Specifically, juvenile officers report inadequate staff to accomplish effective supervision and failure to have any weekly contact with the juvenile. Uncooperative parents and large geographical area to cover create barriers such as distance and constructive contact with the juvenile. The lack of transportation and unsafe areas to travel to visit the juvenile and officer safety issues impact the effective supervision. In addition, this business is not predictable, in that the juvenile staff member can be making contacts with his or her supervision caseload, then suddenly be called to a child/abuse/neglect case that might require several days' involvement, leaving the supervision caseload unattended.

Having a computerized management information system allows cases to be reviewed regularly, so that cases can be prioritized and matters that need immediate attention can be addressed. This can cause lower risk cases to be set aside momentarily. With adequate staff a good balanced could be achieved.

At times confusion about confidentiality can also effect case supervision, the statutes are not always clear and sending written request for information slows the process for effective services and gathering information by court order creates adversarial posturing, creating a poor environment for providing rehabilitative services.

Cases are closed when the juvenile has met all his or her probation or diversion obligations and has avoided any new referrals or law violations. How quickly the juvenile has met those obligations determines how quickly a case will be closed. Meeting the standard on *Case Closing* could be difficult, because case closings are sometimes dependent on receipt of information from other parties, which can also slow the process.

N. What Factors Promote or Impede Gender Specific, Offenses Specific Programming?

Staff's ability to assess problems such as drugs or alcohol has a direct impact on intervening with the right type of service. Specialized services also require adequate funding, transportation, and parent cooperation. At times a serious offense does not always mean that the court is dealing with a high-risk offender. Juvenile officers need good assessment skills, balanced by good mental health evaluation resources and the capacity to deliver intervention services. For example, a sex offender can be supervised and treated in the community, but the court needs a specialized service menu for this offender with a strong surveillance component.

O. Other Comments

Many juvenile officers commented that the standards are achievable. The standards have assisted in providing training to new juvenile officers, assisted in providing quicker response, and have brought to us a sense of professionalism. There is a need for consistency across the state and a statewide plan to achieve it, under which all circuits would agree to implement the standards and accomplish the goals. Even though the standards promote efficiency, there is also

a need for a training component on the standards that would focus on outcomes supporting the standards, such as successful outcomes for the child and family. Survey tools are necessary for evaluation purposes that would enhance consistency in data gathering and measurement, since there are currently no standard models in the state for data-gathering instruments.

Several juvenile officers commented that they cannot now achieve compliance with the standards given the number of staff they have. Some juvenile officers would like to see evaluation results of the contact standards. For example, would juvenile offenders with a high risk of re-offending be less likely to do so if the contact standards were met or if they were seen less but offered different programming? A good MIS program to aid analysis of such a question would be desirable.

Good court practices in child abuse/neglect cases emphasize the importance of review hearings. This is not covered in the standards. Review hearing in delinquency cases serves a good purpose. This is a recommended next step for development.

XI. LESSONS LEARNED

Although the promulgation of standards has received positive feedback from many juvenile officers and judges, there are several aspects of the initiative that have yielded lessons learned. The lessons come as a result of the development of the standards as well as their deployment to judges and juvenile officers for voluntary adoption and implementation. Administratively the standards were delivered to the juvenile courts/juvenile offices as a result of the Supreme Courts Order; however, more support and attention could have been placed on executing that outcome.

As part of the development and promulgation of future standards, informational and educational material should be provided to all juvenile office personnel, informing all personnel about the importance of performance standards that focus on performance and the values that apply to their daily work. To reduce resistance, the informational and education materials should emphasize that the standards do not focus on measuring individual or office performance.

Implementation barriers could have been disclosed and discussed at regional meetings with juvenile officers. Standards that do not place a need to “resource up” could easily be identified and encouraged, simply accomplished, and successful.

It is also clear that a training and educational component should be a companion to successfully implementing any one of the standards.

To gain office-wide acceptance and approval of the standards a thorough orientation and discussion of the standards should occur with juvenile office staff. In addition, an assessment of staff attitudes and resources is needed know what standard/s is doable.

It has become clear that good project management and planning practices should be utilized when taking on the task of implementing one or more of the standards. The planning strategy should include other court users such as GAL's, public defender, prosecutor, CASA volunteers, and other key community stakeholders. Enlisting their support will garner team success and consensus on the definition of positive outcomes.

Discussion should occur with community agencies on which the juvenile office relies for key information to make good decisions and comply with case processing timelines. Failure to do so will frustrate timeliness.

Positive comments and views regarding the standards that have been revealed because of this study may be attributed to the number of occasions juvenile officers have had the standards presented to them for discussion, comment, and input. Juvenile officers were part of the acceptance process and were not surprised when the standards were approved and distributed.

In addition, the overall view by juvenile officers that the standards are valuable for the operation of their offices and the promotion of juvenile justice in the state may also be attributed to the fact that the Standards Committee included experienced juvenile officers from the urban, metropolitan, and rural circuits. Their expertise and credibility enhanced successful acceptance and virtually eliminated resistance.

XII.CONCLUSION

For many years the business of rendering juvenile justice in Missouri has been cloaked in confidentiality and secrecy. The juvenile justice system has not produced explainable results. It has been free of expectations to provide any empirical evidence of juvenile offender success or failure. And there has been very limited data to articulate what juvenile justice professionals

who work in the court environment do, how they do it, and when it is done. Juvenile justice professionals have to ask themselves: is this a good way to manage our business?

The Standards in the Administration of Juvenile Justice offer a beginning for Missouri's juvenile justice professional to manage the business of juvenile justice before other special interests step in to provide management. Legislation enacted that has impact on juvenile courts is sometimes done without the consent and input of juvenile court personnel.

The results of this study reveal that juvenile officers value the standards as good tool to do their work, providing a framework for what they do, and setting the stage for juvenile office evaluation, assessment and improvement. Juvenile officers also determined that the standards are also valuable for the state. They bring consistency not only to multi-county circuits but also to circuits across the state in providing individual justice to individual juveniles and families. The standards provide a tool to understand the business of working with juvenile delinquents, by articulating the process, and by providing time frames to get things done-- intake procedures, juvenile offender classification, and reporting on case outcomes.

Many juvenile officers have been robust in implementing all of the standards, while other have chose a more conservative approach by implementing at least two. Although it is very positive to have documented this level of implementation, this analysis did not measure how thorough any one standard was implemented.

Juvenile officers clearly would like to be recognized by the Supreme Court for implementing the standards and for doing good work. There is a need for the juvenile justice professionals who are judicial department employees to feel themselves an acknowledged part of the business of the Supreme Court.

Juvenile officers also clearly announced that a foundation of training is needed for successful implementation of the standards, along with funds to evaluate compliance with any one of the standards.

A significant consideration is the set of barriers that to a large degree come from a lack of training and education regarding the need and purpose of the standards. Other barriers (such as the lack of staff, time frames too difficult to meet), suggest that more project planning for implementation should occur before implementing any one of the standard. Perhaps examining what standard works best first, then move on to implement other standards is the best approach.

XIII. FUTURE ENDEAVORS

As one juvenile officer stated “implementation of the standards is an ongoing process.” In many respects, the development of the Standards for the Administration of Juvenile Justice is also an ongoing process. The standards need to be reviewed and renewed from time to time.

Thus, future considerations will include:

- The development of performance standards for ongoing child/abuse/neglect cases, specifically, children who are in foster care. Ongoing cases are those children in foster care beyond their first order of disposition or placement into foster care.
- The development of a training and educational curriculum as a companion to the standards.
- Provision of funding for evaluating standard compliance.
- Provision of education and training for juvenile officers on how to use evaluation data to inform the public, the legislature, and the community about the complexity of the tasks juvenile officers must face.
- Provision of education and training to juvenile officers on how to use evaluation data for workload assessment, resource demand, and articulating resource needs.

Finally, it is important in all future endeavors to remember the point made by Osborne and Gaebler (1992): “If you don’t measure results you can’t tell success from failure, and if you can’t demonstrate results, you can’t win public support.” Educating and training juvenile officers to know what they are doing, how they are doing it, and when it is done, will allow a deeper question to be examined such as whether or not what is being done is fair across all populations.

APPENDICES

APPENDIX A.

The Standards for the Administration of Juvenile Justice



SUPREME COURT OF MISSOURI

en banc

April 24, 2001

ORDER

1. The attached Standards for the Administration of Juvenile Justice are hereby approved for distribution. This Court encourages all Missouri trial courts to review these standards.

2. The office of state courts administrator shall distribute a copy of this order and the attachment to each presiding circuit judge, each juvenile officer, and such other persons as may be appropriate.

Day - to - Day

WILLIAM RAY PRICE, JR.
Chief Justice

STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

OVERVIEW

These standards apply to the juvenile “courts” in Missouri as defined in Rule 110.05. Thus, they are applicable to the juvenile office as a whole and the services it provides, not just the formal processing of cases in the courtroom.

To avoid redundancy, the standards do not reiterate what is already established in policies, rules, and procedures set forth in Missouri statutes and this Court's rules. When appropriate, the standards include references to the statutes and rules in order to help ensure compliance and make juvenile justice staff more aware of the relationship of these to the performance standards.

I. ACCESS TO JUVENILE JUSTICE SERVICES

Every effort should be made to create opportunities for effective and meaningful participation in the justice process without undue inconvenience or hardship.

A. Availability of Services

A means through which designated personnel may be contacted seven days a week, 24 hours a day should be established.

B. Equal Access

1. Disabled persons should be provided access to parking, facility entrances, offices, waiting rooms, interview areas, and other areas in which juvenile office business is conducted.

2. Interpreters should be made available for persons who are hard of hearing, speech-impaired, visually impaired, whose primary language is other than English, and those who are unable to read.

C. Courtesy, Respect, and Sensitivity

Personnel should be courteous and responsive to the public and afford respect to all with whom they come in contact. Sensitivity should be demonstrated towards all persons from different cultures, ethnic groups, and alternative lifestyles.

Performance indicators

- Users perceive the juvenile office as accessible and culturally sensitive.
- Satisfactory level of participation by participants (witnesses, victims).
- Staff perceives juvenile office as accessible and culturally sensitive.
- Low number of complaints received by the juvenile office related to inaccessibility and cultural insensitivity.

Potential measurement methods

- Systematic observations using trained observers.
- Surveys of users and staff.
- Record reviews (documenting level of participation).
- Focus groups of users and staff.
- Structured interviews with users and staff.
- Review of written and verbal complaints received.

The juvenile office is a public institution, designed to dispense justice and provide services to the children and families that appear before it. Accessibility is vital to public trust and confidence. When the juvenile justice system is accessible, victims, witnesses, and families required to participate in it are more willing to take an active role. Juvenile justice proceedings seem less remote and confusing to the public. This standard also seeks to ensure that there are effective avenues of participation for persons of every race, color, and creed, who are disabled, and with alternative lifestyles.

Because Missouri juvenile justice agencies must operate under certain perimeters as a result of Missouri statutes and this Court's rules governing confidentiality, some official proceedings are still of a non-public nature.

II. INDEPENDENCE AND INTEGRITY

Institutional independence and integrity are of paramount importance. Juvenile justice professionals should be free from undue influence from other components of government or other entities.

Juvenile office recommendations should be based on legally relevant factors. Individual attention should be given to each case.

Personnel are responsible for monitoring and enforcing court dispositions and orders.

Clarity is a prerequisite for both compliance and enforcement. All documents prepared by the juvenile office should be clearly worded and easily understood, especially by the juvenile and family.

Performance indicators

- Effective enforcement of orders.
- Perception of the fairness of recommendations by users.
- Consistency in decisions across like cases.

Potential measurement methods

- Surveys of users and staff.
- Record reviews (reflecting court order follow-through).
- Record reviews (reflecting case outcomes).
- Focus groups with users and staff.
- Structured interviews with users and staff.

With this standard, a clear and unequivocal statement is made regarding responsibility for decisions and actions. This standard reflects the ideal of justice in two ways: through making a statement in regard to independence from undue influence, and by affirming that legally relevant

factors shall serve as the basis for recommendations made. It further emphasizes the importance of issuing decisions that are enforceable and ensuring that orders are enforced.

III. TIMELINESS AND RESPONSIVENESS

Policies should be in place to ensure that case processing and other juvenile office practices are conducted in a timely manner. Time standards encouraging efficiency and responsiveness should be established and monitored.

*A. Referrals*³ from other Courts and Requests for Courtesy Supervision*

Upon receipt, requests for court services from other courts should be date-stamped “received” and responded to within five business days of receipt.

B. Requests for Information or Services

Requests for information from other agencies, families, and members of the public will be responded to in a timely manner.

C. Timely Enforcement of Court Orders

All court orders issued should be monitored for compliance. Any court-ordered condition not complied with in the established time frame or at the time of case closing should be reported to the court promptly.

Performance indicators

- Efficient case processing.
- Reduced case backlog.
- Users perceive actions as timely and responsive.

Potential measurement methods

- Surveys of users and staff.

³ Those terms marked with an asterisk are terms defined in the glossary.

- Focus groups with users and staff.
- Structured interviews with users and staff.
- Review of case files.

This standard reflects a commitment to good business practices. More importantly, it reflects a commitment to public safety, fairness, and due process. Delays can have serious ramifications for the juveniles and families that are served, for victims, and for the general community.

IV. RECORDS

A. Juvenile File

For each juvenile referred to the juvenile office, accurate, complete, and up-to-date records should be kept. The information should be both relevant and necessary to a proper purpose. Reasonable safeguards should be established to protect against the misuse, misinterpretation, and improper dissemination of file information.

B. Maintenance of Records

Juvenile records are generally confidential. Access to and destruction of juvenile records is controlled by section 211.321, RSMo.

Performance indicators

- File information is reliable, accurate, and relevant.

Potential measurement methods

- Review of case files.
- Surveys of file users.

A standard describing proper procedure for maintaining records underscores the importance of documenting juvenile justice processes.

V. VICTIM RIGHTS

Victims should be treated respectfully and recognized as persons with legitimate interests in the justice process. The court should strive to obtain a balance among the needs of the victim, the community, and the juvenile offender so as to enhance public safety and accountability of the offender to the victim and the community.

Victims should be informed about the case involving the offense by which they were harmed. An opportunity for the victim's concerns to be expressed should be provided.

Requests for information regarding hearings, dispositions, or other case-handling information should be referred to the appropriate staff for response. The designated staff should respond to all victim contacts within three business days from the time the request is made or as otherwise provided by statute.

Performance indicators

- Satisfactory level of victim participation in juvenile justice processes.
- Victim advocates perceive juvenile office staff as respectful towards victims' rights and responsive to victims.
- Victims perceive juvenile office staff as respectful of their rights and responsive.

Potential measurement methods

- Systematic observations using trained observers.
- Surveys of victims and victim advocates.
- Record reviews regarding victim participation.
- Focus groups with victims and victim advocates.
- Structured interviews with victim advocates.
- Number of contacts made with victims.

- Number of contacts responded to by victims.

The victim rights standard addresses the role of the victim in the juvenile justice process and reflects themes of restorative justice. This standard explicitly recognizes that the victim has an important role in the justice process and a stake in its outcomes. It ensures that victims are not marginalized and their input is valued and can help inform recommendations.

VI. DELINQUENCY CASE PROCESSING

Court referral and intake services should be available seven days a week, twenty-four hours a day.

A. Legal Sufficiency

Upon receipt of a referral, it shall be date-stamped “received.” If information is given verbally, it shall be reduced to writing as soon as possible.

The intake officer should make an initial and prompt determination of whether the referral is legally sufficient for the filing of a petition on the basis of contents of the referral and intake investigation. In this regard, the officer should determine whether:

1. The facts as alleged are legally sufficient to establish the court's jurisdiction over the juvenile;
2. There is a clear statement of the offense(s), violations(s), or act(s) alleged;
3. There is competent and credible evidence sufficient to support the filing of a petition; and
4. That all offenses, violations, or acts arising out of one referral are included in one petition.

If the legal sufficiency of the referral is unclear, the officer should:

1. Cause or initiate further investigation; or
2. Consult with legal counsel.

If the officer determines that the facts, offenses, or acts as alleged are not sufficient to establish the court's jurisdiction, the officer should dismiss/reject the referral or, where appropriate, forward the referral to the appropriate authority.

The intake disposition of the referral should be made within 30 calendar days from the “date” stamped received.

B. Notice to Parties

Every effort should be made to ensure that all parties are provided with timely notice of proceedings.

Notice of informal adjustment shall be given to parties as required by Rule 113.02.

Summons and service of petitions and other pleadings shall be given to parties as required by Rules 115.01 to 115.04.

C. Informal Case Processing

The Missouri Juvenile Offender Risk & Needs Assessment Classification System should be referenced and used as a guideline for arriving at the decision to dispose of a referral through the informal process.

1. Upon a decision to make an informal adjustment, the rules that govern the informal adjustment process (Rules 113.01 to 113.04) shall be strictly followed.

2. The informal adjustment disposition should be made on or within 30 calendar days from receipt of the referral.

3. During the informal adjustment conference and after the allegations are found sufficient, the officer shall conduct a risk assessment and classification of the juvenile.

Section 211.141, RSMo.

As a result of the informal adjustment and classification of the juvenile, the officer should determine what disposition is in the best interest of the juvenile and community.

A needs assessment may be completed on a juvenile during the informal adjustment conference at the officer's discretion.

Within five business days of determining a disposition, the disposition, results of the risk assessment (and needs assessment, if completed), and the sanctions and services utilized shall be reported to the court and the office of state courts administrator using a standardized form. Sections 211.141 and 211.327, RSMo.

A juvenile officer or the juvenile officer's designee should conduct the informal adjustment conference. The juvenile officer or designee has authority to provide for any disposition available. Any services available to the court should be available at the informal adjustment conference.

An agreement should be signed signifying the juvenile and custodians accept the terms of the informal adjustment. This agreement should be maintained in the juvenile's file, and a copy of the agreement should be provided to the juvenile and custodians upon signing.

D. Formal Case Processing

The Missouri Juvenile Offender Risk & Needs Assessment Classification System should be referenced and used as a guideline for arriving at the decision to dispose of a referral through the formal process.

Upon a decision to file a petition, the rules that govern formal case processing (Rules 114.01 to 114.03) should be strictly followed.

During formal case processing, the officer shall conduct a risk assessment and classification of the juvenile. Section 211.141, RSMo.

A needs assessment should be administered. Section 211.141, RSMo.

Within five business days of the court entering a disposition, the disposition, results of the risk assessment, needs assessment, and the sanctions and services utilized shall be reported to the court and the office of state courts administrator using a standardized form. Sections 211.141 and 211.327, RSMo.

Performance indicators

- Consistent case recommendations across like cases.
- Efficient use of services.
- Identified areas of service needs are met.

Potential measurement methods

- Review and comparison of case recommendations across like cases.
- Surveys of service providers regarding appropriateness of referrals.
- Review of case outcomes across like cases.
- Surveys/structured interviews with juveniles and parents/guardians.

The delinquency case processing standard is a multi-stage standard that offers a best practice model for processing cases, from the point at which a referral is received until a case is closed. This standard was created to foster consistency in case-handling practices, to ensure that these practices are just and equitable, and that actions are timely.

Use of a case classification system is included in this standard to provide a rational, objective basis for decisions. The case classification system is designed to balance the needs and rights of the youth with public safety concerns.

VII. DISPOSITIONS

A. Supervision Procedures*

1. Duration

Informal adjustment with supervision – Informal adjustment with supervision cannot exceed a period of six months, unless extended by court order. Informal adjustment may not continue beyond a period of one year. Rule 113.04.

Court Adjudication/Supervision – The duration of formal supervision should be based on the juvenile’s risk and needs levels and adjustment under supervision.

2. Contact Standards

Written guidelines should be in place pertaining to the frequency and nature of contacts that should be made with the juvenile during the period of supervision. These guidelines should take into account public safety and be based upon the Missouri risk scale and the severity of the presenting offense. Contact standards should be graduated and may increase or decrease during the period of supervision. The decision to adjust the level should be based on receipt of new referrals, violations of supervision, compliance with treatment services, and risk level changes.

Recommended minimums for contact standards are provided below.

a. Informal Adjustment with Supervision - Informal adjustment may or may not include supervision. Informal adjustment with supervision should include a minimum of one face-to-face contact per month with the juvenile or custodian for the duration of the informal adjustment period.

b. Formal Supervision - The amount and type of contact should correspond to the supervision level.

i. High level supervision should include a minimum of four face-to-face contacts monthly with the juvenile at the juvenile office, juvenile's home, school, or other community setting, one of which includes a parent or custodian, supplemented by collateral contacts* as needed.

ii. Moderate-level supervision should include a minimum of two face-to-face contacts monthly with the juvenile at the juvenile office, juvenile's home, school, or other community setting, one of which includes a parent or custodian, supplemented by collateral contacts as needed.

iii. Minimum-level supervision should include a minimum of one face-to-face contact monthly with the juvenile, which should include a parent or custodian, supplemented by collateral contacts as needed.

c. Treatment Contacts - Written guidelines should be in place pertaining to the frequency and nature of contacts that should be made with the juvenile's treatment providers during the period of supervision.

B. Case Monitoring

All sanctions, services, and dispositions should be monitored in all cases to ensure compliance.

1. Progress Reports

The juvenile officer should complete progress reports at least every three months. Progress reports should address compliance with conditions of supervision, services received, new referrals to the court, and changes in risk level.

The progress report should be submitted to the court for formal cases and maintained in the juvenile's file for all cases. Notification of progress or lack of it should be provided to the juvenile and parent or guardian.

2. Documentation of Results

The results of monitoring and outcomes should be documented when the case is terminated. This documentation should be maintained in the juvenile's file.

C. Case Closing

1. Informal Adjustment

Informal adjustment should be terminated as required by Rule 113.04. Written notification should be provided to the juvenile and family and to the court of the termination of informal adjustment.

2. Court Supervision

Formal supervision should be terminated as required by Rule 119.09. Upon termination, written notification should be provided to the juvenile and family.

3. Exit Interview

For both formal and informal cases, an exit interview should be conducted with the juvenile and juvenile's parent or guardian to:

- a. Notify them of the recommendation to discharge;
- b. Review services provided; and
- c. Receive comments and recommendations.

A copy of the results of the exit interview should be placed in the juvenile's file.

D. Offense and Gender-Specific Services

Offense and gender-specific services or programs should be utilized. Examples of such programs include shoplifting, substance abuse, arson, and sex offender programs. The juvenile officer should promote the development of these resources.

Performance indicators

- Reduced recidivism.
- Consistent case decisions/recommendations across like cases.
- Identified areas of service needs are met.

Potential measurement methods

- Analysis of recidivistic referrals, numbers, and types.
- Review/comparison of case decisions/recommendations across like cases.
- Surveys/structured interviews with juveniles and parents/guardians.

As with delinquency case processing, the dispositions standard puts forth a best practice standard concerned with issues of public safety and the importance of utilizing the least restrictive intervention for the juvenile. Adherence to the supervision level described in this standard is intended to ensure that communities are safer from offenders while habilitation efforts are administered to decrease the likelihood of delinquent behavior by the juvenile.

VIII. DETENTION* FACILITIES AND SERVICES

Procedures for use of detention facilities and policies governing the treatment and rights of detained youth shall be in compliance with Rules 111.01 to 111.10. A sufficiently wide range of detention services should be available so that the least restrictive interim option appropriate to the juvenile needs and community safety may be selected.

When a detention facility* has bedspace available, every effort should be made to accommodate youth regardless of that youth's county of residence or the court having jurisdiction.

Performance indicators

- Enhanced availability of detention facilities and services.
- Increased community safety.
- Public awareness of availability of detention facilities/services.

Potential measurement methods

- Record review relevant to decisions to hold and availability of resources.
- Analysis of pre-disposition recidivism.
- Surveys of local citizens.

This standard ensures that there are sufficient resources available to detain youth that present a significant risk and that detention resources are used judiciously. The standard encourages resource sharing among circuits that have detention facilities and services and promotes development and use of less restrictive options when appropriate.

GLOSSARY OF TERMS

Collateral contacts – Contacts with members of the juvenile’s support system or other persons who have knowledge of the juvenile’s behavior. This may include parents or guardians, other relatives, school personnel, and treatment providers.

Detention – Means the taking and retention of the person of a juvenile in judicial custody in connection with proceedings under subdivision (2) or (3) of subsection 1 of section 211.031, RSMo.

Referral – Information received by the juvenile officer or other authorized staff alleging facts that may bring a juvenile under the applicable provisions of chapter 211, RSMo. If information is given verbally, it shall be reduced to writing.

Secure detention – Any public or private residential facility used for the temporary placement of any juvenile if such facility includes construction fixtures designed to physically restrict the movements of juveniles held in such facility.

Supervision – Refers to the on-going contact of a juvenile found to be subject to the court’s jurisdiction, the juvenile officer or deputy juvenile officer for a designated period of time during which the juvenile may be required to comply with certain conditions either by informal agreement or formal court disposition under subdivision (2) or (3) of subsection 1 of section 211.031, RSMo.

APPENDIX B.
SURVEY INSTRUMENT

STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

1. Are you familiar with the Standards for the Administration of Juvenile Justice?
 yes no

2. If so, are you using any of the Standards? yes no

3. Please identify the Standards you are using. (Check all that apply.)
 - Access to Juvenile Justice Services
 - Independence and Integrity
 - Timeliness and Responsiveness
 - Records
 - Victim Rights
 - Delinquency Case Processing
 - Dispositions
 - Detentions Facilities and Services

4. Should there be incentives for using the Standards? yes no

5. If so, what should the incentives be? (Check all that apply.)
 - Certification by the Supreme Court that you are using the Standards
 - Special project funds used to evaluate the Standards in your office/ community
 - Specific project funds for local training
 - Publicity for your office
 - A visit to your office by the Chief Justice for certification award/local publicity.
 - Other _____

6. If you are not using the Standards, do you plan to use them soon?
 - Yes, within the next 6-months
 - Yes, within the next 12-months
 - Not sure

7. If you are not using the Standards, please identify the following as barriers to using the standards? (Check all that apply.)
 - Limited staffing resources
 - Training
 - Time frames too difficult to meet
 - Staff not interested
 - Other _____

8. Do you agree the Standards are valuable for your office? yes no

9. Do you agree the Standards are valuable statewide? yes no

APPENDIX C.
TELEPHONE INTERVIEW GUIDE

Interview Guide for Juvenile Officers who have indicated they have implemented the Standards of Administration of Juvenile Justice.

1. You have indicated in your survey response that you are using the Standards, how are you using them?

Have you added any additional resources?

Is the Judge aware that you are using them?

Have you discussed the standards with your staff?

2. What have you changed in regard to your practice and procedure for successful compliance with the standards?

Has it been difficult?

3. Are you using any of the standards in your budget process?

4. Do you have the means to measure how well you comply with the standards?

5. Has it been difficult to change your locale practice/procedure in your circuit juvenile office to achieve compliance with the standards?

6. Do you agree or disagree that “the way we have always done it” helps or hinders compliance with the standards? Agree Disagree

7. Do the judge/judges support the standards?

8. Have the judges expressed any perspective about the standards?

Do they present a barrier or incentive to implement the standards?

9. Have the judges expressed any attitudes about the standards, positive, critical?

10. What is your attitude/opinion about the standards? Positive, critical.

11. Are your customers or users of the court aware of the standards?

(counsel, lawyers, GAL’s, parents, public defender, service providers)

Are they a barrier or incentive to implement the Standards?

12. Do they support the standards?

13. Do you work with other government agencies such as police depts., DFS, DYS; schools impede or promote compliance with the standards? Explain answer.

14. What factors promote or impede meaningful participation in the juvenile justice process, without undo hardship or incontinence?

15. To what extent do other government agencies you work with (police, prosecutor, DFS, DYS, schools) promote or impede independence and integrity?

16. What factors bear on the juvenile officers/courts ability to be timely and responsive?

17. What promotes or impedes the capacity to provide 24/7 referral intake services?

18. What factors bear on victim services?

19. What factors affect post-disposition supervision?

Case monitoring?

Case closure?

20. What factors impede or promote offense specific and gender specific services?

21. Do you have any other comments in regard to the standards?

APPENDIX D.

REFERENCES

REFERENCES

- Bureau of Justice Assistance. (1997). "Bureau of Justice Planning Guide for Using the Trial Court Performance Standards and Measurement System." Monograph. NCJ 161568.
- Cole, George. (1993). "Performance Measures for the Trial Courts, Prosecution, and Public Defense." In *Performance Measures for the Criminal Justice System*. U.S. Department of Justice.
- Commission on Trial Court Performance Standards. (1997). *Trial Court Performance Standards with Commentary*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance. July.
- Friedman, Mark. (1997). "A Guide to Developing and Using Performance Measures in Results Based Budgeting." Unpublished manuscript prepared for The Finance Project.
- Gallas, Geoff. (1987). "Judicial Leadership Excellence: A Research Prospectus." *Justice System Journal* 12, p 54.
- Hewitt, William E., Geoff Gallas, and Barry Mahoney. (1990). "Courts that Succeed: Six Profiles of Successful Courts." Williamsburg, VA: National Center for State Courts.
- Keilitz, Ingo. (2000). "Standards and Measures of Court Performance." In *Measurement and Analysis of Crime and Justice*. Volume 4, Criminal Justice. Washington, DC: National Institute of Justice, U.S. Department of Justice. In press.
- Keilitz, Ingo, Brian J. Ostrom, and Neal B. Kauder. (1997). "The Judicial Administration Dashboard: A Court Performance Guidance System." *The Court Manager*. Spring.

Logan, Charles H. (1993). "Criminal Justice Performance Measures for Prisons." In *Performance Measures for the Criminal Justice System*. U.S. Department of Justice. National Advisory Committee. (1980). "Standards for Administration of Juvenile Justice and Delinquency Prevention." Washington, DC: Government Printing Office.

Osborne, David and Ted Gaebler. (1992). *Reinventing Government*. New York: Praeger.

Petersilia, Joan. (1993). "Measuring the Performance of Community Corrections." In *Performance Measures for the Criminal Justice System*. U.S. Department of Justice.

Rottman, David and William E. Hewitt. (1996). *Trial Court Structure and Performance: A Contemporary Appraisal*. Williamsburg, VA: National Center for State Courts.

Rottman, David and Pamela Casey. (1999). "Therapeutic Jurisprudence and the Emergence of Problem-Solving Courts." *National Institute of Justice Journal*. July.

Robert Shepherd, Editor. (1996). "Juvenile Justice Standards: A Balanced Approach." Standards for the Administration of Juvenile Justice Committee Report, (2001) Gary Waint Chair, Division Director Juvenile and Adult Court Program, Office of State Courts Administrator, Jefferson City. Missouri.