MISSOURI'S RED ACTION PLAN – FY2023

I. Submit statewide data at key juvenile justice decision points where research has shown that potential disparity may occur. Data collection must occur for at least four of the five points below. At each data point, your state must provide the definition of the contact point and percent distribution of race or ethnic groups compared to the general population distribution in the most recent U.S. Census data.

In Missouri, we defer to the federal definitions for each contact point unless specified otherwise below:

1. **Arrest-** In Missouri, juveniles do not get "arrested". Rather, youth are taken into custody and *referred* to the juvenile justice system. As such, the term "referral" will be used in lieu of "arrest".

2. **Diversion-** For the purposes of this plan diversion and informal adjustment are synonymous.

3. **Pre-trial Detention**

4. **Secure Confinement-** For the purposes of this plan secure confinement and DYS (Division of Youth Services) are synonymous.

5. **Adult Transfer-** In Missouri, the process of transferring a youth to the adult system is referred to as "certification". As such, the term "certification" will be used in lieu of "adult transfer".

Missouri tracks data for the entire state based on the federal fiscal year (FFY) from October 1, 2022, to September 30, 2023. Missouri also tracks data for calendar year 2023 for the purpose of including information in the Juvenile and Family Division annual report produced by the Missouri State Courts Administrator.

FFY23 Statewide Data:

_____ Race:		White	Black or African American	Hispanic or Latino	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander
Population		506127	96288	43352	4868	17432	0
Arrest	Number	19850	8749	810	66	199	0
	Percentage	3.92%	9.09%	1.87%	1.36%	1.14%	#DIV/0!
Diversion	Number	17645	6944	686	59	186	0
	Percentage	88.89%	79.37%	84.69%	89.39%	93.47%	#DIV/0!
Pretrial Detention	Number	960	877	69	4	4	0
	Percentage	4.84%	10.02%	8.52%	6.06%	2.01%	#DIV/0!
Secure Confinement	Number	286	179	26	0	3	0
	Percentage	1.44%	2.05%	3.21%	0.00%	1.51%	#DIV/0!
Adult Transfer	Number	32	114	0	0	0	0
	Percentage	0.16%	1.30%	0.00%	0.00%	0.00%	#DIV/0!

FFY23 Missouri Statewide Disparity Ratios:

_____ Race:		Black or African American	Hispanic or Latino	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander
Arrest	Ratio to Whites	2.32	0.48	0.35	0.29	#DIV/0!
Diversion	Ratio to Whites	0.89	0.95	1.01	1.05	#DIV/0!
Pretrial Detention	Ratio to Whites	2.07	1.76	1.25	0.42	#DIV/0!
Secure Confinement	Ratio to Whites	1.42	2.23	0.00	1.05	#DIV/0!
Adult Transfer	Ratio to Whites	8.08	0.00	0.00	0.00	#DIV/0!

II. Develop an Action Plan

Describe composition of SAG & RED coordinating body. Missouri's RED work is led by a statewide steering committee chaired by our State RED Coordinator and has members from the Juvenile Justice Advisory Group, juvenile officers, law enforcement, education, local RED Coordinators, Missouri Juvenile Justice Association, Department of Public Safety Juvenile-Justice Specialist, Representative from Department of Mental Health, MJJA's RED Consultant and our RED Data Analyst. This steering committee reports to the Juvenile Justice Advisory Group.

1. What do your RED numbers tell you about your jurisdiction?

Disparities for Black youth exist at all contact points within the Missouri juvenile justice system. The greatest disparities exist at the referral (arrest), pretrial detention, and certification (adult transfer) contact points. Significant disparities also exist for Hispanic or Latino youth at pretrial detention and secure confinement. Hispanic or Latino youth are more than two times as likely to be committed to DYS as compared to White youth. Of particular concern is the rate at which Black youth are certified (adult transfer) as adults, which is over eight times greater than the rate for White youth. Black youth also receive diversion at a lower rate than white youth.

In 2018, Missouri passed Senate Bill 793, also known as the "Raise the Age" legislation, which raised the age of juvenile court jurisdiction from 17 to 18 years old. It took effect on January 1, 2021. FFY23 is the first time we have a complete fiscal year of data that includes 17 year olds. The data shows that almost the same number of 16 year olds (60) were certified as adults as 17 year olds (61) in FFY23. Clearly, the addition of 17 year olds affected adult transfer numbers by 61 youth, but the increase in adult transfer of 16 year olds also greatly impacted the data. Also interesting to note is that there were more DYS commitments for white 16 year olds (78) then there were for Black 17 year olds (59). Another indicator that 17 year olds certainly have caused an increase in DYS commitments but 16 year olds are also causing an increase.

2. What would success in RED reduction look like for your state?

Goal 1: Reduction in Black youth referred to the juvenile office.

Goal 2: Increased opportunities for diversion among Black youth.

Goal 3: Reduction in admissions to pretrial detention for youth of color.

Goal 4: Reduction in secure confinement for youth of color.

Goal 5: Reduction in Black youth certified as adults.

We believe that by focusing on reducing the number of Black youth being referred to the juvenile office, we will ultimately impact the other contact points as less youth will be referred to the juvenile office due to pure diversion opportunities/programs being utilized and by increasing the use of diversion through the informal adjustment process less youth will be detained, and less youth will ultimately be placed in secure confinement or be certified as adults.

Below is a quick description on how we plan to accomplish these goals and a more detailed strategy is in Appendix A.

1. Ensure that everyone has a clear understanding of what RED is, the role RED plays within the juvenile justice system, and what true RED reduction looks like. In order to effectively impact RED at all contact points, system partners must understand the issue and their role in addressing racial and ethnic disparities.

2. Increase the use of diversion, and specifically restorative justice responses as a disposition for referrals. Diverting youth from being referred to the juvenile justice system and/or from formal involvement with the system should ultimately impact the pretrial detention and secure confinement contact point.

3. Expand the number of counties/jurisdictions committed to working closely with the State RED Coordinator, Data Analyst and State Steering Committee to address RED at the local level. By increasing the number of counties/jurisdictions who are actively working to address RED in their communities should impact contact points at the local and state level.

4. Improve relationships and collaboration with law enforcement across the State. By focusing on relationships and improving communication with law enforcement collaboration between law enforcement and juvenile officers will increase and lead to a reduction in referrals for Black youth.

3. How do you want to reduce RED next year?

➢ Reduce the number of Black youth referred to the juvenile office.

➢ Increase the number of Black youth referrals disposed through the informal adjustment process.

➢ Reduce the number of youth of color admitted to pretrial detention.

➢ Reduce the number of youth of color committed DYS.

➢ Reduce the number of Black youth certified as adults.

4. Why do you believe this is a reasonable reduction? If yes, why?

Yes, we feel these reductions are reasonable as we have a plan with a concentrated focus on educating, training and advocating for more diversion opportunities to be provided to Black youth specifically through utilization of restorative justice practices. We believe that if we have a primary focus on the referral contact point that we will ultimately reduce the disproportionality of minority youth at subsequent decision points such as detention, and secure confinement.

In FFY21 the disparity ratio for Missouri at the referral contact point was 1.85 for Black youth. The disparity ratio for Black youth at the referral contact point in FFY22 increased to 2.16. The disparity ratio for diversion in FFY21 for Black youth was 0.95. Diversion actually decreased in FFY22 for Black youth to 0.93. We saw a similar trend in FFY22 to FFY23. The disparity ratio for Black youth receiving diversion decreased while the referral contact point for Black youth increased from 2.16 in FFY22 to 2.32 in FFY23. These examples illustrate how decreasing diversion can cause the referral contact point to increase, showing there is a correlation between increased diversion and a decrease in referrals.

5. What do you need from OJJDP to be successful with your RED action plan?

Missouri would benefit from technical assistance to assist in training and educating law enforcement across Missouri what RED is, what role they play in it, and how they can work to address it; to assist in addressing various contact points; to foster the sharing of information; and for any other training needs that may present. Training and support for the State RED Coordinators by OJJDP continues to be beneficial. Additionally, the bi-monthly RED calls provide access to timely updates from OJJDP, offer opportunities for learning, and foster open dialogue between states.

6. What safeguards will you put in place to ensure that as you work to reduce RED, you are equipping youth to live productive lives?

Missouri will continue to use the Juvenile Detention Assessment (JDTA). "The JDTA provides juvenile officers with objective criteria for evaluating the need to detain a juvenile. The JDTA is a validated, evidence-based practice that provides guidance for detention for juvenile office personnel as to the need for placement in secure detention based on a risk to public safety, the juvenile's failure to appear in court, the need for alternatives to detention, or the recommendation to release or not detain the juvenile with or without conditions pending further action by the juvenile officer.[1]. The JDTA instrument helps eliminate the subjectivity when determining whether detention is necessary.

In addition to the JDTA, Missouri utilizes both a risk assessment and a separate needs assessment. The risk assessment is designed to assess the relative likelihood that a juvenile referred to the Court for a status or law offense will return on a new offense referral. The needs assessment identifies areas the juvenile officer should provide competency development opportunities for the young person so they will not recidivate. Some of those services include therapy, anger management classes, substance abuse treatment, restorative justice practices, and life skills classes. In combination, these tools allow the juvenile justice professionals to maintain

public safety while holding youth accountable and providing services tailored to each individual's needs. While not perfect, the screening tools allow for more objective decision making when determining risk level and the need for detention which correlates with our mission to address disparities at contact points within our system.

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[1] Juvenile Standards Work Group (2017) Missouri Juvenile Office Performance Standards, Page 23

Appendix A

Through a collaborative approach, at both the state and local levels, Missouri will reduce and ultimately eliminate racial disparity within the juvenile justice system. The statewide steering committee led by the State RED Coordinator provides guidance, technical assistance and oversight to the local jurisdictions. We use data to inform our decisions and to assist us in developing a strategy to tackle RED. Our strategy consists of the following:

1. Ensure that everyone has a clear understanding of what RED is, the role RED plays within the juvenile justice system, and what true RED reduction looks like. In order to effectively impact RED at all contact points, system partners must understand the issue and their role in addressing racial and ethnic disparities. We will accomplish this objective by:

    a. The State RED Coordinator will promote the airing of our Public Service Announcement on television stations across the State, in trainings and virtual learning opportunities, and will continue to add additional content to our stopRED webpage;

    b. The State RED Coordinator and Data Analyst will assist local RED Coordinators to monitor data and identify processes that have affected RED (either negatively or positively) at decision points; State RED Coordinator and data analyst will welcome valid requests for Missouri data and reports.

    c. The State RED Coordinator will observe local Juvenile Office operations (informal and formal practices and programs) and juvenile court proceedings to determine if existing policies/procedures positively or negatively affect RED reduction efforts;

    d. The State RED Coordinator and State Steering Committee will continue researching best practices and evidence-based programs and share with local RED Coordinators and Collaborative teams;

    e. The State RED Coordinator will work closely with the RED consultant to offer technical assistance and guidance to local RED sites as well as virtual learning opportunities;

    f. Offer virtual lunchtime learning opportunities for cross-system training for juvenile office staff, police officers, school resource officers, school personnel and community partners;

g. The State RED Coordinator and Data Analyst will work with jurisdictions to develop and update RED plans and assist sites in identifying, analyzing and responding to policy and practice changes without increasing RED disparities or reducing public safety;

h. The State RED Coordinator and Data Analyst will continue holding bi-monthly conference calls with the local RED Coordinators to provide educational, funding, and training information;

i. The State RED Coordinator will reach out to OJJDP for assistance in collaborating and building relationships with law enforcement across the State to address RED.

2. Increase the use of diversion as a disposition for referrals. Diverting youth from being referred to the juvenile justice system and/or from formal involvement with the system should ultimately impact the pretrial detention and secure confinement contact point. The following tasks have been identified for increasing the use of pure diversion opportunities/programs as well increasing the percentage of referrals for Black youth that are disposed of through the informal adjustment process:

   a. The State RED Coordinator and local RED Coordinator will educate community partners on how pure diversion works by facilitating presentations at various events, sharing research, etc.;

   b. The State RED Coordinator will assist local RED Coordinators in the development of diversion programs;

   c. RED Coordinator and State Steering Committee will assist jurisdictions with creating policy for pure diversion including identifying restorative justice practices;

   d. Educate juvenile justice staff and community partners on how informal processing can prevent a youth from going deeper into the juvenile justice system;

   e. Educate staff and community partners on how utilizing informal processing reduces costs to the juvenile justice system;

3. Begin to explore designing a data dashboard to make RED data more readily available and accessible to utilize. It will also allow others to see what RED data looks like across Missouri.

4. Expand the number of counties/jurisdictions committed to working closely with the State RED Coordinator, Data Analyst and State Steering Committee to address RED at the local level. By increasing the number of counties/jurisdictions who are actively working to address RED in their communities should impact contact points at the local and state level. We will accomplish this by:

a. Evaluating our 2023 RED statewide data to determine which jurisdictions have the highest rates of disproportionality at various contact points as well as analyze their readiness to address RED and become RED sites;

b. Assist jurisdictions in creating and maintaining RED action plans which are required by the Juvenile Officer Performance Standards;

5. Improve relationships and collaboration with law enforcement across the State. By focusing on relationships and improving communication with law enforcement collaboration between law enforcement and juvenile officers will increase and lead to a reduction in referrals for Black youth.

a. We will work with OJJDP to receive assistance in training and educating law enforcement across Missouri what RED is, what role they play in it, and how they can work to address it in an effort to improve overall communication with law enforcement.