

Raise the Age: Perceptions of Missouri Juvenile Justice Actors

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Introduction

In 2018, the Missouri General Assembly joined the ranks of forty-six other states and D.C. in the Raise the Age movement and raised the upper age of jurisdiction of the juvenile court from 17 to 18 years old.^{1,2} Senate Bill 793 was signed into law by Governor Eric Greitens on June 1, 2018, and was set to go into effect on January 1, 2021.³ Similar to other state and county level juvenile justice stakeholders, those in Missouri have expressed concerns over the potential fiscal challenges, increases in workload, and issues related to the allocation of resources and programming within the juvenile justice system.^{4,5,6} This is especially the case considering that over one-third of Missouri's population reside in rural areas.⁷

Furthermore, considering that the Missouri juvenile justice system is often referred to as a model program for its ability to dramatically lower juvenile offenders' recidivism rates,⁸ stakeholders have expressed interest in whether or not raising the upper age of jurisdiction will in fact have an effect on juvenile recidivism rates.

Coincidentally, there are two additional factors that prove Missouri and S.B. 793 to be distinctly different from the majority of other states: (1) Missouri's legislative change applies to all juvenile offenders regardless of offense type, and (2) S.B. 793 explicitly states that "The expanded service of the juvenile court system shall not be effective until sufficient funds are appropriated."⁹ More directly, as the result of a lack of clear direction in the legislation related to funding allocation, several jurisdictions within Missouri are operating under different

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¹ Brittany L. Briggs, "Children Are Our Future: Resurrecting Juvenile Rehabilitation Through 'Raise the Age' Legislation in Missouri," *Missouri Law Review* 85, no. 1 (Winter 2020): 191, accessed on July 1, 2021, <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=4419&context=mlr>.

² Missouri General Assembly, Senate Bill 793, 2018, accessed on July 1, 2021,

https://www.senate.mo.gov/18info/BTS_Web/Bill.aspx?SessionType=R&BillID=69675271.

³ Briggs, "Children Are Our Future," 193.

⁴ *Ibid.*, 198.

⁵ Michele Deitch, Rebecca Breeden, and Ross Weingarten, "Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas," *American Journal of Criminal Law* 40, no. 1 (Fall 2012): 1, accessed March, 2018, <https://lakidsrights.org/wp-content/uploads/2015/08/AJCL-Article-17-Going-on-18.pdf>.

⁶ Christian Henrichson and Valerie Levshin, *Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina*. New York: Vera Institute of Justice, 2011, accessed on July 10, 2021, <https://www.prisonpolicy.org/scans/vera/cost-benefit-analysis-of-raising-the-age-of-juvenile-jurisdiction-in-north-carolina.pdf>.

⁷ Missouri Census Data Center (n.d.), *Ten Things to Know About Urban vs. Rural*, accessed on July, 10, 2021, <https://mcdc.missouri.edu/help/ten-things/urban-rural.html>.

⁸ National Conference of State Legislatures (NCSL), "Juvenile Justice Guidebook for Legislators," (2011), accessed on July 1, 2021, <https://www.ncsl.org/research/civil-and-criminal-justice/juvenile-justice-guidebook-for-legislators.aspx>.

⁹ Missouri General Assembly, Senate Bill 793.

practices when handling 17-year-olds, with some processing them in their juvenile systems and others still handling them in the adult system or possibly, not at all.¹⁰

Prior to the implementation of S.B. 793, in partnership with the Missouri Juvenile Justice Association (MJJA), the current researchers conducted a preliminary survey of Missouri juvenile justice stakeholders to examine their perceptions of the legislation.¹¹ The explicit purpose of the survey was twofold: (1) to identify what Missouri juvenile justice professionals saw as concerns surrounding the legislation, and (2) to examine whether or not they felt prepared for the implementation which was to take effect on January 1, 2021.¹² From this research, several key themes emerged which have guided the focus of the proposed study. The results indicated that Missouri stakeholders were concerned with the potential increase in cost to taxpayers, the overall lack of funding and resources, the influx of cases that would be sent to the juvenile court and subsequently increase probation caseloads and/or residential placements, the lack of mental health resources, and the impact or potential for expanded use of diversion.¹³

Literature Review

The first juvenile court was established in 1899 in Cook County, Illinois.¹⁴ Prior to its creation, juvenile offenders were handled and treated in the same fashion as adult offenders, often experiencing harsh punishment with little consideration to their age or the possibility of rehabilitation.¹⁵ Over the years, the juvenile justice system has been criticized by both the public and policymakers for being too lenient on juvenile offenders.¹⁶ Created under the philosophy of doing what is in the best interest of the child, the juvenile justice system has always had a more rehabilitative and individualized focus when handling juvenile offenders and crime. It was believed that juvenile offenders were “malleable creatures, highly susceptible to both corrupting and pro-social influences” and that as a group or population, these youths were less “culpable and responsible” than adult offenders.¹⁷ The treatment-oriented philosophy remained prominent in juvenile justice processing until the late 1970s.¹⁸

However, a growing public outcry against the perceived leniency of the juvenile justice system brought about a shift in the philosophy and focus of juvenile court actors and policymakers. This resulted in a more punitive approach to dealing with juvenile delinquency and crime.¹⁹ This shift was fueled and subsequently firmly

¹⁰ Angela M. Collins et al., “Perceptions of Juvenile Justice Professionals about Raise the Age Legislation in Missouri,” prepared for the Missouri Juvenile Justice Association (2021).

¹¹ Ibid., 3.

¹² Ibid., 3

¹³ Ibid., 4.

¹⁴ Briggs, “Children Are Our Future,” 195.

¹⁵ Ibid.

¹⁶ Maisha N. Cooper and Lynn S. Urban, “Factors Affecting Juvenile Waiver to Adult Court in a Large Midwestern Jurisdiction,” *Journal of the Institute of Justice and International Studies* 12 (2012): 43.

¹⁷ Jeffrey J. Shook, “Contesting Childhood in the US Justice System: The Transfer of Juveniles to Adult Criminal Court,” *Childhood* 12, no. 4 (2005): 461-478, accessed on July 1, 2021, <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=b3c34bd3d24cf26b022a5421722eed0cdf53a202>.

¹⁸ L. Kay Gillespie and Michael D. Norman, “Does Certification Mean Prison: Some Preliminary Findings From Utah,” *Juvenile and Family Court Journal* 35, No. 3 (1984): 23, accessed on July 10, 2021,

[https://heinonline.org/HOL/LandingPage?handle=hein.journals/juvfc35&div=29&id=&page=; Marilyn Houghtalin and G. Larry Mays, “Criminal Dispositions of New Mexico Juveniles Transferred to Adult Court,” *Crime & Delinquency* 37, no. 3 \(1991\): 393-407, accessed July 10, 2021, <https://doi.org/10.1177/0011128791037003006>.](https://heinonline.org/HOL/LandingPage?handle=hein.journals/juvfc35&div=29&id=&page=;MarilynHoughtalinandG.LarryMays,“CriminalDispositionsofNewMexicoJuvenilesTransferredtoAdultCourt,”Crime&Delinquency37,no.3(1991):393-407,accessedJuly10,2021,https://doi.org/10.1177/0011128791037003006)

¹⁹ Marilyn Houghtalin and G. Larry Mays, “Criminal Dispositions of New Mexico Juveniles Transferred to Adult Court,” *Crime & Delinquency* 37, no. 3 (1991): 393-407; Megan C. Kurlychek and Brian D. Johnson, “The Juvenile Penalty: A Comparison of Juvenile and Young Adult Sentencing Outcomes in Criminal Court,” *Criminology* 42, no. 2 (2004): 485-515, accessed March 1, 2018, <https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/COMPLIANTpg4-The%20Juvenile%20Penalty.pdf>; David L. Myers, “The Recidivism of Violent Youths in Juvenile and Adult Court: A Consideration of Selection Bias,” *Youth Violence and Juvenile Justice* 1,

established during the mid-1980s and early 1990s amid an increase in juvenile crime, public perceptions that the juvenile court was not punitive enough, and a media-induced, moral panic and fear of youthful offenders as “super-predators.”²⁰

An aspect of this paradigm shift,²¹ into what is known as the get-tough era, was an increased push by legislators to make it easier to transfer juvenile offenders into the adult criminal court system. Even though there were always mechanisms in place for the transfer of juveniles to the adult system,²² prior to the ideological shift from treatment to punishment, juvenile transfer was a rarity and the process of transferring juvenile offenders was much more difficult.²³

For decades,²⁴ the transfer of juveniles to the adult criminal justice system has been a matter of great debate for reformists and scholars alike. Mlyniec²⁵ argued that: “While statutes permitting adult treatment may have been meant to deal with the hardened, incorrigible juvenile offender, the traditionally wide latitude given to prosecutors regarding discretionary acts in the criminal justice systems creates a serious likelihood that the process may ensnare the wrong child.” Although the total number of juvenile offenders who are judicially transferred constitute a relatively small percentage of the total juvenile offender population (approximately 1 percent),²⁶ it could be argued that these juveniles represent a failure in the juvenile justice system and policies to achieve the protective and rehabilitative aspects on which it was founded.

We now know that the get-tough era and subsequent harsher treatment of juvenile offenders came with great consequence, particularly in the large number of juvenile offenders who were removed from the juvenile system and processed in the adult criminal justice system.²⁷

Scholars have since noted that juvenile offenders who are handled in the adult criminal justice system are more likely to experience developmental and mental health issues, as well as being more likely to reoffend. Motivated by such findings²⁸ and coupled with the downward trends in juvenile offending, there has been a push over the

no. 1 (2003): 79-101, accessed on March 1, 2018,

<https://digitalcommons.newhaven.edu/cgi/viewcontent.cgi?article=1032&context=criminaljustice-facpubs>; Randall T. Salekin, Richard Rogers, and Karen L. Ustad, “Juvenile Waiver to Adult Criminal Courts: Prototypes for Dangerousness, Sophistication–Maturity, and Amenability to Treatment,” *Psychology, Public Policy, and Law* 7, no. 2 (2001): 381, accessed on July 10, 2021, <https://psycnet.apa.org/doi/10.1037/1076-8971.7.2.381>.

²⁰ Shook, “Contesting Childhood in the US Justice System,” 461-478.

²¹ Gillespie and Norman, “Does Certification Mean Prison,” 23; Kurlychek and Johnson, “The Juvenile Penalty,” 485-515; Shook, “Contesting Childhood in the US Justice System,” 461-478.

²² Kurlychek and Johnson, “The Juvenile Penalty.”

²³ Margaret A. Bortner, “Traditional Rhetoric, Organizational Realities: Remand of Juveniles to Adult Court,” *Crime & Delinquency* 32, no. 1 (1986): 53-73, accessed on July 1, 2021, <https://doi.org/10.1177/0011128786032001004>; Sanford J. Fox, “Juvenile Justice Reform: An Historical Perspective,” *Stanford Law Review* 22, no. 6 (1969): 1187, accessed on July 1, 2021, <http://www.jstor.org/stable/1227960>.

²⁴ Wallace J. Mlyniec, “Juvenile Delinquent or Adult Convict—The Prosecutor’s Choice,” *American Criminal Law Review* 14 (1976): 29, accessed on March, 1, 2018, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/amcrimlr14&div=9&id=&page=>.

²⁵ Ibid.

²⁶ Shook, “Contesting Childhood in the US Justice System,” 461-478; J. Furdella and C. Puzanchera, “Delinquency Cases in Juvenile Court, 2013,” US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (2015), accessed on July 10, 2021, <https://ojdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248899.pdf>.

²⁷ Briggs, “Children Are Our Future,” 191; Deitch, Breeden, and Weingarten, “Seventeen, Going on Eighteen,” 1; Charles E. Loeffler and Ben Grunwald, “Decriminalizing Delinquency: The Effect of Raising the Age of Majority on Juvenile Recidivism,” *The Journal of Legal Studies* 44, no. 2 (2015): 361-388, accessed July 10, 2021, <https://mcdc.missouri.edu/help/ten-things/urban-rural.html>.

²⁸ Donna M. Bishop, Charles E. Frazier, Lonn Lanza-Kaduce, and Lawrence Winner, “The Transfer of Juveniles to Criminal Court: Does it Make a Difference?” *Crime & Delinquency* 42, no. 2 (1996): 171-191, accessed on March 1, 2018, <https://doi.org/10.1177/0011128796042002001>; Jeffrey Fagan, “The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism Among Adolescent Felony Offenders,” *Law & Policy* 18, no. 1-2 (1996): 77-114, accessed on March 1, 2018, <https://doi.org/10.1111/j.1467-9930.1996.tb00165.x>; Lonn Lanza-Kaduce, Jodi Lane, Donna M. Bishop, and Charles E. Frazier, “Juvenile Offenders and Adult Felony Recidivism: The Impact of Transfer,” *Journal of Crime and Justice* 28, no. 1 (2005): 59-77,

past decade to raise the upper age of juvenile justice jurisdiction.²⁹ Essentially, the Raise the Age movement is predicated on the fact that recent studies and US Supreme Court decisions have recognized the developmental differences between juvenile and adult offenders, noting that youths are more malleable and less culpable than adults and should be treated as such.³⁰ Therefore, with the exception of three states (Georgia, Texas, and Wisconsin), all other states have now raised the upper age of jurisdiction to at least 17 years of age.

By attempting to raise the upper age of juvenile court jurisdiction from 17 to 18 years old, Missouri has now expanded the programming and treatment options available to juvenile offenders in hopes of lowering recidivism rates amongst youths and having better overall outcomes. However, as previously mentioned, these types of legislative changes do not come without concerns and questions on the part of juvenile justice stakeholders. Particularly considering that the state of Missouri and its Division of Youth Services (DYS) has done an excellent job of attending to the needs of youthful offenders and effectively reducing recidivism, some³¹ are concerned that an increase in juveniles being handled in the juvenile court may unintentionally and negatively impact recidivism rates. Considering this, it is imperative to have an idea of the current trends in Missouri's juvenile population and juvenile offending.

According to the Office of State Courts Administrator's (OSCA) 2019 Missouri Juvenile and Family Division's (MJFD) Annual Report,³² in 2018 the total youth population (ages 10-17) was 626,170, and the total juvenile population is projected to increase at an average rate of 2.5 percent every five years until 2030. Fifty-one percent of the juvenile population are male and 49 percent are female, while approximately 13 percent of the juvenile population consists of 17-year-olds.³³ In regard to racial characteristics:³⁴ White youth account for approximately 81 percent of the Missouri juvenile population, followed by Black youth (15.2 percent); Hispanic youth (6.5 percent); Asian/Pacific Islander youth (2.6 percent), and Native American youth (0.7 percent). In total, MJFD received 15,657 delinquency referrals in 2018³⁵ with 17-year-olds accounting for less than 3 percent of the total referrals, while juveniles ages 15 and 16 constituted the largest number of misdemeanor and felony referrals. Similar to national trends, the most frequent juvenile law violation referrals in Missouri were for assault (26 percent), followed by stealing (14 percent), property damage (12.1 percent), drugs (9.5 percent), and disturbing the peace (8.2 percent). Overall, they report seeing a slight decrease in delinquency referrals compared to the prior year.³⁶ Lastly, 82 percent of law violation referrals were handled informally and 17 percent were handled formally. The most frequent dispositions for informal delinquency referrals were referral rejected (21 percent) and Informal Adjudication with Supervision (17 percent), while the most frequent dispositions for formal delinquency referrals were Allegation found True with In-home services (9 percent) and Allegation Found True with Out-of-Home placement (4 percent).³⁷

On top of the increased penalties due to the get-tough area of juvenile justice, the juvenile justice system is now being tasked with caring for juveniles in need of mental health treatment.³⁸ This is a significant task,

accessed on July, 1, 2021, <https://doi.org/10.1080/0735648X.2005.9721207>; David L. Myers, "The Recidivism of Violent Youths in Juvenile and Adult Court: A Consideration of Selection Bias," *Youth Violence and Juvenile Justice* 1, no. 1 (2003): 79-101, accessed July 1, 2021, <https://digitalcommons.newhaven.edu/cgi/viewcontent.cgi?article=1032&context=criminaljustice-facpubs>.

²⁹Briggs, "Children Are Our Future," 207.

³⁰Deitch, Breeden, and Weingarten, "Seventeen, Going on Eighteen," 1.

³¹Briggs, "Children Are Our Future," 227.

³²Office of State Courts Administrator, *Missouri Juvenile and Family Division Annual Report: Calendar Year 2019*, accessed July 1, 2021, <https://www.courts.mo.gov/file.jsp?id=118653>.

³³Ibid.

³⁴Ibid.

³⁵Ibid.

³⁶Ibid.

³⁷Ibid.

³⁸Lee A. Underwood and Aryssa Washington, "Mental Illness and Juvenile Offenders," *International Journal of Environmental Research and Public Health* 13, no. 2 (2016): 228, accessed on July 1, 2021, <https://doi.org/10.3390/ijerph13020228>.

considering it is estimated that 65-70 percent³⁹ of the approximately 2 million juvenile-justice-system-involved youth have mental health needs. It is possible that some youth come to the attention of the juvenile justice system due to behavioral issues⁴⁰ related to their mental illness. This suggests that treatment of mental illness could mitigate some, or all, of these behavioral issues and reduce recidivism. It has also been suggested that youth would benefit from mental health treatment that is not dependent upon the juvenile justice system.⁴¹

Juvenile offenders with mental health needs are less likely to recidivate when they are offered support that involves multi-agency collaboration,⁴² also called wraparound services. Despite this knowledge, few juvenile offenders are offered this type of support for a variety of reasons including (but not limited to): lack of treatment options beyond screening and medication management,⁴³ lack of screening, particularly prior to adjudication and detention;⁴⁴ concerns about security;⁴⁵ and lack of funding and/or cost of this type of support.⁴⁶ Besides wraparound services, mental health assessments in combination with diversion programs can also reduce recidivism for juveniles.⁴⁷ This is, of course, assuming that diversion programs (including community mental health resources) are available to juveniles.

³⁹ Office of State Courts Administrator, "Missouri Juvenile and Family Division Annual Report," 33.

⁴⁰ Linda A. Teplin, Karen M. Abram, Gary M. McClelland, Mina K. Dulcan, and Amy A. Mericle, "Psychiatric Disorders in Youth in Juvenile Detention," *Archives of General Psychiatry* 59, no. 12 (2002): 1133-1143, accessed on July 1, 2021, doi:10.1001/archpsyc.59.12.1133; Underwood and Washington, "Mental Illness and Juvenile Offenders," 228; Gail A. Wasserman, Larkin S. McReynolds, Christopher P. Lucas, Prudence Fisher, and Linda Santos, "The Voice DISC-IV with Incarcerated Male Youths: Prevalence of Disorder," *Journal of the American Academy of Child & Adolescent Psychiatry* 41, no. 3 (2002): 314-321, accessed on July 1, 2021, <https://doi.org/10.1097/00004583-200203000-00011>.

⁴¹ Thomas Grisso, "Adolescent Offenders with Mental Disorders," *The Future of Children* 18, no. 2 (2008): 143-164.

⁴² Jeffrey A. Anderson, Eric R. Wright, Harold E. Kooreman, Wanda K. Mohr, and Lisa A. Russell, "The Dawn Project: A Model for Responding to the Needs of Children with Emotional and Behavioral Challenges and Their Families," *Community Mental Health Journal* 39, no. 1 (2003): 63-74, accessed on July 1, 2021, <https://doi.org/10.1023/A:1021225907821>; Charles M. Borduin, "Innovative Models of Treatment and Service Delivery in the Juvenile Justice System," *Journal of Clinical Child Psychology* (1994), accessed on July 1, 2021, <https://psycnet.apa.org/record/1996-92845-001>; Michelle M. Carney, and Frederick Buttell, "Reducing Juvenile Recidivism: Evaluating the Wraparound Services Model," *Research on Social Work Practice* 13, no. 5 (2003): 551-568, accessed on July 1, 2021, <https://doi.org/10.1177/1049731503253364>; Joseph J. Coccozza and Kathleen R. Skowyra, "Youth with Mental Health Disorders: Issues and Emerging Responses," *Juvenile Justice* 7 (2000): 3, accessed on July 1, 2021, <https://files.eric.ed.gov/fulltext/ED442030.pdf>; Fagan, "The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism;" Ingrid Goldstrom, Fan Jaiquan, M. Henderson, A. Male, and R. Manderscheid, "The Availability of Mental Health Services to Young People in Juvenile Justice Facilities: A National Survey," in *Mental Health, United States, 2000*, ed. Ronald W. Manderscheid and Marilyn J., Henderson (Rockville, Maryland: US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2000): 248-268; Bruce Kamradt, "Wraparound Milwaukee: Aiding Youth with Mental Health Needs," *Juvenile Justice* 7 (2000): 14, accessed on July 1, 2021, <https://files.eric.ed.gov/fulltext/ED442031.pdf>; Bruce Kamradt and Mary Jo Meyers, "Curbing Violence in Juvenile Offenders with Serious Emotional and Mental Health Needs—The Effective Utilization of Wraparound Approaches in an American Urban Setting," *International Journal of Adolescent Medicine and Health* 11, no. 3-4 (1999): 381-400, accessed on July 1, 2021, <https://doi.org/10.1515/IJAMH.1999.11.3-4.381>; R. A. Murphy, "Mental Health, Juvenile Justice, and Law Enforcement Responses to Youth Psychopathology," *Handbook of Serious Emotional Disturbance in Children and Adolescents* (2002): 351; Michael D. Pullmann, Jodi Kerbs, Nancy Koroloff, Ernie Veach-White, Rita Gaylor, and Dede Sieler, "Juvenile Offenders with Mental Health Needs: Reducing Recidivism Using Wraparound," *Crime & Delinquency* 52, no. 3 (2006): 375-397, accessed on July 1, 2021, <https://doi.org/10.1177/0011128705278632>.

⁴³ Carolyn S. Breda, "The Mental Health Orientation of Juvenile Courts," *The Journal of Behavioral Health Services & Research* 28, no. 1 (2001): 89-95, accessed on July 1, 2021, <https://doi.org/10.1007/BF02287237>; Goldstrom, "The Availability of Mental Health Services to Young People in Juvenile Justice Facilities," 248-268.

⁴⁴ Breda, "The Mental Health Orientation of Juvenile Courts," 89-95; *Ibid.*, 8; Kenneth M. Rogers, Bonnie Zima, Elaine Powell, and Andres J. Pumariega, "Who is Referred to Mental Health Services in the Juvenile Justice System?" *Journal of Child and Family Studies* 10, no. 4 (2001): 485-494.

⁴⁵ Fagan, "The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism," 77-114.

⁴⁶ Goldstrom, "The Availability of Mental Health Services to Young People in Juvenile Justice Facilities, 248-268;

⁴⁷ Angela M. Collins et al., "Perceptions of Juvenile Justice Professionals," 4.

It is also important to note that Missouri has been seen as a model for other states, in terms of juvenile justice. In a report by the National Conference of State Legislatures,⁴⁸ it was stated that: “The Missouri Division of Youth Services’ (DYS) juvenile corrections system is a successful model for states considering juvenile justice reforms that favor residential treatment over prison for children who commit crime . . . Missouri’s recidivism rate is dramatically lower than the rest of the nation and its overall costs are lower compared to other states corrections’ spending.”⁴⁹ Because Missouri is seen as a model for other states, it is imperative that research into the impact of Raise the Age legislation on juvenile reoffending is conducted. Information is needed to determine if Raise the Age legislation implementation (and the confusion surrounding it) will have an impact on the model programming used in Missouri and contemplated by other states. The explicit purpose of the survey was twofold: (1) to identify what Missouri juvenile justice professionals saw as concerns surrounding the legislation; and (2) to examine whether or not they felt prepared for the implementation, which was to take effect on January 1, 2021.⁵⁰

Methods

This project gathered information about Missouri juvenile justice professionals’ perceptions about legislation that will raise the age of the juvenile justice system jurisdiction from 17 to 18. The data was collected via email survey. The survey was sent to various juvenile justice agencies, including (but not limited to): probation and parole, juvenile court, juvenile detention, juvenile intake, etc. Questions included in the survey asked about concerns that other states have vocalized prior to implementing Raise the Age legislation. The Raise the Age Report⁵¹ also includes seven steps that are recommended by the Justice Policy Institute. These steps are designed to provide a road map to states undertaking Raise the Age legislation. They include:⁵²

1. Expand the use of diversion
2. Make probation and aftercare approaches more effective
3. Address youth’s mental health needs outside of the deep end of the system
4. Reduce the use of pretrial detention
5. Reduce reliance on facilities and focus resource on community-based approaches
6. Keep youth safe by complying with the Prison Rape Elimination Act (PREA)
7. Improve juvenile justice systems’ management of resources and strengthening strategies to serve youth more effectively

The survey included questions about juvenile justice professionals’ perceptions of Missouri’s preparation for raise the age by asking about completion of these seven steps. In total, ninety-six juvenile justice professionals completed the online survey. Once data was collected, the researchers analyzed the comments made to open-ended questions by looking for common themes.

Results

To begin, all respondents were asked to self-report their current job title to determine whether they were eligible to respond (only those working with juveniles or within the juvenile justice system were allowed to complete the survey). As can be seen in Table 1, the majority of respondents were deputy juvenile officers (approximately 55 percent). Several other job titles were recorded, allowing for a variety of juvenile justice professionals to provide input (see Table 1).

⁴⁸ Ibid.

⁴⁹ Ibid, 5

⁵⁰ Ibid, 2.

⁵¹ Justice Policy Institute. “Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System.” (2017). Accessed on July 10, 2021, <http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

⁵² Ibid, 7-8

Table 1. Self-Reported Job Titles of Respondents

Self-Reported Job Title	N	%
Deputy Juvenile Officer	53	55.21
Chief Juvenile Officer	6	6.25
Chief Deputy Juvenile Officer	3	3.125
Attorney/Legal Counsel	3	3.125
Deputy Juvenile Officer Supervisor	1	1.04
Deputy Juvenile Officer Investigator	1	1.04
Deputy Juvenile Officer – Specialist	1	1.04
Deputy Juvenile Officer/Family Court Administrator	1	1.04
Judge	1	1.04
Supervisor of Court Services and Programs	1	1.04
Director of Legal Services	1	1.04
Chief Juvenile Officer/Juvenile Office Attorney	1	1.04
Detention Superintendent	1	1.04
Clerical	1	1.04
Court Personnel	1	1.04
Management	1	1.04
No Response	18	18.75

The demographics of the sample are explained in Table 2. The sample was mostly female (approximately 68 percent), white (approximately 78 percent), has a bachelor's degree (approximately 52 percent), and works for a rural agency (approximately 46 percent).

One of the first questions asked is if the respondent was aware of the legislation prior to the description in the survey. As shown in Table 3, the majority (99 percent) of juvenile justice professionals were aware of the Raise the Age legislation.

The next set of questions asked each respondent about potential concerns related to raising the age in Missouri. The first question related to concerns asked about the potential increase in cost to taxpayers. The majority of respondents, approximately 62 percent (see Table 3), stated that this is a potential concern for Missouri. After each question, respondents had the opportunity to explain their answer. Out of the ninety-six respondents, seventy-three chose to explain their response. The first theme is that juvenile justice professionals (eighteen out of seventy-three) stated that the cost of Raise the Age legislation might fall on taxpayers. These respondents also stated that taxpayers might not know/realize their tax dollars are paying for it. Concern was also voiced that if taxpayers are asked to vote on a measure to increase taxes to pay for Raise the Age, it would be voted down, leaving jurisdictions with an increased caseload and no extra money in the budget.

Table 2. Sample Demographics

	N	%
Gender		
Male	25	26.0
Female	65	67.7
Prefer not to answer	5	5.2
Race/Ethnicity		
American Indian or Alaskan Native	1	1.0
Black/African-American	5	5.2
Hispanic, Latino, or Spanish	1	1.0
White/Caucasian	78	81.3
White/Caucasian; American Indian or Alaskan Native	3	3.1
White/Caucasian; Hispanic, Latino, or Spanish	1	1.0
White/Caucasian, Native Hawaiian or Other Pacific Islander	1	1.0
Prefer not to answer	6	6.3
Highest Level of Education		
Some college (or post high school training)	4	4.2
Completed 2-year college degree (Associate's)	2	2.1
Completed 4-year college degree (Bachelor's)	50	52.1
Some graduate school	4	4.2
Completed Master's Degree	25	26.0
Completed PhD or other advanced professional degree	9	9.4
Prefer not to answer	2	2.1
Location of Agency		
Rural	44	45.8
Suburban	34	35.4
Urban	14	14.6

A second theme that emerged is that some juvenile justice professionals (seven out of seventy-three) stated that the cost savings in the adult court, due to a decrease in cases, would be spent on the increased cases in the juvenile court, thus offsetting whatever cost increase there might be. They essentially described seeing the cost as a shifting of money from adult to juvenile court.

Another theme that was apparent, but not directly related to the question was an overall concern about a lack of funding and resources (thirty-two out of seventy-three). These concerns ranged from concern about not having

enough funding/resources to meet the needs of current caseloads (meaning adding to caseloads would stretch already thin funding/resources even further) to larger concerns about how Raise the Age legislation is going to be funded due to unclear language in the legislation itself.

The second question related to concerns asked about the potential increase in the number of cases sent to the juvenile court. The majority of respondents, approximately 78 percent (see Table 3), stated that this is a potential concern for Missouri. Out of the ninety-six respondents, seventy-nine chose to explain their response. Again, the main theme was an overall concern about a lack of funding and/or resources (forty-eight out of seventy-nine). These concerns included: questions about funding and/or resources (i.e., is more money going to be available, are more resources going to be available, need to hire more staff); concerns about increased caseloads for employees with already large caseloads; and concerns about program availability for 17-year-olds (i.e., will juvenile programs take 17-year-olds, will more programs be made available, etc.).

A second theme that emerged included concerns about a potential increase in the seriousness of offenses. There was some concern (five out of seventy-nine respondents) that more 17-year-olds could mean more delinquency cases, and those types of cases take more resources (time, money, etc.). Two other related themes included concerns about delays in case processing. This concern, mentioned by three respondents included concerns about delays partially due to increased overall numbers and partially due to increased delinquency cases, which take more time. The final theme, reported by two respondents, was a concern that the increase in the number of juveniles sent to court would result in a higher number of certifications.

The third question related to concerns asked about the potential increase in the number of juveniles sent to detention or other secure confinement. The majority of respondents, approximately 74 percent (see Table 3), stated that this is a potential concern for Missouri. Out of the ninety-six respondents, seventy-five chose to explain their response. Again, the main theme was an overall concern about a lack of funding and/or resources (thirty-eight out of seventy-five). Within this concern, the main point focused on space. Many respondents had concerns about whether or not there would be enough beds available for the increased number of individuals needing detention. Another related concern, mentioned by four respondents, was not only the lack of beds but mention of the closure of several juvenile detention facilities; the concern was that these closures removed potential beds that would have previously been available for use but are no longer an option.

The second theme related to concerns about housing 17-year-olds with younger juveniles, potentially four to five years younger (thirteen out of seventy-five respondents). Within this theme, there was concern about the older juveniles being a “bad influence” on the younger juveniles and/or the older youth teaching the younger juveniles “bad habits.”

The fourth question related to concerns asked about the potential threat to public safety. The concern is that juveniles previously handled in the adult system will be handled as juveniles. The same number of respondents (see Table 3) stated that this is a potential concern for Missouri and that this is not a potential concern for Missouri. Out of the ninety-six respondents, sixty-eight chose to explain their response. The main theme in these answers concentrated around certification. Several respondents (sixteen) stated that if a juvenile did pose a threat to public safety or committed a crime that was severe enough, then certification would still be an option. Again, an overall lack of resources and/or funding was also mentioned as a concern by eight respondents. They described not being able to treat 17-year-olds adequately due to a lack of resources; this was partially due to an overall lack of resources/funding but there was also mention by seven respondents that 17-year-olds may commit more serious offenses and thus would need more resources (and cost more money). Some mentioned questions about whether programs would take 17-year-olds and three respondents had specific questions about whether the legislation also raised the age of jurisdiction for Division of Youth Services (DYS).

Table 3. Concerns for Missouri Regarding Raise the Age Legislation

	N	%
Previously Aware of Legislation		
Yes	95	99.0
No	1	1.0
Potential Increased Cost to Taxpayers		
Yes	59	61.5
No	22	22.9
I don't know	15	15.6
Potential Increase in the Number of Cases Sent to the Juvenile Court		
Yes	75	78.1
No	15	15.6
I don't know	6	6.3
Potential Increase in the Number of Juveniles Sent to Detention or Other Secure Confinement		
Yes	71	74.0
No	23	24.0
I don't know	1	1.0
No answer	1	1.0
Potential Threat to Public Safety		
Yes	43	44.8
No	43	44.8
I don't know	10	10.4
Any Other Concerns Not Listed		
Yes	34	35.4
No	54	56.3
I don't know	6	6.3
No answer	2	2.1

The fifth and final question related to concerns asked respondents if they had any concerns about Raise the Age legislation in Missouri that were not listed. A little over a third of respondents, approximately 35 percent (see Table 3), stated that they did have other concerns. Out of the ninety-six respondents, thirty-five chose to explain their response. The main concern not addressed in the survey instrument was whether the Raise the Age legislation was actually going to go into effect on January 1, 2021 (twenty-nine out of thirty-five). This concern included many different facets including:

- Whether the funding allocations/appropriations have happened
- Questions about how the legislation will actually be implemented
- Confusion about implementation could lead to inconsistent application of the law
- How implementation will impact juveniles who are 17 on January 1, 2021, and are currently certified as adults OR currently in adult facilities awaiting hearings

Another concern mentioned by four of the respondents was that the legislation was written without discussion and/or consultation with juvenile justice professionals working in the field. These respondents mentioned feeling ignored and not included in the legislative process.

The second section of the survey focused on asking respondents about whether or not Missouri had successfully completed the steps recommended by the Justice Policy Institute (as described above). The first question asked if the respondent thought that Missouri has successfully completed Step 1: Expand the use of diversion. As shown in Table 4, approximately 42 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, fifty-three chose to explain their response. The main theme within these responses was that Missouri does a lot of diversion (twenty out of fifty-three). Several respondents added the caveat that their jurisdiction does well with diversion, but the respondent could not speak to the rest of the state. Another embedded theme within these comments included questions about how effective diversion actually is in Missouri.

Another theme included concerns about funding and resources (thirteen out of fifty-three). These comments reflected either concern about the need for more funding and/or resources once Raise the Age goes into effect (needing to handle more cases with current funding and/or resources) or concerns about areas not having enough funding/resources for current caseloads and thus, concerns about how to handle more cases.

The second question asked if the respondent thought that Missouri has successfully completed Step No. 2: Make probation and aftercare approaches more effective. As shown in Table 4, approximately 31 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, forty-nine chose to explain their response. Again, the most common theme in responses was in regards to funding and/or resource availability for aftercare services (fourteen out of forty-nine). The concerns focused on rural areas lacking access to funding and/or resources and concerns about potentially needing to supervise more youth with the same or decreased levels of funding and/or resources.

A second theme that emerged dealt with the effectiveness of juvenile probation and aftercare. Several respondents (ten out of forty-nine) stated that current juvenile probation and aftercare programs are weak or ineffective in their current form.

The third question asked if the respondent thought that Missouri has successfully completed Step No. 3: Address youth's mental health needs outside of the deep end of the system. As shown in Table 4, approximately 23 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, sixty-four chose to explain their response. Again, the most common theme was concern about a lack of funding and/or resources (forty-five out of sixty-four). As one respondent stated, "This might be the most significant weakness." These respondents had concerns about lack of resources already, with added concern about what might happen to already overworked services if Raise the Age increases caseloads.

A related but separate theme had to do with wait lists (six out of sixty-four). These respondents stated that when resources were available there were often long wait times or families had to go on wait lists, meaning juveniles were not getting services during their wait.

The fourth question asked if the respondent thought that Missouri has successfully completed Step No. 4: Reduce the use of pretrial detention. As shown in Table 4, approximately 63 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, forty-seven chose to explain their response. The main theme of the comments showed that many respondents have seen a reduction in the use of pretrial detention, specific either to their area or in Missouri as a whole (thirty-four out of forty-seven). Many respondents cited the use of the JDTA form (Juvenile Detention Assessment) as a reason for the

reduction of pretrial detention. It should be noted that several respondents agreed that there was a reduction, but had concerns about the effectiveness of reducing its use (four out of forty-seven).

Table 4. How Well Missouri Has Completed the Recommended Steps for Raise the Age Implementation

	N	%
Expand the Use of Diversion		
Yes	41	42.7
No	35	36.5
I don't know	20	20.8
Make Probation and Aftercare More Effective		
Yes	30	31.3
No	49	51.0
I don't know	17	17.7
Address the Mental Health Needs of Youth		
Yes	22	22.9
No	62	64.6
I don't know	12	12.5
Reduce the Use of Pretrial Detention of Youth		
Yes	60	62.5
No	11	11.5
I don't know	24	25.0
No answer	1	1.0
Focus on the Use of Community Resources		
Yes	49	51.0
No	34	35.4
I don't know	13	13.5
Comply with PREA (Prison Rape Elimination Act) to Keep Youth Safe		
Yes	49	51.0
No	4	4.2
I don't know	43	44.8
Improve Management of Resources and Strengthen Strategies to Serve Youth More Effectively		
Yes	30	31.3
No	44	45.8
I don't know	22	22.9

The fifth question asked if the respondent thought that Missouri has successfully completed Step No. 5: Reduce reliance on facilities and focus resources on community-based approaches. As shown in Table 4, approximately 51 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, fifty chose to explain their response. Again, the main theme of the comments focused on the lack of resources and/or funding (twenty-three out fifty). Interestingly, another theme focused on respondents stating that they did feel their area was successfully using community resources (seventeen out of fifty). However, many of these comments also included statements with caveats, including:

- Referring families to resources does not mean that families are following up/using the resources, especially if using resources is not mandatory
- Community resources are also overwhelmed, as there is a lack of funding for these programs
- Some rural areas do not have easy access to facilities, so they were already heavily using community resources
- While some respondents stated that community resources were being used, one respondent did state that there is concern about the success of using such resources

The sixth question asked if the respondent thought that Missouri has successfully completed Step No. 6: Keep youth safe by complying with the Prison Rape Elimination Act (PREA). As shown in Table 4, approximately 51 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, twenty-five chose to explain their response. In most of the comments, respondents stated that policies and/or procedures were in place to comply with PREA (fourteen out of twenty-five). However, the focus of these comments was having the policies and procedures in place and was less focused on their implementation; only one respondent stated that their facility had passed audits. This question also led to additional questions, as two respondents stated they did not know about the numbers in their facilities and another three reported not knowing what PREA is.

The seventh question asked if the respondent thought that Missouri has successfully completed Step No. 7: Improve juvenile justice systems' management of resources and strengthening strategies to serve youth more effectively. As shown in Table 4, approximately 31 percent of the respondents thought that Missouri has successfully completed this step. Out of the ninety-six respondents, forty-seven chose to explain their response. Again, the most common theme in the comments was a concern about a lack of funding and/or resources (twenty-seven out of forty-seven). Respondents commented that it was hard to effectively manage resources when they are being cut, do not exist, or respondents are being asked to do more with less. Four respondents stated that because of the focus on record keeping and gathering statistics/other information, the effectiveness of managing resources is negatively impacted because the focus is on the process, not the juveniles.

Conclusion

In summary, this survey was designed to identify what Missouri juvenile justice professionals saw as concerns surrounding the legislation and to examine whether or not they felt prepared for the implementation that was to take effect on January 1, 2021.⁵³

Missouri juvenile justice professionals voiced many concerns about the implementation of Senate Bill 793, due in large part to concerns about a lack of available funding and/or resources. There were two apparent themes to this particular concern. First, respondents reported not knowing what, if any, appropriations were going to be available when Raise the Age goes into effect in Missouri. Since the dissemination of this survey, Gov. Mike Parsons signed House Bill 11 and House Bill 12, which would allow for appropriations in fiscal year 2022 to

⁵³ Ibid, 10.

implement S.B. 793.⁵⁴ According to the Missouri Juvenile Justice Association, this should mean that S.B. 793 is now in effect.⁵⁵ Follow-up research will need to be done in order to determine what is currently happening in juvenile justice agencies in Missouri.

The second theme that became apparent was that respondents had many concerns about resources. Respondents often reported that they already do not have the funding/resources they need and they anticipate that they are going to be asked to stretch these limited funds/resources even thinner when/if caseloads increase.

Another point made by respondents, not addressed in the results, was the consistent comments about rural areas in Missouri. As mentioned above, over one-third of Missouri's population reside in rural areas.⁵⁶ Many respondents from rural areas repeatedly stated that there are almost no resources available for juveniles in these communities. Even if respondents wanted to refer juveniles to community programs or mental health professionals, for example, those resources simply do not exist. Juveniles and their families would have to decide if long commutes to resources outside of the local, rural community are not only worth the time and money, but also if these resources are practical.

It is clear that Missouri juvenile justice system professionals had concerns about what would happen on January 1, 2021. It remains to be seen whether the rest of the implementation goes to plan now that appropriations are being made, considering the concerns over resources and funding. However, these appropriations may not lead to more mental health services in rural areas, which was stated as a concern by professionals. If Missouri wants to continue to be a model for other states, in terms of juvenile justice, it is imperative that raising the age is done right.

⁵⁴ Missouri General Assembly, House Bill 11, 101st General Assembly, 1st Reg. Sess. (Mo. 2021), accessed on July 10, 2021, <https://house.mo.gov/Bill.aspx?bill=HB11&year=2021&code=R>; and House Bill 12, 101st General Assembly, 1st Reg. Sess. (Mo. 2021), accessed on July 10, 2021, <https://house.mo.gov/Bill.aspx?bill=HB12&year=2021&code=R>.

⁵⁵ Marcia Hazelhorst, "Raising the Age of Juvenile Court Jurisdiction Effective Date," Missouri Juvenile Justice Association notice, July 1, 2021, accessed on July 10, 2021, <https://mjja.org/notices/raising-the-age-of-juvenile-court-jurisdiction-effective-date/>

⁵⁶ *Ibid.*, 7.