

Evidence-based Alternative Responses and Diversion Practices – Road Map to Success

A Comprehensive Approach to Enhanced Diversionary Practices and Approaches



Robert F. Kennedy National Resource Center for Juvenile Justice

<https://rfknrcjj.org/>

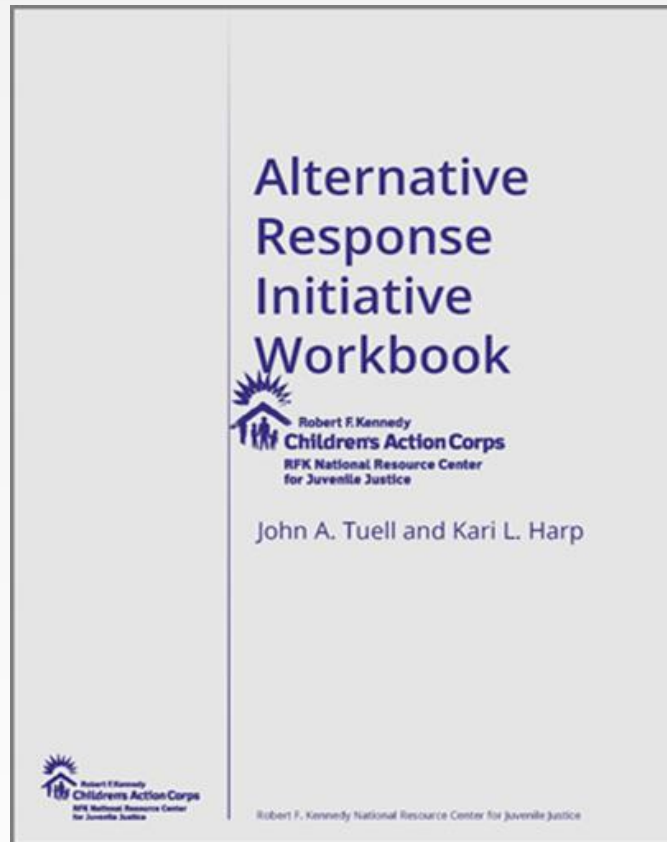


Team Work Plan Development

Alternative Responses

Goal	Action Steps	Responsible Parties	Notes

Alternative Response Initiative Workbook



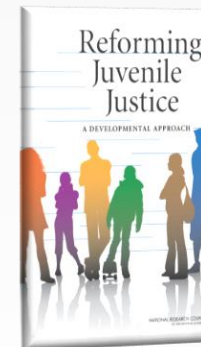
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Research Foundation

Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Best Practice

Adolescents differ from adults and children:

- Less capacity for self-regulation in emotionally charged contexts
- Heightened sensitivity to proximal external influences (e.g., peer pressure and immediate incentives)
- Less ability than adults to make judgments and decisions that require future orientation



DEVELOPMENTAL REFORM IN JUVENILE JUSTICE:

Translating the Science of Adolescent Development to Sustainable Best Practice

By John A. Tuell, with Jessica Heldman and Kari Harp

INTRODUCTION

The goals, practices, policies, outcomes, and operations of the juvenile justice system and its affiliated youth-serving partners should be informed by the growing body of research and knowledge about adolescent development. The research that was effectively synthesized in the 2013 National Research Council report recognized that adolescents differ from adults in three important ways:

- Adolescents are less able to regulate their own behavior in emotionally charged contexts.
- Adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards.
- Adolescents are less able to make informed decisions that require consideration of the long term.¹

These adolescent characteristics provide the foundation for the adoption and implementation of developmentally informed practices, policies and procedures that have proven effective in achieving the primary responsibilities of the juvenile justice system, which include accountability, prevention of re-offending, and fairness and equitable treatment. Unfortunately, and all too frequently still in current practice, the goals, design, and operation of the juvenile justice system are not informed by this growing body of knowledge.

As a result, the outcomes are more likely to be negative interactions between youth and justice system officials, increased disrespect for the law and legal authority, and the reinforcement of a deviant identity and social disaffection.² The challenge going forward includes increasing the numbers and array of system practitioners who understand and embrace the research findings and implications; adopting systemic youth and family intervention practices across the spectrum of key decision points directly impacting the primary goals of the juvenile justice system; and creating and maintaining quality assurance methodologies that ensure fidelity to these principles and practices.

Upon closer examination of the origins of the research over the past decade, there is evidence of significant changes in brain structure and function during the period of adolescence³ that has resulted in a strong consensus among neuroscientists about the nature of these changes. Much of this work has resulted from advances in magnetic resonance imaging (MRI) techniques that provide the opportunity to safely track the development of brain structure, brain function, and brain connectivity in humans.⁴ The evidence suggests that the three previously highlighted cognitive tendencies are linked to the biological immaturity of the brain and an imbalance among

¹ Ibid.

² Scientifically, adolescence has no precise chronological onset or endpoint. It refers to a phase in development between childhood and adulthood beginning at puberty, typically about 12 or 13, and ending in the late teens or early twenties. Generally speaking when referring to an adolescent the focus is on those persons under age 18.

³ Steinberg, L. (2009). Adolescent Development and Juvenile Justice. *Annual Review Clinical Psychology*, Vol. 5, 459-485.

⁴ National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>

<https://rfkncrj.org/resources/special-topics-developmental-approach-to-reform/>

John A. Tuell, with Jessica Heldman and Kari Harp (September 2017)

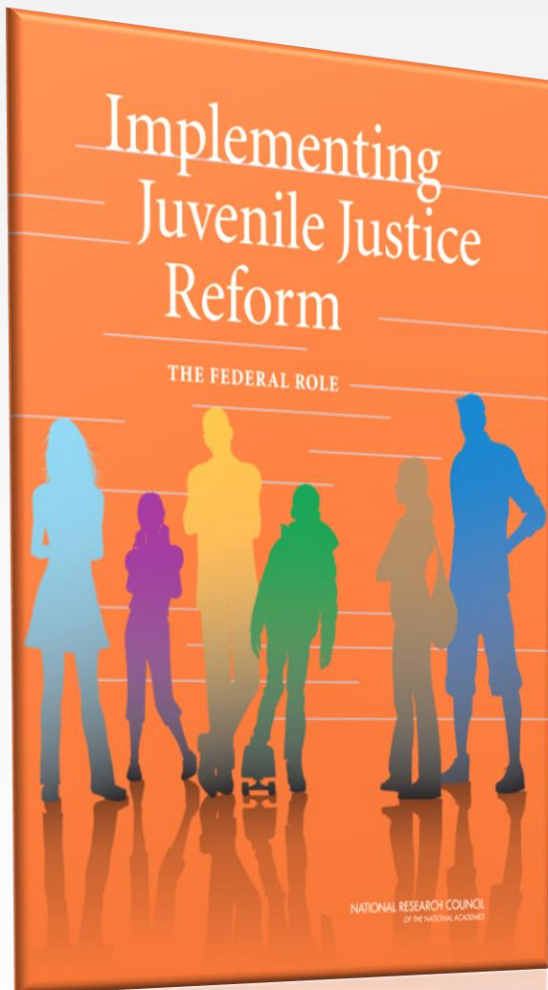
Research Foundation

7 studies on the impact of diversion from formal prosecution reflects:

- 1. Youth who were formally adjudicated had higher recidivism rates than youth who were assigned to diversion programs, even when various differences in the groups in case characteristics were controlled.**
- 2. Youth who were diverted to services in the community had a lower re-offending rate than adjudicated youth.**
- 3. Youth outcomes for those diverted without services (e.g., simply reprimanded and dismissed) were not statistically different from non-diverted youth in re-offending rates.**

Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Review*, 1, 1-88.

Strategic Plan for Developmentally Informed Juvenile Justice Reform



7 hallmarks of a developmental approach to juvenile justice:

- **Accountability without criminalization**
- **Alternatives to justice system involvement**
- **Individualized response based on assessment of needs and risks**
- **Confinement only when necessary for public safety**
- **A genuine commitment to fairness**
- **Sensitivity to disproportionality & disparate treatment**
- **Family engagement**

Alternative Response Initiative – Sought Impact

7 primary themes identified by communities explaining why such diversionary approaches were developed:

- 1) reducing recidivism**
- 2) providing treatment and intervention services**
- 3) avoiding labeling and/or iatrogenic effects**
- 4) reducing system costs and**
- 5) reducing unnecessary social control***
- 6) Impacting reductions is minority overrepresentation**
- 7) Preserving workforce and service resources for higher risk youth**

** Juvenile Diversion Guidebook.* Center for Juvenile Justice Reform, National Center for Mental Health and Juvenile Justice, National Juvenile Defender Center, National Youth Screening and Assessment Project, and Robert F. Kennedy Children's Action Corps. Page 11. March 2011.

Critical System Partners in a Comprehensive Alternative Response Initiative

- Judiciary
- Prosecuting Attorney
- Public Defense
- Court/Intake
- Referral Sources (Law enforcement, Schools, Child Welfare / child protection)
- Victim (Victim rights/advocates)
- Community members (youth, family, supports)
- Community treatment and intervention providers

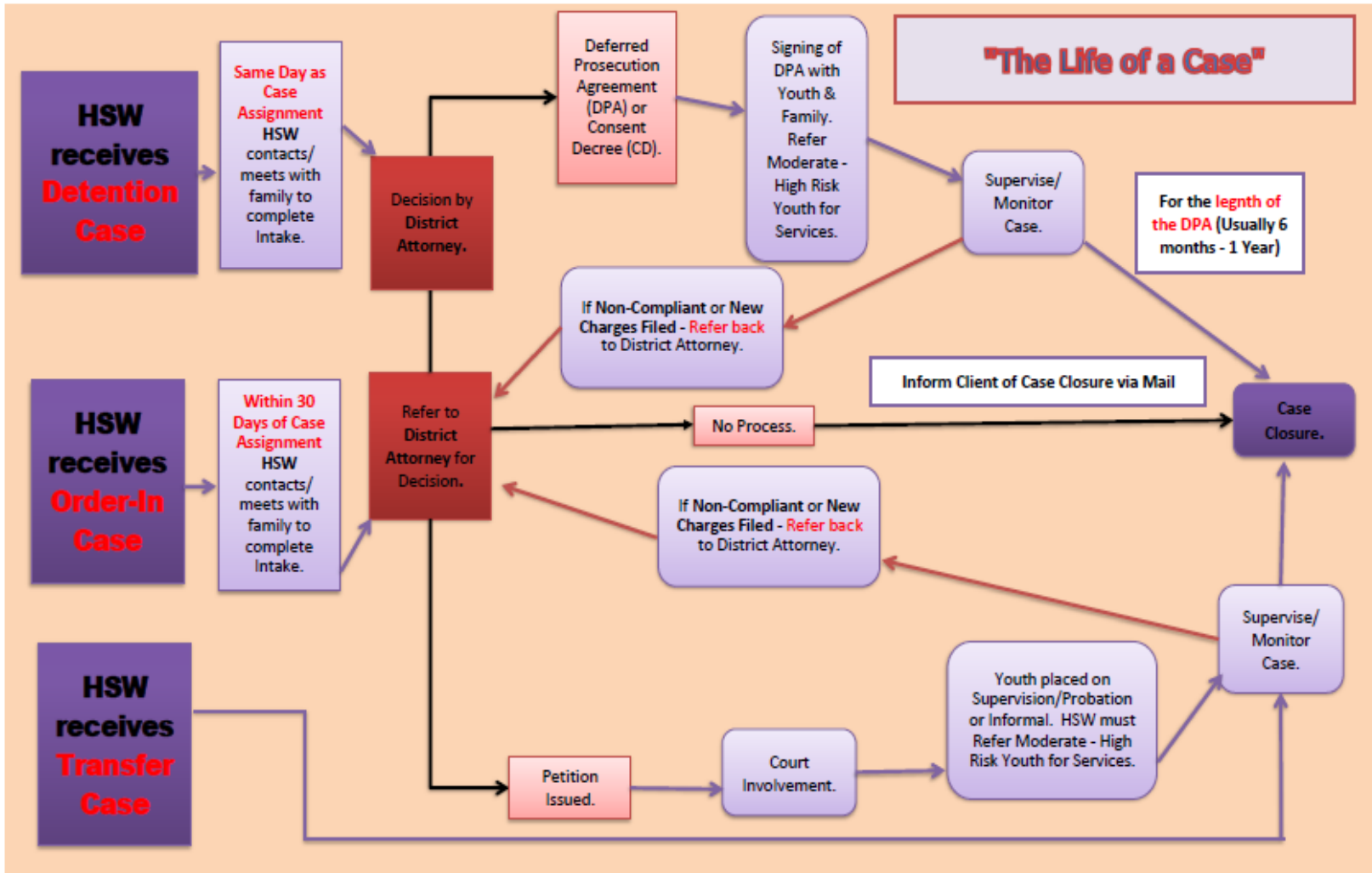


Methodologies within a 5 Step Process

Preparation → Analysis → Findings → Action Planning → Implementation

1. Development of an Alternative Response Team
2. Document Review
3. Key Stakeholder Interviews (Law Enforcement, Court, School, Prosecuting Atty, Community, Judiciary)
4. Process Mapping
5. Intake / Court Officer Group Interviews
6. Youth Outcomes & System Performance Capacity Development

Milwaukee County, WI – Department of Youth and Family Services



POLICY AND DATA ALIGNMENT

Process Measures

- 1. Total Referrals Processed**
- 2. Transferring *Processed Referrals***
 - District Attorney's Office: **30 Days**
 - HSW Ongoing Team(s): **6 Days**
- 3. Non-Detention Offenses**
- 4. Detention Offenses**

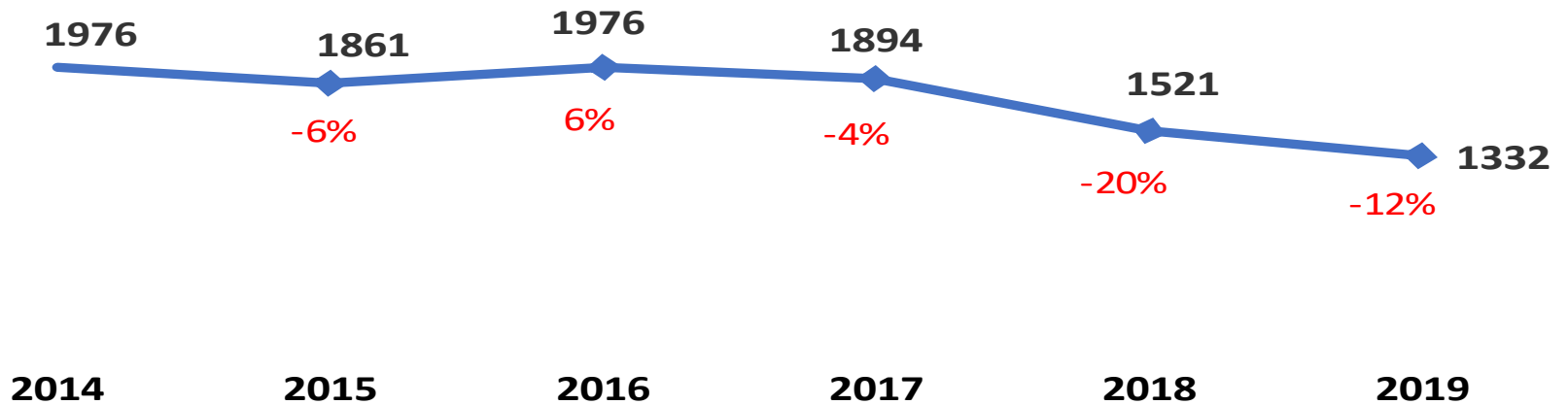
Outcome (Impact) Measures

- 1. Alignment of the HSW Recommendation & Court Outcome**

Diverted First-Time Referrals Only

- 1. Court Disposition/Outcome in Court**
- 2. Recidivism for Closures**

DYFS Total Referrals



Processed Referrals to District Attorney's Office

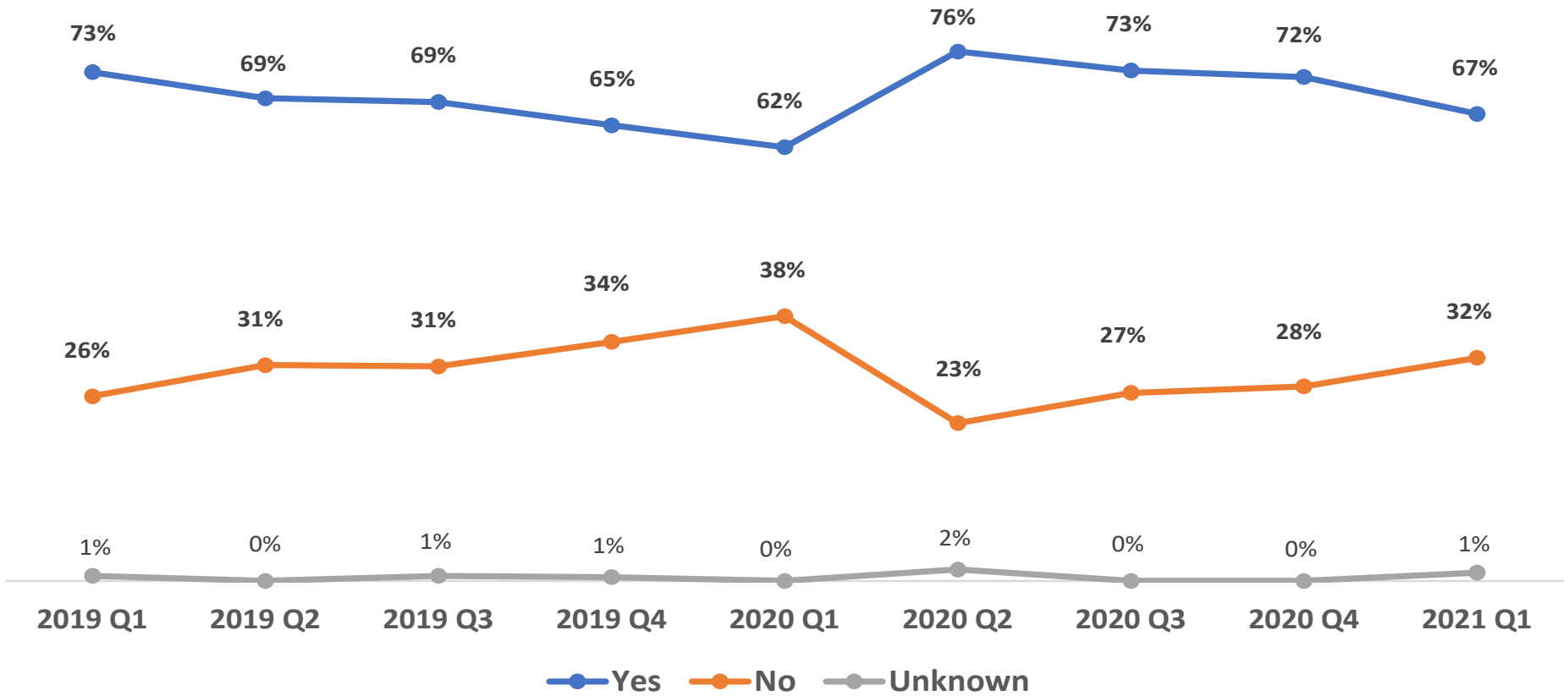
- 96% w/in 30 Days
- 4% Beyond 30 Days

Processed Referrals to Ongoing HSW Teams

- 70% w/in 6 Days
- 30% beyond 6 Days

IMPACT DATA: Alignment of the

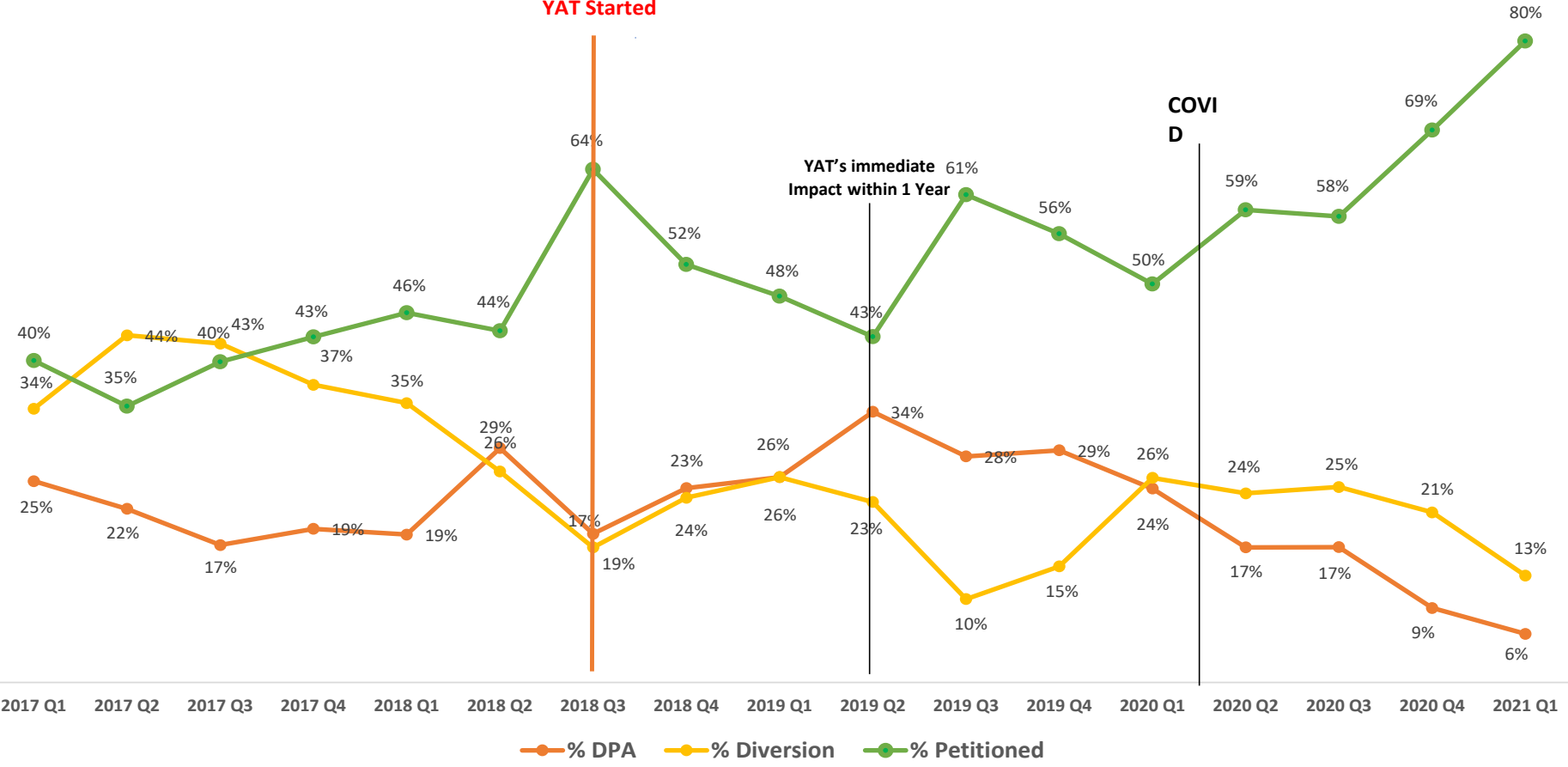
- HSW Recommendation &
- Court Disposition



1st Referrals Order-in and Not Detained No Hearing 1/1/2017 to 3/31/2021

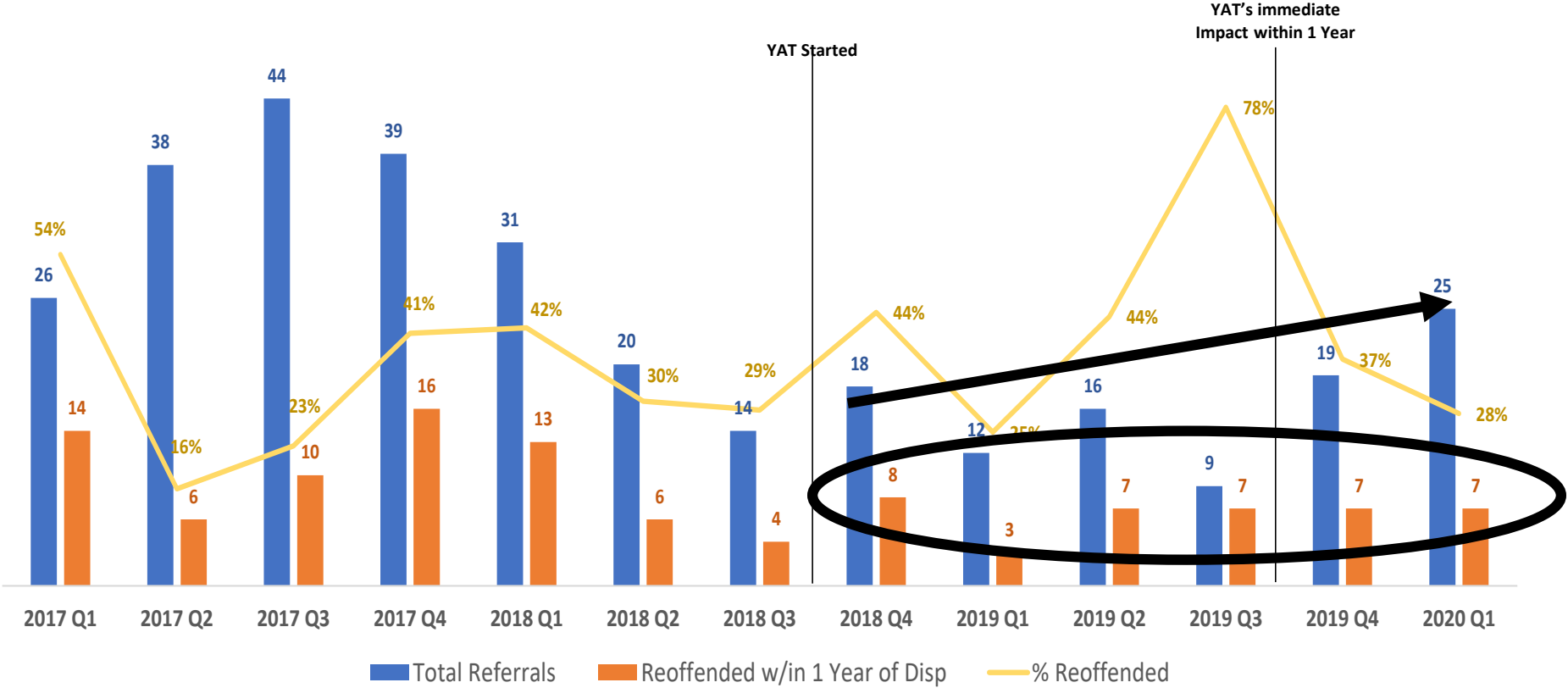
IMPACT DATA: Outcome/Disposition of Charges

YAT Started



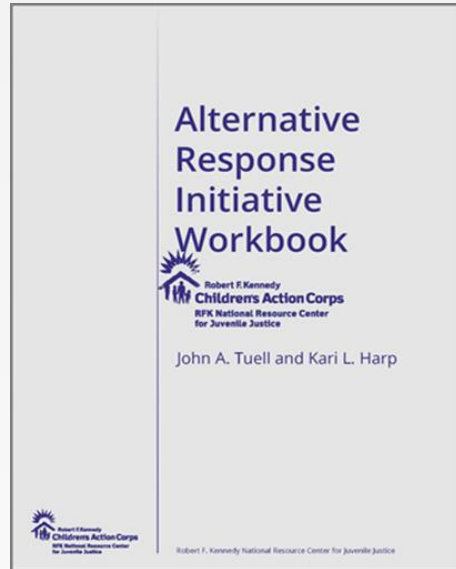
IMPACT DATA: Recidivism for Diversions

1/1/2017 to 3/31/20



Alternative Response Initiative Workbook

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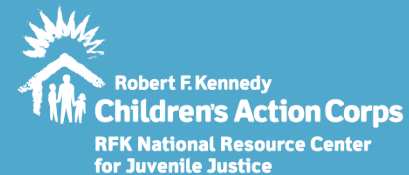
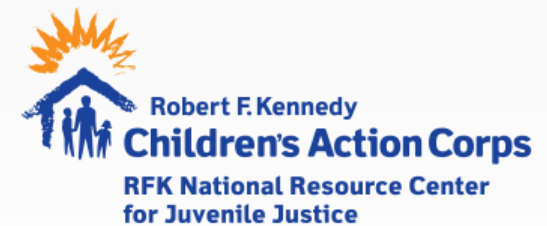
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ALTERNATIVE RESPONSE INITIATIVES IN JEFFERSON PARISH, LOUISIANA

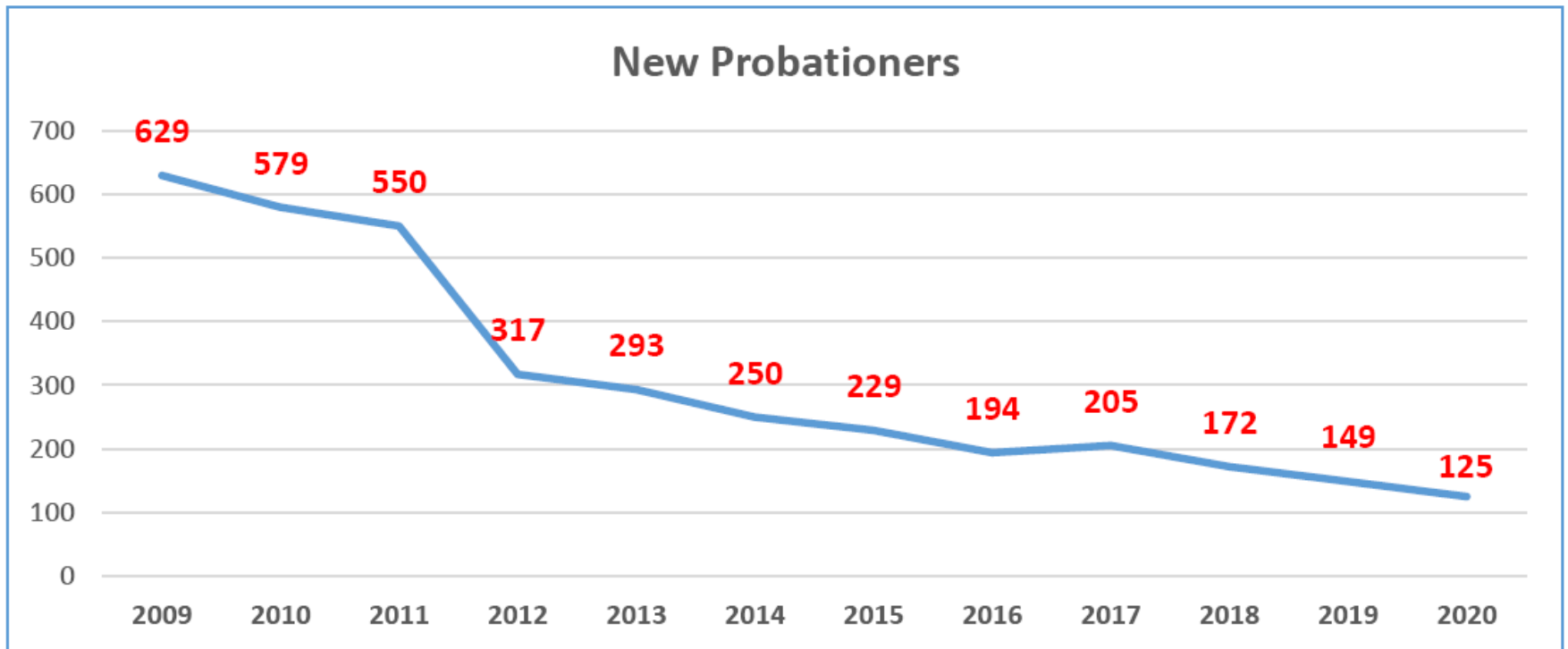
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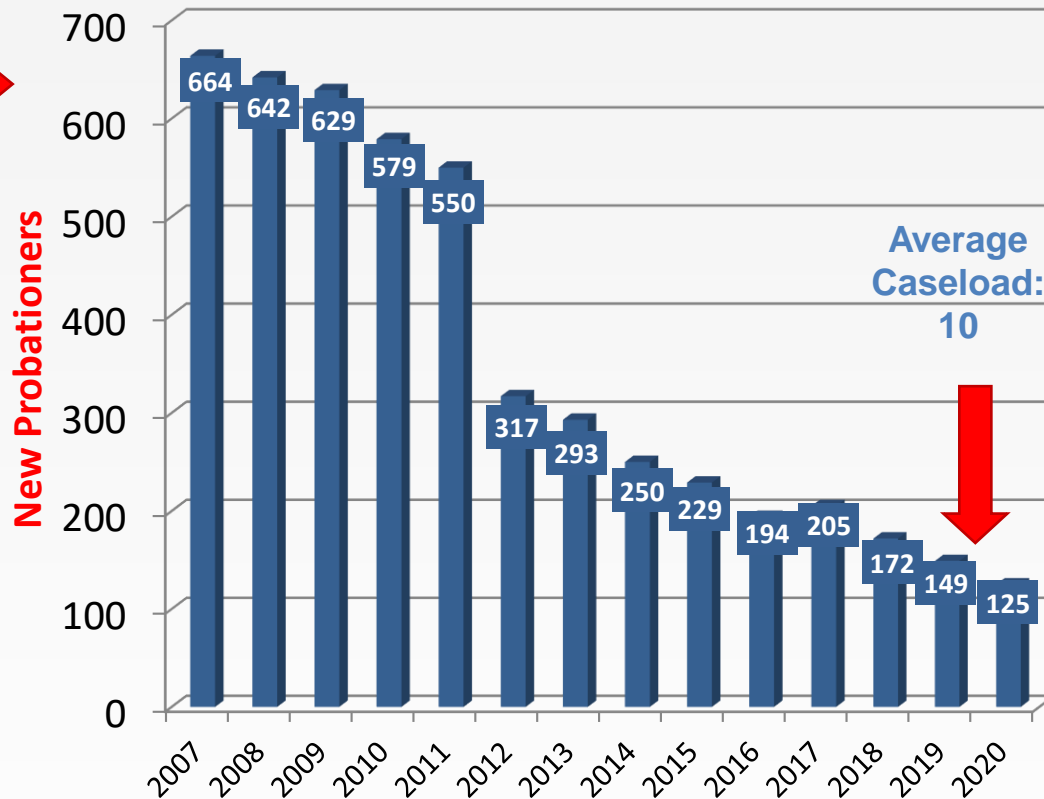


PROBATION CASELOAD TRENDS



PROBATION CASELOAD

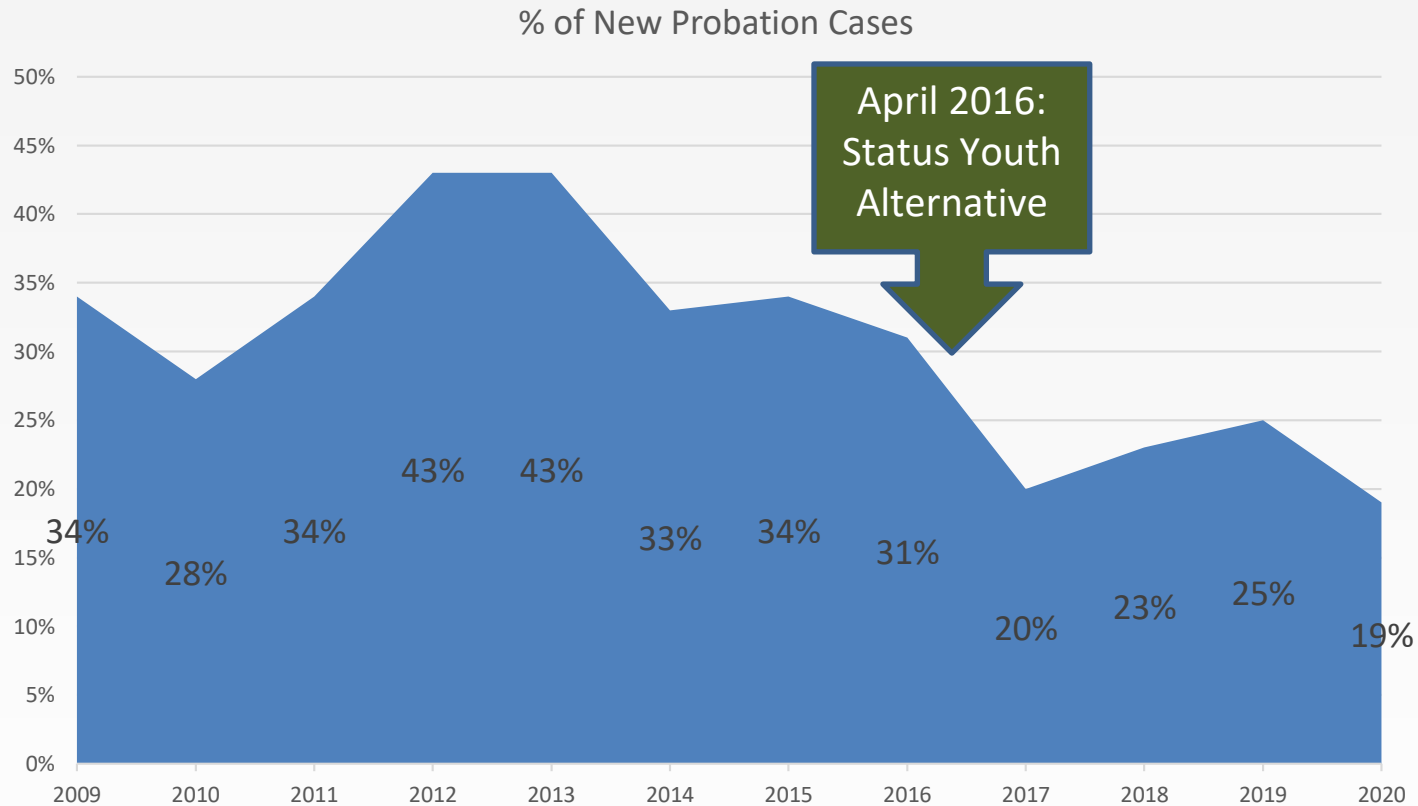
Average Caseload:
30+



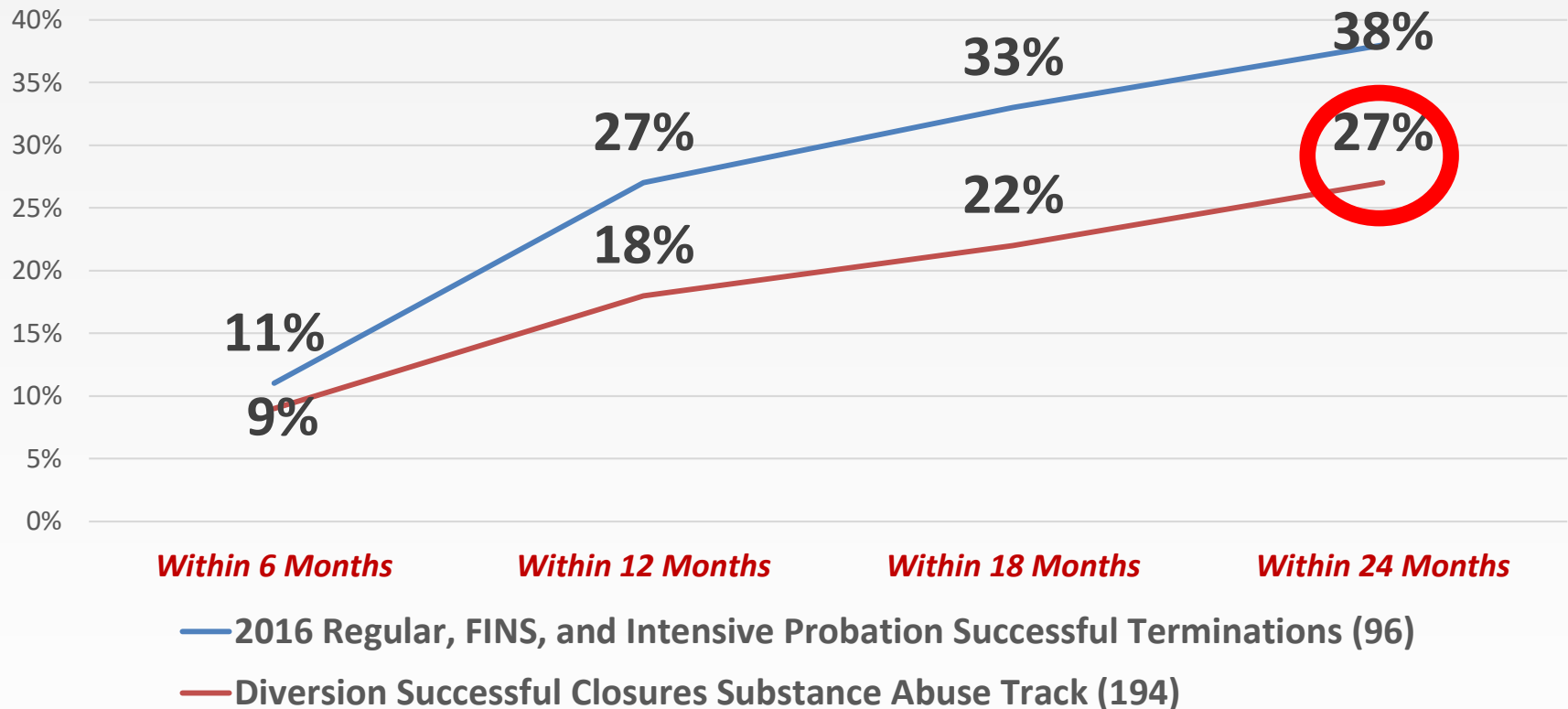
*Within two years of successful probation completion, **38%** of youth are re-arrested, but only **15%** are adjudicated for another delinquent offense*



REDUCTION OF FORMAL STATUS YOUTH



Arrest Recidivism Following Successful Completion



EVIDENCE-BASED TREATMENT SERVICES OFFERED

Ecological-Based Family Therapy

Multi-Systemic Therapy

Moral Recognition Therapy

Trauma-Focused Cognitive Behavioral Therapy

Cognitive-Behavioral Therapy and Motivational Interviewing

Aggression Replacement Therapy

Project LAST

Dialectical Behavior Therapy

Functional Family Therapy

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