

Certification and Dual Jurisdiction

- The Dual Jurisdiction Program
- 1995 Crime Bill
- Certifications in Missouri
- SB 36-2013 (Jonathan's Law)

Missouri's Dual Jurisdiction Program

- Dual Jurisdiction is a blended sentencing alternative in which the court may dually commit a **certified** youth offender to both the Division of Youth Services *and* the Department of Corrections. It allows the court to simultaneously invoke both a juvenile and adult sentence (the execution of which is suspended).

1995 Crime Bill

- Established 1995 RSMo 211.073 as part of Missouri's Juvenile Crime Bill (RSMo 211.073)
- Other key provisions in the bill:
 - Lowered age of certification for felonies from 14 to 12
 - Any age certification for 7 most serious offenses
 - Removed minimum age of commitment to DYS
 - Allowed for continued custody beyond 18 at the request of DYS
 - Provided additional rights to victims

Certifications in Missouri

Peaked in 1996.....302

Last year.....**53**

SB 36- 2013

- RSMo 211.073 modified through the enactment of SB 36 (Jonathan's Law) in 2013
 - Expanded eligibility for programming
 - Now plea of guilt and order for assessment in place by 17 ½ years of age
 - Judges now **must** “consider” DJ in all certifications resulting in findings of guilt.
 - If, upon assessment, DYS says “yes” and court says “no”; judges must make findings

The Dual Jurisdiction Process

- Who is eligible?
- How are youth referred, accepted and sentenced?
- Program Length
- Extension Hearings
- Transition
- Completion and Release Process
- Safeguards

Who is Eligible?

- Certified youth offenders who have pled or been found guilty in the court of general jurisdiction, provided DYS Assessment is ordered before youth has reach 17 years and six months of age
- Males & Females
- DYS must be in agreement with all Dual Commitments

Referrals

- Inquiries come from a variety of sources:
 - Defense attorneys
 - Prosecutors
 - Parents
 - Youth themselves

Participants

- 97 youth have been admitted to the program since it's origin in 1996.
- 20 youth currently being served

What is the Process?

1. Youth is certified
2. Youth pleads or is found guilty in the court of general jurisdiction
3. Court orders a DYS assessment
4. Youth is sentenced

What Do We Review?

- Court order for DYS to complete a DJ assessment
- All juvenile and adult court documents including the court petitions, order of certification, guilty plea, etc.
- Juvenile office reports including recommendation for certification, social summary, etc.
- Police and jail/detention reports and records
- Psychological evaluations, if applicable
- School records
- Available medical records, as appropriate
- Sentencing Assessment Report (SAR) from the Department of Corrections, Division of Probation & Parole (this document may not be available until after the DJ Assessment is completed but should still be provided and reviewed)
- Any other pertinent information

DYS Assessment Considers:

1. Seriousness of current offense – viciousness, force & violence involved
 2. Youth's history – criminal & social
 3. Prior services received – juvenile probation, DYS commitment, etc.
 4. Mental health needs
 5. Amenability to treatment - attitude & motivation to participate in treatment & education services
- **Amenability is the most important factor. We do not look to “screen” youth out of the program.**

DYS Advises Court of Our Decision...

- All letters of acceptance include a request for the court to consider including special conditions in their commitment order
 - A genuine commitment to participate and cooperate in the programs offered through the Division of Youth Services
 - Acceptance of the restrictions imposed upon him/her by the Division of Youth Services
 - His/her behavior be such that it does not threaten the safety of employees or other youth in the Division's care and custody

How are Youth Sentenced?

- **Suspended Execution of Sentence (SES):** A prison sentence which is preset in case of revocation but suspended pending completion of the juvenile sentence. (It should be noted the Judge is limited to executing only that preset sentence if the defendant is revoked. SES is a conviction for all purposes.)
- **Suspended Imposition of Sentence (SIS):** The defendant is placed on probation. If the defendant violates probation and faces revocation, the Judge may order any sentence within the full range of punishment for the crime convicted. If the defendant successfully completes probation, no sentence is ever actually ordered so an SIS is not considered a conviction but may be considered as such for law enforcement purposes, in matters of state employment, certain licensing situations, presentence investigations, etc.

Program's Length

- Length of individual placement varies but likely to range from 3 to 5 years
- Dependant, in part, upon:
 - Youth's progress in treatment
 - Attitude of the committing court
 - Seriousness of offense(s)
 - Victim Impact & position
 - Completion of education and treatment services available

Extension Hearing

- Statute requires DYS to petition committing court to extend custody past the age of 18
- Completed during the youth's 17th year
- Court reviews youth's progress to determine if continued placement is appropriate
- Extension grants DYS continued custody up to 21st birthday

Transition

- 6-12 months prior to release, youth begins transition phase of programming focused on community re-entry, re-socialization, and restorative justice
- All the factors of a youth's case, including community, court, and victim concerns, are considered by a DJ Review Committee.
- The DJ Review Committee may elect to specify conditions and/or limitations for authorized activities

Release Process

- DYS petitions court for release & hearing is held. Youth's progress is reviewed and court makes release decision. Options include:
 1. Probation
 2. Revoke the suspension of the adult sentence

Completion of Program

- To date, all youth who have successfully completed the program have been released with the adult sentence remaining suspended
- On occasion, DYS must petition the court for relief of custody for less than successful reasons. In these cases, the court retains the authority to revoke the suspended adult sentence.

Programmatic Safeguards

- DYS must agree to accept Dual Jurisdiction youth in order for it to become a sentencing option for the judge. (RSMo 211.073.1.1)
- DYS may petition the court to remove youth from the program if they are not amenable to treatment (RSMo 211.073.3)
- Extension Hearings required for DYS to retain a youth past age 18 (RSMo 211.073.4)
- DYS has developed, tested & implemented a diagnostic tool to determine if the Dual Commitment is appropriate

Outcomes

- Demographics on youth entering Dual Jurisdiction
- Success of Dual Jurisdiction

Demographics

- The average age of youth admitted to the program is 15.92. (This number has steadily risen since our first youth in 1996)

Offense Type	# of Commits
A Felony	56
B Felony	15
C Felony	24
D Felony	1
Unclassified	1

A Felony Break-out

Dual Jurisdiction Youth with A Felony as most serious offense

Murder 1 st	1
Murder 2 nd	7
Forcible Rape	6
Statutory Rape	2
Kidnapping	1
Robbery 1 st	23
Forcible Sodomy	2
Statutory Sodomy	3
Assault 1 st	9
Asslt/Attmpt Asslt on L/E	2
TOTAL	56

Demographics

Dual Jurisdiction : By Major Offense Category		
Major Offense Category Types	# Commits per Type	% of DJ Commits
Assault	14	14.43%
Burglary	11	11.34%
Homicide	16	16.49%
Kidnapping	1	1.03%
Robbery	30	30.93%
Sexual Assault	16	16.49%
Stealing	3	3.09%
Weapons	3	3.09%
Dangerous Drugs	1	1.03%
Other	2	2.06%
TOTAL	97	100.00%

Success of Dual Jurisdiction in MO

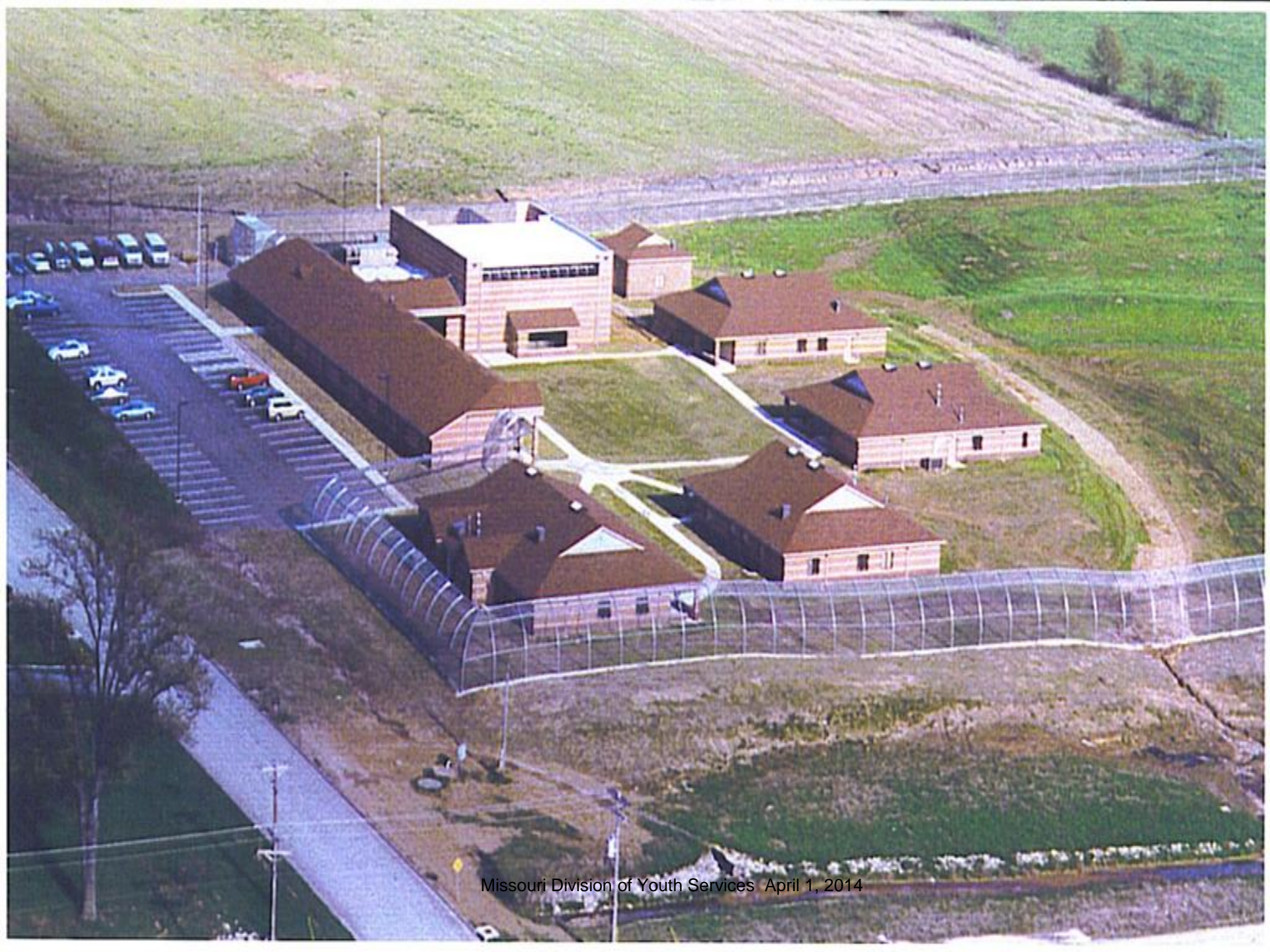
Program results from 1996 inception – FY 2014

- 97 Youth have entered care
- 69 Youth released having successfully completed (8 Youth removed prior to completion)
- Of the 69 successful releases, 18 have gone on to prison (+4 have experienced 120 shock intervention)
- 74% have avoided revocation to DOC
- Currently 20 in program; several cases pending across the state

Dual Jurisdiction Facility

Dual Jurisdiction Facility

- Montgomery City Youth Center
 - Montgomery City, Missouri
- Built and opened in 1999
- High secure DYS residential program with perimeter fence
- 40 bed facility – divided into 4 cottages



Missouri Division of Youth Services April 1, 2014



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Questions?

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