



# **State Plan for the Establishment of Juvenile Detention Services**

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## Resolution

WHEREAS, the Board of Juvenile Affairs is authorized by law to develop, adopt and implement a plan for the establishment of detention facilities and services known as the State Plan for the Establishment of Juvenile Detention Services; and

WHEREAS, the State Plan for the Establishment of Juvenile Detention Services may be amended or modified only by the Board of Juvenile Affairs as necessary and appropriate;

THEREFORE, BE IT RESOLVED, that the Board has not and will not delegate its authority to any person to act on its behalf or to make representations as to the Board's intent in determining the number or geographic location of beds to be included in the State Plan for the Establishment of Juvenile Detention Services.

## History

Prior to 1995, the Department of Human Services was the agency that administered juvenile detention services in the state of Oklahoma. A brief overview of that time is necessary for the understanding of juvenile detention services. In 1978, Governor David Boren directed the Criminal Justice Services Division of the Department of Economic and Community Affairs to conduct a study of the State's detention practices for juveniles. This request was made to address growing concern over the negative effects of incarcerating juveniles in adult jail facilities.

The outcomes of the study documented that in 1979 seven thousand eight hundred (7,800) juveniles were confined in locked facilities. Four thousand one hundred fourteen (4,114) were held in adult facilities. Data collected from the same geographic region in 1980 indicated that rural admissions of juveniles into adult jail facilities had increased to four thousand nine hundred (4,900). Incidents of abuse, mistreatment and loss of life by suicide increased with the rise of incarceration. In response to the study, the Oklahoma Legislature passed reform legislation that prohibited the jailing of juveniles who were alleged to be Deprived or In Need of Supervision. The restrictions for the use of adult jails broadened in 1982 when the legislature mandated that "after July 1, 1985, no child may be detained in any jail, adult lockup or other adult detention facility." In 1982, the Oklahoma Commission of Human Services was given a statutory mandate to "develop and implement a plan for juvenile detention services." The initial "Plan for Juvenile Detention Services" was adopted in February 1984; now this document is known as the State Plan for the Establishment of Juvenile Detention Services (State Plan).

The original plan called for a system of short-term and full-service facilities. The two (2) short-term facilities were to hold juveniles up to five (5) days and were not required to provide the youth with educational or recreational services. The five (5)-day time frame

was later changed to fifteen (15) judicial days. After fifteen (15) days, youth would be transferred to a full-service facility and provided a variety of services including education and recreation. However, this system never fully came online. The State Plan was again modified in 1994. Additional secure detention services were added, and the two short-term facilities were converted into full-service facilities. Transportation services are an integral part of the State Plan. Legislation was passed in 1994 directing county sheriffs, their designee, private contractors, or juvenile court officers to provide transportation services to and from secure detention for the purposes of admission, inter-facility transfer, discharge, medical or dental attention, court appearance or placement.

In 1995, in response to the Terry D lawsuit, the Office of Juvenile Affairs (OJA), was created and given statutory authorization over the Oklahoma juvenile justice system. A major directive in the Terry D lawsuit was the philosophy that when a youth sent to an out-of-home placement that placement needs to be both the smallest population possible and close to their local community. This change started with detention facilities, now commonly referred to as juvenile detention centers. To address additional issues the detention centers are required to be certified by OJA's Office of Public Integrity (OPI). Juvenile detention centers must meet standards for certification promulgated by the Board of Juvenile Affairs (Board), the body responsible for juvenile detention facilities and services. The standards shall include, but are not limited to, screening for detention, providing education, providing recreational and religious programming, and providing emergency medical care including dental and mental health care. In 1997, the Board authorized OJA to explore the need for additional secure detention beds in north and south-central Oklahoma. OJA examined the need for additional detention beds and at the time it appeared that although there were geographical gaps, there was not a need for additional beds and no new detention facilities were built.

The State Plan was revised in 2008 to reflect changes in trends. Arrest and admissions data reflected a need to either expand the six (6) bed centers or add an additional two (2) detention centers. This expansion did not occur as OJA began an effort to diligently educate local judiciary, district attorneys and law enforcement to reduce the numbers of youth inappropriately placed in secure juvenile detention centers. Although youth are placed in secure detention through a judge's court order, OJA has been more active and vocal in recommending youth not be placed in detention if they do not meet the statutorily defined criteria. These efforts have helped reduce the inappropriate placement of youth in juvenile detention centers.

Other recommendations, in 2008, included placing the youthful offender population on separate pod/units within juvenile detention centers so that they would not be housed with younger, non-violent or less aggressive offenders. New legislation, in 2016, prohibited status offenders from being detained solely on a status offense or violations of a valid court order. This legislation, coupled with increased education of stakeholders, has led to a reduction in low-level offenders being detained and, therefore, the need for separation is not as imperative as in 2008. The federal Juvenile Justice and Delinquency Prevention (JJDP) Act, reauthorized in 2018, required Oklahoma to revise the Youthful Offender Act regarding their eligibility for placement into adult jails.

Youth with mental health needs have placed additional stress on the detention centers, the youth and their families. The ability of these centers to obtain adequate mental health screenings and services plays a vital role. For youth, who have been determined to have a serious mental and/or behavioral health need, efforts began to screen these youth out of detention and into more appropriate settings. In addition, funding has been approved by the Board to initiate mental health services for youth in detention centers. Appropriate referrals should be made for mental health services to include in-home crisis management, inpatient mental health services and wraparound services for the youth and their family in the community.

Additionally, Section 2-7-401 of Title 10A of the Oklahoma State Statutes, addresses the Juvenile Detention Improvement Revolving Fund. OJA continues to recommend the Legislature appropriate monies to allow for capital improvements to juvenile detention centers. OJA began to fund capital improvements, and will continue this funding, if funding is available.

In 2019, the Board updated the 2008 State Plan. The modified State Plan focused on nine (9) changes for OJA to focus on over the next five (5) years. Between 2019 to 2024 OJA accomplished addressing the following changes: placing limitations on detaining youth under the age of twelve (12); OJA paying one hundred percent (100%) of OJA custody youth awaiting out-of-home placement in detention; expanding the use of technology for youth to attend court hearings virtually or by phone, and adjusting the detention rates so that six (6) bed facilities were not being paid a rate higher than an eight (8) bed facility. In addition to those changes, OJA under the recommendation of the BKD Performance Assessment, worked to “right-size” detention, this work started with the 2019 State Plan adoption that included a Formula to Determine Annual Contracted Bed Need. This Formula, in conjunction with the Covid-19 pandemic, allowed OJA to collect data necessary to continue to use data informed decisions to annually adopt the contracted beds for detention every year.

## Oklahoma Law on Secure Detention

It is imperative to the people and the children of Oklahoma, that the use of secure detention for juveniles is utilized in accordance with Oklahoma law. See [10A O.S. § 2-3-101](#). When a child is taken into custody pursuant to the provisions of the Oklahoma Juvenile Code, the child shall be detained only if it is necessary to assure the appearance of the child in court or for the protection of the child or the public.

### **Lawful Use of Detention** – See [10A O.S. § 2-3-101\(A and B\)](#)

A. When a child is taken into custody pursuant to the provisions of the Oklahoma Juvenile Code, the child shall be detained only if it is necessary to assure the appearance of the child in court or for the protection of the child or the public.

1. a. No child twelve (12) years of age or younger shall be placed in a juvenile detention facility unless all alternatives have been exhausted and the child is currently charged with a criminal offense that would constitute a felony if committed

by an adult and it has been indicated by a risk-assessment screening that the child requires detention. The detention of any child twelve (12) years of age or younger shall be judicially reviewed pursuant to subparagraph c of this paragraph.

b. Any child who is thirteen (13) or fourteen (14) years of age may be admitted to a juvenile detention facility only after all alternatives have been exhausted and the child is currently charged with a criminal offense that would constitute a felony if committed by an adult and it has been indicated by a risk-assessment screening that the child requires detention.

c. No preadjudicatory or predisposition detention or custody order shall remain in force and effect for more than thirty (30) days...

B. No child shall be placed in secure detention unless:

1. The child is an escapee from any delinquent placement;
2. The child is a fugitive from another jurisdiction with a warrant on a delinquency charge or confirmation of delinquency charges by the home jurisdiction;
3. The child is seriously assaultive or destructive towards others or self;
4. The child is currently charged with any criminal offense that would constitute a felony if committed by an adult or a misdemeanor and:
  - a. is on probation or parole on a prior delinquent offense,
  - b. is on preadjudicatory community supervision, or
  - c. is currently on release status on a prior delinquent offense;
5. The child has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings;
6. A warrant for the child has been issued on the basis that:
  - a. the child is absent from court-ordered placement without approval by the court,
  - b. the child is absent from designated placement by the Office of Juvenile Affairs without approval by the Office of Juvenile Affairs,
  - c. there is reason to believe the child will not remain at said placement, or
  - d. the child is subject to an administrative transfer or parole revocation proceeding.

**Preadjudicatory or Predisposition Detention – 30 Day Limit** – See [10A O.S. § 2-3-101\(A\)\(1\)\(c and d\)](#)

c. No preadjudicatory or predisposition detention or custody order shall remain in force and effect for more than thirty (30) days. The court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed sixty (60) days. If the child is being detained for the commission of a murder, the court may, if it is in the best interests of justice, extend the effective period of such an order an additional sixty (60) days.

**Detention Review Hearing – Every 15 Days** – See [10A O.S. § 2-3-101\(A\)\(1\)\(d\)](#)

d. Whenever the court orders a child to be held in a juvenile detention facility, an order for secure detention shall remain in force and effect for not more than fifteen (15) days after such order. Upon an application of the district attorney and after a hearing on such application, the court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed fifteen (15) days after such hearing. The total period of preadjudicatory or predisposition shall not exceed the ninety-day limitation as specified in subparagraph a of this paragraph.

**Sanctions for Probation Violations – 5 DAYS** – See [10A O.S. § 2-2-503 \(A\)\(7\)\(f and g\)](#)

f. sanction detention in the residence of the child or facility designated by the Office of Juvenile Affairs or the juvenile bureau for such purpose for up to five (5) days, order weekend detention in a place other than a juvenile detention facility or shelter, tracking, or house arrest with electronic monitoring, and

g. impose consequences, including detention as provided for in subparagraph f of this paragraph, for postadjudicatory violations of probation.

### **State Plan for Secure Detention Services**

The focus of the State Plan is to establish an effective balance between detention alternatives and secure detention services. Throughout the state, alternative programs are in place (although they need to be further enhanced) and secure juvenile detentions exist in strategic geographic locations. This system helps to ensure adequate protection of the public from those juveniles who are violent, aggressive, habitual offenders and, also, helps ensure that youth considered to be flight risks appear for their scheduled court hearings.

The appropriate use of detention and detention alternatives safeguards against further traumatizing youth who have encountered law enforcement. Oklahoma has consistently been recognized as leading the nation in childhood adversity, with 28.5% of Oklahoma children experiencing 2 or more ACEs. Frequently, children in the juvenile justice system score high on the ACEs matrix. (Beaman, Miner, and Bolinger, *Quantifying Adverse Childhood Experiences*). The youth that meet this statistic have dealt with childhood trauma, and this could be further impacted if the youth is inappropriately ordered into secure juvenile detention. It is imperative to the mental and physical health of Oklahoma's children and their future that the use of secure detention is limited to the children that meet statutory requirements for detention and that detention stays are continuously assessed for appropriateness and are as brief as possible. OJA will continue to strive towards the best practices in juvenile detention, as outlined below.

1. There will always be a percentage of Oklahoma youth who require secure detention services, OJA's hope is that these numbers continue to decrease across the State. Every effort has been made, and will continue to be made, to establish a statewide system that will be neither quickly outgrown nor overbuilt.
2. Within twenty-four (24) hours of admission into a juvenile detention center, the youth shall be administered the MAYSI-2. For youth who score for Caution or Warning for Suicide Ideation a referral to the Youth Crisis Mobile Response Unit will be made and local JSU staff/liaisons notified for further assistance and location of available beds. For youth who score Caution or Warning on all additional scales, notification will be made to local JSU staff/liaisons for appropriate service referrals.
3. Prior to requesting a youth being detained, a standardized and OJA approved detention screening shall be completed on youth. This will give all parties the level of risk a youth poses to the community and if further detention is necessary or appropriate.
4. Education must be provided to youth in accordance with the State Department of Education minimum standards and not less than four point twelve (4.12) hours per school day or as required by the State Board of Education. The local school district or an OJA approved alternative is responsible for providing educational programming. Detention centers are only required to provide summer school if the local school district provides this to the entire community. OJA will continue to appropriately work with detention facilities to address detained youth's education needs.
5. OJA will continue to use the adopted formula to make data-informed decisions for each fiscal year on the number of contracted beds needed. Additionally, they will continue to review the effectiveness of the formula and propose adjustments to the Board as needed.
6. OJA, in consultation with detention providers, will annually report to the Board data on the use of juvenile detention and a proposal on contracted beds for the next fiscal year. The Board approved contracted beds will be added as an amendment to the State Plan.
7. The Board shall perform a comprehensive review of the State Plan at a minimum of five (5) years from the date of last year's approval.
8. OJA commits to communicating and collaborating with detention providers on major revisions to the state plan for detention.

## State Plan for Alternative Detention Services

The development and support of community-based alternatives to detention programs played an important role in the formulation of the State Plan. OJA is currently, as funding allows, maintaining funding for the following alternatives to detention: electronic monitoring and youth services shelter care.

Screening guidelines were adopted by the Senate Joint Resolution (SJR) 13 Judicial Oversight Committee for the Oklahoma Supreme Court in 1984. These screening guidelines are crucial to the success of the detention plan for both alternative detention services and secure detention. These guidelines are used in each of the seventy-three (73) non-metro counties and are provided to the four (4) metropolitan counties (Oklahoma, Tulsa, Comanche and Canadian) where screening is conducted by juvenile bureau operators, or their designees. When juveniles are screened at the time of their apprehension, a better determination of the appropriateness of detention alternatives can be made. Juveniles being screened for detention shall be administered a standardized and approved OJA detention screening.

When deemed appropriate, a “promise to appear” contract may be initiated by law enforcement to release the juvenile to his/her parents or other responsible adult who will assure that the juvenile appears for an intake interview with the OJA or the juvenile bureau.

Crisis Intervention Centers (CIC) are short-term holding facilities used for juveniles taken into custody by law enforcement for an alleged law violation and for whom detention is unavailable or inappropriate. Juveniles may be held in a CIC for a maximum of twenty-four (24) hours prior to being released to their parent, guardian, attorney or responsible adult. The juvenile and his/her parent are required to sign a release or a “promise to appear” as described above. CIC’s are staff secure and can be open twenty-four (24) hours a day, seven (7) days a week. CIC’s are funded through the municipalities, who they contract with, and are no longer funded by the OJA. It could be beneficial to explore rates to fund additional preventative services, which could be implemented in existing CICs. CICs are currently located in El Reno, Enid, Oklahoma City, and Tulsa.

Attendant care is a service designated to meet the needs of juveniles who require short-term supervision or crisis intervention. Attendant care must be authorized by the court and is administered in the local community. An attendant remains with the juvenile until the circumstances requiring the intervention no longer exist. This program has been ideal for alcohol and drug related offenses, juveniles who are flight risks, or juveniles who are exhibiting behaviors for which they would normally be returned home if a responsible adult could be located. Attendant care has worked well in smaller, rural areas and this is one of the community-based alternatives OJA would like to bring back into the array of services.

Electronic monitoring expands on the ability to account for the juvenile’s whereabouts through the use of electronic equipment as well as a daily tracking schedule and itinerary.



The use of an electronic monitor can be utilized as a condition of their release from detention or as an alternative to detention, ordered by the local Judge, during normal working hours. The use of electronic monitoring should be expanded, statewide, as an alternative to detention for youth who can be served in the community with added structure, accountability and services. The use of a universal assessment or screener could aid courts in determining potential candidates for this alternative.

Children Emergency Resource Centers (CERC) are youth shelters that can as alternatives to secure detention and provide structured, residential care to juveniles. Shelter programs provide around-the-clock staffing patterns and programming for crisis intervention, twenty-four (24) hours a day, seven (7) days a week. In a partnership with youth service agencies, OJA has been able to increase the use of these shelter beds with juvenile justice involved youth. Additionally in 2019 the Board of Juvenile Affairs approved a rate to pay CERCs an additional \$20.00 per bed day used added on to the tier rate being billed for the youth.

In certain rural areas, it may be determined that the best and most cost-effective alternative is for OJA to provide enhanced transportation and/or law enforcement support either directly or by subcontracting with County Sheriffs.

These types of alternatives to detention play a vital role in the success of the State Plan by allowing appropriate youth to avoid admission or extended stays in a secure juvenile detention.

### Formula to Determine Annual Contracted Bed Need

Juvenile detention center sites are determined by several factors. Those factors include arrest data, analysis of the juvenile population, and the number of admissions to detention, geographic factors such as access to major transportation arteries and distance from other detention centers, community support and services, number of existing detention beds, adequate funding and other factors of need.

The following formula will be used with variations depending on if use is declining, increasing or holding steady.

Projected Need determined by analysis of prior budget cycle (process is described below)

#### **Less**

Number of beds used during the prior budget cycle that according to JOLTS data were not eligible for detention

#### **Plus**

Adjustment for known changes to the system that will increase bed demand (pending changes in rules and/or law)

#### **Plus**

5 to 10% cushion to account for temporary fluctuations as a conservative factor

**Less**

Adjustment for implementation of alternatives to detention as outlined in the State Plan

**Less**

Adjustment for youth detained awaiting OJA placement – reallocate funding from detention to therapeutic placements.

Process for determining “Projected Need” as used in the above formula

- If prior year demonstrates a decline in need, projected need shall be the average demand of the last ninety (90) days.
- If prior year demonstrates an increase in need, projected need shall be the average demand for the last thirty (30) days plus an escalation of beds by quarter equal to the amount suggested by the statistical slope of the trend line based on a bed utilization timeline plotted in Cartesian coordinates. If need exceeds available capacity and budget, then the normal process of seeking additional resources will be employed.
- If need is relatively stable, based on the trend line, then the prior year’s State Plan will be continued.

To account for temporary upward fluctuations in this formula, OJA may also contract for additional beds on an as needed basis. If a detention center has certified beds that are not part of the standing capacity contracted by OJA, OJA may elect to contract for one (1) or more of these beds. Payment for these beds shall not exceed the daily rate established for the detention center and will only be paid if the bed is utilized.

Prior to each budget year OJA will issue the Projected Need calculation in August for the previous fiscal year. This data will be used in production of the budget request for the upcoming year. A second Projected Need calculation shall be conducted prior to the budget work program being filed in June or July. If the projected need indicates changes to the number and location of beds for the detention system and if contracts have already been issued for the next fiscal year, modifications to the contracts will be issued.

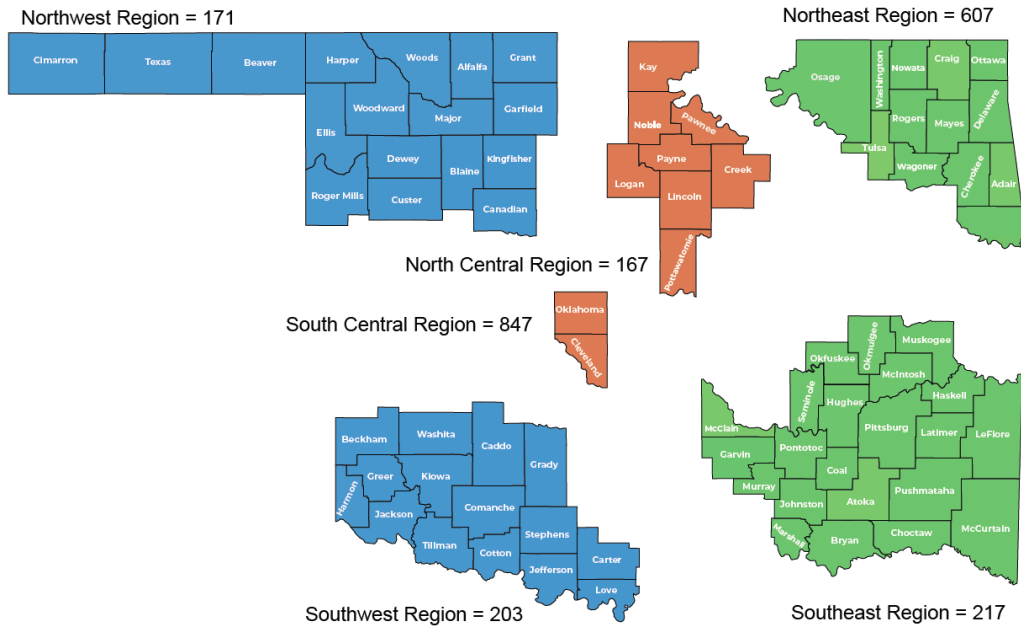
This formula is summarized as follows:

Formula for Determining Contracted Bed Needs
Projected Need based most recent trend line
Plus 10% normalizing/conservative factor
Less unlawful detention stays (status offenses - adjusted for accuracy)
Less youth that would be better served in alternatives to detention of misdemeanors and judicial orders (adjusted for accuracy)
Less increase in therapeutic beds up to average youth in detention waiting placement
Plus/Less Any necessary adjustments for the average Length of Stay for Youthful Offender or Juveniles pending Conviction on Adult Charges
Projected Secure Detention Bed Need for FY2020

## Current Site Locations and Capacities

The State Plan outlines a system of secure juvenile detention facilities strategically located throughout the state.

The map below shows the number of detention beds utilized in each Juvenile Service Unit Region for FY2025.



The following chart depicts the licensed beds, along with the current contracted beds.

County	Licensed Beds	FY26 Contracted
Canadian County	21 (-7 for CIC)	10
Cleveland County	28	26
Comanche County	25	25
Craig County	18	16
Creek County	16	6
Garfield County	11	10
LeFlore County	10*	0
Oklahoma County	78	50
Pittsburg County	10	10
Pottawatomie County	14	12
Tulsa County	34	34
Woodward County	10	8 (+2 for Texas County)
<b>TOTAL</b>	<b>275*</b>	<b>209</b>

## Proposed Rule, Policy, Contractual Language, and Legislative Changes

The following are areas of consideration for changes to the current system.

### **1. Mental and Behavioral Health Services**

The growing partnership between OJA and ODMHSAS has allowed for youth to more quickly access mental and behavioral health services. However, the need for these services continues to grow across the state, OJA will continue to work with ODMHSAS to continue making sure detained youth receive care. Additionally, OJA is working with the University of Oklahoma Health Sciences Center, on access to acute services at their new behavioral health center. ODMHSAS continues to establish Urgent Recovery Centers (URC) across the state. OJA will assist in establishing a connection between these programs and their utilization as deemed appropriate on an individualized basis.

As funding allows, OJA will continue its work to find and collaborate with agencies to provide attendant care for youth that may be in the hospital pending placement or assessment for mental and/or behavioral health services.

OJA will assist with growing the partnerships between detention centers and local youth service agencies to provide services to youth in detention under the approved rates.

OJA will continue to coordinate with the Medicaid expansion and how those services will impact the youth placed in detention.

### **2. Expansion of Education Services**

OJA is working to statutorily expand access to the Oklahoma Youth Academy Charter School for youth not in the custody of OJA. This would allow detention facilities to use OYACS for educational programming. For youth detained and awaiting placement at the Central Oklahoma Juvenile Center (COJC) this will provide continuity of education services. Additionally, through the proposed expansion, this may allow youth to receive summer school programming through OYACS if their local district is not providing those services.

### **3. Partnerships with Youth Service Agencies and Detention Centers**

Local OJA juvenile service unit offices will work with the local youth service agency and juvenile detention center to develop a Resource List for their communities to distribute to youth and families.

#### **4. Independent Financial and Programmatic Audit of Detention Center Operations**

As needed, give authorization for OJA to perform (at OJA's cost) an independent financial and programmatic audit of the detention center operations. This will allow for a more accurate analysis which will aid in the development of fair and equitable rates and standards for secure detention.

#### **5. Unlawful Use of Detention Beds**

If it is determined, by OJA, that detention beds were utilized for unlawful detention services, OJA may recoup or withhold payment for the daily rate of the bed. If a third party provides detention services for the county, and payment is assigned to the third party, OJA will pay the daily rate to the third-party provider and then charge the county for the unlawful use of the bed. If the county operates the detention center, payment will be reduced on the next claim after discovery of the unlawful use of the secure detention bed.

#### **6. Training Expectations**

OJA will continue its work to provide information through trainings and presenting at conferences attended by juvenile justice stakeholders including but not limited to county commissioners, members of the judiciary, district attorneys, and detention administrators about the appropriate use of juvenile detention.

#### **7. Regional Bed System**

OJA is committed to verifying all counties in the state of Oklahoma have access to juvenile detention beds. To achieve this commitment, OJA will be working with each county to make sure they have at least one contract with an existing juvenile detention center.

If needed, OJA will propose adjustments to the Board on amending the number of contracted beds to meet the needs of the regional system.

### **Conclusion**

As the state of Oklahoma's juvenile justice system continues to use a research based, data driven, service provision system it is imperative that we continue the work to right size the number of detention beds and ensure those beds are being used appropriately. This will lead to better outcomes for young people and their families in addition to their local community. OJA will continue to work with detention providers to ensure public safety, education and mental health needs are met for youth requiring detention services. The continued monitoring of contracted beds and the appropriate use of juvenile detention, allows both OJA and the counties of Oklahoma to be fiscally responsible with taxpayer dollars.

Adopted by the Board of Juvenile Affairs the 19th day of August, 2025.

## References

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