

LBA Performance Audit Report Summary:

Juvenile Justice Organization Performance Audit Report - November 1998

This audit describes the current juvenile justice organizational structure and analyzes the roles and responsibilities of the Department of Youth Development Services (DYDS), the Division for Children, Youth and Families (DCYF) within the Department of Health and Human Services (DHHS), the Juvenile Parole Board, and the State Advisory Group in New Hampshire's juvenile justice system and whether the current organizational structure is sufficient for the provision of existing juvenile justice services.

Current Juvenile Justice Organization

Two State agencies are primarily responsible for services to children involved in New Hampshire's juvenile justice system.

Department Of Youth Development Services

The DYDS was established July 1, 1995 to provide secure care for delinquent youths committed to the youth development center and secure detention for youths at the youth detention services unit. The department also provides residential and educational services to educationally disabled children at the Tobey Special Education School.

The DYDS is currently organized into six functional areas: administration, residential services, educational services, health services, clinical services, and training development. The department is responsible for 154 beds in two locations. The department is staffed with 293 full- and part-time personnel.

Division For Children, Youth And Families

The DCYF provides services to New Hampshire's children and families "necessary to allow them to address critical areas of need with the goal of achieving the optimum quality of life." Through its juvenile services unit, DCYF is responsible for providing services to Children In Need Of Services (CHINS) and delinquent youths. DCYF juvenile services officers have responsibility for investigating the background of youths adjudicated delinquent. In addition, the juvenile services unit is responsible for managing federal grants, monitoring compliance with grant requirements, and developing juvenile justice policies and procedures. The State Advisory Group is also contained within DCYF. The unit has a total of 85 full- and part-time staff working at various locations throughout the State. For the month of May 1998, the juvenile services unit supervised approximately 2,200 delinquents and 650 CHINS.

State Advisory Group

The federal Juvenile Justice And Delinquency Prevention Act (JJDPA) requires the establishment of a State Advisory Group whose purpose is to: 1) participate in the development and review of the state's juvenile justice plan, 2) review and comment on all juvenile justice and delinquency prevention grant applications submitted by localities to the state, 3) advise the state agency responsible for the preparation and administration of the state plan, 4) submit to the Governor and Legislature at least annually recommendations regarding the state's compliance with meeting the core requirements of the JJDPA, and 5) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

Juvenile Parole Board

The Juvenile Parole Board, administratively attached to DHHS, is a five-member independent board responsible for paroling juveniles from the youth development center. It conducts parole hearings every two weeks at the youth development center.

Funding And Expenditures

DCYF and DYDS expended a combined total of \$231 million on juvenile justice programs in the six-year period from fiscal year 1993 through fiscal year 1998. Of this amount, programs for non-committed juvenile delinquents accounted for \$102 million (44 percent), committed juvenile delinquents accounted for \$68 million (30 percent), with CHINS cases consuming \$58 million (25 percent). Another \$3 million (one percent) was spent through federal juvenile justice grants to benefit CHINS and non-committed juvenile delinquents.

General Fund appropriations provided \$143 million (62 percent) of the \$231 million expended from fiscal year 1993 through 1998. County and local billings funded \$48 million (21 percent), with federal funds of \$37 million (16 percent) and other revenue of \$3 million (one percent) providing the balance.

Results

Our audit resulted in 20 observations and recommendations regarding the State's juvenile justice system:

- five address problems we found with the current organizational structure of the State's juvenile justice system and recommend changes we believe will provide a coherent and coordinated juvenile justice system,
- three relate to DYDS,
- nine to DHHS/DCYF, and
- three to the Juvenile Parole Board.

Reorganization Needed For New Hampshire's Juvenile Justice System

We found the current juvenile justice organizational structure should be improved in the areas of coordination, management, authority and responsibility, and accountability. As a result, we are recommending changes to New Hampshire's juvenile justice system.

- First, transfer juvenile justice responsibilities and personnel within DCYF and DYDS to a separate and independent agency responsible for comprehensive juvenile justice services.
- Second and Third, we recommend both the Juvenile Parole Board and the State Advisory Group be administratively attached to this agency.
- Fourth, we recommend the classified positions known as the juvenile justice specialist and the jail compliance monitor, which are necessary for the State's continued eligibility to receive federal JJDPAs grants, be transferred to the Department of Justice.
- Fifth, we recommend the Legislature consider requiring comprehensive juvenile justice data collection managed by a single entity responsible for analyzing and distributing the information.

Department Of Youth Development Services Deficiencies

We found a lack of administrative rules governing the department's operations, deficiencies in the department's rate setting activities and a resulting surplus, and the department's lack of authority to extend jurisdiction. To resolve these issues we recommend:

- DYDS initiate the rulemaking process governing the department's operations,
- DYDS revise its billing system to reflect actual costs to educate children at the Tobey Special Education School and determine the appropriate disposition of the current \$1.2 million surplus, and
- DYDS seek legislation to give the commissioner authority to petition the courts to extend jurisdiction when necessary.

Department Of Health And Human Services Deficiencies

We found DHHS/DCYF lacks comprehensive juvenile justice administrative rules, needs to clarify its use of arrest powers, lacks a workload formula for its juvenile services officers, lacks shelter and detention bed formula administrative rules, lacks statutory authority to supervise youths released on parole, allows child protective social workers to handle CHINS cases without statutory authority, does not consistently provide required investigative reports to DYDS, holds parole violation hearings without authority, and is unable to timely provide information. We recommend DHHS/DCYF:

- develop and seek adoption of comprehensive juvenile justice administrative rules,
- revise juvenile services officer procedures regarding use of arrest powers,
- reach agreement with DYDS and the Juvenile Parole Board regarding responsibilities performed by juvenile services officers,
- discontinue using child protective social workers for CHINS case management,
- reach agreement with DYDS regarding providing information upon a youth's commitment to the youth development center and hearing allegations of violations of parole conditions, and

- comply with information requests and reporting requirements.

Juvenile Parole Board Deficiencies

We found the Juvenile Parole Board does not comply with State statutes governing access to public records and meetings, the board lacks current administrative rules, and requires updated statute. We recommend the Juvenile Parole Board:

- maintain minutes and records of its activities and consider seeking legislation to exempt the board from certain public access requirements similar to the adult parole board,
- seek adoption of updated administrative rules, and
- seek legislative amendments making age references in its statute consistent with other statutes.