



REVIEW OF NEW HAMPSHIRE JUVENILE JUSTICE SYSTEM

Executive Summary

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Produced for Division of Children Youth and Families
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Purpose:

The purpose of this review of the New Hampshire juvenile justice system is to provide an assessment of Juvenile Probation and Parole field services and the John H. Sununu Youth Services Center (SYSC) and make recommendations for improvement as needed in each of the following areas:

- A. The organizational structure and management of juvenile justice services in New Hampshire as compared to best practices and juvenile justice agencies nationally;
- B. Practice and programming in New Hampshire juvenile justice field services and the SYSC;
- C. Safety and security of youth, families and staff in New Hampshire juvenile justice field services and the SYSC;
- D. Planning for the return of seventeen year-old youth to the juvenile justice system from the adult corrections system in New Hampshire.

Methods:

Information for this report was assembled through site visits to the Sununu Center, the Concord Juvenile Justice Services (JJS) District Office, and two private provider agencies: Webster House and Easter Seals Program. Also, interviews were conducted with a cross section of field staff (administrators, supervisors probation and parole officers), a cross section of SYSC staff (administrators, direct care, clinical and educational), interviews with randomly selected youths and interviews with external stakeholders including, a legislator, family court judges, Chair of the State Advisory Group, Policy Director for the NH Disability Rights Center, a public defender, Chair of the Juvenile Parole Board and Political Director of SEIU Local 1984. Other sources included a review of specific laws that govern operations at SYSC and Field Offices, policies and procedures for the Sununu Center, case files from the District Offices, DCYF's 2015 – 2019 Child and Family Services Plan and previous studies on SYSC or DCYF.. Since the Sununu Center participates in the Performance-based Standards (PbS) continuous improvement model, the October 2014 site report on data summaries of the quantitative and qualitative information entered by SYSC was reviewed and reported.

- A. Organizational structure and management of juvenile justice services in New Hampshire as compared to best practices and juvenile justice agencies nationally;**

Findings:

The placement of youth correctional agencies within state government to a large extent determines each agency's jurisdiction, scope of services, budget and priorities. New Hampshire's juvenile justice services are located in a division in the DHHS/ DCYF, a child welfare/social services agency, as are 25 percent (12) of other youth correctional agencies across the country. Just under 33 percent (17) are freestanding departments within the executive branch of government, 22 percent (11) are distinct agencies under a health and human services umbrella system and 20 percent (10) are divisions within an adult corrections agency.

The majority of those interviewed for this report cited numerous benefits of the merger of Child Protection Services (CPS) and Juvenile Justice services (JJS) under one unifying agency, DCYF. Benefits included: elimination of silos in managing youths' cases, adoption of Restorative Practices, Solution-Based Casework, Family Engagement, evidence-based practices and permanency planning. Also, many who were interviewed felt that the correctional culture at the Sununu Center had been transformed into a rehabilitative one that welcomed family involvement, offered evidence-based treatment programs to the youths and planned for their successful reintegration to families and communities. One concern expressed by a number of field staff, especially JPPOs was a perceived loss of identity as case managers whose relationship with a youth was more law-enforcement in nature than child protection.

Discussion:

The present configuration of youth correctional agencies throughout the country does not indicate a clear organizational preference or a best practice. Regardless of the organizational location, all youth correctional agencies adopt a dual mission of protecting the public and rehabilitating young offenders. Most youth correctional agencies have responsibility for a continuum of services made up of secure confinement facilities and community-based residential and non-residential programs and services. Most states are also responsible for aftercare services when a youth leaves a secure program and returns to the community.

Recommendations:

- The Hassan Administration should keep Juvenile Justice Services in DCYF;
- The Legislature, Judiciary and public should support the integrated child protection and juvenile justice services under DCYF; and
- DHHS and DCYF should continue to educate the legislature, judiciary, media and the public about the benefits to children, adolescents, families and the community of maintaining child protection services and juvenile justice services in the same Division of DHHS.

B. Practice and programming in the New Hampshire juvenile justice field services and the Sununu Center.

Practice and Programming – Juvenile Justice Field Services

Findings:

- Juvenile Justice case management practices in New Hampshire align with best practices across the country as evidenced by: use of a validated risk assessment instrument to guide supervision, development of an individual case plan for each youth, use of diversion for low level offenders, confining only those youth who pose a risk to public safety, engaging families in their children’s rehabilitation and managing each case through the continuum of care;
- DCYF provides an array of community-based residential and non-residential programs to manage and treat youth who can be supervised in home or in non-secure residential programs;
- Field Services staff expressed the need for more specialized programs and services for youth such as mental health services, drug and alcohol services to meet the complex needs of their current client population;
- JPPOs remain involved in the case management of youth confined to the Sununu Center by: leading on permanency planning for youth while they are in out-of-home placements, visiting youths and participating in treatment team reviews held at the Sununu Center and other residential placements, visiting families while youth are confined, and supervising youth on parole. These practices are consistent with case management best practices nationally; and
- Solution-Based Casework, the clinical component of casework, is being utilized inconsistently in JJS District offices across the state.

Discussion:

Juvenile Justice Services has responsibility for providing supervision and rehabilitative services to youth adjudicated under state law as delinquent or Child in Need of Supervision (CHINS). JJS provides supervision, case management and an array of rehabilitative services through the work of Juvenile Probation and Parole Officers (JPPO) and a network of community-based providers.

JPPOs conduct investigations and supervise delinquent and CHINS youth in the community and monitor and supervise committed delinquents who have been released from the Sununu Center on parole status. JPPOs are located in 11 JJS District offices and five itinerant offices throughout the state.

JPPOs utilize a validated risk instrument to assess all youth who are adjudicated as delinquent or CHINS.. The JPPOs, who function as case managers, utilize the risk score to determine the needs of the youth that should be addressed in the case plan and the level of supervision necessary by the JPPO.. JPPOs work hard to maintain a youth in the community. The placement philosophy of DCYF sets the threshold for making an out-of-home placement as an unsafe situation – such as a youth in danger of hurting him/herself or another.

Recommendations:

- DCYF should assess the current capacity of residential and non-residential community-based programs to meet the complex needs of youth in its current population; and
- The Field Services Bureau Administrator should develop a plan and time line to fully implement and ensure mastery of Solution-Based Casework in all JJS Districts.

Practice and Programming – Sununu Youth Services Center

The Sununu Center Youth Services Center (SYSC) provides an architecturally secure placement for juveniles committed by the courts and for youths involved with the New Hampshire court system who are awaiting court processing.

Findings:

- The Sununu Center utilizes validated risk and need assessment instruments to determine treatment needs;
- SYSC employs an array of evidence-based programs aimed at reducing the recidivism of adolescent offenders;
- SYSC participates in the Performance-based Standards initiative to collect and analyze outcome data in order to evaluate its progress in achieving the highest standard of care;
- SYSC has made substantial progress in changing the culture of the facility from a predominantly correctional one to a rehabilitative model;
- SYSC has chosen Restorative Practices as the foundation of the facility's practice model;
- Engagement of families of youths in the SYSC has become a high priority for JJS;
- The School program continues to provide a quality education despite teacher and some support staff layoffs;
- Some of the PbS scores on the administration of physical fitness tests indicate that some youth may not be receiving the required large muscle exercise adolescents should receive or the data is not being recorded by staff and youths on client surveys; and

- SYSC is working closely with families on Permanency Planning arrangements for their children as they return home.

Discussion:

The Sununu Center has developed a comprehensive treatment model that is grounded in research-based models or principles. Youth are thoroughly assessed on admission to the facility with such instruments as the Child and Adolescent Needs and Strengths Assessment (CANS), the UCLA Trauma Screen and others and placed in specially designed units based on their assessments and individual treatment plans. During their stay, youth receive individual and group counseling tailored to respond to their clinical, educational and social needs. Staff also employ evidence-based treatment interventions such as Trauma-Focused Cognitive Behavioral Therapy, Dialectical Behavior Therapy and others to deal with underlying causes of delinquency.

SYSC has been engaged in culture change, transitioning from an embedded correctional philosophy to a rehabilitative one. In accordance with this change, the Sununu Center implemented Restorative Practices as a strategy to help residents recognize and repair the harm done to the community by their offending and make positive changes in their relationship with each other, staff and their families. The facility utilizes a behavior management system that rewards positive behavior and holds youths accountable for negative behavior. SYSC has intentionally involved youths' families in its rehabilitative mission through family therapy, encouraging and facilitating family visits and conducting the Better Together as Birth Parents workshops.

Mandatory parole for the majority of youths at SYSC requires the staff to accomplish much in a short period of time. Consequently, planning for a youths' return to their families and the larger community must begin on day one of a youths' stay at the Sununu Center. Staff at SYSC and in the District offices collaborate on developing a permanency plan for each youth.

SYSC utilizes Performance-based Standards (PBS), a data-driven improvement model that collects and reports both quantitative administrative record data and qualitative survey data from youth, staff and families to provide a holistic and comprehensive picture of the conditions of confinement and quality of life in secure facilities for young offenders.

Recommendations:

- Periodically review youths' case files to ensure that permanency planning begins at a youth's initial treatment planning meeting;
- Utilize training in the new SYSC Incident Reporting Guide to help staff who continue to be challenged by the policy that prohibits the punitive use of

isolation to understand the progressive consequences available to them for sanctioning wrong doing; and

- Utilize the PbS Facility Improvement Plan to set goals for increasing physical (large muscle) recreational activities for youths.

C. Safety and Security of youth, families and staff in the New Hampshire juvenile justice field services and the Sununu Center

Findings:

- The Sununu Center provides a safe environment for youth, staff and visitors;
- The Sununu Center rarely uses physical and mechanical restraints;
- Replacing the embedded correctional culture with Restorative Practices has created the perception for some staff that the facility is unsafe;
- SYSC is implementing a recently developed Guide to Incident Reporting and Related Practices that gives alternative options for progressive and proportional consequences to unacceptable and/or dangerous behavior;
- SYSC offers youths many incentives through the Strength-Based Privilege System, which is a component of the Center's Behavior management System

Discussion:

The outcome data on a variety of measures of physical and psychological safety of youth and staff at SYSC, such as assaultive behavior, injuries to staff or youth, use and duration of room confinement and the use of force and mechanical restraints indicate that the Sununu center provides a safe environment for youth, staff and visitors.

Perceived fear for safety by youth and staff that is expressed on youth and staff climate survey seems to be related more to the culture change process at SYSC over the past few years than incidents of assaults on youth or staff or injuries sustained by staff and youth.

SYSC's behavior management system is developing a balance of positive incentives and consequences for negative behavior.

Conclusion:

- Staff and youths should collaborate to expand the current list of incentives of positive behavior now that the inventory of consequences for rule violations has been expanded; and
- The Bureau of Organizational Learning and Quality Improvement (BOLQI) should monitor the Implementation of the Guide to Incident Reporting and Other Practices to ensure consistent enforcement of rules, sanctioning of negative behavior and rewarding of positive behavior.

D. Planning for the increase in the age of majority from 17 to 18 years old.

Findings:

DCYF will be impacted by this legislation in the following ways:

- Juvenile Justice Services will be responsible for providing services, both in the community and placement when necessary, to 17-year old youth, as well as permanency planning for these youth when they enter adulthood
- DCYF will become responsible for housing 17-year old youth on pre-trial detention status while they await trial;
Some potential effects of the new law:
- Youth will be committed through their 18th birthday; DCYF will have insufficient time to treat offenders who are placed with DCYF in the latter half of their 17th year;
- An additional appropriation for DCYF is likely to be necessary in order to provide the full continuum of services for these youth including: pre-trial detention, secure treatment services at SYSC and probation and parole monitoring in the community; and
- Additional residential and non-residential community-based resources will be required as alternatives to placement at SYSC and for transitioning these older youths back to their respective communities after placement.

Discussion:

In 2014, the New Hampshire General Court passed HB 1624 (Laws 2014, Chapter 215). HB 1624 raised the age of minority for delinquency proceedings from 17 to 18 years of age. The effective date for this change is July 1, 2015

The additional youths who will be placed under the care and supervision of JJS will require programs and service along the continuum including in-home placement, residential and non-residential services in the community, placement in SYSC and aftercare services. DCYF undertook a projection study to estimate the number of youths 17 and older it can expect to receive once the law goes into effect and the cost implications for serving this older group of offenders. DCYF has established a HB 1624 Work Group comprised of administrators, field and SYSC staff to plan for the extension of minor status to 17-year old youths within the state's juvenile justice system.

The Massachusetts General Court also raised the age of adult jurisdiction from 17-years to a youth's 18th birthday in September 2013. The Department of Youth Services, the state's youth correctional system's experience in implementing the law could be instructive for New Hampshire.

Recommendations:

- DCYF should invite officials from the Massachusetts Department of Youth Services to one of the HB 1624 Work Group sessions to share the experience of the agency in implementing the Raise the Age Legislation;
- DHHS should consider introducing legislation that youths committed between their 17th and 18th birthdays be committed to age 19; and
- DCYF should base services and program needs for the expected increase of its 17-year old population on the projection study it undertook last year and include this in its next budget request.



Council of Juvenile Correctional Administrators Report on Review of the New Hampshire Juvenile Justice System

By: Edward J. Loughran, Executive Director

March 23, 2015

I. Purpose and Scope of Report

Background:

On July 28, 2014, Governor Maggie Hassan vetoed Senate Bill 391, an act relative to the juvenile justice Advisory Board, the policies and procedures of and a reduction in appropriation to the Sununu Youth Services Center (SYSC). Senate Bill 391 would have separated the juvenile justice operations of the Division of Children Youth and Families (DCYF) from the child protection responsibilities of the Division. This would have required a separate director of Juvenile Justice, equivalent to the director of DCYF.

In 2012, Senate Bill 349 directed the Department of Health and Human Services (DHHS) to integrate DCYF and Juvenile Justice Services. DCYF administrators and staff in the child protection and juvenile justice arenas have been working for the past two years to integrate the dual functions of the agency.

Governor Hassan, in her veto message, called for a review of New Hampshire's juvenile justice system and the Sununu Center, especially as the state begins to implement the law that returns 17-year-olds to the state's juvenile justice system. The Governor directed DHHS to engage an independent organization with national expertise to conduct a review of the Sununu Center and juvenile justice field services, and to make recommendations on how New Hampshire can improve its juvenile justice structure, management and policies. The governor stated in her veto message: "An integrated, community-based approach is both the most likely to help youthful offenders put their lives back on track, and the most cost effective for the state. This bill would undo our efforts to move in that direction..."

The Council of Juvenile Correctional Administrators (CJCA) was asked by DHHS to conduct the review. Edward Loughran, executive director of CJCA and former commissioner of the MA Department of Youth Services examined all juvenile

justice operations of DCYF and prepared this report for DHHS. CJCA represents the youth correctional chief executive officers in 50 states, the District of Columbia, Puerto Rico and major metropolitan counties. CJCA has worked to improve youth correctional services and practices by uniting the nation's youth correctional chief executives and by providing a source of positive support for these leaders.

II. Objectives of the Review

The review was conducted to provide an assessment and recommendations for improvements as needed in each of the following areas:

- A. The organizational structure and management of juvenile justice services in New Hampshire as compared to best practices and juvenile justice agencies nationally;
- B. Practice and programming in New Hampshire juvenile justice field services and the Sununu Center;
- C. Safety and security of youth, families and staff in New Hampshire juvenile justice field services and the Sununu Center; and
- D. Planning for the return of 17 year-old youth to the juvenile justice system from the adult correctional system in New Hampshire.

III. Methodology

Edward Loughran conducted comprehensive site visits to New Hampshire on Oct. 30-31 and Nov. 10, 11, 12 and 14. During the visits he toured the SYSC facility, observed programming and operations and interviewed administrators, staff, parents and youth residents. He visited the Concord field office on Nov. 10 where he interviewed the Field Services Bureau Administrator of DCYF, three JJS Field Administrators, two JJS Supervisors and five JJS Probation and Parole Officers. He also reviewed case files of several youths currently committed to JJS. On Nov. 11, Mr. Loughran visited two privately operated residential facilities: Webster House and Easter Seals Residential Program where he toured the programs and met with administrators, staff and youth residents. He met or held conference calls with one state legislator, family court judges, the outgoing Director of DCYF, Chair of the State Advisory Group, Policy Director for the New Hampshire Disability Rights Center, a public defender and Chair of the Juvenile Parole Board (See list of persons interviewed in Appendix I) He also reviewed laws that govern operations at SYSC and field operations, policies and procedures for the Sununu Center, DCYF's Five Year Plan and previous studies on SYSC or DCYF (See list of documents reviewed in Appendix II). He reviewed and reported on the Performance-based Standards 2014 outcome report and data summaries of the quantitative and qualitative information collected from the Sununu Center.

IV. Organizational structure and management of juvenile services in New Hampshire as compared to best practices and juvenile justice agencies nationally.

Structure and Management of Youth Correctional Agencies in the United States

The majority of youth correctional agency directors are appointed by governors or top executives of the cabinet-level department where the agency is located. The placement of youth correctional agencies within state government to a large extent determines each agency's jurisdiction, scope of services, budget and priorities. Currently, just under 33 percent (17) are freestanding departments within the executive branch of government, 22 percent (11) are distinct agencies under a health and human service umbrella system, 25 percent (13) are placed as divisions within the child welfare/social services system and 20 percent (10) are divisions within an adult corrections agency (See Appendix III). A trend away from this final organizational arrangement was growing over the past twenty years until either state legislatures or chief executives in California (2005), North Carolina (2013) and Kansas (2013) moved their youth correctional agency under adult corrections. Strong arguments have been made for each organizational configuration and there are pros and cons to support or counter each arrangement.

The enabling legislation of virtually all youth correctional agencies in the country espouses dual goals of protecting the public and rehabilitating young offenders. Chief Executives and state legislatures choose from the above organizational configurations to achieve the juvenile justice's system's dual goals.

Most youth correctional agencies have responsibility for a continuum of services. Regardless of where the agency resides in state government, all agencies are responsible for correctional facilities and community-based residential and non-residential programs and services. Most states are also responsible for aftercare services when a youth leaves a facility and returns to the community.

The New Hampshire juvenile justice system has come full circle through a number of reorganizations over the last 35 years. In the 1980s, DCYF encompassed juvenile justice, child protection services and the Youth Development Center (YDC) on River Road in Manchester. The YDC became an independent department in the early 1990s, only to be brought back into DCYF in the late 90s. Then, in the early 2000s, juvenile justice including the YDC became separated once again from DCYF. During this time, the Youth Development Services Center (YDSU) was moved from Concord to the Manchester YDC campus, and both facilities moved into a new building and became known as the Sununu Youth Services Center. In 2012, legislation united juvenile justice and child protection services again under the DCYF umbrella. Director Maggie Bishop explained the rationale for this merger in an interview just before she left her position in November 2014. She believed that juvenile justice became isolated from New Hampshire's other children and youth serving agencies when it was separated from DCYF. According to former Director

Bishop, bringing juvenile justice back into DCYF reaped a number of benefits not previously enjoyed as a freestanding agency, such as: support from the Bureau of Organizational Learning and Quality Improvement (BOLQI), including a continuous quality improvement system and resources, the implementation of evidence-based practices such as Solution-based Casework, participation in the New Hampshire Practice Model design, use of the same management information system, a shared services and programs array, and a joint planning policy for families involved with both systems. Additionally, the merger allowed for resources and expertise in permanency planning for youths in juvenile justice to be shared, and brought about efforts, such as the use of genograms and Better Together with Birth Parents workshops, to find a healthy adult connection or a family that has lost contact with a young offender to improve aftercare success.

Additionally DCYF maintains integrated policies and procedures to foster consistency while recognizing the specialized knowledge and practices in Child Protection, Juvenile Justice Field Services and the Sununu Center..

Merger of JJS and CPS under DCYF – Comments from juvenile justice field services

The Field Services Bureau Administrator, Field Administrators and probation and parole supervisors and officers commented on the merger of JJS and CPS under the DCYF umbrella. Many field staff felt the Governor's decision to veto SB 391 that would have again separated the leadership of DCYF and Juvenile Justice Services was an affirmation of the agency's current philosophy and direction. Many of those interviewed mentioned that several of the current practices discussed at length in the DCYF 2015-2019 Child and Family Services Plan such as Solution-based Casework, family engagement, implementation of the Practice Model, Restorative Practices, adoption of evidence-based practices and permanency planning were shaped by the discussions among the CPS and JJS administrators and staff in joint leadership and work groups. One JPPO observed that DCYF has experienced a significant period of stability since the merger. "What the agency needs now is continuity in policy and practice, so it can continue to move forward," said the staff. Another staff said: "The merger was a message to CPS and JJS to work together; agencies are different, but the mission is the same."

The JJS Field Administrators and supervisors value the communication strategies that have emerged from the merger. The DCYF Management Team made up of 11 Bureau Chiefs and 6 Field Administrators meets once each month. There is also a Leadership Meeting of all field supervisors from CPS and JJS that meets once each month in a daylong meeting where information sharing takes place in the morning and leadership training and team building occurs in the afternoon. Some of the tangible benefits of the cross discipline meetings mentioned by the JJS supervisors are a better understanding of CPS and JJS role in case supervision. A supervisor commented, "There is much more collaboration, communication and working together now and a better understanding of each other's role." Other supervisors saw the Leadership meetings as an opportunity to get updates and

engage in discussions around policies and procedures and practical everyday issues, and an opportunity to learn from peers. Some of the supervisors mentioned that they bring the information learned in these meetings back to staff in the district offices and SYSC.

Most of the staff interviewed cited numerous additional benefits to JJS from the joining of the two children and youth services functions: child protection and juvenile justice. There appears to be consensus among the probation and parole staff interviewed that the benefits of the merger include: a recognition that JJS and CPS share core beliefs about the children and families they serve, better integration of the two youth serving agencies, a more collaborative and smarter working relationship, sharing of information Technology, ability to access each others resources and consistency in policy and practice that the merger has promoted.

Other interviewees reported negative consequences of the merger. One reaction to the merger of child protection and juvenile justice functions in DCYF surfaced in several interviews with JJS field staff. Field supervisors and JPPOs stated that there are clear differences between the two populations served: child protection cases and juvenile justice cases and the job requirements to serve each population are different. Some JPPOs felt that the differences are not always understood by the administration and were concerned that those in authority positions were trying to make probation officers child welfare workers. Some supervisors and JPPOs also expressed a feeling of a loss of identity as an unintended consequence of the merger. Although there is shared supervision of some youths'/families' cases by CPS and JJS, some probation staff expressed concern that they might have to assume exclusive responsibility for CPS cases. As one JPPO stated: "The job of a JPPO is different from that of the child protection case worker; breaking the law establishes the relationship between JJS and the youth."

Merger of JJS and CPS under DCYF – Comments from Sununu Youth Services Center

The administration and staff of the Sununu Center offered similar views of the benefits of the merger of CPS and JJS as the field staff mentioned, especially the opportunity to work with CPS staff on Solution Based Casework, the Practice Model and Restorative Justice Practices,. The prevailing sentiment is in the words of one administrator, "This (the merger) has been two years in the making; we don't want to lose the momentum."

One administrator viewed the adolescents served by CPS and JJS as the same developmentally. "Their brains are still developing, they're impulsive and easily influenced by their peers. The two divisions have a common mission and should work together to achieve their respective goals for the youths in the Division's care."

Other benefits of the merger according to SYSC staff are: DCYF work groups have participation from each discipline: child protection and

juvenile justice and the inclusion of JJS and SYSC administrators in Leadership Team meetings. Also, the parent and youth voices are now included, which translates into youths and their parents feeling better served by the collaboration between CPS and JJS. Finally the merger has broken down the silos that accounted for duplication of services. Now complex and difficult cases are managed more effectively with interdisciplinary teams.

Merger of JJS and CPS under DCYF – Comments from external stakeholders

The external stakeholders who were interviewed sensed that the integration of CPS and JJS under DCYF was working. Post-merger, treatment of youths in the community and at SYSC, which focuses on remedial services have become a priority. In the view of one of the judges interviewed, a philosophy of preparation of youths for the future has been a tangible benefit of the integration of the two divisions. Another judge stated the rationale for having the same umbrella agency over CPS and JJS: “These are the same kids with the same circumstances. There often is substance abuse in their families, kids are not in school and they’re on the streets.”

Conclusions:

- The majority of youths under DCYF’s care and supervision – both child protection and juvenile justice cases manifest similar issues and problems, many of which are family related;
- Regardless of the reason for placement in DCYF – for child protection, supervision or breaking the law (protection, status or criminal) youths have similar needs: family conflict, co-occurring disorders of mental health and substance abuse, educational and social deficits and unsafe behavior;
- The overwhelming majority of those interviewed for this review, both state employees and representatives of external organizations, supported retaining the two agencies under the same administrative umbrella;
- New Hampshire’s population is small – the family and juvenile justice related issues that DCYF must deal with are very manageable under the current administrative arrangement;
- Locating child protection services and juvenile justice services in the same division of the Department of Health and Human Services (DHHS) is a more cost-effective approach than separating them administratively;
- Separating the administration of child protection services and juvenile justice services would severely disrupt the progress made in the last two years in agency collaboration, shared services and leadership development; and
- Removing juvenile justice from DCYF would result in duplication of services and additional administrative costs to (DHHS).

Recommendations:

The above findings/conclusions appear to endorse the effectiveness of the current organization of DCYF that includes CPS and JJS, as the majority of youths and families served by both organizations have the same problems, needs and challenges. The treatment of youths who have been placed in DCYF's care and inclusion of their families in their child's treatment are priorities for DCYF. The policies and practices in JJS are consistent with the rehabilitative philosophy that guides youth correctional systems across the country.

1. The Hassan Administration should keep Juvenile Justice Services in the Division of Children, Youth and Families;
2. The Legislature, Judiciary and public should support the integrated child protection and juvenile justice services under DCYF;
3. DHHS and DCYF should continue to educate the legislature, judiciary, the media and the public about the benefits to children, families and community of having child protection services and juvenile justice services in the same Division of DHHS.

V. Practice and Programming in New Hampshire juvenile justice field services and the Sununu Center.

Services and programs offered at the Sununu Center and in field services

Juvenile Justice Services has responsibility for providing supervision and rehabilitative services to youths adjudicated under state law as delinquent or Children in Need of Services (CHINS). JJS provides supervision, case management and an array of rehabilitative services through the work of Juvenile Probation and Parole Officers (JJPOs) and a network of community-based providers .

Practice and Programming - Juvenile Justice Field Services:

Juvenile Justice Probation and Parole Officers conduct investigations and supervise delinquent and CHINS youths in the community and monitor and supervise committed delinquents who have been released from the Sununu Center on parole status. The JJS JJPOs are located in the 11 DHHS District Offices and 5 itinerant offices throughout the state.

This reviewer conducted interviews with the Field Services Bureau Administration of JJS and CPS Field Services, three JJS Field Administrators, two JJS Supervisors and five Juvenile Justice Probation and Parole Officers (JJPOs). The 11 staff interviewed have an average 17.6 years in field services; some having served in both CPS and JJS during their careers.

Use of Community-based Alternatives to Institutional Placement

Administrators and field staff stressed a common goal of working hard to maintain youths in the community. The placement philosophy of DCYF sets the

threshold for making a residential placement as an unsafe situation – such as a youth in danger of harming him/herself or another.. This was supported by reviews of numerous case files from district offices, interviews with youths at SYSC and parents, and conversations with judges and private providers. JPPOs utilize an array of community-based programs to divert youths from the juvenile justice system altogether. The Police Diversion program in Concord was cited for its willingness to forgo filing charges against a youth if the diversion was successful. Also the Merrimack County Diversion Program was singled out for its ability to provide anger management, positive decision-making training, and a Teen Court as components of diversion.

JPPOs utilize the Structured Assessment of Violence Risk in Youth (SAVRY) for both juvenile justice and Children in Need of Supervision (CHINS). The SAVRY was created for use with adolescents who have done something illegal or violent. The instrument will provide an accurate estimate of those youths' risk for continuing to engage in illegal behavior and some guidance as to why the youth might be doing that and what behaviors to target for intervention. JPPOs manage a case typically from the time a youth is adjudicated for an offense through their discharge from the agency. Families are involved in case planning. Some of the JPPOs spoken with mentioned that families are very cooperative. There is a joint planning process between CPS and JJS for families involved in both systems. JPPOs, according to those that were interviewed, commented on the productive working relationship between JJS and the program and service provider community throughout the state.

JPPOs in areas of the state that lack programs for specialized populations such as mental health services, substance abuse treatment and programs for girls noted the loss of a number of provider-operated residential facilities. They felt that the closing of programs such as St. Charles, Child and Family Services, North Country Shelter, Hannah House, Our House for Girls, ES Girls & Co-Occurring Unit, Eckerd and Lutheran Social Services Antrim Shelter has made it more difficult to place youths in community programs that can adequately address their needs.

Program closures seem to be attributable to three factors: First, the decline in the number of youth in residential placements, second, providers have not had a rate increase in several years due to fiscal constraints and third, some providers have been unable to adapt their programs to the intensive treatment needs of the youths being placed.

For juvenile justice youth placed at the SYSC, JPPOs and staff at the Sununu Center hold quarterly meetings to discuss case management services for youths and their families that need to be delivered while youth are confined to SYSC. The implications for case management that resulted from the legislated changes in parole are also discussed.

Solution-Based Casework has been chosen as the practice model for all case management services. All JPPOs have been trained in Solution-Based Casework (SBC), a case management approach that balances treatment with holding a youth accountable. SBC emphasizes the use of clinical case management. The DCYF Child and Family Service five-year plan mentions that SBC is being utilized inconsistently across the state. Some JPPOs and CPS caseworkers employ the SBC case plan effectively, while other do not. DCYF has established a statewide Solution-Based Casework workgroup and arranged additional training and coaching for staff in the model to improve implementation of SBC statewide.

Several JPPOs expressed their desire to receive refresher training in a number of areas of their core training that are related to their public safety role of holding youths in the community accountable. Some of the trainings mentioned are: the legal responsibilities inherent in case management, management of aggressive youths in the community, and safety issues faced when entering a youth's home to conduct a search. JPPOs have recently received training in Sex Trafficking, Solution-Based Casework and Trauma Informed Care, a new model that DCYF is implementing across the state.

Conclusions:

- Juvenile Justice case management in New Hampshire aligns with best practices across the country as evidenced by: use of a validated risk assessment instrument, development of an individual case plan for each youth, use of diversion for low level offenders, confining only those youths whose pose a risk to public safety, working closely with families and community-based providers and managing each case through the continuum of care.
- The JPPOs utilize the Structured Assessment of Violence Risk in Youth (SAVRY), a validated risk assessment instrument that predicts reoffending. This instrument is being used by an increasing number of youth correctional systems throughout the country.
- DCYF provides an array of community-based residential and non residential programs to manage and treat youths who can be supervised in-home or in non-secure residential programs, such as Easter Seals, NFI Davenport School, Webster House, Dover Children's Home, Mount Prospect Academy, Chase Home and others.
- The recent closing of eight privately operated residential programs has impacted the statewide program and service constellation, especially for girls and youths with co-occurring disorders of substance abuse and mental health issues.
- JPPOs remain involved in the case management of youths confined to the Sununu Center by participating in treatment team reviews at the facility, visiting youths while they are in SYSC, visiting families while youth are

confined and taking the lead on permanency planning for youths after they return home. These practices are consistent with case management best practices in juvenile justice.

Recommendations:

- DCYF should assess the current capacity of residential and non-residential community based programs to meet the complex needs and numbers of youths in its current population. .
- The Field Services Bureau Administrator should develop a plan and time line to fully implement and ensure mastery of Solution-Based Casework in all districts.

Practice and Programming - Sununu Youth Services Center:

The Sununu Youth Services Center provides an architecturally secure placement for juveniles committed by the courts and for youth involved with the New Hampshire court system who are awaiting court processing.

The mission of the Sununu Youth Services Center, as stated in the Parent and Youth Handbook, is to promote and balance community safety and positive youth development through the utilization of evidence-based practices. The statement goes on to say: “SYSC will achieve positive results by assuring offender accountability through restoration of individuals and communities harmed by misconduct and by treating youths as assets to be developed within families and communities.” In order to fulfill this essentially rehabilitative mission, the administration has developed a comprehensive treatment model that is grounded in research-based models or principles. Upon admission, a youth is thoroughly assessed and evaluated by a clinician. SYSC employs assessment instruments such as the Child and Adolescent Needs and Strengths Assessment (CANS), the UCLA Trauma Screen and others and the risk information from the SAVRY that the JPPO provides during the Treatment Planning meeting. Following the assessment, evaluation and classification to a correct level of security, placement and programming, an initial comprehensive individualized treatment plan is developed. The treatment plan is updated every 90-days based on Treatment Planning meetings. The Treatment Team consists of the youth, the youth’s parents/guardians, the JPPO, Treatment Coordinator, Permanency Specialist, the youth’s Unit Manager, assigned Youth Counselor and School Case Manager.

The configuration of the units is based on the treatment needs of the youth. The Intensive Unit is designed for youth who are committed for serious violent offenses and dangerous behaviors. The Drug and Alcohol Unit houses youth whose offending is directly related to their alcohol and substance abusing behavior. The Behavioral Unit offers intensive mental health treatment to youth classified to the Behavioral Health Program. The Crisis Services Unit (CSU) (H1) is utilized to stabilize a youth whose behavior is out of control. The purpose of the unit is to provide a safe

place for a youth to compose himself and give assurance that he will not present a danger to other youth and staff. The CSU review panel, which meets twice a week, reviews the situation of each youth on the unit and determines if he can return to the home unit. The Girls Unit provides three distinct treatment programs: The three-month At Risk Program begins with an assessment, is immediately followed by treatment and preparation for continuation of the treatment in the community. The Moderate Program is designed for females with serious behavioral problems that are placing the youth and community at risk. The Intensive Program is designed to work with female youths who are committed for serious violent offenses and/or dangerous behavior.

The therapeutic orientation of the various programs has been reinforced through a change in the leadership of the living units. The Treatment Coordinator is now in charge of behavioral management and overall management of each unit at SYSC. The Unit Manager reports to the Treatment Coordinator.

Youths receive individual and group counseling at the SYSC depending each youth's individualized treatment plan and on the orientation of one's living unit, e.g., the Drug and Alcohol Treatment Unit. Research supports the adoption of skill-building programs in long-term treatment programs like SYSC, such as cognitive-behavioral therapies that utilize cognitive restructuring and learning pro-social skills to improve problem solving (Lipsey et al., 2010). The Sununu Center utilizes several evidence-based programs. The Honest Mind Program was developed at SYSC to work with youths who have Conduct Disorders and engage in serious violent offenses and dangerous behaviors. The Honest Mind group approaches delinquency as a thought disorder. Groups occur four times each week for the youths on the Intensive Unit. Youths from the Intensive Unit who were spoken with believed that their participation in the Honest Mind groups would help them avoid criminal behavior when they return to the community. A youth stated: "It helps kids learn how to succeed and how to act with other people."

Evidence-based programs available at the Sununu Center include: Dialectical Behavior Therapy (DBT), and Trauma-Focused Cognitive Behavioral Therapy (TFCBT). Other treatment interventions include: Alcohol and Drug Treatment Program (ADAP), Restorative Circles, Pet Therapy, Journal Report writing, Individual, Group and Family Therapy.

Performance-based Standards (PbS)

In order to evaluate practice at the Sununu Youth Services Center, New Hampshire voluntarily participates in the Performance-based Standards (PbS) program, a continuous improvement system developed by the Council of Juvenile Correctional Administrators to measure best-case practice standards for juvenile facilities across the country. PbS was launched by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) specifically to address safety, health and quality of life issues in youth facilities identified as problematic in the 1994 Conditions of Confinement Study. PbS' primary

purpose is to provide facility and agency leaders and staff with national standards to guide operations, implement best practices that best serve youth, staff and families and to continuously monitor daily activities and culture within facilities using performance outcome measures. Specifically, the Sununu Center collects data from youth records, youth exit surveys, youth surveys, staff surveys, family surveys and incident reports and shares the data with the PbS Learning Institute (PbS Li). The data collected includes performance outcomes regarding safety and security, health and mental health services, programming (education, counseling and recreation), justice, family engagement, preparation for youths' return to the community and living/working conditions or climate. The data is compiled twice yearly through the Performance-based Standards organization and results are provided to New Hampshire. Results from PbS provide an abundance of important data on operations at SYSC as well as providing comparative data to the other nearly 150 participating juvenile detention, assessment and correctional facilities throughout the country, representing the "field average" on these various outcome measures.

Profile of the Youth Population at SYSC

A report issued in August 2013 by this reviewer pointed out the concentration of youths with serious emotional and mental health problems. Many of these youths also have a co-occurring disorder of substance abuse and/or alcohol abuse. It was also noted that youth correctional facilities across the country are experiencing a similar rise in a population of emotionally troubled young offenders. The concentration of youths with serious emotional and mental health problems in the deep end of youth corrections nationally is due to the paucity of mental health services in the community or mental health programs' inability to treat acting out delinquent adolescents.

The Oct. 2014 PbS report indicates that 90 percent of the youth entering SYSC were assessed for mental health problems by a trained or qualified staff. Records of youth assessed for mental health issues indicate that all of them received the mental health treatment prescribed by their individual treatment plans. Youth records also indicate that 84 percent of the youths assessed for substance abuse problems received the appropriate treatment prescribed by their treatment plans.

PbS data collected in Oct. 2014 further indicated that all youth discharged within the preceding six months received a suicide prevention screen during the first hour of admission to the facility. The Oct. PbS site report indicates that in two incidents youths sustained an injury from engaging in suicidal behavior, while two other youths who also engaged in suicidal behavior suffered no injury.

Facility Culture

When this reviewer conducted a study of SYSC in 2013, he noted the still evolving culture change at the facility from a correctional oriented (incident>hearing>sanctions>isolation) process to an individualized, restorative and rehabilitative treatment focus. At that time, administrators and direct care staff

and residents had divergent views of progress in achieving the Department's goal for the Sununu Center. Administrators expressed confidence that the recent paradigm shift in policy and practice was widely accepted and followed, while staff and residents expressed different degrees of understanding of and the facility's success in accomplishing the culture transformation. During the most recent review, it appeared from interviews with administrators, staff and youths at SYSC that the resistance to the intentional change in the philosophy of the facility from a correctional milieu to a rehabilitative one had somewhat subsided. However issues remain over the now legislated prohibition regarding the use of disciplinary isolation as a sanction. The law permits a period of temporary isolation as a safety tool to de-escalate a youth who is out-of-control. Still, some veteran staff continue to debate the need for isolation as a sanction for negative behavior.

A work group representing DCYF and SYSC administrators, residential, counseling and education staff recently completed development of a draft Incident Report Manual that governs reporting of minor, moderate and major rule violations and consequences for these violations. It is expected that this manual, which will be implemented in February 2015, will increase consistency among staff in the response to challenging behaviors by youths.

The Sununu Center has a behavior management system that provides opportunities for youths to develop positive relationships with staff and each other and acquire and practice new social skills. The facility monitors and supports positive youth behavior throughout the week through the use of a Strength-Based Privilege System (SBPS) and Treatment Team evaluations. Youth progress is evaluated at the end of the week by their Treatment Team and translates to achievement of Upper or Lower Level privilege status for the week. Youths' behavior is measured by their participation in three components of the SYSC program: residential, treatment and school.

Restorative Practices

The Five-Year Child and Family Services Plan states that Restorative Practices were chosen by SYSC as the foundation of its Practice Model in 2011. Restorative Practices describe various strategies designed to build and restore communities. In its most formal sense, Restorative Justice is a research-based victim-centered approach to addressing wrongdoing with a focus on repairing the harm that was caused by an offender. Restorative Practices also include the use of informal and formal processes that precede wrongdoing. These processes proactively build relationships and a sense of community to prevent conflict in the first place. Restorative Practices tools are being utilized at the SYSC to build a culture of respect, communication and community relationships to prevent offending behaviors, and in some instances to address negative behaviors when they occur. Staff has been trained in the model developed by the International Institute for Restorative Practices (IIRP), which has linked restorative practices to an increased sense of community and a decrease in aggressive behavior among youth.

Twenty staff have received Level One certification in Restorative Practices, which includes training for informal proactive practices such as: Proactive Circles, Affective Statements and Affective Questions. Additionally, some staff are working toward Level Two certification, which includes training in more formal responsive practices such as: Small Impromptu Conferences, Responsive Circles and Formal Conferences. Approximately 400 Proactive Circles have been completed at the SYSC. The process of certifying staff is ongoing.

Restorative Circles are being utilized at the facility as a mediation strategy following an altercation between two youths. A group made up of the two youths (assailant and victim) involved in the incident, the unit manager, clinician and youth counselors who witnessed the incident meet in a mediation forum to bring closure to the incident. If no meeting takes place between the victim and perpetrator, the latter writes a letter of apology.

Family Engagement

The Sununu Center declares the importance of a youth's staying connected to his/her family in the opening statement of the Parent and Youth Handbook (see Appendix V). SYSC has made significant progress in integrating families into the life of SYSC. The facility does this by integrating family therapy sessions into the treatment program, by encouraging and facilitating family visits, by giving parents and youths a voice in treatment planning and by holding Better Together with Birth Parents workshops (see below).

One of the treatment components is Family Therapy, conducted by a facility clinician for a youth and his/her parents and siblings in some cases. In one youth's situation, the entire family participates in the family sessions. Most of the 10 youths this reviewer spoke with participated in family therapy and praised the sessions for helping to restore the relationship between the youth and his/ her parent (s). One youth commented: "Now I'm able to talk to them and tell them how I feel."

Family Visits are scheduled twice a week by unit, e.g., the E unit, which houses girls, has family visiting hours on Monday evening from 6:30-7:30 pm and on Saturday afternoon from 3:00-4:00 pm. The administration encourages family visits and tries to accommodate families if they cannot visit their child on the assigned days and times. Director Sampson stated during her interview: "Parents are always welcome at the Sununu Center."

Parent and Youth Voices – Parents are called for their input when their child's treatment plan is being developed. Plans are underway to invite parents to the weekly level assignment meetings to hear from staff on how well their children are progressing at the facility.

One significant support to increasing parent input and involvement at the center has been provided by the Better Together with Birth Parents Program. This workshop was introduced to DCYF by Casey Family Programs in 2010, and involves a group of current or former parents involved with the agency and the same number of agency staff coming together for a two day workshop. Since its implementation the program has played a very important role in helping CPS and JJS field staff and Sununu staff understand the parents' point of view and struggles encountered in raising their children. Better Together workshops have also been held just for families of children at SYSC as well. Brenda Plante, a parent leader, stated that Better Together workshops not only give parents the opportunity to share their stories, but help staff learn so much about the real lives of families.

PbS also assesses facility performance on Family Engagement and Social Support Standards. SYSC began to collect outcome data for the Performance-based Standards (PbS) Family Engagement and Social Support Standards in April 2013. As part of the data collection, families are given surveys to complete every six months. During the October 2014 data collection period, 25 families filled out the surveys. The results demonstrate that SYSC is welcoming of families. Ninety-two percent of the parents who completed the survey reported being invited to a program or event at the facility. All 25 families reported that staff value their opinion regarding their child's rehabilitation. The majority of youths in the facility reported on their survey that they had visits from families or phone contact with parents or guardians while they were at the facility. Eighty eight percent of the staff replied in their climate survey that they valued family members and social supports in their work with youths.

Education

The Sununu Center offers a comprehensive school program for a daily average of 50 youths throughout the year, which includes the typical academic year: September to the end of June and summer school. SYSC is a Special Education School approved through 2015. Many students are identified as Emotionally Disturbed and/or Learning Disabled and have Mental Health issues.

The school experienced a layoff of 6 full-time and 1 part-time teacher and 1 school psychologist as part of budget reduction measures DCYF had to employ to implement a \$1.2 million appropriation cut. The school faculty is now made up of a principal, a special education coordinator and guidance counselor as well as 16 teachers and 4 teaching assistants. Four positions: school psychologist, English teacher, school librarian and life skills teacher have recently been posted. The class-periods in a school day have been reduced from six to five. The school has a Culinary Arts program that is conducted by a full-time teacher and full time teacher assistant. The school also has an automotive program with a full-time teacher and full-time teacher assistant. According to school personnel, September and October were difficult months for managing youths' behavior in the school. Behavior management seemed to improve in November. According to school personnel interviewed, the

school environment is not always safe. For the Oct. 2014 data collection, of the 27 incidents at the Sununu Center that were reported, five occurred in a classroom, two in the school corridor and one in the school office. PbS captures only the occurrence, not the nature of the incident.

Scores for the PbS Education Outcomes seem with the exception of the Vocational Outcomes, to indicate that the school continues to function well despite a reduction in the teaching staff. In regards to vocational outcomes, however, just 34 percent of the youth's records reviewed in the Oct. 2014 data collection indicated that they received a vocational assessment by a qualified staff, which was a drop off of 30 percent from the April data collection. Records of thirty six percent of the youths who had spent more than two months at the Sununu School indicated that they had completed a vocational skills curriculum, which was 22 percent higher than the April score. Overall, virtually every student who resided at the Sununu Center for more than 60 days received the educational program prescribed by their individual treatment plan. In terms of academic performance, 57 percent of students in the program for two months demonstrated an increase in their math scores between admission and discharge from the facility; 82 percent improved their math scores in the April data collection. However, reading scores for the same group of students dropped 19 percent from the April to the Oct. data collection.

Most students spoke well of the school program, praising teachers for tailoring their instruction to a youth's individual needs. Students appreciate the small class size and feel the teachers do their best to educate them. One youth felt teachers could give more work to the students. Many of the students spoken to have been re-enrolled in their community schools and are eager to return at the end of their SYSC stay.

Recreation

Physical activities and recreation are planned for the youth each week in order to foster a healthy lifestyle, and teach the youths teamwork and good sportsmanship. Youths mentioned their participation in sports or use of the weight room during the afternoon after school recreation time and as a regularly scheduled evening activity.

PbS measures whether the youths are receiving at least one hour of large muscle exercise each day on weekdays and two hours each day on weekends. SYSC's PbS site report for Oct. 2014 indicates that only 25 percent of the youth reported on their climate survey that they met the PbS standard for large muscle activity that recreation and physical activity provide. This is far below the average of facilities that participate in this outcome measurement initiative. PbS also measures whether or not a youth has received a physical fitness assessment and whether a youth's performance on standardized physical fitness assessments increased between admission and release. A review of youths' records indicated that only 7

percent of the youths at SYSC received a physical fitness assessment and no data was recorded for improvement scores on physical fitness assessments.

Reintegration

Adequate preparation of youth for their return to their families and communities is measured by a set of PbS Standards on Reintegration. The Oct. 2014 site report for Reintegration demonstrated the Sununu Center's overall progress in preparing youth for their return to the community. Seventy four percent of youth at SYSC have signed aftercare plans. For youth who have resided at the facility for more than 60 days, 78% have finalized and concrete written aftercare treatment plans within 30 days of release from the facility. All of the youth at SYSC have a case manager (JPPO) who was assigned within 15-days of entry to the facility. Virtually, all of the youth at the Center have had contact with their aftercare case manager. Half of the youths' homes have been assessed to determine suitability for future placement. Case managers have had contact with the nearly 50 percent of the parents of youths at SYSC. Virtually all of the youth (94 percent) have been referred to community-based services. The majority of youth who required follow-up health care, mental health treatment and substance abuse treatment as outlined in their treatment plans were referred to the respective community-based provider. Seventy-two percent of the youth at SYSC are receiving leaves/ passes/ furloughs from the facility to gradually prepare them for their ultimate return home.

Mandatory Parole six months after placement in SYSC

New Hampshire is one of eight states that vests authority to release from an institution to a parole board, whose members are appointed to five-year terms by the governor.

Section 621:19 of NH General laws requires the parole board to release any youth in the Sununu Center after six months who has not committed a violent crime, unless the board determines that continued commitment is necessary in order to protect the safety of the child or the community. If staff at SYSC believe a youth is a public safety risk, SYSC can go before the parole board to appeal the mandatory release of a youth and receive a time-limited extension. The youth can appeal the decision to the court; the court has the final say. The standard of proof required for the court to keep youth at SYSC is clear and convincing evidence that he/she will be a danger to self or others.

The original law that required mandatory six month release of any youth at SYSC not adjudicated for a violent crime and for whom there was no public safety concern was amended to give the parole board more discretion in ruling on cases that come before it. The criteria for parole are: safety of the community and arrangements having been made for adequate services in the community. The board must also consider a youth's behavior at the facility in the decision to release. A

youth's treatment team made up of the unit manager, treatment coordinator, JPPO, Education representative and parents may testify at the hearing.

Some of the judges interviewed felt that the passage of the law in effect took away their dispositional authority over the youth's case. One judge stated, "I give a dispositional order and then am not involved in the management of the case." Some staff at the Sununu Center felt that some youths need more than six months at the facility to complete the treatment program.

Research on the effectiveness of length of stay in an institution is worth noting in the mandatory parole debate. *The Pathways to Desistance Research* followed 1,300 serious juvenile offenders for seven years between the ages of 16 and 23 (on average). The study revealed that longer lengths of stay (exceeding three to six months) in a juvenile facility do not appear to reduce the rate of re-arrest. The rate of re-arrest after a stay in an institution is the same for stays between three and twelve months in length. The study further concludes that it is important to consider what services the youths are provided during their time in a facility and how well the services are provided to meet their needs.

1. Evidence-based Programs – Juvenile Justice systems are making use of many programs intended to reduce the recidivism of the juvenile offenders with whom they interact. According to Mark Lipsey of the Peabody Research Institute at Vanderbilt University, "One of the most progressive reforms of recent years has been the movement toward programs validated by research evidence." The Sununu Center, like many other youth correctional programs in the country, is utilizing evidence-based interventions such as Trauma Focused Cognitive Behavioral Therapy, Dialectical Behavior Therapy, Honest Mind, Anger Management and others.
2. Performance-based Standards – The Sununu Center's participation in the Performance-based Standards initiative represents a commitment to collect and analyze data, which reflects the experience of daily life and activities in the facility. SYSC measures progress in over 100 outcome measures in order to evaluate its progress in achieving the highest standard of care and can compare the facility to like facilities across the country.
3. Profile of Youths –The juvenile justice system, nationally and specifically in New Hampshire appears to have right-sized itself so that low-level, non-violent offenders are being diverted from youth corrections altogether or placed in alternative community-based programs. Consequently the youth remaining in secure custody are older, have been committed for violent offenses against persons, are gang affiliated and many have serious emotional and mental health problems. The Sununu Center has configured its treatment units to respond to this changing adolescent offender profile in order to adequately address each youth's identified risks and needs.
4. Culture Change –The DCYF and Sununu Center administration has progressed in the difficult task of culture change. SYSC's use of a behavior management protocol that rewards positive behavior with incentives and

- confronts problem behavior with consequences has reduced assaultive behavior on the units according to the Oct. 2014 data collection.
5. Restorative Practices –The Sununu Center chose Restorative Practices as the foundation of the facility’s practice model. Restorative Practice strategies are being used at SYSC to repair the harm caused by conflicts among youths in the program and as strategies to prevent conflict. SYSC has conducted over 400 proactive circles to improve relationships, averaging 10 per week, and have held three responsive circles following wrongdoing by youths. Although a number of facilities across the country embrace restorative justice, the integration of restorative justice principles in the fabric of the program is unique to New Hampshire.
 6. Family Engagement has become a high priority for the juvenile justice systems across the country over the last five years. The Sununu Center is in step with a national movement to give more access to facilities to parents, to include the voice of parents in their children’s treatment plans and to encourage visitation by expanding visitation days and hours for visitation. The Sununu Center is serious about its commitment to not only involving parents in the life of SYSC, but actively seeking their input through the Better Together as Birth Parents workshops.
 7. Education – The School program continues to provide a quality education despite the teacher layoffs and some of the support staff. However, some of the school personnel have personal safety concerns because of acting out behavior of some youths during school hours.
 8. Recreation – The PbS scores for conducting physical fitness tests for youth are much lower than the field average, as is documentation of improvement in physical fitness during a youth’s stay. Additionally only a quarter of the youth indicated on the survey that they received one hour of large muscle activity each day and two on each weekend day..
 9. Permanency Planning –The Sununu Center appears to have made progress on Permanency Planning for youths at the center. Utilizing a holistic approach by treating the family and not just the youth has enhanced permanency planning. SYSC has come a long way in including the parents in decisions about their children. The administration and staff have gone out of their way to repair and/ or strengthen parents’ relationships with their son or daughter.

Recommendations:

1. Since implementation of the Restorative Practices Model is still relatively new at SYSC, in-service training in the model should continue to ensure consistent implementation of the model in each living unit.
2. Hold refresher trainings for staff in the SYSC Behavior Management system that facilitate discussion of incentives for positive behavior and effective consequences for negative behavior.
3. Use the training in the new SYSC Incident Reporting Guide to demonstrate to staff that there are many effective ways of holding youth

accountable for their actions besides the now prohibited punitive use of isolation.

4. School personnel should be involved in the trainings mentioned in #2 and #3 in order to address their feelings of unsafe conditions in the school.
5. Increase the number of youth participating in the two vocational training programs the SYSC school offers: Culinary Arts and Automotive Program.
6. Use the PbS Facility Improvement Plan to set goals for increasing physical (large muscle) recreational activities for youths.
7. Establish a Family Advisory Council to formally involve parents in the operations at SYSC.
8. Establish a Youth Advisory Council so youth can advise the administration on issues affecting resident life.

VI. Safety and security of youth, families and staff in New Hampshire juvenile justice field services and the Sununu Center.

Safety

The safety of youths, staff and visitors inside the Sununu Center is the primary responsibility of the DCYF and Sununu administration. Providing a safe environment for youths to respond to programming and change their behavior constitutes the necessary foundation for effective rehabilitation. SYSC promotes safety first, by classifying and placing youths in the appropriate units and treatment programs, second, by fostering respectful relationships among youths and between staff and youths, and third by training staff in proper supervision and use of restraints when necessary.

The Sununu Center's participation in Performance-based Standards gives the administration the opportunity to measure both the physical and psychological safety of youths and staff. In PbS, the safety of youths and staff in SYSC is measured by recording incident reports during the data collection months of April and October and administering staff and youth climate surveys, as well as an exit survey to youths before they leave SYSC. A review of the PbS site report for Oct. 2014 shows that there were just three assaults during the data collection month, which is a rate of 0.242 per 100 youth days at the facility. There was only one assault by a youth on another youth during the April data collection. The 2014 data shows improvement from the data entry in Oct. 2013 when there were 10 assaults by youth. Additionally the rate of assaultive behavior at Sununu was lower than the national field average of 0.34 assaultive incidents per 100 days of youth confinement. Injuries to youth increased slightly in the last data collection and are higher than the injuries youth sustained in both reporting periods in 2013. However, none of the injuries were caused by assaultive behavior; half of the 12 injuries recorded were from recreation related accidents and half were the result of self-injurious behavior, especially by one youth. Nonetheless, forty three percent of the surveyed youth reported that they feared for their safety at SYSC within the last six months. This represents a nine percent increase in youth fear for safety from

that reported in April 2013. It is also double the field average for youth reporting they fear for their safety.

Only one assault on staff by a youth was recorded in the Oct. 2014 report, the same as the field average for this measure of 0.08 assaults per 100 days of youth confinement. No assaults by youth on staff were recorded in the April 2014 data collection. Also, staff did not report any injuries in both 2014 reporting periods, which might explain a drop in staff fearing for their safety. The percent of staff surveyed who reported that they felt unsafe in the facility within the last six months decreased from 34 percent in the April data collection to 26 percent in October 2014.

None of the youth or staff who were interviewed by this reviewer directly stated that they feared for their safety. However one veteran staff mentioned that she did fear for her safety prior to the establishment of the Crisis Services Unit (CSU) and the Emergency Response Team. The Response Team is summoned by a Code 3 call for assistance. The CSU, as mentioned above, serves youths in crisis due to an emotional or behavioral real or perceived crisis.

Staff and youth are surveyed twice yearly during the PbS data collection period. One of the questions each staff and youth is asked is: In the last six months at this facility, have you feared for your safety? The fear for safety scores derived from these climate surveys are in contrast with the limited number of assaults and the absence of injuries to youths and staff from assaults or restraints. The DCYF Child and Services Plan 2015-2019 reports that this conflicting information between actual events and staff/youth perceptions has also been expressed in meetings with administrative and direct care staff. Staff feel that youth accountability has decreased as the use of consequences has changed within the facility to using Restorative Practices and limiting room confinement and, therefore, feel less safe. A few youth and staff expressed this concern during their interviews. It should be noted that the reviewer is aware of similar reactions to culture change that replaced punitive isolation with alternative sanctions in many youth corrections jurisdictions across the country.

The implementation of the recently developed Guide to Incident Reporting and Related Practices, which specifies options for administering proportionate responses to unacceptable behavior, should address these concerns of staff and youths.

SYSC's policy on Rules, Discipline and Restorative Justice clearly articulates a philosophy that reinforces that the only reason isolation or room confinement should be used is "if a youth is in danger to hurt him/herself or another. It should not be used for punishment and it should be discontinued when a youth is ready to return to program." PbS tracks the use of isolation per 100 person-days of youth confinement. SYSC utilized isolation/ room confinement in Oct. 2014 at a rate of 2.740 (34 confinements), an obvious increase from no recorded use of isolation/

room confinement earlier in April. Although the use of isolation/room confinement for safety reasons at SYSC had been well below the field average for the three previous reporting periods, the most recent use was slightly above the field average of 2.24 (28 confinements). The average duration of isolation/ room confinement in these instances was 2.19 hours, well below the field average of 12.80 hours.

The use of physical restraint to bring youths under control was recorded just four times at SYSC during the Oct. 2014 data collection. There was no reported use of physical restraints in the April data collection period. Division Policy forbids the use of chemical restraints or a restraint chair. Although DCYF policy permits the use of mechanical restraints, such as handcuffs, to stop a youth from injuring him/herself or another, there was no recorded use of mechanical restraints in the last three data collection periods.

Conclusions:

1. Based on the small number of incidents reported in the bi-annual PbS Site Reports, the Sununu Center provides a safe environment for youths, staff and visitors.
2. The Sununu Center uses physical and mechanical restraints sparingly; the Center prohibits the use of chemical restraints or a restraint chair.
3. The movement away from an adult correctional response to misbehavior (punitive isolation) toward one guided by Restorative Practices has created the perception for some staff that the facility is unsafe.
4. The Sununu Center is implementing a recently developed Guide to Incident Reporting and Related Practices that gives staff alternative options for progressive and proportionate consequences to unacceptable and/or dangerous behavior.
5. The Sununu Center offers youth many incentives through the Strength-Based Privileges System, which is a component of the Center's Behavior Management System

Recommendations:

1. There is a consensus of professional opinion in juvenile justice that incentives for positive, pro-social behavior should outnumber consequences for negative behavior. Staff and youths should collaborate to expand the current list of incentives, now that the inventory of consequences for rule violations has been expanded.
2. The Bureau of Organizational Learning and Quality Improvement (BOLQI) should monitor the implementation of the Guide to Incident Reporting and Other Practices to ensure consistent enforcement of rules, sanctioning of negative behavior, and rewarding of positive behavior.

VI. Planning for the increase in the age of majority from 17 to 18 years old.

In 2014, the New Hampshire General Court passed HB 1624 (Laws 2014), Chapter 215). HB 1624 raised the age of minority for delinquency proceedings from 17 to 18 years of age. The effective date for this change is July 1, 2015.

DCYF will be impacted by this legislative change in two ways:

1. Juvenile Justice Services will be responsible for providing services, both in the community and placement when necessary to 17 year old youth as well as permanency planning for these youth as they enter adulthood; and
2. DCYF will become responsible for housing 17 year-old youth on pre-trial detention status while they await trial,

Some potential effects of the new law:

Youth will be committed through their 18th birthday: DCYF will have less than the mandatory six months to treat offenders who are committed to DCYF at 17.7 months on.

1. An additional appropriation for DCYF is likely to be necessary in order to provide the full continuum of services for these youth including: pre-trial detention, secure treatment services at SYSC, and probation and parole monitoring and services in the community.
2. Additional residential and non-residential community-based resources, such as group home placements and job training programs will be required as alternatives to placement at SYSC and for transitioning these older youth back into their respective communities after placement.

Challenges of the new law:

- This group of youth will require a range of community-based residential and in-home services, aftercare and transitional services and supervision by JPPOs;
- An increase in the population of older youths, some of whom have committed violent offenses, are gang involved and have serious emotional and mental health problems could adversely alter the culture at the Sununu Center by engaging in negative behavior. The existing programs at SYSC should be tailored to meet the clinical, (mental health and drug and alcohol treatment) educational and vocational needs of these youths identified in their individual treatment plans;

- Probation and parole staff and SYSC staff will require specialized training in ways to hold older youth accountable and to address their specific treatment needs identified in their individual treatment plans developed at the District Offices or reintegration plans develop by the Sununu staff; and
- This group of youths will place a demand on the system for vocational and job readiness programs in order to successfully return these youth to the community,

DCYF has created a “Seventeen Year-Old Planning Work Group, made up of DCYF administrators, field and SYSC staff, to plan for the extension of minor status to 17-year old youth within the state’s juvenile justice system.

Some of the areas identified for attention by the work group are:

- Increase in the youth census;
- Adequate programming at SYSC for an older population of youth;
- Sufficient number of community-based programs for this population;
- Sufficient number of Shelter Care beds;
- Need for independent living arrangements for youth initially placed in the community or returning home from residential placements; and
- Permanency planning for the unique needs of older youth upon discharge from DCYF: housing, employment, health insurance,

Policies that will be impacted by HB 1624

The Work Group has been collecting data from the New Hampshire Department of Corrections state prison, probation and parole systems and county jails in an effort to ascertain how many 17-year olds are under the supervision of either the state Department of Corrections or county corrections.

As of Nov. 20, 2014, there were 2 seventeen-year-old youths in the state prison system. Identification of the number of 17-year olds in county jails across the state and projection of numbers based on the current adolescent population in New Hampshire should give a more accurate picture of numbers of 17-year olds to prepare for.

Experience of the Massachusetts Department of Youths Services (DYS) with Raising the Age of Adult Jurisdiction..

In September 2013, the MA General Court passed legislation that raised the age of adult jurisdiction from 17 to 18 years old. Governor Deval Patrick signed the bill into law on Sept. 18, 2013. The law provided that 17 year olds could be committed to DYS until their 18th birthday. Since the law passed, youth have been adjudicated and committed to DYS well beyond their 17th birthday. Consequently, DYS is given a limited opportunity to provide the necessary rehabilitative services and have the required time to form the necessary relationships that are essential for

the change process to gain traction. DYS believes they should have jurisdiction until age 19 for youths committed after their 17th birthday. Also DYS initially received no additional appropriation to implement the law until after the law was enacted.

DYS projected the increase in pre-trial detention admissions and post-adjudication commitments. The Department utilized its full array of state and privately operated programs to serve this new cohort of youth. The additional funding that DYS ultimately received allowed the agency to enhance its service continuum to manage the influx of previously unexpected admissions.

Recommendations:

1. Invite an official from MA DYS to one of the Planning Work Group sessions to share the experience of the agency in implementing the Raise the Age Legislation;
2. DHHS should consider introducing legislation that youths committed after their 17th birthday be committed to age 19; and
3. DCYF should base service and program needs for the expected increase of its 17-year old population on the projection study it undertook last year and should include those costs in its next budget request.



APPENDIX I

PERSONS INTERVIEWED

Maggie Bishop, Former Director, New Hampshire Department of Health and Human Services, Division for Children, Youth and Families

Lorraine Bartlett – Acting Director, N. H. Department of Health and Human Services, Division for Children, Youth and Families

Penny Sampson – Director, John Sununu Youth Services Center (SYSC)

John Duffy – Administrator, DCYF Bureau of Organizational Learning and Quality Improvement

Al Kirker SYSC Investigations

Wesley Oates – SYSC Unit Manager

Gail Snow – SYSC Bureau Chief, Clinical Services

Tish Conrad – SYSC Unit E (Girls Treatment)

Haven hadley – SYSC Youth Counselor

Gina M. Ferretti – Youth Counselor, SYSC H 1 (Crisis Services Unit)

Claire Pstragowski – SYSC School Principal

Eric Skillings – SYSC Training Unit, Bureau of Organizational Learning and Quality Improvement

Nine Youths from SYSC

Parent of a youth at SYSC

Todd Crumb – Senior Planner, DCYF Bureau of organizational Learning and Quality Improvement

Amy McCormick – Juvenile Probation and Parole Officer (JPPO), Concord District office

Ann Marie Donovan – JPPO, Keene District Office

Mike O'Connor – Juvenile Justice Services (JJS) Field Administrator

Dan French – JJS Field Administrator

Rich Sarrette – JJS Field Administrator

Rich Ubaldo – JJS Supervisor, Littleton, Berlin District Offices, Plymouth Itinerant Office

Richard Long – JPPO, Dover Juvenile Probation and Parole

Tara Kizirian – JPPO, Seacoast Juvenile Probation and Parole

Matt Messier – JPPS, Seacoast Juvenile Probation and Parole

Darryl Glendye – JJS Supervisor, Laconia District Office

Lou D'Allesandro – N. H. State Senator

Susan Carbon – Judge, Manchester Circuit, Family Court

Edward Gordon – Judge, Franklin Circuit, Family Court

Don Nari – Chair, Juvenile Parole Board

Brenda Plante – Former Parent Consultant, Parent leader

Donna Esposito, NH Public Defender
Mike Skibbie – Policy Director, N. H. Disability Rights Center
Patricia Dowling – Chair, State Advisory Committee
Lou Catano – Administrator, Webster House

John Soucy – Vice President of Residential and Educational Services, Easter Seals
Youths at Webster House and Easter Seals program
Jay Ward – Political Director for SEIU Local 1984



APPENDIX II

JUVENILE CORRECTIONAL AGENCIES' PLACEMENT WITHIN STATE GOVERNMENTS IN 2014

<i>Free-standing agency in the executive branch</i>	<i>Division within a child welfare / social service system</i>	<i>Distinct agency under a human service umbrella agency</i>	<i>Division within adult corrections agency</i>
Alabama	Arkansas	Alaska	California
Arizona	Connecticut	Colorado	Indiana
District of Columbia	Missouri	Delaware	Kansas
	Nebraska	Hawaii	Maine
Florida	Nevada	Iowa	Minnesota
Georgia	New Hampshire	Massachusetts	Montana
Idaho	New Mexico	Michigan	North Carolina
Illinois	New York	Mississippi	North Dakota
Kentucky	Pennsylvania	Utah	South Dakota
Louisiana	Rhode Island	Washington	Wisconsin
Maryland	Tennessee	West Virginia	
New Jersey	Vermont		
Ohio	Wyoming		
Oklahoma			
Oregon			
South Carolina			
Texas			
Virginia			



NHJJ Report Appendix III

List of Documents Reviewed

- i. SB 396: An Act relative to child restraint practices
- ii. Title LX: Correction and Punishment, Chapter 621 Youth Development Center
- iii. Title LX: Correction and Punishment, Chapter 621-A Youth Services Center
- iv. Title X: Public Health, Chapter 126-U Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities
- v. Title XII: Public Safety and Welfare, Chapter 169-D Children in Need of Services
- vi. Title XII: Public Safety and Welfare, Chapter 169-B Delinquent Children
- vii. New Hampshire Department of Health and Human Services: Division for Children, Youth and Families 2015 – 2019 Child and Family Services Plan
- viii. Executive Order 2014-8: An order establishing the Governor's Commission to Review and Advise on Services to At-Risk Adolescent Youth in New Hampshire
- ix. New Hampshire Juvenile Justice System Process Evaluation Final Report by John Tuell, February 2012
- x. National Center for Youth in Custody (NC4YC) Technical Assistance Report on the John H. Sununu Youth Services Center by Edward Loughran and David Crowley
- xi. John H. Sununu Youth Services Center, Division for Children, youth and Families, parent and Youth Handbook
- xii. John H. Sununu Youth Services Center Secure Treatment Program
- xiii. Juvenile PREA Intake Orientation (Checklist)
- xiv. A Guide to Preventing and Reporting Sexual Abuse and Sexual Harassment
- xv. Solution Based Casework Sustainability Plan
- xvi. Restorative Justice Value Statement
- xvii. SYSC Beliefs and Guiding Principles
- xviii. Psycho/ Social Intake Assessment Form
- xix. John H. Sununu Youth Services Center Initial Treatment Plan Form
- xx. John H. Sununu Youth Services Center Youth Transition Plan
- xxi. NH DCYF Sununu Youth Services Center Permanency Practice Needs Assessment and Recommendations by 3P Consulting in collaboration with Casey Family Programs
- xxii. DCYF Core Academy Tier Curriculum Training Schedule

- xxiii. Policy on Rules, Discipline and Restorative Justice for Secure Residential Facilities
- xxiv. Policy on De-Escalation and Intervention for Secure Residential Services – Safety and Security
- xxv. Policy on Crisis Services Unit for Secure Residential Services
- xxvi. Standards for Supervision in Child Welfare, DCYF
- xxvii. Policy on Ballistic Vests