

# **Tackling Disproportionate Minority Confinement: An Evaluation of Louisville Metro's Efforts to Reduce DMC Using the Burns Institute Model**

Georgiana Hernández, Ed.D.  
Matthew S. Fitzgerald

Prepared for the W. Haywood Burns Institute

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**Planning for Change (PFC)**  
436 14<sup>th</sup> Street, Suite 1116 • Oakland, CA 94612  
[www.planningforchange.org](http://www.planningforchange.org)

# **Tackling Disproportionate Minority Confinement: An Evaluation of Louisville Metro's Efforts to Reduce DMC Using the Burns Institute Model**

PREPARED FOR:

The W. Haywood Burns Institute  
180 Howard Street, Suite 320  
San Francisco, CA 94105  
Tel. (415) 321-4100  
Fax (415) 321-4140  
[www.burnsinstitute.org](http://www.burnsinstitute.org)

PREPARED BY:

Georgiana Hernández, Ed.D. & Matthew S. Fitzgerald  
Planning for Change (PFC)  
436 14<sup>th</sup> Street, Suite 1116  
Oakland, CA 94612  
Tel. (510) 238-0775  
Fax (510) 238-0778  
[www.planningforchange.org](http://www.planningforchange.org)

## *Preface*

The W. Haywood Burns Institute (BI) is a national leader working to reduce the overrepresentation of youth of color in the juvenile justice system. In 2001, BI launched an ambitious initiative—the Intensive Site Engagement (ISE) Program—to test the belief that disproportionate minority confinement (DMC) is not an intractable problem. BI’s site-based DMC reduction model rests on the assumption that systems and community-based stakeholders must collaborate as equals in a deliberate and intentional manner to effectively reduce DMC. Since 2001, 12 jurisdictions have adopted BI’s ISE model to reduce DMC and racial disparities in their juvenile justice systems.

The Burns Institute engaged Planning for Change (PFC) in January 2007 to conduct a retrospective evaluation of its site-based work in Louisville, Kentucky, where stakeholders began implementing the model in July 2003. Through document review, analysis of administrative data, observation and stakeholder interviews, the PFC evaluation team worked to help BI document and assess Louisville’s success implementing the DMC reduction model. The current report presents our findings and recommendations.

We greatly appreciate having had the opportunity to engage with and learn from the many stakeholders we interviewed in Louisville.

With much respect,

Georgiana Hernández, Ed.D.  
Project Lead

Matthew S. Fitzgerald  
Program Associate

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## *Acknowledgements*

We wish to thank the Louisville Metro DMC Advisory Board members who generously shared their opinions and reflections about Louisville Metro's initiative to reduce the overrepresentation of youth of color in their juvenile detention system. Our ability to gain a deeper understanding of the complex nature of this type of initiative would not have been possible without these stakeholders' thoughtful reflections and contributions of time. The names are too numerous to list individually here, but are included in this report in Appendix A. We also wish to thank the youth from the Newburg Youth Council who participated in a focus group to share their thoughts about the local juvenile justice system and the specific needs of youth in the Newburg neighborhood.

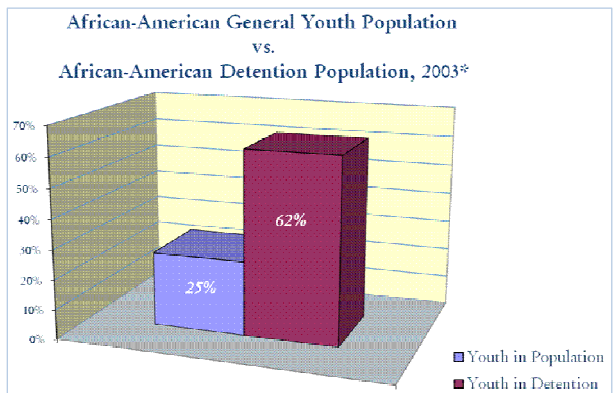
We are also deeply indebted to Faith Augustine, staff to the Louisville Metro Criminal Justice Commission, who has served as Site Coordinator for the DMC Initiative since its inception. She facilitated our access to administrative and program data, helped us to set up interviews with Initiative stakeholders and provided invaluable feedback on drafts of this report.

Finally, we wish to acknowledge the support we received from Michael Finley, Senior Program Associate with the W. Haywood Burns Institute, who served as the principal staff member from the Burns Institute on this project.

## EXECUTIVE SUMMARY

**I**N 2003, LOUISVILLE-JEFFERSON COUNTY METRO (Louisville Metro) launched a DMC reduction initiative with technical assistance from the W. Haywood Burns Institute (BI), a national leader in the field of juvenile justice reform. Louisville Metro was the ninth jurisdiction in the country to implement the BI model, designed as a three-year initiative to build jurisdictions' capacity to reduce disproportionate minority confinement (DMC). The goal of BI's DMC reduction model is to build jurisdictions' capacity to address the problem of overrepresentation of youth of color in the juvenile justice system. Strategies associated with the model include:

- Convening and sustaining a collaborative of inter-agency system stakeholders and community stakeholders to address the problem of DMC;
- Building system stakeholders' capacity to collect, analyze and use data to identify systemic factors contributing to DMC and to identify specific neighborhoods with disproportionate numbers of youth in detention;
- Building system and community stakeholders' capacity to develop data-driven strategies to reduce racial disparities;
- Institutionalizing the DMC monitoring process within local jurisdictions; and
- Making DMC monitoring results public to increase system accountability and public awareness about the problem of DMC.



**Exhibit 1 - African American General Youth Population vs. Population in Detention**

Louisville Metro officials were aware they had a serious DMC problem. In 2003, 1,701 youth were detained in Louisville Metro's Youth Detention Services. As shown in Exhibit 1, 62 percent of those detainees were African American, despite the fact that African American youth made up just 25 percent of the youth population in Louisville Metro.<sup>1</sup> Louisville Metro Government received an initial one-year grant and two subsequent renewal grants from the Kentucky Department of Juvenile Justice to implement the BI model with technical assistance from BI staff. The DMC Initiative began in July 2003, with BI staff providing on-site and on-call technical assistance. Although the initial technical assistance contract with the Burns Institute ended in June 2006, the Department of Juvenile Justice continued through 2008 to contract with BI for a more limited level of technical assistance as Louisville Metro pursued its strategies to reduce DMC.

In January 2007, the Burns Institute engaged Planning for Change (PFC)—a nonprofit planning and evaluation firm—to conduct a process and outcome evaluation of the intervention in Louisville

<sup>1</sup> Louisville Metro Youth Detention Services detention statistics, 2003.

Metro. The evaluation examined the period of time from the inception of the Initiative in July 2003 through December 2009. The Burns Institute staff was interested in learning if the program had been implemented as intended and in knowing the extent to which the intended outcomes had been achieved. They were also interested in identifying lessons learned that could be applied to their future work in other jurisdictions.

## **Key Findings**

### **Achievement of Targeted Outcomes**

Louisville Metro achieved a high level of success with most of the short-term and intermediate outcomes associated with the Burns Institute model. System-affiliated and community representatives convened for more than six years (and continue to meet) to identify factors contributing to DMC and to implement targeted intervention strategies. The Advisory Board and its staff became increasingly sophisticated in the use of data to determine which neighborhoods were contributing the greatest numbers of youth to detention, to identify systemic factors contributing to DMC and racial disparities at various decision points, and to monitor changes on DMC reduction strategy-specific indicators. Over a six-year period, Louisville Metro initiated and pursued the following strategies:

- Extended the juvenile court judicial rotation to try to ensure greater consistency in judicial decision-making;
- Adopted and implemented a new bench warrant policy to eliminate automatic holds and improve the court notification process to reduce bench warrants;
- Created and piloted a new risk assessment instrument that, as of the writing of this report, was being considered by the Administrative Office of the Court for adoption as a statewide instrument;
- Implemented a pre-trial diversion field release program to minimize unnecessary detention of juveniles; and
- Enhanced Louisville Metro's continuum of alternatives to detention.

Although Louisville Metro did not experience a decrease in its overall level of DMC, our findings suggest the targeted strategies Louisville Metro implemented have had positive effects. In the first 12-month period following implementation of a new bench warrant policy, for example, 51 youth (53 percent of whom were African American) were released rather than detained because of the new policy. In addition, the disparity in the release rate between White youth and African American youth arrested on a bench warrant was reduced from 24 percent to five percent within six months of policy implementation. And since the policy was adopted in 2006, Louisville Metro has experienced a 58 percent decrease in the number of youth detained on bench warrants. Other results associated with new policies, practices and procedures are summarized in Exhibit 2.

Factors that Louisville Metro stakeholders commonly cited as facilitating progress on the DMC Initiative included: the skills and competency of the site coordinator; the role of the Louisville Metro Criminal Justice Commission as a neutral convening body; the quality of technical assistance provided by Burns Institute staff; and the ability of the collaborative to work together toward a common goal. Implementation challenges stakeholders commonly cited were generally associated with the structure of the state’s judicial system operating in Louisville Metro and with a court culture hesitant to implement some of the new protocols intended to reduce DMC. Numerous stakeholders also said they thought the collaborative might have experienced more success if DMC Advisory Board members had taken more individual responsibility for pushing the prescribed reform recommendations through their respective agencies.

**Meeting Stakeholder Expectations**

Stakeholders’ expectations for the DMC Initiative varied widely when the project was initiated in 2003; thus the degree to which their expectations were met also varied considerably. Most stakeholders said they hoped the Initiative would have had

SUMMARY OF LOUISVILLE METRO DMC INITIATIVE RESULTS	
<b>Extended Judicial Rotation.</b>	<ul style="list-style-type: none"> <li>▪ After a new judicial rotation policy was put in place, four judges extended their rotations past the previous 90-day rotation. Continuous time on the juvenile court bench for these judges ranged from 125 days to 723 days.</li> </ul>
<b>New Bench Warrant Policy</b>	<ul style="list-style-type: none"> <li>▪ Within six months of implementing a new bench warrant policy, the disparity in the release rate between African American and White youth arrested on a bench warrant narrowed from 24% to 5%. The disparity rate has remained small.</li> <li>▪ In 2009, 100% of youth arrested on a bench warrant who were released rather than detained returned to court on their hearing date.</li> <li>▪ After the bench warrant policy was implemented in 2006, the number of detentions resulting from bench warrants dropped from a monthly average of 35.8 in 2006 to a monthly average of 16.6 in 2009. However, as these numbers have decreased, Louisville Metro has experienced an increase in the number of youth detained at the court hearing. In late 2009, the DMC Advisory Board formed a subcommittee to analyze and address this trend.</li> </ul>
<b>New Validated Risk Assessment Instrument</b>	<ul style="list-style-type: none"> <li>▪ A new RAI was drafted in 2006 and piloted in mid 2008. As of the writing of this report, the Administrative Office of the Court was considering conducting a statewide pilot of the new RAI. The DMC Advisory Board believes that once the new RAI is implemented, Louisville Metro will experience a substantial reduction in the number of youth detained during the detention intake screening process.</li> </ul>
<b>New Pre-Trial Diversion Field Release Program</b>	<ul style="list-style-type: none"> <li>▪ Since implementing a new pre-trial diversion Field Release Program, case processing through Youth Detention Services has dropped by 31 percent. In 2010, staff will begin to calculate Youth Detention Services’ cost savings resulting from reduced case processing.</li> </ul>
<b>Expansion of ATDs</b>	<ul style="list-style-type: none"> <li>▪ Louisville Metro enhanced its continuum of alternatives to detention by creating the West Chestnut Street Characters Program in 2008, a court-ordered placement program for gang-affiliated youth, and by creating an Intensive Supervision Program (use of electronic monitoring bracelets) in 2009. Initial results from the Characters Program appear positive.</li> </ul>

**Exhibit 2 - Results Associated with New Policies, Procedures and Practices to Reduce DMC**

more impact in reducing overall rates of DMC but said they understood that reducing DMC would be a slow process.

### **Maintaining Implementation Fidelity**

The DMC Advisory Board carried out the full range of activities associated with the Burns Institute model for reducing DMC (as the model was articulated in 2003). Stakeholders formed an inter-agency collaborative with the authority to implement core strategies, documented baseline levels of DMC, identified target neighborhoods, conducted community and system mapping, engaged in extensive analyses of offense and population data, developed data-informed strategies to reduce DMC, expanded their alternatives to detention options, and monitored change on strategy-specific indicators. Components that stakeholders suggested could be added to strengthen the BI model included: inclusion of DMC consciousness-raising activities targeted at judges, line staff and community members; implementation of a targeted media strategy; and development of a plan to monitor and measure success annually.

### **Sustaining the DMC Reduction Initiative**

Although the involvement of some DMC Advisory Board members waned after the first three years of the Initiative, there is strong evidence that many Louisville Metro stakeholders remained committed to continuing the jurisdiction's DMC reduction efforts even after the initial three-year period ended. The Commission applied for and received fourth and fifth years of funding from Kentucky Department of Juvenile Justice (albeit at reduced levels) to continue the work of the DMC Advisory Board. The Commission also secured funding to expand the Field Release Program that was successfully piloted in 2005. And although many founding members of the Advisory Board are no longer participating, every agency represented in the initial collaborative continues to be involved in the Initiative.

### **Learning from Louisville Metro's Experience**

The Louisville Metro experience provides several important lessons that may support other local efforts to reduce DMC and strengthen the BI model overall. The first lesson is that stakeholders need to understand from the outset that tackling DMC and racial disparities is a long-term, ongoing process and they should plan accordingly. Louisville Metro stakeholders suggest that resources are more crucial once jurisdictions know what new programming needs to be put in place rather than earlier on in the start-up phase. The second lesson relates to the importance of finding ways to involve greater numbers of decision-makers, middle managers and line staff in consciousness-raising and data analysis activities to help them understand DMC. The third lesson is that stakeholders, particularly during the first three to four years, should measure progress by looking at gains on strategy-specific indicators rather than looking for detention-wide reductions in DMC overall. Finally, stakeholders said it is critical to focus on developing relationships and trust. Decision makers need to know that it's not just an initiative to get youth of color out of detention, but one focused on making sure that decision making around detention is objective and fair.

## I. INTRODUCTION & BACKGROUND

**I**N 1988, THE FEDERAL GOVERNMENT amended the Juvenile Justice and Delinquency Prevention Act of 1974, requiring states to assess the prevalence of disproportionate minority confinement (DMC), identify contributing factors, and take steps to address the problem.<sup>2</sup> More than two decades have passed. Millions of private and public dollars have been spent to help jurisdictions monitor DMC levels and, in best-case scenarios, to re-tool their operations to reduce racial bias. In the past ten to 15 years multiple approaches<sup>3</sup> have emerged to address the problem of DMC. One of the site-based approaches being tested is the Intensive Site Engagement (ISE) Program Model developed by the W. Haywood Burns Institute (BI). A national leader in the field of juvenile justice reform, BI's goal is to prove that DMC, although pervasive within this nation's 3,086 counties, is *not* an intractable problem.

### The Local Context: DMC in the Louisville Metro Region

At the urging of one of Kentucky's Juvenile Justice Commissioners, in 2003, Louisville Metro—the product of a merger in January 2003 between the city of Louisville and Jefferson County—applied for and ultimately received a competitive grant to address DMC using the Burns Institute model. The state-funded DMC reduction Initiative, as described in the Request for Proposal document, was intended to “take a community beyond merely studying the problem to directly intervening in the community deficiencies that create and perpetuate [...] DMC.”<sup>4</sup>

Like most jurisdictions in the United States, Louisville Metro, the largest metropolitan city in Kentucky, had a serious problem with the overrepresentation of youth of color in their detention system. A study of DMC in Kentucky conducted by the University of Louisville identified Jefferson County (Louisville Metro), Fayette County and Christian County as the three counties in Kentucky with the highest incidences of DMC.<sup>5</sup> The study documented that in Jefferson County, African American youth, who constituted just 25 percent of the youth population aged 10 to 17, represented 63 percent of the juvenile detention population in 2002.

Local groups had previously raised the issue of the need to address DMC, but according to various stakeholders, what made the project feasible in 2003 was securing the Title II federal grant through the state to pay for technical assistance and support services. Regarding Louisville Metro's readiness to undertake the Initiative, one stakeholder explained:

“We had some people who, early on, would say, ‘we don't have a preponderance of African Americans in detention...our police aren't picking and choosing so we don't have a disproportionate minority problem.’ On a certain level you understand why they said that and on a certain level you just cringed, but I think there were just a lot of people who realized we ought to address this issue.”

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<sup>2</sup> Hsia, H. (1999) *A disproportionate minority contact (DMC) chronology 1988 to 2004*. Office of Juvenile Justice and Delinquency Prevention.

<sup>3</sup> See *No Turning Back: Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System*, Building Blocks for Youth, 2005.

<sup>4</sup> Kentucky Department of Juvenile Justice, Request for Proposal, 2003.

<sup>5</sup> Talley, C. et al. *An Analysis of the Process and Decision-Making Points in the Juvenile Justice System: Disproportionate Minority Confinement Technical Report*, prepared for the Kentucky Juvenile Justice Advisory Board, 2002.

With funding secured, Louisville Metro began taking steps to launch the DMC reduction Initiative in mid-2003.

### **Key Actors**

Major stakeholder groups involved in launching and implementing the DMC reduction intervention in Louisville Metro included:

- *The Department of Juvenile Justice for the State of Kentucky* – spearheaded the DMC reduction Initiative by issuing an RFP and by providing \$248,600 of funding in the first three years for Louisville Metro to implement the Burns Institute model to reduce DMC.
- *Louisville Metro Criminal Justice Commission* – acted as the fiscal and programmatic agent for the Disproportionate Minority Confinement grant; provided staffing and ongoing data analysis for the project.
- *DMC Advisory Board* – representatives from Jefferson District Court (includes Juvenile Court), Public Defender’s Office, County Attorney’s Office, Youth Detention Services, Administrative Office of the Courts (Court Designated Workers Office), Circuit Court Clerk’s Office, Department of Juvenile Justice, Criminal Justice Commission, Police Department, Unified School District, Human Services Agency, Family Services and community organizations met monthly to develop and implement a data-driven plan to reduce DMC.
- *Louisville Metro Youth Detention Services* – provided most of the data to identify contributing factors and to monitor the effectiveness of the strategies the local collaborative adopted.
- *Court Designated Worker Program* – participated in the design and piloting of a draft risk assessment instrument aimed at increasing objective decision making, helped develop the field release policy and delivered trainings on the policy to police officers.
- *Louisville Metro Human Services* – helped map the residency of youth offenders to identify neighborhoods with the most youth in detention.
- *Louisville Metro Police Department* – conducted general analysis in support of the Advisory Board’s identification of target neighborhoods, assisted in drafting the Field Release Policy and conducting training sessions for/with LMPD officers and School Resource Officers.
- *Circuit Court Clerk’s Office* – provided access to court files to conduct the bench warrant review study and conducted the court notification pilot.
- *Jefferson County Attorney’s Office* – reviewed outdated juvenile bench warrants for possible recall and dismissal.
- *Community Organizations* – Newburg Ministerial Association and YMCA Safe Place Services participated in community mapping activities and in the Field Release Program respectively.

- *W. Haywood Burns Institute* – provided ongoing technical assistance in the implementation of the DMC reduction model. BI staff attended the Advisory Board’s monthly meetings and provided frequent phone consultation as needed with the DMC project coordinator.

**Resources and Timeline**

As depicted in Exhibit 3, the DMC Initiative began in 2003. The Kentucky Department of Juvenile Justice provided \$248,600 in funding for the initial three-year period, contingent on an annual \$50,000 match from Louisville Metro. Of the state funds, \$150,000 was used to pay the W. Haywood Burns Institute for technical assistance services. The remaining state funds were issued to the Louisville Metro Criminal Justice Commission and covered expenses such as consultant travel, printing, stipends for youth who conducted community mapping, and consumables.

<b>2003</b>	<ul style="list-style-type: none"> <li>▪ Louisville Metro receives an award through Kentucky Department of Juvenile Justice to implement the BI DMC model; the 19-member DMC Advisory Board holds its first meeting; Burns Institute begins providing technical assistance; the Criminal Justice Commission hires a Criminal Justice Specialist and designates 40% of her time to staff the DMC reduction initiative.</li> </ul>
<b>2004</b>	<ul style="list-style-type: none"> <li>▪ A data collection subcommittee is formed to define the decision-making points in the juvenile justice system. Based on the findings, the DMC Advisory Board selects California and Newburg communities as “target neighborhoods” with whom to partner on reducing DMC. Representatives from the target neighborhoods join the DMC Advisory Board.</li> <li>▪ The collaborative determines that 50% of youth from target neighborhoods are detained for misdemeanors, violations and non-criminal offenses.</li> <li>▪ Youth and adult residents from California and Newburg map their communities’ assets and deficits; findings are presented to the DMC Advisory Board.</li> </ul>
<b>2005</b>	<ul style="list-style-type: none"> <li>▪ The collaborative identifies factors possibly contributing to DMC: excessive use of court-issued bench warrants; high failure-to-appear rates among African American youth; and absence of an objective risk assessment instrument.</li> <li>▪ The collaborative finalizes recommendations on how to reduce unnecessary detention resulting from bench warrants.</li> <li>▪ The Advisory Board develops recommendations to reduce DMC, including: creation of a new bench warrant policy; enhancement of the court notification process; and development of a new RAI.</li> </ul>
<b>2006</b>	<ul style="list-style-type: none"> <li>▪ The Chief Judge of Jefferson District Court issues a Judicial Order to ensure judicial review for all youth arrested on outstanding warrants.</li> <li>▪ A Risk Assessment Instrument subcommittee is formed to develop a draft instrument.</li> <li>▪ The collaborative is awarded additional funding to continue its DMC intervention.</li> </ul>
<b>2009</b>	<ul style="list-style-type: none"> <li>▪ A statewide risk assessment instrument subcommittee is formed; LMYDS secures additional electronic monitoring bracelets for a new Intensive Supervision Program; the Data Subcommittee reconvenes to examine data associated with a rise in youth detained at court hearings.</li> </ul>
<i>Data sources: Program documents and stakeholder interviews.</i>	

**Exhibit 3 - Key Milestones associated with Louisville Metro’s DMC Reduction Initiative**

Following the end of the contract period in 2006, Louisville Metro received additional awards in 2007 and 2008 (at reduced levels) to continue the DMC work.

### **In-Kind Resources**

Countless in-kind hours were contributed by DMC Advisory Board members, by members of the project's data, bench warrant and risk assessment subcommittees, and by staff affiliated with agencies such as Louisville Metro Human Services and Youth Detention Services, who provided data to assist in identifying target neighborhoods and monitoring interventions.

### **The Conceptual Model Guiding the Evaluation**

Since its introduction in 2001, Burns Institute's ISE model to reduce DMC has been implemented in 12 jurisdictions throughout the country.<sup>6</sup> The ISE model, depicted in Exhibit 4, offers jurisdictions a framework for implementing a structured, data-driven, multi-year process to identify and reduce DMC and racial disparities in their juvenile justice systems. The intervention is a collaborative venture between the Burns Institute staff and local juvenile justice stakeholders to analyze various sources of community and detention-related data in order to identify factors contributing to DMC.

The BI model suggests the implementation of five core strategies at the local level. These strategies reflect values of: inclusion of underrepresented groups; respect for a process grounded in dialogue and mutual understanding; and the desire to ensure that action is tied to what is learned through a collaborative process of community and system engagement. The core strategies include:

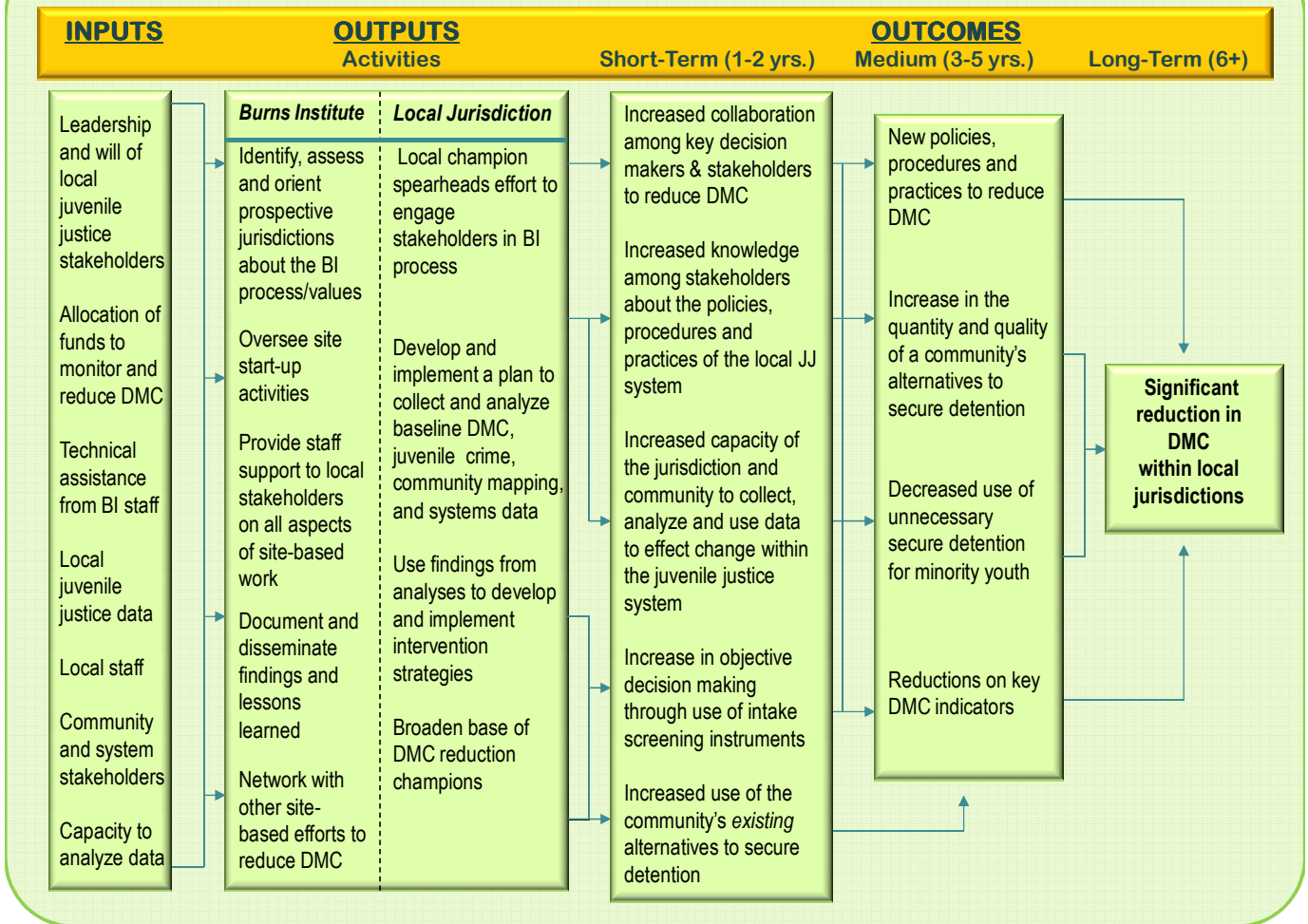
- Convening a collaborative of inter-agency and community-based stakeholders in a sustained process of dialogue and action to address the problem of DMC and racial and ethnic disparities;
- Building the capacity of local communities to create processes for systematically collecting and analyzing data on key DMC indicators;
- Building the capacity of local communities to use findings from data analyses to develop and implement system-level policy and programmatic recommendations aimed at reducing DMC;
- Institutionalizing the DMC monitoring process within local jurisdictions; and
- Making findings public, both locally and nationally, to increase system accountability and public awareness about the problem of DMC.

When first conceived (and when introduced to Louisville Metro stakeholders), the BI model had a three-year timeframe. Since introducing the model, Burns has refined the model to suggest that it takes three years to put DMC reduction strategies in place but a longer period to realize reductions in overall levels of DMC.

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<sup>6</sup> The Burns Institute Intensive Site Engagement Program has been implemented in the following jurisdictions, with the first beginning in 2001: Seattle, Washington; San Francisco, California; San Jose, California; Cook County, Illinois (two sites); Peoria, Illinois; St. Clair County, Illinois; Baltimore, Maryland; Louisville, Kentucky; Columbus, Ohio; Pima County, Arizona; Norfolk, Virginia.

**Goal: to build jurisdictions' capacity to reduce disproportionate minority confinement**



**Exhibit 4 - Burns Institute DMC Reduction Model**

**Expected Short-Term, Intermediate and Long-Term Outcomes**

The short-term outcomes targeted to occur within the first one to two years of initiating the Burns Institute model reflect the importance of convening and maintaining a collaborative of stakeholders committed to reducing DMC, building knowledge about systemic factors that may be contributing to the problem, building the jurisdiction's capacity to use data to effect change, and developing strategies to increase objective decision-making and use of alternatives to detention. Intermediate outcomes, targeted for years three to five of the Initiative, focus on changing system practices and procedures that the data suggest are contributing to DMC. In theory, as jurisdictions identify contributing factors, develop specific strategies to address these factors, and monitor changes on strategy-specific indicators, they should begin to see positive results.

**Evaluation Overview**

As part of its ongoing efforts to evaluate the effectiveness of the ISE model, the Burns Institute engaged PFC in January 2007 to develop an evaluative case study documenting the processes and

outcomes associated with the ISE intervention in Louisville. The study was guided by the following questions:

- 1) To what extent did Louisville Metro achieve the targeted outcomes associated with the BI model for reducing DMC?
- 2) What expectations did Louisville Metro stakeholders bring to their involvement with BI? Did expectations change over time?
- 3) Did Louisville Metro implement the BI model as intended? If not, why?
- 4) To what extent has Louisville Metro sustained the commitment and processes necessary to reduce DMC?
- 5) What lessons were learned from Louisville Metro's experience that can be used to inform future local efforts to reduce DMC and strengthen the BI model overall?

To answer these questions, our evaluation team examined a six-and-a-half-year period, from the initiation of Louisville Metro's implementation of the model in July 2003 through December 2009. This allowed our team to examine results associated with the expected short-term and intermediate outcomes and permitted us to assess the degree to which the jurisdiction's commitment to reducing DMC had been sustained. Data collection methods included: 1) review of administrative data used by Louisville Metro to monitor key DMC indicators; 2) extensive review of program documents; 3) semi-structured interviews with key stakeholders; 4) a focus group with neighborhood youth involved in the community mapping phase of the project; and 5) periodic follow-up interviews with BI staff and Louisville Metro's DMC site coordinator. A copy of the protocol we used to conduct semi-structured interviews with Initiative stakeholders in mid-2007 is included as Appendix B. All interviewees were assured of confidentiality.

### **Organization of the Report**

This report is organized in three sections. Section I provided an introduction and background on the Initiative. Section II presents the findings. Section III offers conclusions and recommendations based on the findings.

## II. FINDINGS

**T**HE DMC REDUCTION INITIATIVE launched by Louisville Metro in July 2003 brought together system-affiliated and community stakeholders to address the problem of overrepresentation of youth of color within the local juvenile justice system. The findings presented here seek to answer the study's guiding questions: Were targeted outcomes achieved? Were stakeholders' expectations met? Was the Initiative implemented as intended? Has the commitment to reducing DMC been institutionalized and sustained? And finally, what were the lessons learned?

*To what extent did Louisville Metro achieve the targeted outcomes associated with the BI model for reducing DMC?*

**FINDING SUMMARY:** Although Louisville Metro did not experience a decrease in its overall level of DMC as of December 2009, the jurisdiction did achieve a high level of success with all of the short-term and intermediate outcomes associated with the Burns Institute model. Collaboration among system and community stakeholders to reduce DMC increased; stakeholders' knowledge of factors contributing to DMC increased; Louisville Metro's capacity to use data to effect change increased; a new risk assessment instrument was developed and piloted; numerous new policies and practices were implemented; use of alternatives to detention increased; and unnecessary use of detention decreased.

This section of the report examines processes and results associated with each of the short-term and intermediate outcomes targeted by Burns Institute's ISE Initiative in Louisville, Kentucky.

### **OUTCOME 1: An increased and sustained level of collaboration to reduce DMC**

In its 2003 Request for Proposal document, Kentucky's Department of Juvenile Justice (DJJ), in keeping with the Burns Institute model, specified that applicants would need to convene a collaborative of system-affiliated and community-based stakeholders. Specifically, applicants needed to show evidence of buy-in for the project from juvenile court judges, local police, local detention and probation officials, prosecutors and defenders, youth/minority advocates, local community groups, local youth and parents, and local faith-based organizations. Other recommended partners included school officials, parks and recreation staff and local business leaders.

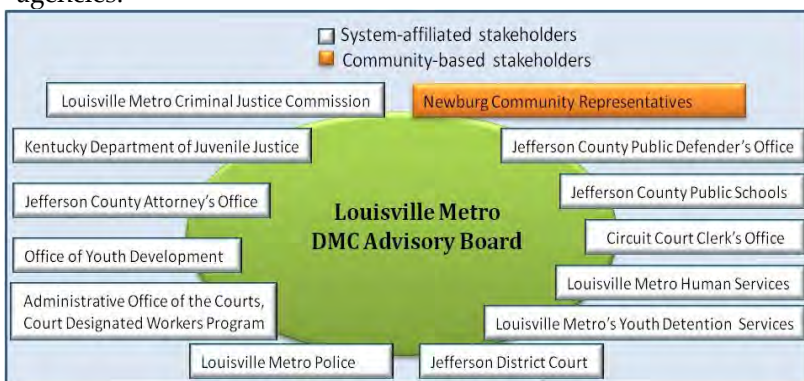
Awarded the competitive grant funds in July 2003, the Louisville Metro collaborative held its first DMC Advisory Board meeting in the fall to launch the DMC Initiative. All of the required categories of system stakeholders were represented, including: Louisville Metro Police, Jefferson County Public Defenders' Office, Jefferson County Public Schools, Administrative Office of the Courts – Court Designated Worker (CDW) Program, Jefferson District Court, the Louisville Metro Criminal Justice Commission, the Office of Youth Development, Youth Enhancement Services, Kentucky Department of Juvenile Justice, Jefferson County Attorney's Office, Louisville Metro Youth Detention Services and Louisville Metro Human Services. Co-chairs were soon elected to lead the group, and they spearheaded the scheduling of monthly meetings and initiated the dialogue about how to proceed with the work of the Initiative.

In August 2004, the committee used a crime mapping process to identify the two target neighborhoods that contributed the highest numbers of youth to detention. Representatives from those communities were invited to join the Advisory Board. A community member and two pastors from local churches in the Newburg neighborhood subsequently joined the Advisory Board as community-affiliated members.

Though Louisville Metro was indeed successful at implementing the first part of the BI model (i.e. creating a functional collaborative), some individuals suggested the collaborative needed to do more to engage and inform community leaders about the project. The following quote illustrates this sentiment:

“What’s missing is the community. The community is not informed. The community has not been educated along with the process, so while you have those who are sitting around the table who are being educated to the issue of DMC and the value of planning and such being data driven, the community is not similarly informed and I think that is a flaw. I think that is potentially a death knell to all of the good design and good work that has preceded it.”

The perception by some stakeholders that the community had not been fully engaged may have been associated with the fact that the collaborative was not able to gain the participation of the California neighborhood, one of the two neighborhoods targeted as part of the intervention strategy. It may also have had to do with the fact that although representation from the Newburg neighborhood was consistent, with good attendance at meetings by faith community leaders, it was not wide-reaching in terms of involvement of other types of leaders and residents. As shown in Exhibit 5, most representatives were affiliated with public agencies.



**Exhibit 5 - Louisville Metro DMC Advisory Board**

**OUTCOME #1:**  
Increased level of collaboration toward the goal of reducing DMC

**Indicators:**

- An established governing body with targeted stakeholder representation that understands the BI model and has the authority to implement the core strategies

**Results:**

Louisville Metro successfully convened and sustained a multi-agency collaborative of system-affiliated and community stakeholders focused on reducing DMC. Most system stakeholders said they would not have entered into the kind of sustained dialogue about DMC except for this initiative. Others suggested the process had also helped them forge new or stronger inter- and intra-agency relationships.

Although the collaborative was widely viewed as successful at engaging systems-affiliated stakeholders, some individuals said more wide-reaching community engagement was needed.

*(Data sources: Stakeholder interviews.)*

## **OUTCOME 2: Increased knowledge about system policies, practices and procedures contributing to DMC**

The Advisory Board met monthly as it implemented the DMC Initiative. Stakeholders delved into the task of “disentangling” their system’s internal processes to identify the points at which disparities existed, identify specific policies and practices possibly contributing to DMC, and formulate appropriate recommendations to try to effect change. They accomplished this largely through the formation of three ad hoc “fact-finding” committees.

The first committee—a Data Collection Subcommittee—was established in April 2004. The subcommittee identified the key decision points of contact as well as the agencies responsible for data collection from arrest through detention. Two other subcommittees subsequently formed to assess bench warrant policies and to assess the feasibility of developing and implementing a new risk assessment instrument.

*“Once you sit around a table and you all start talking, you come to the recognition that there are things that should be done better than you’re doing [them]. And sometimes with DMC you [...] learn five things you didn’t know, you do three things differently that you didn’t used to do.... We have changed some of the things we do as a result of the process.”*

— Louisville Metro system-affiliated stakeholder

As a result of the work undertaken at the committee level and shared with the larger Advisory Board, almost all members said they gained substantial new understanding of the system and of factors that might be contributing to DMC. One system-affiliated stakeholder summed up the value of the sustained dialogue toward effecting change:

*“Once you sit around a table and you all start talking, you come to the recognition that there are things that should be done better than you’re doing [them]. And sometimes with DMC you end up that way: you learn five things you didn’t know, you do three things differently that you didn’t used to do.... We have changed some of the things we do as a result of the process.”*

### **OUTCOME #2:**

Increased knowledge about system policies, practices and procedures possibly contributing to DMC

#### **Indicators:**

- Creation of a local JJ system map that identifies decision-making points within the system
- Ability to document baseline DMC data
- Stakeholders’ self-report of increased knowledge about the system and about factors possibly contributing to DMC

#### **Results:**

The DMC Advisory board documented the detention related decision-making points within the system and documented and reviewed baseline DMC data. Many DMC Advisory Board members reported an increase in their understanding of how Louisville Metro’s juvenile justice system functions as a result of their participation in the DMC initiative. Numerous stakeholders said they had gained a deeper understanding of factors contributing to racial disparities within the system.

*(Data sources: Program documents and stakeholder interviews.)*

### **OUTCOME 3: Increased capacity to collect, analyze and use data to effect change**

Burns Institute’s DMC reduction model is grounded in the belief that systematic data collection and analysis is a crucial step towards reducing DMC. As such, jurisdictions implementing the BI model are required to collect detention data and analyze it by race and ethnicity, geography, gender and offense. In Louisville Metro, due to the complex configuration of the juvenile justice system, stakeholders needed to collect data from entities at multiple levels—state and local—and across multiple departments.

The collaborative relied on data from Louisville Metro Youth Detention Services to establish a baseline and monitor change in the detention population over time. They reviewed data from multiple sources (police, detention and CDW) to identify the neighborhoods contributing the *highest numbers* of youth to detention. They relied on Louisville Metro Police Department for arrest data to identify those neighborhoods contributing the *largest percentages* of youth to detention. Finally, the collaborative relied on data from Youth Detention Services to determine why such large numbers of youth were being detained on bench warrants.

#### ***Advisory Board Follows a Data-driven Path***

At the onset of the Initiative, the Advisory Board established baseline DMC levels, documenting that African American youth aged 10 to 17 constituted 25 percent of the youth population in Jefferson County, but made up 63 percent of detained youth in 2002.

To identify the home neighborhoods of the greatest numbers of youth in detention, in mid-2004 the Louisville Metro Police Department conducted a crime mapping analysis on behalf of the Advisory Board. Two neighborhoods—Newburg and California—were selected as target neighborhoods. The Advisory Board analyzed 2003 and 2004 detention admissions data for the two target neighborhoods by race, age, gender, referral source

***“There was progress made in juvenile justice system information sharing in this project that had not previously occurred on anything else.”***

**— Louisville Metro system-affiliated stakeholder**

### **OUTCOME #3:**

**Increased capacity to collect, analyze and use data to effect change**

#### **Indicators:**

- Demonstrated ability to collect detention data by race and ethnicity, gender, age, residence and offense
- Demonstrated ability to use data to identify factors contributing to DMC and racial disparities

#### **Results:**

Louisville Metro became increasingly sophisticated in its use of data and its level of analysis as the initiative unfolded. To conduct ongoing analyses, stakeholders relied on multiple sources of data from law enforcement, the courts and the detention center. Ultimately they identified a high failure to appear rate among African American youth, the existing bench warrant policy, and subjectivity at the point of intake as factors possibly contributing to DMC.

*(Data sources: Program documents and stakeholder interviews.)*

and type of offense and discovered that in both years, more youth were being detained on a bench warrant for misdemeanors, violations and non-criminal offenses than for any other public offense. To identify factors in the two neighborhoods that were either contributing to the problem of youth crime or that could help ameliorate the problem, in late 2004, staff and volunteers conducted community mapping and focus groups in the target communities.

### *Digging Deeper*

In early 2005, the Advisory Board sought and was given permission from the Circuit Court Clerk's Office for staff to conduct case file reviews of 51 juvenile offenders who resided in the Newburg and California neighborhoods. The goal was to find out why bench warrants were being issued and to determine the number of youth detained on a bench warrant who were not detained on the original charge.

The case file review revealed that 85 percent of the bench warrant cases did not meet detention criteria on the original charges and only a few youth were detained on the original charge. Sixty-five percent of the warrants were issued because the youth failed to appear at a court hearing; 31 percent were issued for a violation. As a result of these findings, the DMC Advisory Board created a Bench Warrant Subcommittee to conduct an in-depth investigation of policies and procedures associated with bench warrants and report back to the full group with recommendations on how to reduce detentions resulting from bench warrants.

### *Data Analysis Leads to New Bench Warrant Policy*

In June 2005, the Advisory Board's Bench Warrant Subcommittee discovered that youth arrested for *outstanding* bench warrants were being automatically detained and not given the opportunity for judicial review, while the cases of youth with bench warrants and *new* charges were automatically being sent for judicial review. Given the findings from their analysis, the Advisory Board developed a set of policy recommendations to reduce the unnecessary detention of youth held on bench warrants. Recommendations included: 1) giving all youth brought to Youth Detention Services on a bench warrant the opportunity for a judicial review to determine detention or release; 2) enhancing the court notification process to reduce the incidence of failures to appear; and 3) obtaining appropriate contact information for youth.

### Timeline of Louisville Metro's Data-Driven Strategy to Reduce Racial Disparities by Modifying the Bench Warrant Policy

**Sept. 2004** – The Advisory Board discovers that among youth detained for violation offenses, the majority of the violations are bench warrants.

**Jan. 2005** – Initiative staff request permission from the Circuit Court Clerk's office to review court files.

**March 2005** – The Advisory Board confirms that the purpose of the case file review is to determine what is triggering the bench warrants.

**April-May 2005** – The DMC Project Coordinator and the Director of Louisville Metro Youth Detention Services review court files and detention files.

**June 2005** – The Bench Warrant Subcommittee identifies failure to appear as the leading reason for bench warrants.

**July 2005** – The Advisory Board adopts a recommendation to give youth picked up on bench warrants the opportunity for judicial review.

**Feb. 2006** – The Chief Judge of Jefferson District Court issues a court order. The Court Designated Workers receive instructions on how to implement the new policy. The new policy becomes effective February 21, 2006.

*(Data sources: Detention Center data, interviews, program documents.)*

### **Exhibit 6 - Bench Warrant Policy Timeline**

In February 2006, the Chief Judge of Jefferson District Court issued a court order directing Court Designated Workers to ensure that all youth arrested for an outstanding bench warrant receive judicial review prior to being placed in secure detention. The timeline of activities, from initiating the investigation in September 2004 to the issuance of the new court order in February 2006, is reflected in Exhibit 6.

***Data Analysis Capacity Has Increased, but Needs to Filter Down***

The Advisory Board’s increased sophistication in using data to identify factors contributing to DMC was largely lauded as a success by stakeholders. Comments such as these were typical:

“I think the data-driven approach has given folks a solid framework to start intelligent discussion about: ‘We’ve got minorities overrepresented in detention, what does this mean? How do they get here?’”

“The fact that there are some people who are getting used to looking at data is huge.”

“It made all the difference. Without that we wouldn’t be where we are. We’d still be just treading water, trying to say like, ‘Oh no, I think it’s there...because of this or this or this.’ We’d be following where the media crisis is rather than where we know the kids are coming from based on the data. It definitely wouldn’t have worked without that, and because of that data-driven approach, we’ve been able to go and talk to judges and say, ‘look, this is what’s happening, this is why’ —it’s definitely made all the difference.”

**In February 2006, the Chief Judge of Jefferson District Court issued a court order directing Court Designated Workers to ensure that all youth arrested for an outstanding bench warrant receive judicial review prior to being placed in secure detention.**

As a next step, several stakeholders suggested the Initiative needs to ensure that middle managers and line staff within the local juvenile justice system also be educated about the need to adopt a data-driven approach. One of these stakeholders commented, “All the work has been at the DMC Advisory Board and Committee level.”

#### **OUTCOME 4: Increase in objective decision making through the use of a validated intake screening instrument**

In March 2006, toward the end of the initial three-year DMC Initiative in Louisville, Advisory Board members formed a Risk Assessment Instrument (RAI) Subcommittee. The committee's stated purpose was to review current practices and policies associated with the use of alternatives to detention based on risk, explore graduated sanctions and identify the success rates of Louisville Metro's existing alternatives to detention programs. The group was also charged with developing and piloting a new risk assessment instrument (RAI).

Louisville Metro's existing intake screening practice—carried out by the Court Designated Worker Program—involved administration of a state-issued form (JW-39) to collect pre-adjudicative detention criteria, including information about the youth's current and prior public and status offenses, failure to appear and warrant history and mitigating and aggravating factors. As the committee explored the idea of creating and piloting a RAI, they agreed that whatever new instrument was put in place, it would need to be consistent with the JW-39. Members also agreed that the instrument would need to be reviewed and approved by the Administrative Office of the Court since the intention was for the RAI to be piloted and ultimately administered by the Court Designated Worker Program intake staff.

During the following eight to nine months, the committee developed numerous drafts of a RAI. The instrument was also reviewed by a national expert in RAI development and testing, David Steinhart, who suggested several modifications. Yet by the latter part of 2006, the prospects for piloting the RAI dimmed as state-level and local system stakeholders failed to reach agreement about who would be responsible for implementing the proposed piloting process. There was also the feeling by some stakeholders that other necessary components associated with piloting and ultimately implementing the new RAI process—educating the judges and the prosecutors about what the point system meant—had not been put in place.

Finally, nearly two years after forming a subcommittee to draft a new risk assessment instrument, the Advisory Board received permission from the Administrative

**OUTCOME # 4:**  
Increase in objective decision making through the use of a validated intake screening instrument

**Indicators:**

- Adopting a validated risk assessment instrument (RAI)
- An override rate of 15% or less once process is initiated

**Results Summary:**

During the first six months of 2006, the DMC Advisory Board drafted a new risk assessment instrument. The group faced administrative challenges in piloting the RAI, but persevered. In early to mid 2008, the instrument was formally piloted.

In late 2008, the RAI Subcommittee finalized changes to the RAI reflecting pilot study findings and recommendations.

As of December 2009, the Administrative Office of the Court was considering implementing a statewide pilot of the RAI developed in Louisville to determine if the instrument could replace the JW-39 throughout the state.

*(Data sources: One in 37 Research, Inc. pilot test results, interviews and program documents.)*

Office of the Courts to proceed with the pilot. Louisville Metro Youth Detention Services contracted with One in 37 Research, Inc., a firm based in Portland, Oregon, to analyze and interpret data generated during the pilot phase. At intake, the Court Designated Workers Program staff gathered information on a sample of 334 youth brought to detention between January 23 and April 25, 2008.<sup>7</sup>

Findings from the pilot study revealed that, excluding bench warrant cases, slightly more youth were released (55%) than detained (46%) using the current system's pre-adjudicative detention criteria (JW-39). The study also found that under the current system, a large proportion of youth did not meet the criteria for detention but that detention was ordered by Judges nonetheless. Using the new RAI's risk classification system, the majority of youth in the sample were classified as low risk and eligible to be released without supervision (58%); one third was classified as medium risk and eligible to be released with supervision (35%), and eight percent were classified as high risk and eligible for secure detention. The study found that in 61 percent of the cases, the detention decision would remain unchanged. In 38 percent of the cases, however, the decision would have been to release rather than to detain. The study suggested that adoption of the new RAI would result in a significant reduction in the proportion of youth who are detained (down to 8%) and would result in approximately 35 percent of youth being released with supervision. Whether the change could be implemented without jeopardizing public safety was beyond the scope of the study. Regarding the impact of the new instrument on race, the study found that the new RAI did not appear to introduce any racial disparities. The study also found that the County's prior method for making detention decisions did not appear to be racially biased.

Recommendations based on the study findings were:

- to modify some components of the instrument,
- to collect outcome data on youth who are released,
- to expand the capacity of the Conditional Release options,
- to articulate a strategy for Warrant Cases,
- to formulate an override policy, and
- to "go live" with the new RAI.

In the fall of 2008, the RAI subcommittee modified and finalized the RAI form according to the recommendations made by One in 37 Research, Inc. and presented the study results to the Subcommittee on Equity and Justice for all Youth (SEJAY).<sup>8</sup> Because the current JW-39 is a statewide tool and the Administrative Office of the Court protocol calls for use of one standard instrument throughout the state, SEJAY created a statewide RAI subcommittee to review the pilot process implemented in Louisville and discuss the feasibility of conducting a statewide pilot. As of December 2009, the SEJAY RAI subcommittee's intention is to implement in 2010 a statewide pilot of counties identified as having a DMC problem, using the recommended Jefferson County RAI form.

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<sup>7</sup> Pilot Test Results project conducted by Dr. Kelly Dedel, One in 37 Research, Inc.

<sup>8</sup> The SEJAY Subcommittee advises Kentucky's Juvenile Justice Advisory Board and the general public of the Commonwealth of Kentucky on the issue of disproportionate minority representation in the juvenile justice system.

## **OUTCOME 5: New policies, procedures and practices with potential to reduce DMC**

As the result of initiating the DMC Initiative, Louisville Metro stakeholders developed numerous proposals aimed at reducing racial disparities and DMC in their jurisdiction. These included: 1) increasing the length of time between judicial rotations to ensure greater consistency in decision making; 2) drafting a new bench warrant policy; 3) recommending a new risk assessment instrument; 4) enhancing the court notification process; 5) proposing a pre-trial diversion field release program; and 6) enhancing their continuum of alternatives to secure detention. As displayed in Exhibit 6, almost all of these proposals succeeded in getting to the implementation phase.

### **1. Extension of juvenile court judicial rotation**

For decisions about detention, Louisville Metro relies on 17 rotating judges, with a different judge or Trial Commissioner on call 24 hours a day all year long. At the inception of the DMC Initiative in 2003, judges were only serving a three-month rotation on the juvenile court bench. As one stakeholder pointed out, this presented a real problem since “sometimes it takes a while to learn or relearn what a juvenile judge is supposed to do and how to do it.”

Recognizing the need for greater consistency in judicial decision-making, the Advisory Board advocated for judges to extend their rotation from three to six months and to allow the option of serving on the juvenile court bench for as long as two years. This change was implemented. One stakeholder characterized the extension of the juvenile court judge rotation as “a coup,” and attributed the change directly to some of the judges being on the DMC Advisory Board.

It was widely felt that extending the time between judicial rotations might afford the DMC Initiative stakeholders greater opportunity to educate juvenile judges about DMC and about the goals of the Initiative. Four judges extended their rotations past the previous 90-day rotation. Continuous time on the juvenile court bench for these judges ranged from 125 days to 723 days.

### **OUTCOME #5:**

**New policies, procedures and practices that have the potential to reduce DMC**

#### **Indicators:**

- **Number of policy and practice changes implemented**

#### **Results:**

The DMC Advisory Board pursued a wide range of strategies. Some of these included: 1) extending the time on juvenile court judicial rotation; 2) implementing a new bench warrant policy; 3) drafting and piloting a new risk assessment; 4) enhancing the court notification process; 5) implementing a field release pre-trial diversion program; and 6) expanding the continuum of alternatives to secure detention. Most of these strategies were implemented.

Stakeholders were generally pleased with the Initiative’s progress but felt strategies could have been implemented more quickly if members had done more within their departments to push recommendations forward.

*(Data sources: Program documents and stakeholder interviews.)*

POLICY, PROCEDURE OR PRACTICE	DESIRED EFFECT	DATE IMPLEMENTED
<b>1. Extension of juvenile court judicial rotation</b>	<ul style="list-style-type: none"> <li>▪ Consistency in judicial decision-making; greater opportunity to educate judges about DMC</li> </ul>	October 2005
<b>2. Adoption and implementation of a new bench warrant policy</b>	<ul style="list-style-type: none"> <li>▪ Reduction in the number of low-risk juveniles detained on bench warrants</li> <li>▪ Reduction in racial disparity on release rate after judicial review</li> <li>▪ No increase in FTA rates for released youth</li> </ul>	February 2006
<b>3. Adoption of a risk assessment instrument</b>	<ul style="list-style-type: none"> <li>▪ More objective decision making at the point of intake screening</li> </ul>	Pending approval from the state
<b>4. Enhancement of the court notification process</b>	<ul style="list-style-type: none"> <li>▪ Reduction in the number of youth detained for failure to appear</li> </ul>	In process
<b>5. Implementation of a pre-trial diversion field release program</b>	<ul style="list-style-type: none"> <li>▪ Reduction in the Youth Detention Center's average daily population</li> </ul>	Implemented in 2006 and subsequently expanded Metro-wide
<b>6. Creation of new alternatives to detention programs</b>	<ul style="list-style-type: none"> <li>▪ Reduction in number of juveniles detained for low-level offenses</li> </ul>	New programs implemented in 2008 and 2009

**Exhibit 7 - Actions Recommended by Louisville Metro's DMC Advisory Board**

**2. Creation of a New Bench Warrant Policy**

As described in previous sections of the report, the Advisory Board pursued several strategies to reduce the number of youth held in secure detention on a bench warrant, including the development of a new bench warrant policy to ensure that youth arrested on a juvenile bench warrant—with or without new charges—would have the opportunity for a judicial review. Although the data-gathering and new policy development process took approximately eighteen months, the DMC Advisory Board was ultimately successful in ensuring that a new bench warrant policy—one that guaranteed all juveniles the right to judicial review at the point of intake—was implemented. According to Initiative stakeholders, Louisville Metro is the only jurisdiction in the state currently reviewing juvenile bench warrants.

**3. Adoption of a New Risk Assessment Instrument**

The DMC Advisory Board spent three years working to develop and adopt a new objective risk assessment instrument. As described earlier, the DMC Advisory Board developed several drafts of an instrument but was delayed by administrative issues as they tried to get the instrument piloted. A new risk assessment instrument was drafted in 2006 and piloted in 2008. The extensive work conducted in Louisville Metro to develop and pilot a new RAI resulted in the Office of the Administrative Court's interest in assessing the feasibility of conducting a statewide pilot of the instrument with the intention of possibly replacing the state's use of the current Pre-Adjudicative Criteria (JW-39).

#### 4. Enhancement of the court notification process

The DMC Advisory Board—in its investigation of the reasons youth in the Newburg and California neighborhoods were being brought in on bench warrants for failure to appear at a court hearing—discovered that a large number of youth were not receiving the notices mailed by the Court Designated Worker’s office. The DMC Advisory Board, working with the CDW supervisors, committed to making “reasonable, affirmative efforts to locate, notify and produce clients for court appearances” and implemented strategies intended to reduce unnecessary detention of youth brought in on a warrant for failure to appear at a court hearing, who could not be located, or who were in violation of a court order or pre-adjudicative alternative to detention program. Strategies the DMC Advisory Board implemented to improve the notification process included:

- a) the CDW office verifying mailing addresses for any notices returned through the mail with a bad address indicated, contacting Jefferson County Public Schools (JCPS) to request contact information, and notifying the juvenile court clerk;
- b) getting access to the JCPS database since that information tends to be more current;
- c) creating and implementing the “contact sheet” which captures contact information for youth at each court appearance; and
- d) establishing a process to call the youth to remind and/or notify youth and parents/guardians of scheduled court dates.

As of December 2009, the court notification pilot program was on hold, awaiting notification regarding the potential for grant funding.

#### 5. Implementation of a Pre-trial Diversion Field Release Program

Concurrent to implementing the DMC Initiative, in July 2005, Louisville Metro initiated a pre-trial diversion program aimed at creating detention diversion opportunities for youth. A Field Release Planning Team worked in partnership with the DMC Advisory Board to pilot the pre-trial diversion program in two targeted neighborhoods in the Louisville Metro region. According to several stakeholders, some youth were being detained on minor charges because police officers couldn’t locate a parent or guardian. As one person explained:

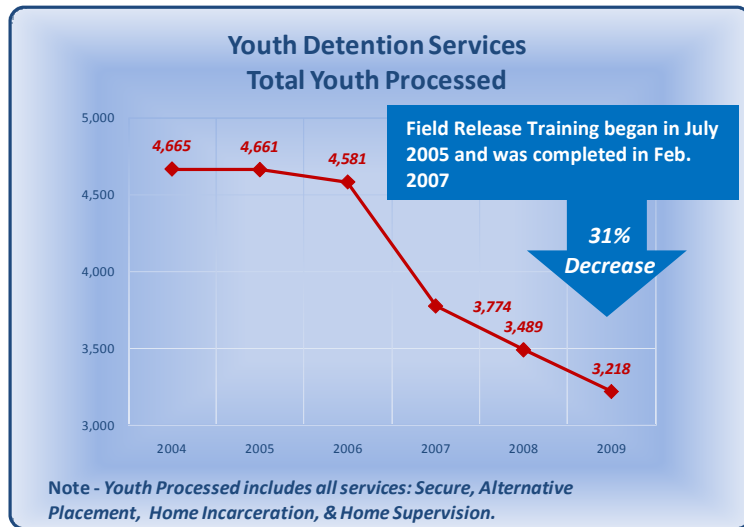
“[...] it is easier to take them to the detention center than to look for [the parents/guardians] for very long because they know they are going to be safe with [the detention center] [...] but in actuality what that does is it puts them in detention, which is not where they should be.”

“[...] for this jurisdiction to get our police to know that we are not committing our children to detention and they’ve got to take them somewhere else, for us to sell that to the police chief and to the upper management of the police—that is a major accomplishment.”

-DMC Advisory Board  
Member

Through the pilot program, a community-based organization, YMCA, was contracted by the county to provide temporary shelter for the youth. According to most stakeholders, the program provided a win-win for everyone, giving police a safe place to drop off the youth when parents/guardians couldn't be located, giving youth an alternative to detention, and giving Youth Detention Services staff the opportunity to focus their efforts on youth who needed to be in detention rather than on youth who had nowhere else to go.

In its first complete year (July 2005 through June 2006), 283 youth were served through the Field Release Program. Seventy-eight percent of these youth were African American. One-hundred-thirty youth (46%) were released to a parent or guardian or other responsible adult, 80 youth (28%) were transported to an alternative to detention site; 23 youth (8%) were transported to the detention center and then released; 26 youth (9%) were detained; two were released to a hospital (<1%); and 22 additional youth (8%) were released but documentation was insufficient to capture release details.<sup>9</sup> Following the completion of the pilot period, the Field Release Program was expanded in August 2006 throughout the Louisville Metro region. An interim evaluation of the pilot revealed that detention intakes were reduced by 20 percent, or 2.65 juveniles per day.<sup>10</sup> As shown in Exhibit 8, as of the end of 2009, the number of youth processed through Youth Detention Services had dropped by 31 percent following implementation of the pre-trial Field Release Program.



**Exhibit 8 - Youth Processed by Youth Detention Services**

## 6. Creation of new alternatives to detention programs

The collaborative pursued multiple strategies for expanding its continuum of alternatives to detention options. The first strategy was the development of a collaboratively-sponsored<sup>11</sup> Community Supervision Program in the Newburg neighborhood. The goal of the program was to help Newburg neighborhood youth at the pre-adjudication stage comply with court ordered activities, including performing community service, attending anger management classes, attending school, etc. During their investigation of systemic factors contributing to DMC, the DMC Advisory Board had discovered that there was no agency responsible for

<sup>9</sup> As documented in the Final Site Report submitted to W. Haywood Burns Institute – Louisville Site (January – June 2006).

<sup>10</sup> See Shutt, J. Eagle, Louisville-Jefferson County Metro Field Release Program Evaluation (2008, Interim Report) submitted to Kentucky Department of Juvenile Justice.

<sup>11</sup> Collaborating entities were to include the Louisville Metro Criminal Justice Commission, Louisville Metro Youth Detention Center, a community-based organization in the city of Newburg, and AmeriCorps.

monitoring or supervising youths' compliance with these types of court-ordered activities. The analysis conducted by the Advisory Board staff revealed that a significant number of youth who failed to show proof of completion of these activities were subsequently arrested on bench warrants because of missing documentation in their court file and/or failure to appear at their court hearing. The program applied for and received funding in 2007 to hire two AmeriCorps workers to staff the program. The program was slated for start-up in September 2007. However, due to difficulties finding AmeriCorps workers who could staff the program, the Community Supervision Program was not implemented.

Other strategies the DMC Advisory Board pursued in 2008 and 2009 included the creation of the West Chestnut Street Characters Program, a court-ordered placement program for gang-affiliated youth, the creation of an Intensive Supervision Program which relies on electronic monitoring bracelets, and a voice monitoring program. All of the strategies to expand Louisville Metro's use of alternatives to detention are described in the following section.

## **OUTCOME 6: An increase in the quantity and quality of a jurisdiction's alternatives to secure detention**

In 2003, when the DMC Reduction Initiative was launched, Louisville Metro had three alternatives to detention (ATDs) in place. These included a Home Supervision Program (HSP), a Home Incarceration Program (HIP) which relied on electronic monitoring, and a 12-bed non-secure shelter, Phoenix House, also known as Alternative Placement Services (APS).

As part of the DMC Initiative, Louisville Metro Youth Detention Services staff developed a graduated sanctions continuum with the goal of increasing Louisville Metro's use of existing alternatives to detention. Although not an ATD, the Field Release Pilot Program that the DMC Advisory Board and Field Release Planning Team launched in 2005 did provide police with the pre-trial option of taking youth somewhere other than the detention center when they couldn't locate a parent or guardian. Given the success of the pilot, the Field Release Program was expanded Metro-wide in 2007.

Louisville Metro Youth Detention Services' continuum of alternatives to detention was enhanced by the creation in 2008 of the West Chestnut Street Characters Program, a court-ordered placement program for gang-affiliated youth, and by the creation of an Intensive Supervision Program (an expanded use of electronic monitoring bracelets) in 2009. Initial results from the Characters Program appear positive: of the 37 youth referred to the program by the courts (including 14 graduates and 9 current program youth), only three obtained new charges and were removed from the program. The graduates also have regular school attendance and better grades than before their program attendance.

In addition, as a direct result of the DMC Initiative, Louisville Metro implemented a voice monitoring program which is currently being used as part of the HSP.

### **OUTCOME #6:**

**An increase in the quantity and quality of a jurisdiction's alternatives to detention**

#### **Indicators:**

- **Number of targeted alternatives to detention options created**
- **Change in the percentage of detained youth released to an alternative to detention**

#### **Results:**

**The Board piloted and then launched a Metro-wide pre-trial field release program aimed at keeping youth out of detention. It also created the West Chestnut Street Characters Program, implemented a voice monitoring program, and created an Intensive Supervision Program, increasing LMYDS' use of electronic monitoring bracelets. Initial results from the Characters Program appear positive: of the 37 youth referred to the program by the courts, only three obtained new charges. An analysis of the number and percentages of detained youth released to an alternative to detention has not yet been conducted.**

*(Data sources: Stakeholder interviews and program documents.)*

## **OUTCOME 7: Positive changes on strategy-specific indicators**

The overarching goal of the Burns Institute ISE Program is to build jurisdictions' capacity to reduce DMC. BI believes that reductions in overall levels of DMC will occur as jurisdictions successfully implement targeted strategies that address systemic factors contributing to DMC. However, the Burns Institute's work in jurisdictions across the country suggests that this is a gradual process, with overall reductions in DMC not expected to occur until after five or more years of sustained intervention. To assess whether or not positive changes are occurring as a result of the specific strategies implemented, BI suggests jurisdictions monitor strategy-specific indicators.

In Louisville Metro, the DMC Advisory Board identified the existing bench warrant policy and associated practices as factors contributing to DMC. Through analysis, the Board articulated nuanced practices and policies potentially contributing to the problem, developed a set of recommendations to reduce unnecessary detention of youth brought in on a bench warrant, and monitored change. A summary of how the DMC Advisory Board used a data-driven process to tackle the identified problem is offered below:

**Problem:** In Louisville Metro, among youth arrested on bench warrants, only youth with new charges were given the opportunity for judicial review. Youth arrested without new charges were automatically held in detention. The DMC Advisory Board's analysis revealed that a significant number of those youth being held would not have been detained on the original charge.

### **Strategies to address the problem:**

The Chief Judge of the Jefferson District Court, a member of the DMC Advisory Board, created a judicial order that guaranteed all juveniles arrested for a bench warrant the right to judicial review at the point of intake.

### **Strategy-specific indicators:**

- Decrease in the number of youth detained who are brought in on a bench warrant
- Reduced rate of disparity in the release rate between White and African American youth brought in on a bench warrant

**Outcome #7:**  
Positive changes on strategy-specific indicators

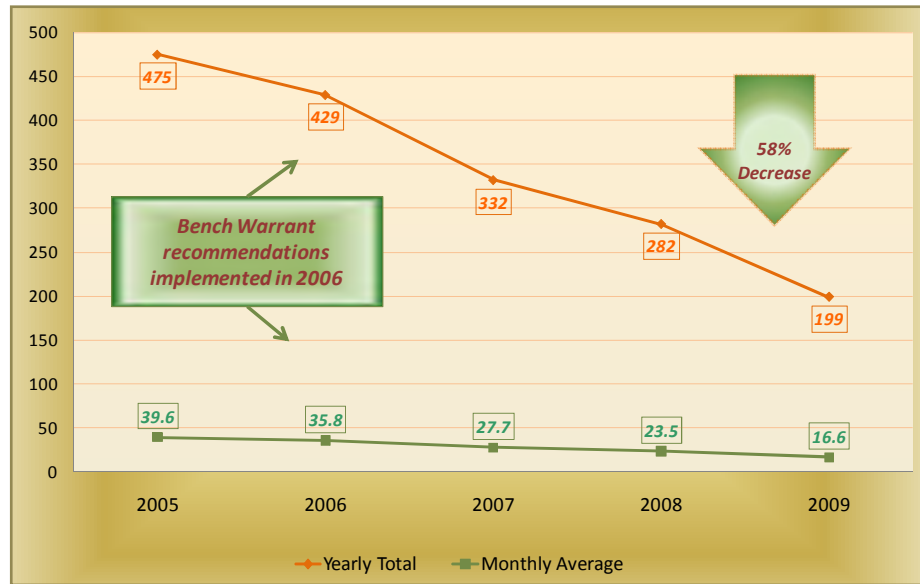
**Indicators:**  
Change on indicators associated with strategies implemented by the DMC Advisory Board

**Results:** The data suggests that many of the strategies implemented by the DMC Advisory Board have been effective. Two examples are offered below:

- As a result of the new bench warrant policy, Louisville Metro has more than cut in half the monthly number of youth placed in detention because of an outstanding bench warrant.
- Associated with the implementation of the pre-trial diversion Field Release Program, Louisville Metro has had a 31 percent decrease in the number of youth processed through Youth Detention Services.

*(Data source: Louisville Metro Youth Detention Services.)*

**Results:** One year after the new bench warrant policy was implemented, 51 youth (27 African American) were released rather than detained as a result of having the opportunity for judicial review. And from the adoption of the new bench warrant policy in 2006 through 2009, Louisville Metro experienced a 58 percent decrease in the number of youth detained on bench warrants (see Exhibit 9 for annual and monthly averages by year).



**Exhibit 9 - Youth Detained on Bench Warrants, 2005 - 2009**

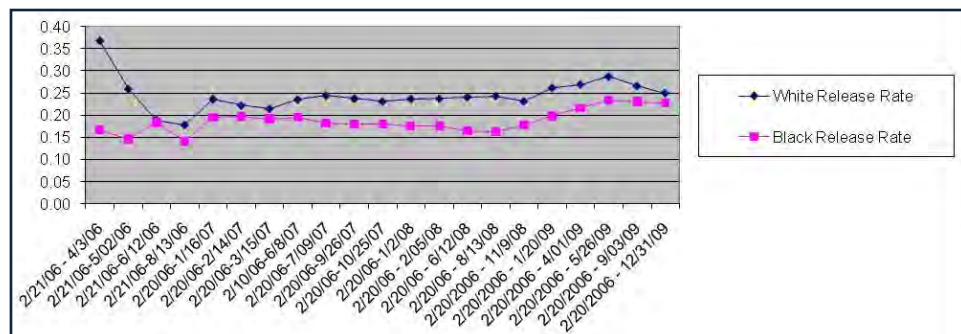
Despite this progress, numerous DMC Advisory Board stakeholders expressed disappointment that many of the court’s judges were continuing to detain youth for technical violations. One stakeholder countered this disappointment, saying she thought the collaborative should be more celebratory of their success:

“I know some of the frustration is that the policy has been revised, they have 17 district judges and only eight or nine are using the policy, so what they’re afraid of is that their DMC numbers for individual judges are going to go down but their overall numbers won’t. You’ve got 17 judges and eight or ten of them are using your recommendations. Are you kidding me? That’s huge!”

This stakeholder suggested the next step with bench warrants should be to find out why some judges aren’t using the new policy.

**Closing the Release Rate Disparity**

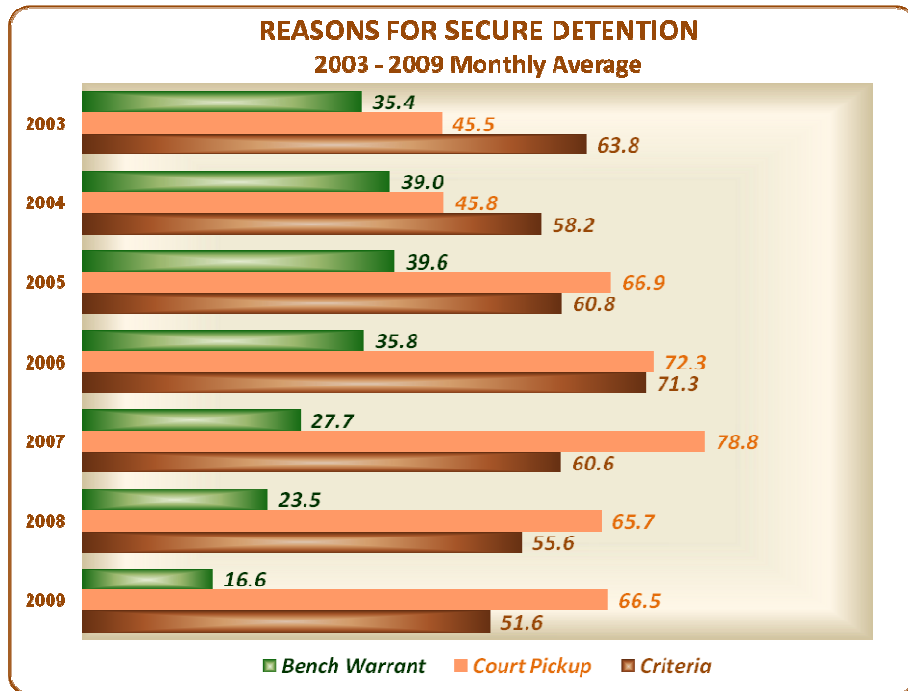
An analysis the data in mid-2007 revealed that within six months of Louisville Metro instituting the new bench warrant policy, the disparity in



**Exhibit 10 - Change in Release Rate Disparity between White and Black Youth**

the release rate between African American and White youth dropped significantly from 24 percent to 5 percent. As judges began to review all cases of youth brought in on bench warrants and not just those of youth with new charges, they began to release fewer White youth, thus reducing the release rate gap. As depicted in Exhibit 10, once the disparity in the release rate between White and African American youth brought in on bench warrants was reduced, the narrowed disparity gap has remained fairly steady through 2009.

As the Advisory Board and staff have continued to review detention data, they have noticed a disturbing trend, an increase in the number of youth detained as a result of a juvenile court hearing (referred to as “court pickup”). As shown in Exhibit 11, while the number of youth placed in secure detention because of an outstanding bench warrant has decreased considerably since 2006, the number of youth not in



**Exhibit 11 - Reasons for Secure Detention, 2003 - 2009**

custody that are placed in secure detention as a result of a juvenile court hearing has increased substantially, from a monthly average of 45.5 in 2003 to a monthly average of 66.5 in 2009. A preliminary analysis suggests the youth detained through court pickup are disproportionately African American.

The Data Subcommittee that was first established in 2004 has been reconvened to review data involving youth sent to secure detention after appearing in Juvenile Court. The current membership of the subcommittee includes all of the relevant juvenile justice system stakeholders, including Louisville Metro Youth Detention Services, the Circuit Court Clerk’s Office, County Attorney’s Office, Public Defenders Office, Juvenile Court, Court Designated Workers Program, Louisville Metro Police, Jefferson County Public Schools, and the Department of Juvenile Justice. Much as the Bench Warrant Subcommittee investigated all of the policies and practices that were contributing to unnecessary use of detention for youth brought in on a bench warrant, this subcommittee will attempt to identify specific policies and practices that are contributing to the rising numbers of youth who are not in custody being placed in detention as a result of a juvenile court hearing. An important point from a process perspective is that the DMC Advisory Board has sustained a commitment to acting quickly to gather evidence that will help them to address the problem.

In sum, during the six-year period that our evaluation team reviewed, the DMC Advisory Board clearly took many steps to address the problem of DMC. Exhibit 12, shown below, summarizes the results of the new policies, procedures and practices Louisville Metro implemented to try to reduce racial bias within the juvenile justice system.

POLICY, PROCEDURE OR PRACTICE	RESULTS
<p><b>1. Extension of juvenile court judicial rotation</b></p>	<ul style="list-style-type: none"> <li>▪ After the new policy was put in place, four judges extended their rotations past the previous 90-day rotation. Continuous time on the juvenile court bench for these judges ranged from 125 days to 723 days.</li> </ul>
<p><b>2. Adoption and implementation of a new bench warrant policy</b></p>	<ul style="list-style-type: none"> <li>▪ Within six months of implementing the new policy, the disparity in the release rate between African American and White youth arrested on a bench warrant narrowed from 24% to 5%.</li> <li>▪ One year following implementation of the new policy, 51 youth (27 African Americans) who would otherwise have been detained had been released.</li> <li>▪ In 2009, 100% of youth arrested on a bench warrant who were released rather than detained returned for their court hearing, allaying fears the policy would result in a higher FTA rate.</li> <li>▪ After the policy was implemented in 2006, the number of secure detentions resulting from bench warrants dropped from a monthly average of 35.8 in 2006 to a monthly average of 16.6 in 2009. However, as these numbers have decreased, Louisville Metro has experienced an increase in the number of youth detained in court. In late 2009, the DMC Advisory Board formed a subcommittee to analyze and address this trend.</li> </ul>
<p><b>3. Adoption of a risk assessment instrument</b></p>	<ul style="list-style-type: none"> <li>▪ A new RAI was drafted in 2006 and piloted in mid 2008. As of the writing of this report, the Administrative Office of the Court was considering conducting a statewide pilot of the new RAI.</li> </ul>
<p><b>4. Enhancement of the court notification process</b></p>	<ul style="list-style-type: none"> <li>▪ The court notification pilot is pending as it awaits grant funding.</li> </ul>
<p><b>5. Implementation of a pre-trial diversion field release program</b></p>	<ul style="list-style-type: none"> <li>▪ In the first year of operation, 283 youth were served through the program. Of these, most were released to a parent or guardian or released to YMCA Safe Place Services; only 9% were detained. Since implementing the new pre-trial diversion Field Release Program, case processing through Youth Detention Services has dropped by 58 percent. In 2010, staff will begin to calculate the cost savings associated with reduced case processing through Youth Detention Services.</li> </ul>
<p><b>6. Creation of new alternative to detention programs</b></p>	<ul style="list-style-type: none"> <li>▪ Louisville Metro enhanced its continuum of alternatives to detention by creating the West Chestnut Street Characters Program in 2008, a court-ordered placement program for gang-affiliated youth, and by creating an Intensive Supervision Program (use of electronic monitoring bracelets) in 2009.</li> </ul>

**Exhibit 12 - Results associated with New Policies, Procedures and Practices to Reduce DMC**

## **Unintended Outcomes**

*What unintended outcomes occurred, if any, over the course of the Initiative?*

**FINDING SUMMARY:** Two unintended outcomes occurred as a result of implementing the DMC Initiative. The first was the creation of a Youth Council within one of the neighborhoods targeted by the Initiative. The second was a review and recall initiative within the County Attorney's Office which has reduced the backlog of outstanding bench warrants in Juvenile Court.

Louisville's DMC Reduction Initiative produced two notable and unintended outcomes: the creation of a Youth Council in the Newburg community and a significant reduction in backlogged bench warrants.

### *The Newburg Youth Council*

A central component of the Burns Institute's commitment to involving both traditional and non-traditional stakeholders in DMC reduction is the community mapping activities in targeted neighborhoods where a majority of detained youth reside. These activities involve the residents of a neighborhood in collecting detailed information about the assets and deficits of the area they live in.

The DMC Advisory Board identified two neighborhoods, Newburg and California, as areas affected by high rates of youth detention. In October 2004, DMC Advisory Board staff attended a meeting of the Newburg Ministerial Association to enlist support for the Newburg mapping project. Reverend Roosevelt Lightsey, Jr., of Community Missionary Baptist Church stepped forward and pledged his support. Along with Dee Masden, a community volunteer, Reverend Lightsey recruited Newburg residents to participate in the mapping activity and held an orientation meeting for parents. On the weekend of October 23 and 24, and the following two Saturdays, a total of 55 people (33 youth and 22 adults) walked the streets of Newburg and collected information as part of the community mapping process. The success and experience of the mapping activity led participants to create the Newburg Youth Council (NYC). On December 30, 2004, the council held its first meeting.

The NYC's mission is to keep youth actively involved in the Newburg community and to focus not only on making, but on implementing, recommendations for the betterment of the community. Since the mapping activity, membership in the NYC has grown and the Council has completed a number of activities including community clean-ups, the creation of a community garden and production of a radio show for Louisville's independent station, WXBH. One youth member explained the appeal:

"[...] I heard about NYC. Heard it was, like, a step for helping our neighborhood and helping our kids. And NYC is doing a very great job of that. It keeps us out of trouble and keeps us off the streets and it keeps us involved in activities like the basketball team – you know what I'm saying, we're doing gardens and stuff. And I think NYC is like the first step toward doing community health and community research. Once everybody in the community realizes that I think then more people will come in. We're trying to help the community. We're not doing it for us; we're doing it for the community."

While systems-affiliated stakeholders generally acknowledged that the NYC was not likely to cause a significant drop in DMC, they widely praised the council as an inspiring success and a positive outcome of the mapping process.

“I think that whole community mapping, and having the kids do the mapping, was just incredible. I don’t know that we would have thought of something like that on our own, nor would have done that, but that not only gave us a totally different perspective but it brought in the community and it’s amazing [...] how many eyes were opened by what the kids saw.”

Even while developing more traditional youth programming, the NYC has increasingly focused on DMC issues in Newburg, and the group has worked hard to connect system and community stakeholders in search of solutions. In September 2007, the NYC hosted a DMC conference for community members at Newburg Middle School. More than 175 participants took part in a series of DMC reduction workshops and panel presentations by BI staff, NYC and DMC Advisory Board members and other system stakeholders. Attendees emerged with an action plan for the NYC to pursue, and the group has been meeting with local school resource officers to examine ways to reduce on-campus violence. In addition, Reverend Lightsy regularly updates the Advisory Board on NYC activities and has expressed his intent to make the NYC an additional referral option for the Court Designated Worker and Juvenile Court in Louisville. Since its inception, the council has served as a clear and active example of the inherent potential of the BI community engagement process. NYC’s success has brought new attention to the issue of DMC—and new champions—in the Newburg area.

#### *Juvenile Bench Warrant Review and Recall*

The second unintended outcome of the DMC Initiative in Louisville came when the County Attorney’s Office, in the course of examining the relationship between DMC and bench warrants, realized that a large number of existing bench warrants for juveniles were many years old, and that a significant portion had been issued for relatively minor offenses. The review revealed that of 2000 backlogged cases, 1500 were for kids who had aged out of the system. Rather than taking the cases to a judge and creating an “amnesty docket,” the County Attorney’s Office decided to simply review stacks of the oldest cases and drop any that they no longer intended to prosecute. This effort, while laborious in the short term, reduced a significant portion of the administrative backlog and saved court resources, including judges’ time. The review was put on hold when the administrative office became understaffed; however, staff members have since returned to the effort and are continuing to review warrants.

As of April 2009, nearly 50 percent of cases had been reviewed by the County Attorney’s Office; of these, 56 percent were recalled and/or dismissed. While the warrant review and recall process was not intended, nor expected, to reduce DMC, the DMC Initiative provided the impetus for some overdue attention to the problem of outdated bench warrant cases involving minor offenses.

## **Influential Factors**

*What factors either inhibited or facilitated the jurisdiction's progress implementing the DMC Initiative?*

**FINDING SUMMARY:** Factors commonly cited by Louisville Metro stakeholders as facilitating progress included the skills and competency of the site coordinator; the role of the Louisville Metro Criminal Justice Commission as a neutral convening body; the quality of technical assistance provided by Burns Institute staff; and the ability of the collaborative to work together toward a common goal. Commonly cited implementation challenges were generally associated with the structure of the state's judicial system operating in Louisville Metro or with the judicial discretion afforded to each judge. Another factor cited by many stakeholders was the DMC Advisory Board members' relatively slow pace in implementing the DMC reduction strategies.

Our evaluation team asked stakeholders to comment on factors they thought positively or negatively influenced the Initiative's progress during the initial three-year implementation period. The major themes that arose are reflected below:

### **Factors Facilitating Progress**

- ❖ *A Highly Competent Site Coordinator* - Many stakeholders expressed the view that having a highly competent site coordinator to push the project forward was critical. All of these individuals said Louisville Metro's site coordinator had done an excellent job by keeping the Initiative focused, providing members with the data they needed, and engaging community-based stakeholders through the community mapping process. The following quotes illustrate stakeholders' shared sentiment on the important role of Louisville Metro's site coordinator played in the Initiative:

"[...] even when there was stuff that couldn't be resolved necessarily at the table, [the site coordinator] could pull some people together and they could have some side meetings for follow-up to keep it moving. It's the importance—and I think Burns recognizes this—of that on-site person who is going to be the coordinator to keep it moving, to do what it takes, because it won't happen without that, it won't happen without solid staff people."

"No progress could be made on a local level on DMC without a strong coordinator. If that person can't coordinate it, it won't be successful, regardless of how much the stakeholders are invested in it because these people, even though they're invested, they're all volunteers [...] I think it's the coordinator's job to keep it moving and to keep it going forward."

- ❖ *Use of a Neutral Convening Body* - Stakeholders also said they thought the Initiative had benefitted from having the collaborative's lead agency be a neutral body such as the Louisville Metro Criminal Justice Commission. The following quotes illustrate this sentiment:

"[...] they're able to bring clout to the process because you've got, on that commission, everybody on their board from the FBI to a federal judge, chief of police, the chief of fire, the head of the jail...you've got all the major leaders of criminal justice so it brings a lot of clout to the process."

"You've got to have that neutral player [...] If the perception is that somebody is in control of it, or driving it to their agency's benefit, then a lot of times people don't play."

❖ *The Quality of the Burns Institute's Technical Assistance -*

The most common factor cited as facilitating the DMC Initiative was the quality of technical assistance provided by the Burns Institute Site Manager and the fact that the DMC Advisory Board could use Burns' existing model to build their local plan. As the statements below illustrate, many stakeholders felt that Burns' technical assistance was critical to helping them move forward:

"It had a tremendous positive effect because prior to the Burns Institute showing up it was the same things that local committees do, the finger pointing thing, and why bias is happening, and the SAG wasn't focused and they knew they weren't focused and that they weren't going to see any results unless they brought someone in who had a model."

"Nothing would have changed with judicial rotations, RAI, bench warrants, mapping [or the] Newburg Youth Council without Burns."

"They didn't come in and say, 'We've done this before in Seattle and this is how you've gotta do it.' They sat in on all the meetings, listened to what we had to say and to our problems, and then they assisted us in trying to develop solutions to our problems, not just use a template to say, 'Do this, this, this, and this.' They tried to help us design something that would work for us."

Numerous stakeholders said they thought having an external technical assistance provider had helped move the process along faster than if they had tried to pursue the Initiative on their own. As one person explained, "[BI's] outsider status helped take pressure off local people who want to move but can't because they're part of the community that needs to change."

There were only two stakeholders among those interviewed who were not entirely enthusiastic about the services the Burns Institute had provided. One of these suggested BI should have produced more progress reports; the other suggested BI had not provided the leadership and direction that the Advisory Board needed.

**"[BI's] outsider status helped take pressure off local people who want to move but can't because they're part of the community that needs to change."**

**—Stakeholder**

## Factors Inhibiting Progress

The following factors were most commonly identified as those inhibiting the initiative's progress:

- ❖ ***A "Structurally-Challenged" System*** - Nearly every stakeholder described Louisville Metro's juvenile justice system as structurally challenging, noting that some parts of the system (e.g. the Court Designated Worker Program) fall under the authority of the state while others (e.g. Detention) fall under the authority of Louisville Metro. Explained one stakeholder:

"Because our system is so disjointed, being that there [are] so many agencies involved in the decision-making process and not everybody answers to the same person or same boss or the same entity, whether it is the administrative office [of] the courts or whatever, we are struggling with the implementation of some of the things that call for more than just a simple change."

Stakeholders also cited the existence of two different juvenile courts as presenting a challenge. The Department of Juvenile Justice serves delinquent youth and the Cabinet for Families and Children serves dependent, neglected and abused children and youth. Despite the fact that there is a lot of overlap of clients, said several stakeholders, the two courts are not known for having a high level of coordination and collaboration. As one stakeholder lamented, "We have a family court and juvenile court that don't work together the way they should. We have some hurdles."

- ❖ ***The Judicial Rotation*** - Added to the system's structural difficulties, numerous stakeholders referenced Jefferson County's problem of short judicial rotations, judges' retention of control after sentencing, and inconsistencies in decision-making arising from the sheer number of judges. At the inception of the DMC Initiative in 2003, judges were serving just a three-month stint on the juvenile court bench and then rotating off. For decisions about detention, Jefferson County relies on 17 rotating judges with a different judge on call 24 hours per day, every day of the year, and eight Trial Commissioners making detention decisions from 11:00 PM until 7:00 AM. As one stakeholder pointed out, this presents a real problem since sometimes it takes a while to learn or relearn what a juvenile judge is supposed to do and how to do it. Describing the problem with Jefferson County's judicial rotation schedule, one stakeholder explained, "Every time a new judge rotates in, it depends on that judge's particular philosophy. And there are those that think that putting young people in jail, even for their first offense, is a good thing."
- ❖ ***Insufficient Understanding within the Courts about Factors Contributing to DMC*** - Numerous stakeholders opined that, in general, judges did not have sufficient

**"The statewide system combined with Louisville's fragmented system leads to communication barriers. Judges need education on DMC and of the larger impact of their decisions."**

**—Stakeholder discussing the need to educate judges about DMC**

understanding about DMC or even about juvenile court processes. Some stakeholders said a key missing component within the Initiative was educating judges about DMC. As one individual described, “The statewide system combined with Louisville’s fragmented system leads to communication barriers. Judges need education on DMC and of the larger impact of their decisions.”

Numerous individuals also commented on the importance of judicial leadership for tackling DMC. There was a strong sentiment that the judicial culture was one that was hesitant to change the status quo. Talking about the challenges presented by the District Court judges, one stakeholder lamented:

“We are at the mercy, in juvenile justice, of who happens to be the two that are sitting here [on the bench] and we’ve had some horrible ones who sort of set their own policy regardless of detention criteria or anything else.”

- ❖ ***Advisory Board Members’ Hesitancy to Make Changes*** - Though there was wide agreement that the stakeholders who had been convened genuinely cared about the issue of DMC, numerous stakeholders on the Advisory Board expressed frustration with their peers for not “going the extra mile” to ensure that the strategies the Board had adopted were successfully implemented. One stakeholder said she thought awareness of DMC had been raised, but said she thought the next step was to get people to take more action. She reflected:

“I think that people are aware, and the next step is to get people to actually care about the issue enough to where they would follow through a little bit more or find ways to deal with their constituencies, try to find ways to convince their constituency that reducing the [detention] population is a good thing for the community.”

- ❖ ***A Slow Start*** - Stakeholders were largely in agreement that the Initiative had gotten off to a slow start, and that this had ultimately affected the timeline for seeing results. Several individuals attributed the slow start-up to some DMC Advisory Board members’ reluctance to take direction from an outside consultant. Others said progress had been slowed by the fact that the Board spent the first six months trying to decide the parameters of the analysis, with some stakeholders wanting to focus the collaborative’s attention on socio-economic factors as pre-determinants to juvenile offending behavior.
- ❖ ***Lack of Clarity about Initiative Objectives, Performance Indicators, Timeframes and Expectations*** - Finally, several stakeholders said they thought the Initiative had been hindered by a lack of internal clarity about exactly what the project was trying to achieve and about how the collaborative would ultimately measure its success. Some individuals said the process might have moved along more quickly if timeframes and expectations had been laid out more explicitly and if the collaborative had focused on seeing strategies all the way through rather than pursuing multiple strategies concurrently.

## **Stakeholder Expectations**

*To what extent were stakeholders' expectations met?*

**FINDING SUMMARY:** Stakeholders' expectations for the DMC Initiative varied widely when the project was initiated in 2003, thus the degree to which their expectations were met also varied. Although most stakeholders said they had hoped the Initiative would have had more impact in reducing overall rates of DMC, many said they understood that reducing DMC would be a slow process. Many stakeholders suggested the collaborative might have experienced success sooner if individual Advisory Board members had taken more aggressive steps to push changes forward within their own departments.

Among the 12 stakeholders who spoke about their expectations, four said they did not have expectations for the Initiative when they first became involved. The following comment, focusing on the value of the process, was typical among those four:

"I don't know that I ever really thought far enough ahead to say, we're going to be great when we finish and get our certificate that says we are no longer disproportionately confining African American kids. What I did think was, along the process we will do things differently. We will learn where our strengths and weaknesses are. We will learn that we need to do bench warrants differently.... A lot of these are things we knew anyway, we all knew this was a problem, but we will learn that we need to do more with our kids on the front end when they first come in."

"[...] it's not a matter of fixing something but it's a matter of putting a process in place that allows you to keep a handle on that, and as things shift or different things contribute, being able to intervene."

—DMC Advisory Board Member

Two of the stakeholders who answered this question said their expectations for the Initiative were definitely met or had been exceeded, despite the fact that overall levels of DMC in Louisville Metro had risen. As this stakeholder explained:

"Even though Jefferson County's DMC numbers in detention still look horrible, they have made great, tremendous strides in other contact points in the juvenile justice system [...] the model has exceeded my expectations of where I thought Jefferson County could go."

Even among those stakeholders who said their expectations had *not* been met, almost all stakeholders continued to maintain a forward-looking approach, saying that although Louisville Metro hadn't yet reduced DMC, the collaborative should persevere with trying to combat DMC. These comments illustrate this sentiment:

"I was really hoping that we could make some real improvement in the judicial system, in the processing, so that every kid that comes before a judge is given the same kind of review based on the same given crime. We're getting there but we're not there yet."

"Were my expectations met? No, because we haven't reduced [DMC] at all. In my opinion, because of the way our system is set up and some people's reluctance to do some of the major changes. We will get there eventually, but it is just a matter of us being able to push forward, push through the resistance, and push through some of the negativity toward the process."

## **Implementation Fidelity**

*To what extent did Louisville Metro implement the Burns Institute model as intended? What do stakeholders think are missing components, if any?*

**FINDING SUMMARY:** Evaluation findings suggest the DMC Advisory Board carried out the full range of activities associated with the Burns Institute model for reducing DMC (as the model was articulated in 2003). Stakeholders formed a collaborative with the authority to implement core strategies, documented baseline levels of DMC, identified target neighborhoods, conducted community and system mapping, engaged in extensive analyses of offense and population data, developed data-informed strategies to reduce DMC, expanded their alternatives to detention options, and monitored change on strategy-specific indicators.

Through its ISE model, the Burns Institute prescribes a fairly specific set of activities for addressing DMC and racial disparities. These include:

- Convening a targeted group of stakeholders to create a DMC Advisory Board;
- Documenting initial levels of DMC within a jurisdiction;
- Mapping the local juvenile justice system’s decision points;
- Analyzing detention and crime data to identify neighborhoods and populations most affected by DMC;
- Inviting representatives from affected communities onto the Advisory Board;
- Conducting community mapping to identify neighborhoods’ assets and deficits;
- Identifying systemic factors that may be contributing to DMC;
- Developing strategies to address the contributing factors;
- Monitoring change on key indicators and revising strategies as needed; and
- Making the results of the Initiative public.

Although Louisville Metro got off to a slow start implementing the model, the jurisdiction carried out almost all of the prescribed activities during the initial three-year period between mid 2003 and mid 2006.

One point that should be noted is that following Louisville Metro’s initiation of the project, the Burns Institute engaged in an extensive process in 2004 to refine the DMC reduction model. Two components/key activities were added after Louisville Metro started implementing the model. These included: 1) an in-depth assessment conducted by Burns Institute to identify a jurisdiction’s strengths and weaknesses *prior to* launching a site, the findings of which are used to help develop a more customized work plan, and 2) a guided session early in the process to help jurisdictions define success in their own terms so that they can adequately track progress. Had the latter activity—a session to reach consensus about how a jurisdiction is going to define success—been in place in 2003, it might have helped the Louisville Metro collaborative gain greater clarity early on about expected results and timeframes.

## Sustainability

*To what extent has Louisville Metro sustained the commitment and processes necessary to monitor and ultimately reduce DMC?*

**FINDING SUMMARY:** Although the involvement of some DMC Advisory Board members has waned since the Initiative was first launched in 2003, there is strong evidence that Louisville Metro has remained committed to continuing its DMC reduction efforts. In both 2007 and 2008, the Criminal Justice Commission applied for and received follow-up funding from the Kentucky Department of Juvenile Justice to continue the work of the DMC Advisory Board. They also secured funding to expand the Field Release Program that they successfully piloted in 2005. Furthermore, all of the public agencies that were first involved in 2003 continue to send representatives to DMC Advisory Board meetings.

Program documents suggest that over the course of the Initiative, at least 48 individuals associated with an array of departments within Louisville Metro’s juvenile justice system and allied agencies participated on the Advisory Board or on one of its subcommittees. Approximately 20 percent of the individuals who helped launch the Initiative remained involved throughout the tenure of what began as a three-year project, with some continuing into a fourth, fifth and sixth year. And although some founding members of the Advisory Board are no longer participating, every agency represented in the initial collaborative continues to be involved in the Initiative.

The Advisory Board also pursued multiple funding opportunities to sustain the DMC reduction efforts after the completion of the initial three-year contract. At the end of 2006, the DMC Advisory Board applied for and received additional funding from the Kentucky Department of Juvenile Justice to maintain technical assistance services from Burns Institute (at a reduced level) and to support the implementation of some of the strategies adopted by the Board to reduce DMC. And given the success of the Field Release pilot project, the Board also secured funds to expand the program countywide. Besides this programmatic evidence of sustainability, stakeholder comments such as these suggest that the push to reduce DMC is still on: “I’m not going to stop. It’s too important to me”; “My boss is committed to continuing to meet regardless of whether we’ve got Burns or not”; or “[Burns staff] haven’t been at the last few meetings and we’ve still been going.”

As of December 2009, more than six years after launching the BI model, the DMC Advisory Board was still meeting on a regular basis to oversee the system reform activities associated with the DMC Initiative.

## Lessons Learned

*What lessons from Louisville Metro's experience can be used to inform other local efforts to reduce DMC and strengthen the BI model overall?*

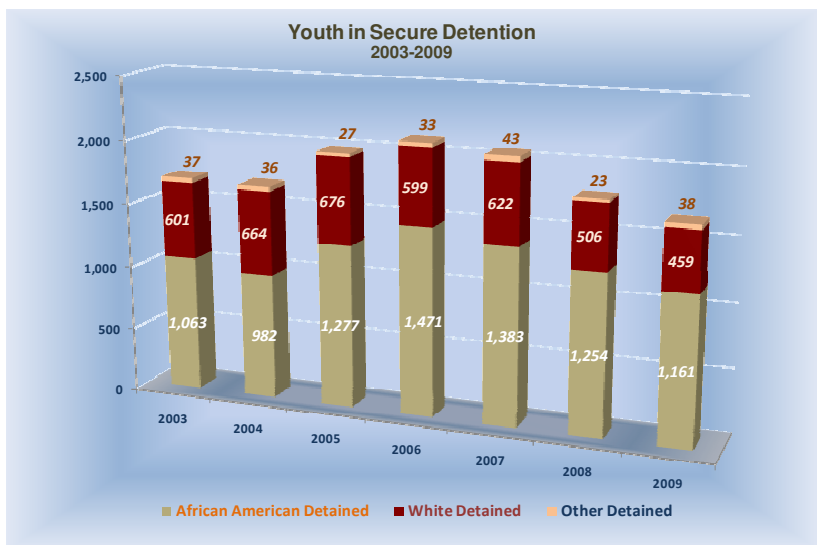
**FINDING SUMMARY:** The Louisville Metro experience provided several important lessons that may help support other local efforts to reduce DMC and strengthen the BI model overall. These include: 1) importance of jurisdictions' understanding of the long-term horizon for tackling DMC and racial disparities, and the need for jurisdiction planning beyond the initial three years; 2) the importance of finding ways to involve greater numbers of decision makers, middle managers and line staff in educational activities to help them understand DMC; 3) the importance of helping stakeholders, from the outset, to focus on progress associated with strategy-specific indicators rather than on the broader goal of reducing DMC overall.

- ❖ *Reducing DMC and Racial Disparities is a Long-Term Proposition* - Among Louisville Metro stakeholders, there was wide agreement that three years was too short of a timeframe for implementing the Burns Institute model, given the complexity of the system-reform efforts undertaken by the DMC Advisory Board.
- ❖ *Infusing DMC Education Widely within the System is Key* - In Louisville Metro, many stakeholders felt strongly that the District Court Judges' lack of knowledge about systemic factors contributing to DMC constituted a major hurdle for addressing the problem. There was also the feeling that other system players, particularly supervisors and line staff charged with operational tasks, needed to have a better understanding of how their processes might inadvertently contribute to DMC. As one stakeholder expressed, "I think we've got to do a better job of educating all the parties involved. Now that I look back at the whole thing, that should have been the first thing that we tackled."
- ❖ *Defining Success and Focusing on Strategy-Specific Indicators is Critical* - In hindsight, Burns Institute staff recognized the need to do a better job of managing people's expectations and help them understand that this is a long-term and ongoing intervention. Initiative stakeholders also recognize the need to establish more short-term objectives and then celebrate them as they are accomplished rather than waiting to "fix" the overall problem of DMC.

### III. CONCLUSIONS & RECOMMENDATIONS

**T**HE FINDINGS SUGGEST that the Burns Institute model did build Louisville Metro’s capacity to address the problem of DMC. Stakeholders became increasingly sophisticated in their use of data to identify factors contributing to DMC, and they devised multiple, targeted strategies to try to reduce DMC at the point of detention intake. Strategies included implementation of a new bench warrant policy to assure fair treatment at intake; creation and piloting of a new risk assessment instrument; implementation of a field release program; and extending the duration of judicial rotations on the juvenile bench. In addition to these concrete accomplishments, through the process of mapping their juvenile justice system, many stakeholders reported an increase in their understanding about their juvenile justice system and improvements in their inter- and intra-agency relations.

What was frustrating to some stakeholders, however, was the fact that Louisville Metro’s overall levels of DMC did not drop. Despite making progress on many of the strategies implemented, the collaborative saw DMC levels actually increase, with African American youth constituting 62 percent of detained youth in 2003 and 70 percent in 2009, while representing just 25 percent of the youth population in Jefferson County. As shown in Exhibit 13, only in 2004 did



**Exhibit 13 - Youth in Secure Detention by Race, 2003-2009**

the number of African American youth in detention drop below the number detained when the Initiative began its work in 2003. This reality notwithstanding, we offer the view, as did numerous stakeholders we interviewed, that addressing DMC is an ongoing process that requires a long-term, sustained commitment. The Burns Institute model suggests that improvements on strategy-specific indicators will occur in years three to five as intermediate outcomes, but that actual reductions in DMC within a jurisdiction are not likely to show up until after at least six or more years of implementing the model. Particularly in the case of Louisville Metro, a key strategy to reduce DMC—adoption of a risk assessment instrument—has yet to be implemented and institutionalized due to the need for standard protocols and instruments throughout Kentucky. We believe that once the RAI is implemented in Louisville Metro, based on the pilot test results, Louisville Metro may see encouraging decreases in its levels of DMC.

All in all, we suggest that although Louisville Metro stakeholders got off to a slow start in implementing the Initiative in 2003, stakeholders have made steady progress toward trying to ensure fairness and equity within the local juvenile justice system. We offer the following set of recommendations to further assist them and the Burns Institute in these efforts.

# Recommendations

## SITE-BASED RECOMMENDATIONS

1. **Continue to develop mechanisms to help judges and juvenile justice agency middle managers and line staff gain a deeper understanding of systemic factors that can contribute to DMC.** What has become clear to many stakeholders since initiating the project is that to make significant headway on the issue of DMC, the DMC Advisory Board will need to pursue DMC consciousness-raising activities within the system's administrative offices and courts. As of the writing of this report, these efforts have begun.
2. **Continue to work with the Court Designated Workers Program to implement the new risk assessment instrument and to monitor override rates.** We strongly recommend that Louisville Metro adopt and implement the new risk assessment instrument and develop standard procedures for monitoring and reporting on the override rate on a regular basis.
3. **Continue efforts to develop a Community Supervision Program.** Although the initial attempt to develop this program did not succeed, we strongly urge Louisville Metro to pursue the development of this type of community supervision program since it would help neighborhood youth at the pre-adjudication stage comply with court ordered activities.
4. **Develop multiple strategies to engage a wider group of stakeholders from the target neighborhoods.** A weakness of the intervention was that there was little community representation on the Advisory Board aside from representatives from the faith community. We suggest that stronger and wider links with community groups will help the collaborative develop appropriate, sustainable alternatives to detention and preventive programming for neighborhood youth.
5. **Develop a clear definition of success for the Initiative, develop annual goals and objectives, and report regularly on results.** Some stakeholders said they were unclear how the DMC Initiative was measuring its success and suggested it was important that the group agree on what would constitute progress towards reducing DMC. We suggest the Advisory Board set aside time each year to articulate annual goals and objectives and measure progress accordingly. We also recommend that the Advisory Board find ways to report back to system and community stakeholders on Initiative progress.
6. **Analyze cost savings associated with the strategies implemented by the DMC Advisory Board.** The Youth Detention Services has already begun to realize cost savings as a result of implementing the pre-trial diversion Field Release Program and reducing the number of youth processed through the Detention Center. Financial savings from this strategy as well as from others that can be quantified should be assessed and made public to garner additional and sustained support for the DMC Advisory Board's work.

## RECOMMENDATIONS FOR BURNS INSTITUTE

1. **Add an education and training component into the model early in the process.** Multiple stakeholders said information about the Initiative's goals and strategies had not adequately reached key decision-makers such as judges or administrative line staff who needed to operationalize new practices. For this reason, we suggest BI place more emphasis on ensuring widespread information sharing about DMC early on in the DMC reduction process through deliberate education and or training activities.
2. **Add a media and marketing strategy component into the model.** Messaging and marketing about the Initiative can help the collaborative gain support within the juvenile justice system agencies and within the broader community. This support is key to maintaining momentum for moving policies and practices forward.
3. **Help local stakeholders develop realistic expectations about what can be achieved within specific time frames associated with the Initiative.** BI can help jurisdictions understand that systems change is a slow process by giving stakeholders a realistic projection of expected change at different milestones of the Initiative. Focusing on implementing strategies that have the potential for early wins will also help stakeholders feel that they are making progress.

# Appendices

Appendix A – List of Stakeholders Interviewed

Appendix B – Interview Protocol

## **Appendix A – List of Stakeholders Interviewed**

Kim M. Allen  
*Department of Public Protection*

Judge Donald E. Armstrong Jr.  
*Jefferson County District Court*

Faith Augustine  
*Louisville Metro Criminal Justice Commission*

Andrea Coleman  
*Kentucky Department of Juvenile Justice*

Judge Deborah J. Deweese  
*Jefferson County District Court*

Michael Finley  
*W. Haywood Burns Institute*

Carla Kirby  
*Louisville Metro Youth Detention Services*

Rev. Roosevelt Lightsey Jr.  
*Newburg Youth Council*

David Nicholson  
*Jefferson County Circuit Court Clerk Office of  
the Commonwealth's Attorney, 30<sup>th</sup> Judicial  
District*

Paul Richwalsky  
*Jefferson County Attorney's Office*

Harry Rothgerber  
*Office of the Commonwealth's Attorney  
30<sup>th</sup> Judicial District*

Pete Schuler  
*Louisville - Jefferson County Public Defender's  
Office*

Rev. Wayne Steele  
*Newburg Ministerial Association*

Legina Stoner  
*Newburg Community Resident*

Lt. Col. Philip Turner  
*Louisville Metro Police Department*

Clarence Williams  
*Louisville Metro Youth Detention Services*

Kim Yates  
*Administrative Office of the Courts, Court  
Designated Workers Office*

## **Appendix B – Interview protocol**

### PROTOCOL:

- Introductions.
- Explain purpose of the evaluation.
- Assure confidentiality.
- Request permission to tape.

### QUESTIONS:

1. Only a handful of jurisdictions have taken steps to address DMC. What specific factors here in Jefferson County led stakeholders to engage in a deliberate process to reduce DMC?
2. Do you think the right combination of stakeholders have been brought together to bring about the kind of systemic change needed to reduce DMC?
3. Burns Institute stresses the need to use a data-driven, evidence-based approach to detention decision-making. What progress do you think Jefferson County has made in this area?
4. How effective do you think the project has been ensuring that community representatives can participate in a meaningful way with system stakeholders?
5. What were your expectations for this project when you first joined the Advisory Board (or one of the Ad Hoc Committees)? To what extent were these expectations met and did your expectations change over time?
6. In your opinion, were the goals, objectives and timeframe for the DMC project activities clear and realistic?
7. In your opinion, how adequate have the resources been to carry out the range of activities associated with this project?
8. How important has the role of the site coordinator been to the success of this project?
9. What would you describe as the biggest successes of Jefferson County's DMC project?
10. If you were starting the project today, knowing what you know now, what are some things you would do differently?
11. How has your knowledge about DMC and your ideas about how to address it changed as a result of participating in this project, if at all?
12. To what extent do you think the activities suggested by the Burns Institute model were effective in helping your jurisdiction to build its capacity to reduce DMC?

13. What kind of assistance has Burns Institute staff provided? Was the amount and type of technical assistance provided by Burns Institute staff sufficient?
14. On a scale of 1-10, how satisfied have you been with the quality of technical assistance provided by Burns Institute staff?
15. What were the biggest challenges, if any, that you faced in trying to carry out the activities suggested by the Burns Institute model to reduce DMC?
16. Were there factors beyond your control that affected the success of the project?
17. Looking back, what do you wish you had known going into the project? What could the Burns Institute staff have done differently, if anything, to make the process more clear?
18. We understand that your jurisdiction will continue to receive TA from Burns Institute at a less intensive level. What will be their role and why is it important to have this type of sustained engagement?
19. In your view, are there any “missing components” that, if added, might contribute substantially to the success of this project?
20. When BI leaves, do you think the board will continue to work to reduce racial disparities? To what extent will your agency continue to identify DMC issues as a priority? (For system-affiliated stakeholders)

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**Planning for Change (PFC)**  
436 14<sup>th</sup> Street, Suite 1116  
Oakland, CA 94612  
(510) 238-0775  
(510) 238-0778 (fax)  
[www.planningforchange.org](http://www.planningforchange.org)



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