

The Power of Information

Bifurcation of Adjudication Hearings

Presented by:

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WORKSHOP GOALS

1

Create conversational opportunity

2

Develop potential jurisdiction action steps

3

Learn from one another's experiences

4

Importance of clear & accurate information

5

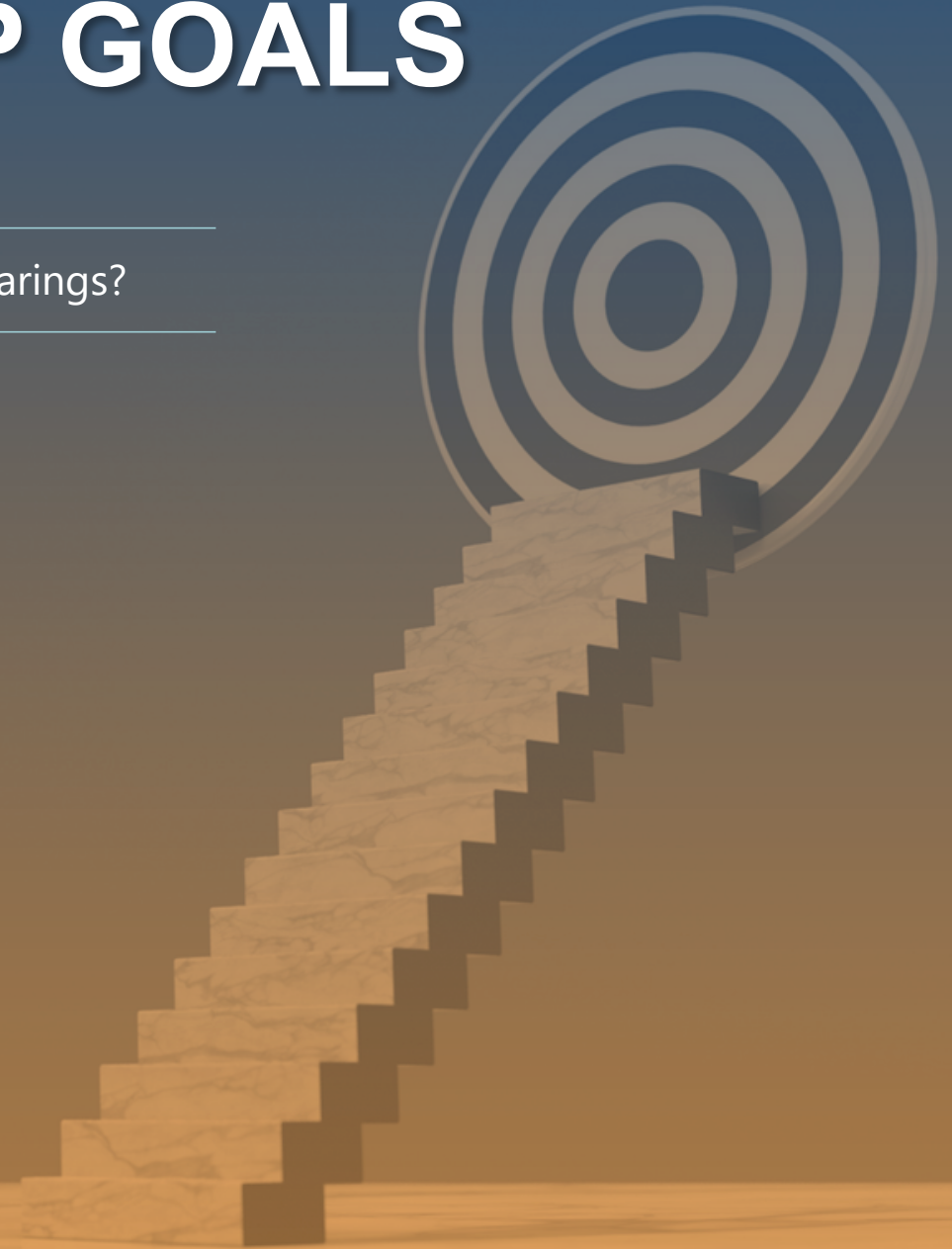
Explore the Fairfax experience in bifurcation of hearings

PARTICIPANT WORKSHOP GOALS

Why did you choose to attend this workshop?

Does your jurisdiction combine or bifurcate adjudication and disposition hearings?

How are disposition recommendations supported in your jurisdiction?



POWER OF CLEAR & ACCURATE INFORMATION

- Information Overload
 - News Shows,
 - Newspapers,
 - Social Media Platforms,
 - Radio Talk Shows
- Research suggests that the human brain can store as much information as the entire internet.
- Researchers also believe that too much information, information pollution, information attack, puts our brain's health at risk. Ability to learn and problem-solving thinking will decrease.
 - Election Results,
 - COVID-19,
 - Vaccines



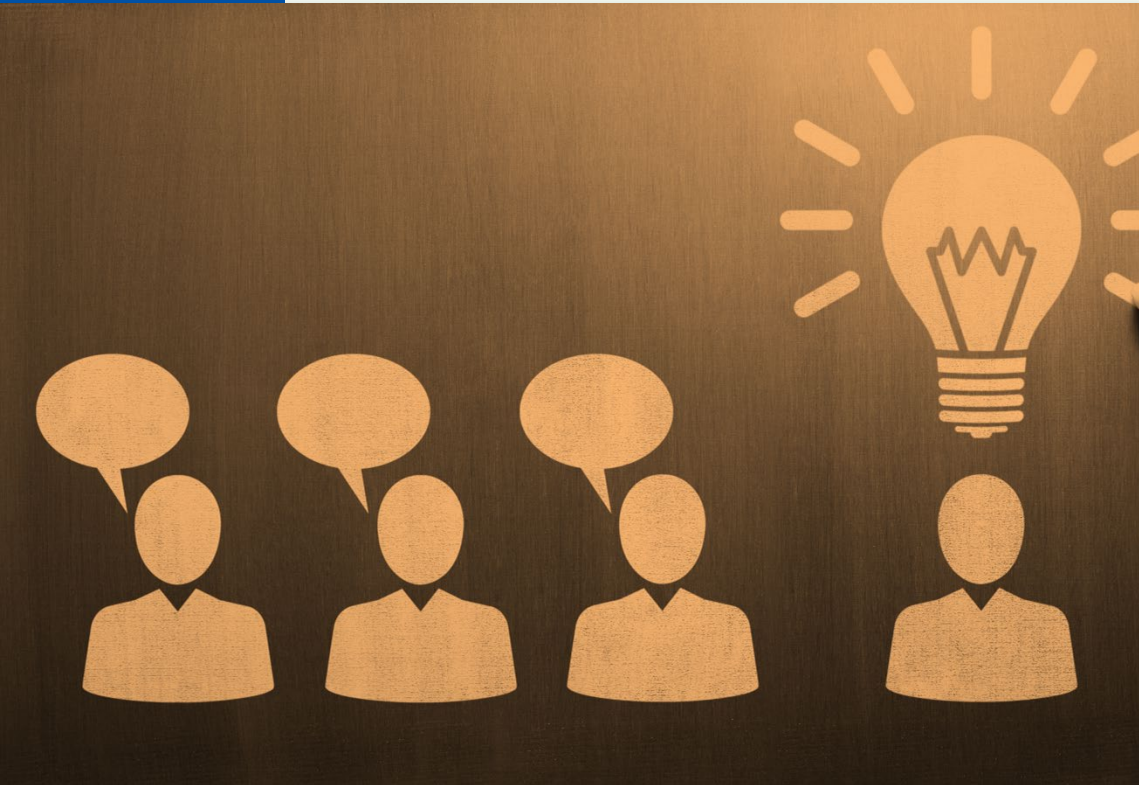
INFORMED DECISION MAKING vs. UNINFORMED DECISION MAKING



Can we agree that:

- Significant life decisions should be made on clear, inclusive and accurate information?
- Unclear, uninformed, and partially informed decision making is not a best practice?
- Final court dispositions in juvenile matters can have short and long-term consequences?
- Unclear, uninformed, or partially informed decision making can have long-term negative impacts on children and families?
- Given the profound impact we as professionals can have on those we serve, ethically and morally, we must assure that all juvenile justice decisions impacting youth and families must be clear, accurate, informed and conclusive?

INFORMED DECISION MAKING vs. UNINFORMED DECISION MAKING



- Decisions about youth and families have both short- and long-term consequences.
- Informed decision making generally produces better outcomes for youth and families.
- Uninformed decisions making can negatively impact youth and family outcomes and do more damage than good
- **Question:** At what major decision point within your system can the availability of clear and accurate information improve decision making?

RESEAR

Jonsson, M. R., & Viljoen, J. L. (2020). What are judges' views of risk assessments, and how do tools affect adolescent dispositions? *Psychology, Public Policy, and Law*

- Mixed methods survey approach – rating & open-ended questions
- Risk assessment tools are used to guide placement and program decisions for judges and other decision-makers
- 81% of judges in survey sample supposed using risk assessment tools for dispositions/sentencing
- Tools are useful for making decisions regarding programming/services
 - They provide more data than would otherwise be available
- Important to consider future risk when making sentencing decisions
- Increases objectivity and consistency
- Assist in diverting low risk adolescents from programs geared toward moderate or high-risk youth
- Facilitate transparency
- Help reduce overincarceration
- Raised concerns about validity, limiting judicial discretion, and bias

Starr, S. B. (2014). Evidence-based sentencing and the scientific rationalization of discrimination. *Stanford Law Review*, 66(4) p. 803-872.

- Courts across US use tools to inform their dispositions in some or all cases

Johnson, J. L. & Kent, C. E. (2019). Federal Presentence Investigation Report: A National Survey. *Federal Probation*, 83,3, p. 28.

- Survey (judges & probation officers)
- Themes from Survey Administration:
 - Judges and officers are generally satisfied with the depth of information provided in PSR
 - Information within the PSR is important for judicial sentencing decisions and officer sentencing recommendations
 - There is some nuance to how judges and officers respond
 - Judges and Officers agree that not all investigative activities are important in all cases
 - In general, Judges expectations for and officers' conduct of investigative activities are consistent





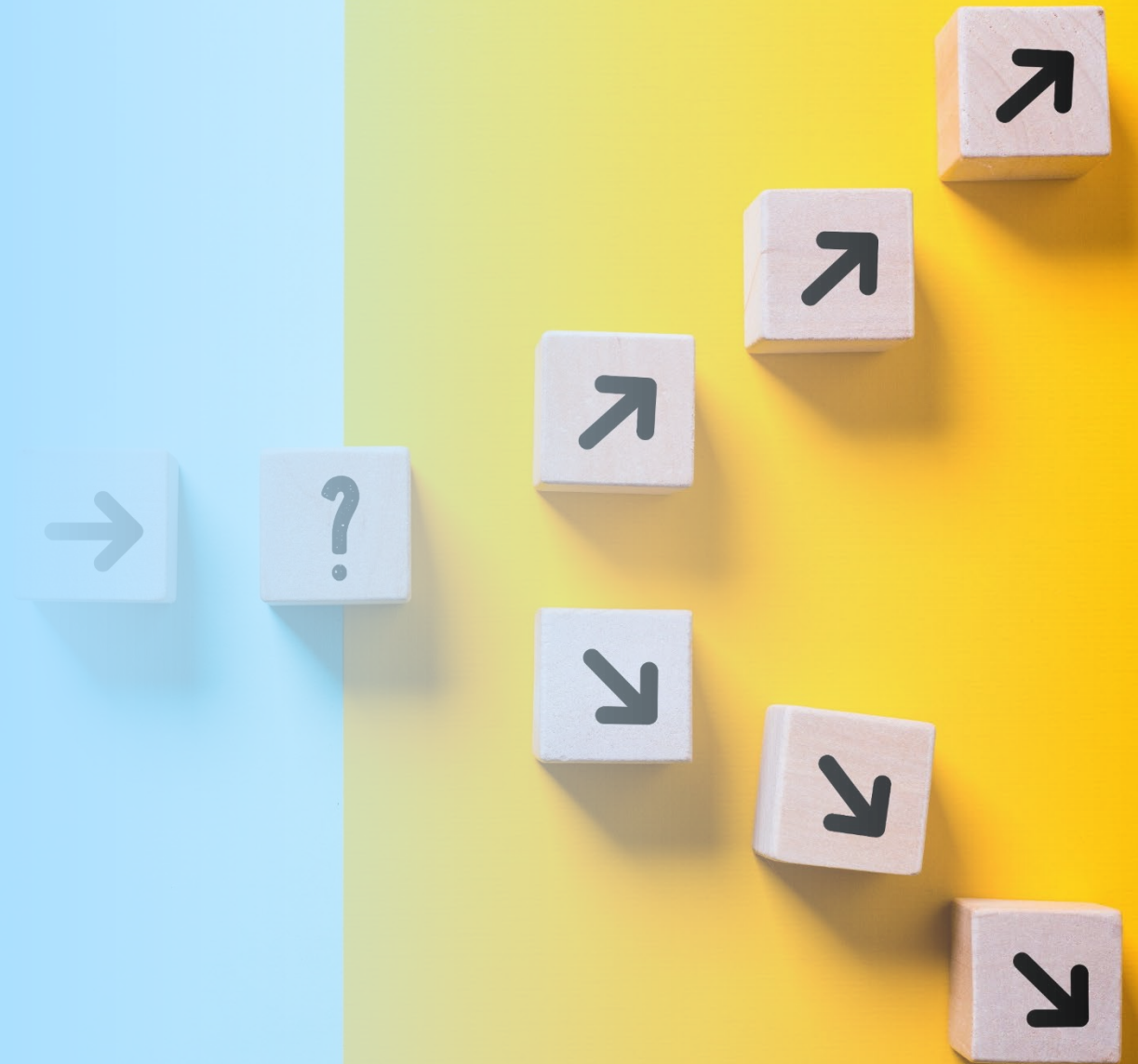
BIFURCATION OF ADJUDICATION HEARING – THE FAIRFAX EXPERIENCE

- Need to Transform Juvenile Justice Practices
- Focus on the over utilization of detention, diversion rates, caseload size, disparities in decision making, making the system youth and family focused vs. system focused
- One area of focus included dispositional decision making
- 90% of all juvenile criminal cases were adjudicated and disposed of at the same hearing
- 90% of all juvenile criminal cases were resolved by plea agreements to charges and dispositions.
- Great racial and ethnic disparities in dispositions

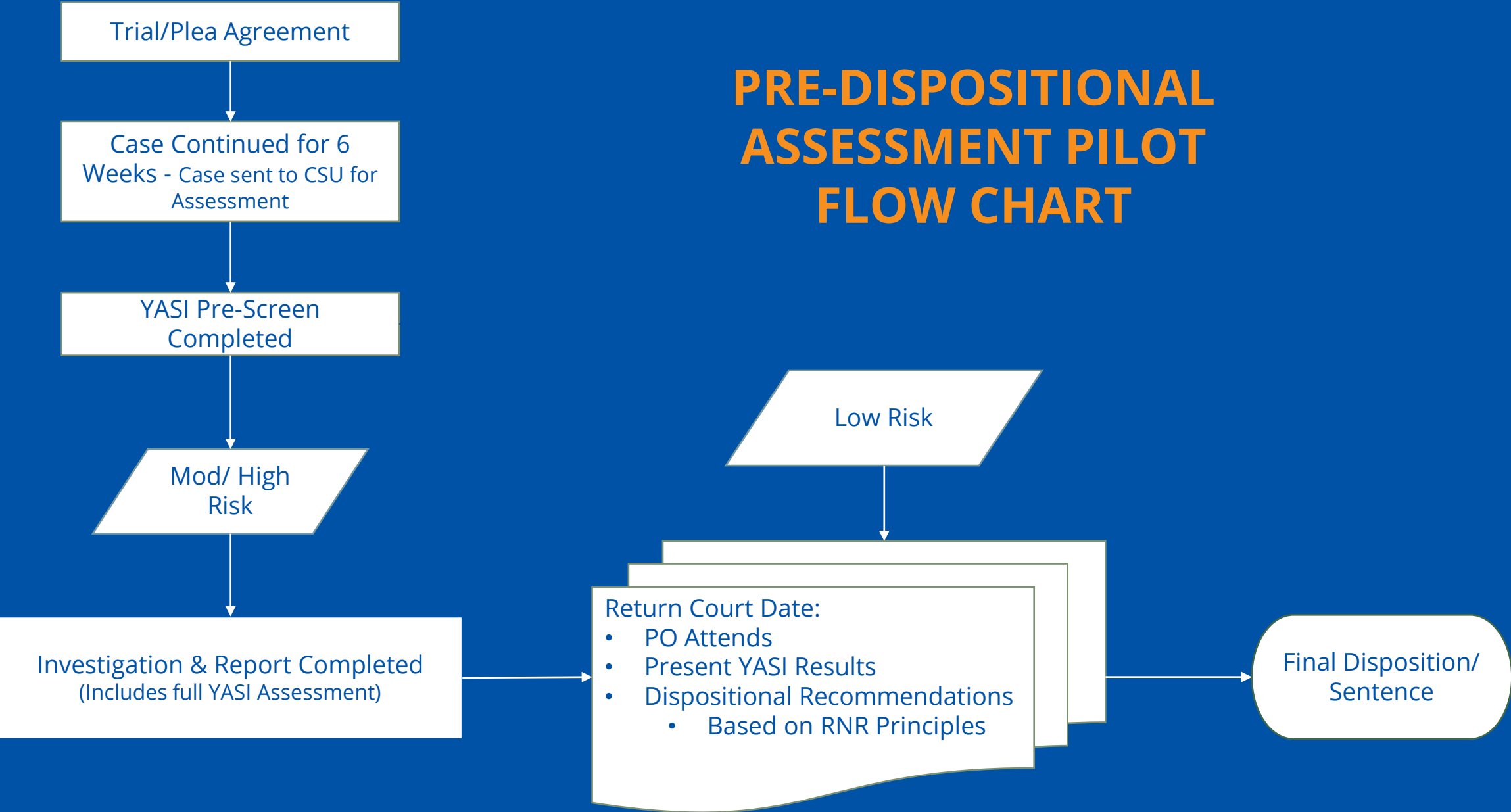
BIFURCATION OF ADJUDICATION HEARING –

THE FAIRFAX EXPERIENCE

- System Stakeholders focus on what's best for the client, not the system.
- Initiative Piloted in Two Courtrooms
- Procedures
- Plea Forms
- Defendant, family, victim explanation

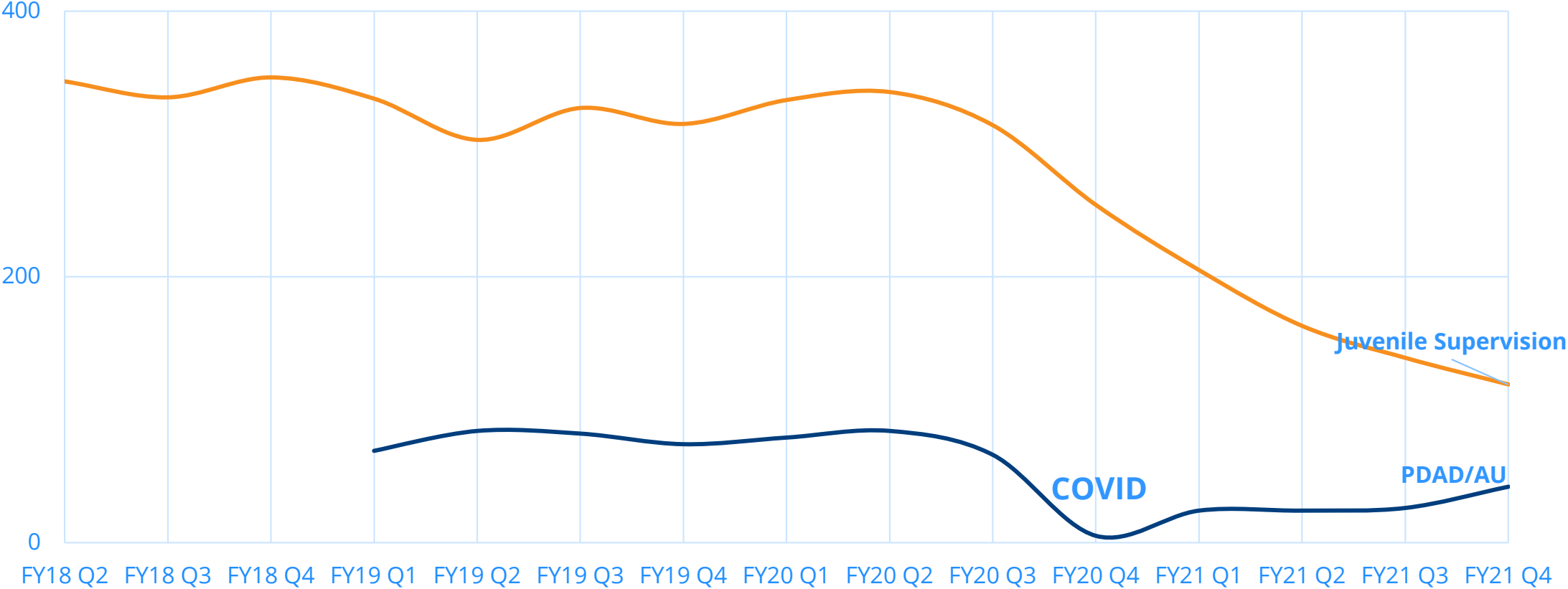


PRE-DISPOSITIONAL ASSESSMENT PILOT FLOW CHART

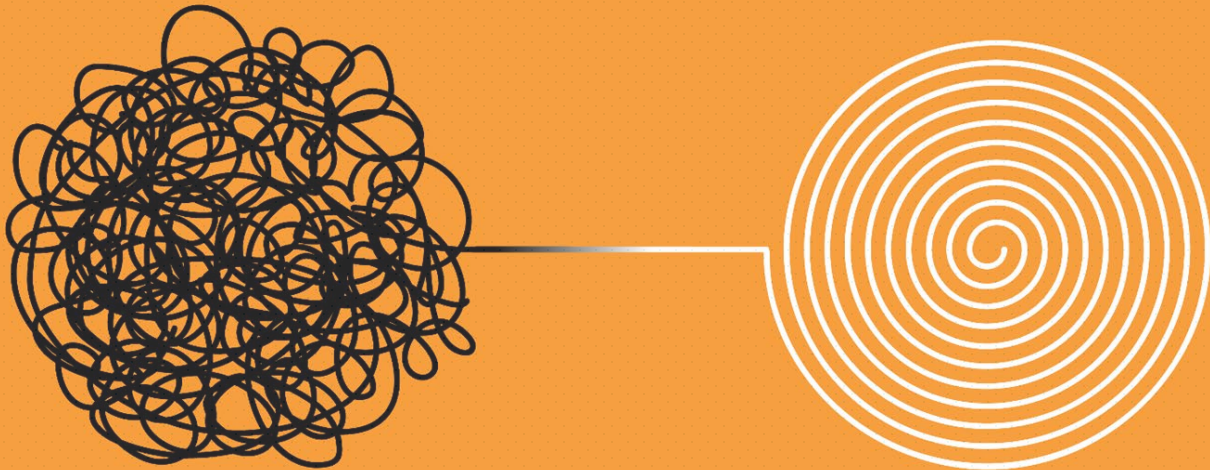


TREND DATA

Fairfax County Juvenile Probation & Assessment Cases



MORE INFORMATION IS BETTER THAN LESS



- Challenges for Defense
- Challenges for Judges
- Challenges for Court Service Unit
- Outcomes vs. Challenges
- Research – Pilot and Post Pilot



**THANK
YOU**