Montana Legislative Audit Division
Performance Audit Summary

Juvenile Delinquency Intervention Program January 2006

Introduction

The 1997 Legislature enacted the Juvenile Delinquency Intervention Program (JDIP) as a pilot program and the 2001 Legislature fully enacted JDIP. JDIP is to provide a method of funding youth court placements and services that increases government's ability to respond to juvenile delinquency through community-based early intervention and placement alternatives and enhance the ability to control costs. JDIP is to encourage the use of local, regional, and state resources for placement of troubled youth.

State law indicated JDIP is intended to be a performance-based program, requiring evaluation of activities and outcomes. Audit objectives focused on examining program monitoring and processes for distributing JDIP funds.

Montana's Youth Court System

Each of Montana's twenty-two judicial districts has a youth court. Historically, these courts were independent local government entities funded at the county level with some state subsidies. The 2001 Legislature created a state-funded district court system and placed district courts under the administrative umbrella of the Judicial Branch. District courts retained their judicial and youth court program responsibilities, and the Office of the Court Administrator, under direction from the Supreme Court, assumed responsibility for some general administrative functions.

Law enforcement, schools, parents, and others may refer to youth court juveniles alleged to have committed status or delinquent offenses. Status offenses are acts that would not be considered a crime if committed by an adult, such as a runaway youth. Delinquent offenses include misdemeanors and felonies. Youth court proceedings are civil actions.

If a youth court determines an offense occurred, the court may require a juvenile offender to complete a probationary period. A probation term may require youth to perform community service, make restitution, and attend counseling or treatment programs. The court may also place a youth in an out-of-home placement for treatment and services, or commit a youth to the Department of Corrections for placement in a secure youth correctional facility.

The Juvenile Delinquency Intervention Program

The department is responsible for administering the program and distributing funds to youth courts, which includes statutory responsibilities for monitoring expenditures and evaluating outcomes. The department also appoints and provides administrative support to a nine-member Cost Containment Review Panel (panel). The panel has some oversight responsibilities. Each judicial district has a chief juvenile probation officer who has responsibilities for administering program activities.

Each youth court receives an annual allocation based on a panel formula that uses factors related to juvenile delinquency. In FY2004, $4,830,343 was allocated to youth courts. Youth courts are expected to control expenditures to avoid exceeding their allocation. State law requires the department place at least $1 million annually into the cost containment fund (contingency fund), money reserved to pay for unexpected or unusual youth court expenditures, and managed by the panel. Youth courts that expect to exceed their allocation must request supplemental funds from the panel.

Youth courts may carry forward unexpended allocation funds at fiscal year end to implement and fund intervention and prevention programs. Youth courts must receive panel approval for expending prevention funds.

Program Implementation is Proceeding

JDIP is a relatively new program, and the department, panel, and Judicial Branch have focused efforts on implementing basic program operations and activities. Audit work indicated:

- Good coordination among panel members appears to effectively promote legislative intent for JDIP.
- The department provides youth courts with monthly reports to help monitor expenditures.
- Youth courts have limited management information for program evaluation, but the Judicial Branch is implementing an automated management information system designed to increase capabilities for tracking and reporting youth court activities and expenditures.
- Various factors affect youth court placements and expenditures, and can increase youth court costs and reduce funding for community-based services.
- The Cost Containment Review Panel promotes efforts to control expenditures by making recommendations for improving youth court operations.

Improving Administration and Oversight

Administrative rules for JDIP address overall program operations, but do not address some activities required by state law or legislative intent. Administrative rules do not specify oversight areas as the Legislature intended. Additionally, while neither state law nor administrative rules address allowable JDIP expenditures, the department and panel restricted use of program funds, resulting in uncertainty and disagreements over allowable costs. We recommended the Department of Corrections, in consultation with the Cost Containment Review Panel, modify its rules to clarify allowable expenditures and establish program standards.

Correctly Calculating JDIP Allocations

The panel determines the formula for allocating JDIP funds, which the department uses to calculate each youth court's annual allocation. However, the department incorrectly applied math principles in the calculation formula, resulting in some youth courts receiving more or less funding than if math principles were applied correctly. We recommended the Department of Corrections implement procedures to ensure calculations are mathematically correct.

Improving the Allocation Formula

Some youth courts spend substantially more or less than their annual allocation. Analysis of factors in the panel's allocation formula and other Montana juvenile justice factors indicated two of the panel's three factors, which generally related to juvenile delinquency, are not the best predictors of youth court expenditures. Analysis indicated other factors, such as specific offense categories, are better predictors of expenditures. We recommend the Cost Containment Review Panel seek technical assistance to analyze juvenile justice data to identify better predictors of youth court resource needs.

Improving Accountability for Program Expenditures

The department conducts minimal evaluations of youth court activities funded by JDIP, and has not collected baseline data for comparative analysis of program expenditures and outcomes. Expanded evaluations and increased analysis of program expenditures would improve the panel's decision-making capabilities. We recommended the Department of Corrections, in consultation with the Cost Containment Review Panel, implement performance measures for youth court programs funded by JDIP and initiate collection of baseline data for comparison and monitoring of JDIP activities.

The Cost Containment Review Panel is responsible for managing the contingency fund and approving expenditures of prevention funds, but has not defined formal decision-making criteria to help ensure consistent panel decisions. We recommended the Cost Containment Review Panel, in consultation with the department, implement formal criteria for evaluating and approving youth court requests for contingency fund money and proposals for using prevention funds.

The Youth Court Act Should Be Updated

In 2001, the Judicial Branch assumed responsibilities for general administration and funding for most youth court activities, except placements and services. However, Montana's Youth Court Act, including statutory language for JDIP administration, was not modified to reflect state-assumption or funding for youth placements and services.

We recommended the Department of Corrections and the Judicial Branch cooperatively seek legislation to update the Youth Court Act, including the Juvenile Delinquency Intervention Program, to reflect the current structure of and funding for Montana's youth courts.

Future of the Program

Updating the Youth Court Act should also include examining the organizational location of, or need for, the Juvenile Delinquency Intervention Program. Since youth courts are now under the administrative umbrella of the Judicial Branch, JDIP may no longer be needed in its current form. We present four alternatives, with no preference order, for legislative consideration.

- Maintain JDIP in its current structure and location.
- Transfer JDIP administration and appropriations to the Judicial Branch.
- Create a separate administrative entity to administer the program.
- Eliminate the program and transfer youth court placement funding to the Judicial Branch.

Whether the Legislature continues to fund youth court placements and services using the existing JDIP structure or an alternative strategy, our recommendations concerning day-to-day program administration need to be incorporated into funding decisions and overall management. Implementing the recommendations will help assure the Legislature is provided better information for making future decisions about funding youth placements and services.

For a complete copy of the report (04P-13) or for further information contact the Legislative Audit Division at 406-444-3122; e-mail to lad@mt.gov; or check the web site at http://leg.mt.gov/css/audit/