



Guam Juvenile Justice Reform

A Call To Action

September 11, 2014



Call To Action

Chief Justice Robert J. Torres

- State of Judiciary 5/1/14
- Summit of Western States & Territories
 - 4 Focus Areas Identified
 - Resources & Experts Identified
- Call To Action 9/11/14



WHERE WE ARE TODAY



Court Involved Youth

- Approximately 700 Youth in the System
 - Juvenile Probation
 - Juvenile Status Offenders
 - Juvenile Drug Court
- Chamorros and Chuukese are highest in population
- Chuukese are over-represented



Youth on Probation

Males	Females	Total Juveniles	# Recidivists
278	65	343	103

30% Recidivism Rate

*Average probation term range: 6 mos. to 1 yr.



Youth Status Offenders

- 225 Status Offenders
 - Habitual Truants
 - Beyond Control



Youth in Drug Court

Males	Females	Total Juveniles	# Recidivists
135	38	173	41

**6% for Recidivist Rate for Drug
Related Crimes**
**24% Recidivism Rate for other
Offenses and Violations**

*Average probation term with JDC: 1 year



Youth in Detention

- **68 Youth Under DYA Supervision**
 - 16 Furlough Status: Residential Living (1 Warrant)
 - 4 Cottage Homes (Status Offenders) (2M,2F)
 - 48 Youth Correctional Facility
 - 7 Females (JDC & JPO) in D Wing
 - 27 Males (28 Max Capacity) in F Wing
 - 14 Males E Wing (JDC)



Youth in Detention

- Longest Stay:
 - 18 Year Old Chamorro Male
 - Adjudicated since 9/11/2011
 - Robbery, Aggravated Assault, Burglary, Possession of a Schedule 1 Substance
- Youngest Male:
 - 11 Year Old Chuukese Boy
 - Attempted Burglary
- Youngest Female:
 - 12 Year Old Chuukese Girl
 - Harassment, Violation



Top Offenses

Youth in Detention including Furlough

Theft of a Motor Vehicle	9	Attempted Murder	1
Beyond Control	9	1 st Degree Robbery	1
Assault	8	2 nd Degree Robbery	1
Burglary	8	Resisting Arrest	1
Underage Alcohol		Theft of Property	1
Consumption	7	Harassment	1
Criminal Sexual Conduct	5	Hindering Apprehension	1
Truancy	4	Poss. Schedule 1 w/Intent	1
Criminal Mischief	3	Assault of a Police Officer	1
Possession of Schedule 1	3	Terrorizing	1
Theft	2	Driving While Intoxicated	2



Criminogenic Factors Youth in Detention

2 or More Cases	18
Violated Court Orders	18
Repeat Offenders	3
Runaway/Escaped	1
Charged as an Adult	8

Alcohol Related	13
Drug Related	3



Court Involved Youth

Juvenile Case Filings

Classification	2012	2013	2014**	<i>Full Year Projection</i>
Juvenile Delinquent	458	229	188	235
Juvenile Drug Court	217	176	114	142
Juvenile Proceeding	224	318	225	281
Total:	899	723	527**	658

****As of September 1**



DOE Truancy Information

School Year 2013-2014

Truancy Data

	Male	Female	Total
Elementary	399	308	708
Middle School	246	177	423
High School	443	309	752
TOTAL	1,088	794	1,883

**Truants = 3, 6, 9, or 12 days unexcused absences



DOE Truancy Information

School Year 2013-2014

Habitual Truants

	Male	Female	Total
Elementary	24	36	60
Middle School	67	46	113
High School	117	68	185
TOTAL	208	150	358

**Habitual Truants = More than 12 days unexcused absences



**NOT ALL BAD NEWS.
SOME GOOD NEWS TOO...**



Pacific Daily News

August 25, 2014

“Bullying reports decline: Intervention programs reduce problem by 82%”

Reported incidents of bullying in Guam public schools have declined by 82 percent since Guam Department of Education officials and lawmakers began anti-bullying campaigns four years ago, according to GDOE Deputy Superintendent Rob Malay.

"Bullying was a really big issue back in 2010," Malay said. "Because of interventions that have been put in place, it's seen a rapid decline."



Judiciary Work Ongoing

- Partnership with DOE
- Anti-Bullying Program
- School Resource Officers
- Play By The Rules
- Law Education



Science & Trends

What we know now...

- Scientific tools can predict criminality
- Behavioral approaches reduce recidivism
- Education matters
- Diversion is promising
- Corrections has little effect
- Delivery of services to higher risk cases



Science & Trends

What we know now...

- Target delinquency risk factors
- Match treatment styles and models with client needs and learning styles
- Effective treatment approaches
 - Community Setting vs. Institutional Setting
 - Amount of treatment was correlated with intensity of the result



What Works

What is Effective....

- Programs emphasizing control are less effective
- Programs with therapeutic approaches are more effective
- Types of therapeutic programs matter
- Amount and quality of services matter
- Risk and need factors matter



Most Effective Practices

- Cognitive Behavioral Therapy
- Standardized treatment protocol and monitored fidelity
- Services are research-based
- Risk – larger effects with high risk youth

Lipsey



ACTION PLAN



Strategic Approach

- Identify 4 Focus Areas
- Establish 4 Subcommittees Led by Judicial Officers
- Engage Stakeholders & Community Partners
- Identify & Organize Resources
- Management Leads
- Subcommittee Work
- Quarterly Report to Steering Committee
- 1 year deadline for completion



Juvenile Justice Reform



4 FOCUS AREAS

- 1: Evidence Based Practices
- 2: Juvenile Court Referral Process
- 3: Juvenile Defense & Prosecution
- 4: Court Language



STEERING COMMITTEE

RESOURCE GROUP

**SUBCOMMITTEE 1:
EVIDENCE BASED PRACTICES**

Mission: Acquire a validated Risk & Needs Assessment Instrument and Introduce Evidence Based Practices

**SUBCOMMITTEE 2:
JUVENILE COURT REFERRAL PROCESS**

Mission: Reduce unnecessary referrals to the Juvenile court

**JUVENILE
JUSTICE
REFORM
COMMITTEES**

**SUBCOMMITTEE 3:
JUVENILE DEFENSE & PROSECUTION
STANDARDS**

Mission: Implement standards to ensure vigorous defense and fair prosecution of juveniles

**SUBCOMMITTEE 4:
COURT LANGUAGE**

Mission: Use developmentally appropriate language in court proceedings



Steering Committee

Chief Justice Robert J. Torres
Presiding Judge Alberto C. Lamorena III
Chairman Frank B. Aguon Jr., Senator
Vice Speaker Benjamin J.F. Cruz
Judge Anita A. Sukola
Judge Maria T. Cenzon
Senator Michael F.Q. San Nicolas
Senator Aline Yamashita
Attorney General Leonardo Rapadas
Acting AOC Joshua F. Tenorio
CPO John Q. Lizama
DYA Director Adonis Mendiola
GPD Chief Fred Bordallo
DPHSS Director James Gillan
Jon Fernandez, Superintendent of Education



RESOURCE GROUP

**Agency for Human Resource Development
Department of Education
Department of Public Health & Social Services
Department of Youth Affairs
Guam Behavioral Health and Wellness Center
Guam Police Department
Office of the Attorney General
Sanctuary Inc.
Westcare Pacific
Other Nonprofit Organizations**



1: Evidence Based Practices

Mission: Acquire a Validated Risk & Needs Assessment Instrument and Introduce Evidence Based Practices



Chief Justice Robert J. Torres
Chairperson



Judge Anita A. Sukola
Co-Chairperson



SUBCOMMITTEE 1: EVIDENCE BASED PRACTICES

Mission: Acquire a validated Risk & Needs Assessment Instrument and Introduce Evidence Based Practices

Chief Justice Robert J. Torres
Chair
Judge Anita A. Sukola
Co-Chair

Management Lead
Melanie W. Brennan
Probation Division

Virginia Yasuhiro
CS&FC Administrator

Linda Rodriguez
BOSSA, DPHSS

Annie Unpingco
I Famagu'on-ta, GBHWC

Sollie Onedera
Dr. Juan Rapadas
DYA



Evidence Based Practices

What is EBP?

- Programs and practices are considered evidence-based when their effectiveness has been proven with data and evaluated on the basis of scientific evidence rather than on opinion, tradition or anecdote
- The engine that drives EBP is the use of a validated risk and needs assessment tool





10 Benefits of EBP

- ✓ Promotes interventions that have proven effective in promoting public safety
- ✓ Reduces juvenile delinquency and recidivism
- ✓ Reduces probation failures
- ✓ Promotes juvenile accountability
- ✓ Avoids future victimizations
- ✓ Is more cost-effective than incarceration
- ✓ Frees DYA beds for serious offenders
- ✓ Reduces prison populations and costs by identifying youth who can safely and effectively be supervised in the community
- ✓ Allows us to refocus spending on other policy priorities
- ✓ Reduces social, economic, and family costs associated with imprisonment



1: Evidence Based Practices

Goals

- Acquire and implement a risk and needs assessment (RNA) tool
- Ensure that supervision strategies and interventions are aligned with RNA results
- Reduce reliance on detention for status offenders
- Reduce recidivism through use of EBP's
- Enhance community safety



1: Evidence Based Practices

Work Underway

- Robert F. Kennedy National Resource Center on Juvenile Justice: Probation Review
 - Site Visit October 15-18
- RNA Acquisition Subcommittee: [Assessments.com](https://www.assessments.com)
- Review of the Alternative Sentencing Office (programs and role)
- Reconfiguring Juvenile Probation Office space to ensure no contact with Adult Probation population
- Conducted Evidence-Based Sentencing presentation with Judges
- Other EBP Training



2: Juvenile Court Referral Process

Mission:
Reduce
unnecessary
referrals to
the juvenile
court



Chief Justice
Robert J. Torres
Chairperson



Presiding Judge
Alberto C.
Lamorena III
Co- Chairperson



Judge
Maria T. Cenzon
Vice-Chairperson



Referee
Linda L. Ingles
Vice-Chairperson



SUBCOMMITTEE 2: JUVENILE COURT REFERRAL PROCESS

Mission: Reduce unnecessary referrals to the juvenile court

Chief Justice Robert J. Torres
Chair
Presiding Judge Alberto C. Lamorena, III
Co-Chair

Judge Maria T. Cenzon, Vice-Chair
Referee Linda L. Ingles, Vice-Chair

Management Lead
Danielle T. Rosete
Clerk of Superior Court

- | | |
|---|---|
| CPO John Q. Lizama | Rob Malay, DOE |
| Mayor Robert Hofmann | Millie Lujan, Sanctuary Inc. |
| Dr. Carlos Perez, DYA | Attorney Rebecca Perez, DOE |
| Attorney Pat Wolff | Juvenile Division, GPD |
| Attorney Carol Hinkle Sanchez, OAG | Arlene Gadia, CPS Intake/Crisis Unit |



2: Juvenile Court Referral Process

Goals

- Develop and implement strategies for safely and cost-effectively diverting youth from the juvenile justice system
- Review and revise existing laws and policies related to status offenses and other juvenile offenses to align with early intervention strategies
- Engage with stakeholders to develop and implement community-based and family-focused alternatives to court intervention



2: Juvenile Court Referral Process

Models for Change Module

- Step 1 – Plan a System Assessment
- Step 2 – Review polices governing juvenile offenses
- Step 3 – Collect quantitative data on how, and by whom, the system is being used
- Step 4 – Collect qualitative data on how local stakeholders perceive the system
- Step 5 – Collect information on local service capacity



2: Juvenile Court Referral Process

Examples of status offenses

- Running away from home
- Violating curfew
- Truancy
- Beyond control

National statistics

- 2010 - 137,000 status offense cases were processed in court and approximately 10,000 youth spent time in a detention facility



3: Juvenile Defense & Prosecution Standards

Mission:
Implement
Juvenile
Defense &
Prosecution
Standards



Justice Katherine A. Maraman
Co-Chairperson

Justice F. Philip Carbullido
Co-Chairperson

Judge Arthur A. Barcinas
Co-Chairperson





SUBCOMMITTEE 3: JUVENILE DEFENSE & PROSECUTION STANDARDS

Mission: Implement standards to ensure vigorous defense and fair prosecution of juveniles

Justice Katherine A. Maraman

Chair

Justice F. Philip Carbullido

Co-Chair

Judge Arthur R. Barcinas

Co-Chair

Management Lead

Hannah Gutierrez-Arroyo

Clerk of Supreme Court

Attorney James Baldwin

Attorney Douglas B. Moylan

Attorney Hank Parker, Guam Legal Services

Attorney Elisio Florig, OAG

Attorney William Jones, Public Defender

Attorney Steven Hattori, APD



3: Juvenile Defense & Prosecution Standards

Goals

- Explore & recommend standards for the prosecution of juvenile delinquency cases
- Explore & recommend standards for the defense of juvenile delinquency cases
- Explore & recommend standards for the representation of juveniles with PINS and other non-delinquency cases
- Training of attorneys working with juvenile case matters



4: Court Language

Mission: Use developmentally appropriate language in court proceedings



Judge Michael J. Bordallo
Co-Chairperson

Judge Vernon P. Perez
Co-Chairperson

Magistrate Judge Alberto E. Tolentino
Co-Chairperson



SUBCOMMITTEE 4: COURT LANGUAGE

Mission: Use developmentally appropriate language in court proceedings

Judge Michael J. Bordallo
Chair
Judge Vernon P. Perez
Co-Chair
Judge Alberto E. Tolentino
Co-Chair

Management Lead
Geraldine A. Cepeda
Compiler of Laws

Attorney Carol Hinkle Sanchez, OAG
Attorney Annie Gayle, APD
Rudy Gaza, Juvenile Probation Office
Dr. Jean Wycoff, CS&FC
Evelyn Suda, CS&FC
William Stinnett, Court Interpreter



4: Court Language

Issues

- Juvenile offenders appearing in court may not understand:
 - What is happening in court
 - Who are the people in the court
 - What the juvenile cannot do
 - What the juvenile must do

Challenges: Age, language delays, non-English speaking, special educational needs, trauma, etc.



4: Court Language

Washington Judicial Colloquies Project

Case Study: Washington State work group

- Conducted a survey in two counties -- youth recalled only 1/3 of conditions imposed
- Developed and implemented model colloquies for :
 - Conditions of Release at First Appearance
 - Conditions of Supervision at Disposition
- Result: 90% understanding in 1 court



Standard colloquy for disposition hearing: Introduction

INTRODUCTION: Conditions of Probation Colloquy

JUDGE: Good morning/afternoon. We are here because the court has found you guilty of _____ based upon

[Your plea of guilty] [The evidence presented at your trial].

Today I am going to decide what to order you to do because you committed that crime.

Before I decide, I will hear the recommendations of the prosecutor, your probation counselor, your lawyer, your mother/father/guardian and you, if you choose to say something.

REMARKS BY COUNSEL, PARENTS/GUARDIAN AND RESPONDENT

Based upon what I have just heard today and my review of your case, I am now ordering the following:

COMMUNITY SUPERVISION OR PROBATION

The law says that I must give you between 0 and 12 months of community supervision (also called probation) for each of your offenses.

I have decided that you will spend _____ months on probation.

If you are already on probation in another case,

- The time you have already spent on probation in the other case, from today's date on, will count toward the period of probation ordered today. Concurrent.

[OR]

- The probation that I order today will not start until you have finished probation on the other case. Consecutive.

Probation or community supervision means that you will have rules that you must follow.

A probation counselor will supervise your probation. You have to meet with the probation counselor when he/she tells you.

You have to follow the directions of your juvenile probation counselor—JPC for short. The rules you have to follow are called "conditions of probation" which I will go over with you now.



Standard colloquy for disposition hearing: Conditions

CONDITIONS OF PROBATION

There is a very important paper on in front of you called "Do's and Don'ts". I will go over the rules with you. I want you to check off each of the rules I give to you.

If you break any of these rules you will be in more trouble, and we don't want that to happen. In fact, your probation counselor can ask you to come back to court if you break any of these rules. The probation counselor can ask the judge/me to put you in detention for up to 30 days.

Probation DO's

I want you to go through the list with me and put a check by each rule I explain to you. First we will go down the list of the things I am ordering you to do.

Number 1: You have to come to court when you are told. Please check the box by number ____.

Number 2: You must live with _____ and obey their rules. Do you understand this rule and promise to obey it? Fill in the blank space and check the box by number ____.

Number 3: You are going to be on probation (also called community supervision) for ____ months. You will report to your probation counselor at this address _____.

Community supervision means that a juvenile probation counselor will keep a watchful eye on you. You have to meet with him/her when you are told. You have to follow the directions of your juvenile probation counselor—JPC for short. Please check box ____.

Number 4: You have to go to school every day. Do not miss any classes or days of school without your parents' permission. Do not get suspended or expelled from school. Please check the box by number ____.

Number 5: I understand that you are working at a job right now and I want you to keep working at that job. If there are any changes in your job, you have to let your juvenile probation counselor know about them right away. Please check box ____.

Number 6: I am ordering you to follow a curfew. A curfew means that you will be at home between certain hours. You must be at home, and not leave your home during these hours:

Every night from ____ p.m. until ____ a.m.

Sunday through Thursday nights from ____ p.m. until ____ a.m.

Friday and Saturday nights from ____ p.m. until ____ a.m. Have you filled in those days and hours and checked off number ____.



Probation Do's and Don'ts Form

No. PROBATION DO'S		No. PROBATION DON'TS	
<input type="checkbox"/> 1	I will come to court and go to all meetings scheduled by the court for my case(s).	<input type="checkbox"/> 8	I will NOT travel outside <u>This town</u> County without permission.
<input type="checkbox"/> 2	I will live with _____ and obey all their rules.	<input type="checkbox"/> 9	I will NOT drink or have alcohol. I will NOT use or have drugs that were not given to me by my doctor
<input type="checkbox"/> 3	I will be on probation (also called community supervision) for _____ months and I will report to my probation counselor at this address: Juvenile Court, <u>This town</u> , WA 99111. Phone: (000) 555-1212 I will call my probation counselor. I will attend every meeting set by my probation counselor and I will show up to my meetings on time.	<input type="checkbox"/> 10	I will NOT commit any crimes or get arrested. I will not do anything that will get me into trouble or get me arrested.
<input type="checkbox"/> 4	I will go to school every day. I will have no unexcused absences, suspensions or expulsions.	<input type="checkbox"/> 11	I will have NO CONTACT with the following persons: a. Name _____ DOB: _____ b. Name _____ DOB: _____ c. Name _____ DOB: _____ d. Name _____ DOB: _____ <i>This means I will NOT talk to or send messages by mail, phone, email, text message, or through the internet, other persons or by any other way.</i>
<input type="checkbox"/> 5	I will keep working at the job I have right now. I have to tell my probation counselor if anything changes with my job.	<input type="checkbox"/> 12	I will NOT be alone with children 3 or more years younger than me. If I am around children I MUST have a parent or approved adult who knows about what I have been accused of and the rules the judge gave me. The adult must be able to see me all times when children are around me.
<input type="checkbox"/> 6	I will follow Curfew . This means I must be at home and stay at home: <input type="checkbox"/> Every night from _____ p.m. until _____ a.m. <input type="checkbox"/> Sunday to Thursday from _____ p.m. until _____ a.m. <input type="checkbox"/> Friday and Saturday from _____ p.m. until _____ a.m.	<input type="checkbox"/> 13	I will NOT have, look at or listen to anything that shows or describes any sexual acts. I will NOT have or look at anything that shows or describes the uncovered private parts of the human body
<input type="checkbox"/> 7	When my probation counselor asks me to, I will give a sample of my urine to test for drugs or alcohol.	<input type="checkbox"/> 14	I will NOT have or use any guns or knives
<input type="checkbox"/> 7		<input type="checkbox"/> 15	Other:
OTHER CONDITIONS OF MY PROBATION			
<input type="checkbox"/> 16	COMMUNITY SERVICE: I will complete _____ hrs of community service. My probation counselor must approve the place/location I choose to do community service	<input type="checkbox"/> 21	FINES: I will pay \$ _____ in fines. I will pay at least \$ _____ every month or at another rate required by my probation counselor
<input type="checkbox"/> 17	CONFINEMENT: I will spend _____ days in detention starting _____. I will receive credit for the _____ days that I already spent in detention.	<input type="checkbox"/> 22	VICTIM: I will pay <input type="checkbox"/> \$75 <input type="checkbox"/> \$100 to the victim compensation program of Washington State. I will pay \$ _____ every month. *Instead of paying the victim fee I have to complete _____ hours of community service
<input type="checkbox"/> 18	WORK CREW: I will spend _____ days working on a juvenile work crew. I will go to a meeting on _____ (date) to learn about and schedule my work crew.	<input type="checkbox"/> 23	ATTORNEY FEES: I will pay \$ _____ for the cost of having an attorney. I will pay all of this by the time I am done with community supervision. * Instead of paying the attorney fee I have to complete _____ hours of community service
<input type="checkbox"/> 19	RESTITUTION: I will pay back _____ \$ for the following victim(s) 1. _____ 2. _____ 3. _____ 4. _____ I will pay this money to the clerk's office and will pay at least \$ _____ a month.	<input type="checkbox"/> 24	DNA: I will pay a \$ _____ DNA collection fee
<input type="checkbox"/> 20	RESTITUTIONS HEARING: I will come to court on ____/____/____ to find out how much I have to pay the victim for the harm I caused.	<input type="checkbox"/> 25	OTHER:
<input type="checkbox"/> 20		<input type="checkbox"/> 26	OTHER:
I understand all of the things the judge has ordered me to do, which I have checked above, and I agree to obey them and any other rules given by the judge and my probation counselor.			
Signature _____		Date: _____	





4: Court Language

Implementation in Guam

- Review the current practice for:
 - Conditions of Release at First Appearance
 - Conditions of Supervision at Disposition
- Compare current practice to the model
- Develop colloquies that correspond to Guam law and local practice
- Create “Release Do’s and Release Don’ts” form for juveniles to use during colloquies



4: Court Language

Next steps

- Examine other juvenile court proceedings to determine whether colloquies are needed
- Review other court documents/orders, to determine whether the reading level needs to be adjusted
- Translate “Release Do’s and Release Don’ts” form into languages other than English
- Create info sheet/infographic explaining the juvenile court process



Meeting Dates

- Subcommittee 1: 4pm - Tuesday, September 16
 - Subcommittee 2: 4pm - Monday, October 6
 - Subcommittee 3: 12pm - Thursday, September 25
 - Subcommittee 4: TBD
-
- Steering Committee: 12pm - Friday, October 10



CLOSING REMARKS