

Chapter 5

Treatment of Juvenile Offenders: Diversion and Formal Processing

Introduction

The term *diversion*, when applied to the justice system, is used to indicate any method used to move a person, either juvenile or adult, who has allegedly committed a criminal offense away from formal court processing. The term diversion has a variety of implications, depending on how diversion is applied and at what stage in the criminal justice process it is introduced. For example, *total diversion* occurs when a person engaged in a crime is detected by a police officer or authority figure, but no official action is taken against the offender. For example, a police officer may observe a motorist exceeding the speed limit or not stopping for a stop sign, but instead of giving the person a ticket, the officer only warns the individual. Total diversion is often applied by police in dealing with juveniles who are involved in minor infractions such as being out after curfew, loitering, or engaging in minor disturbances in the community, such as making excessive noise. Many times, the situation is handled by a warning. School officials also have opportunities to divert students who engaged in school-related infractions such as truancy or disorderly conduct in the classroom and even criminal offenses, such as petty theft, by not referring the violators to a legal authority and handling the violators by using methods that are administered internally by school officials. *Partial diversion* occurs when some action is taken by a justice agent, normally a police officer. The person is not referred to a court for processing but instead referred to a nonjudicial agency. The decision to divert specified offenders is either based on the officer's discretion, policies of the policing agency, or, in some cases, the statutes of the state or local government. Regardless of the basis of the decision to divert, generally there are established criteria for who is eligible for diversion and procedures to follow for the diversion process.

The typical categories most likely to be diverted from the juvenile justice process are juveniles who have committed minor offenses or status offenses (acts that would not be illegal for an adult) or those juvenile offenders who are so

immature or mentally incompetent that they are not likely to understand the difference between right and wrong.

Police Diversion of Delinquent Youth

The US Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDP) in 1974. It was in that year that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) was created by Congress. “In the reauthorization of the OJJDP ACT of 1974 in 1992, the mandates of deinstitutionalization of status offenders, removal of juveniles from adult jails, and the separation of juveniles from adults in all types of correctional facilities were affirmed” (Kratcoski et al., 2004, p. 156). In addition, the legislation required that the states complete research on the overrepresentation of minority youths incarcerated in juvenile detention and long-term correctional facilities, jails, and adult correctional facilities. The federal government would provide funding to agencies that established programs that addressed the diversion, decriminalization, deinstitutionalization, and reduction of minority youth goals of the Juvenile Justice Delinquency Prevention Act (Public Law 93–415, Section 223 [a], 23). Other more recent OJJDP initiatives focus on means to reduce the violence and delinquency of Native American and Alaska Native American youth. A provision for receiving an OJJDP grant for this population requires that grantees include “provisions for tribal youth in their mentoring practices and provide funding to expand Tribal Healing courts. These courts provide developmentally appropriate, community-based and culturally appropriate services for youth who come into contact with the tribal juvenile justice system because of substance use” (OJJDP Newsletter 249801, 2016).

Research on early intervention programs for youths who have either shown symptoms of delinquent behavior or who have been detected engaging in delinquent behavior generally shows that the intervention in the youth’s life by a school authority or a law enforcement authority has positive effects.

A study of youth diversion programs administered by a number of police departments located in Northeast Ohio (Kratcoski et al., 2004, p. 158) had the purpose of:

- Analyzing the structure and administration of police diversion programs in Ohio and describing the manner in which youths are referred, screened, and selected for the programs; the makeup of the staff of the programs; and program activities, including the supervision and services provided to the youth participating
- Determining the extent to which minority youths, particularly African-American youth, are included in police diversion programs
- Determining if the police juvenile diversion programs are effective in curtailing delinquent and antisocial behavior

While having common goals, the 16 police diversion programs included in the study were structured differently and received funding from different sources.

Some of the programs were staffed entirely by civilian professional counselors, others were staffed entirely by sworn police officers, and others used both civilians and police officers to staff their programs. Some of the programs were funded through federal or state grants, and others were funded entirely by the police agency administering the program.

Almost all of the 16 juvenile diversion programs included in the study required that the youths complete some type of community service or restitution to the victim, if appropriate, as part of the informal disposition, and almost three-fourths of the youths in all of the programs were placed on an "informal probation." Otherwise, the focus and activities of the programs varied considerably. Some of the programs required strict adherence to the program rules and placed little emphasis on providing counseling for the youth referred to the program. In these programs, if a youth violated the rules or engaged in any type of delinquent or unruly behavior, the youth was terminated and referred to the juvenile court for formal processing.

Other programs included in the study required community service, but also tended to emphasize providing services to the youths and their families. These programs were generally staffed by trained counselors who tried to use their skills to motivate the youths to change. They tended to be more supportive than the staff of the programs that were administered by police officers and, if possible, gave those youths who violated the rules of the program or who committed a minor offense while in the program another opportunity to succeed in the program. Generally, new restrictions and an extension of the informal probation period were additional penalties given to those who violated the conditions of the informal probation but were not terminated.

An analysis of the status of the youths who were involved in the programs was completed for a 6-month period after they successfully completed the program and were released from the diversion program. The same analysis was completed for those who did not complete the program and were terminated. As expected, the recidivism for those who completed the program was significantly lower (less than 20%) than that of those who were terminated.

It was concluded that those who did not recidivate during the 6-month follow-up period after their release were most likely to have strong family support, were succeeding in school, and had positive relations in the community. These youths may have been successful in making an adjustment and continuing throughout their adolescent years without having the assistance of the diversion program. However, their involvement in the program did offer an additional supportive system and also allowed them to emerge from the juvenile justice system without having a delinquent record.

School Resource Officer Programs

School resource officer programs have been developed in schools throughout the United States with the purpose of establishing communications and cooperative relations between the police, school administrators, the juvenile court, and other juvenile justice agencies and community service agencies.

In the 2008–2009 school year, 3.9% of students ages 12 through 18 were victims of crime at school (DeVoe & Bauer, 2011, p. 314). Part Q of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, amended, provided funding for school resource officers (SROs), defined as “a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work with the school and community-based organizations.”

School resource officers are specifically trained to interact with youths in a school setting. Many SROs have received their training from the nonprofit National Association of School Resource Officers founded in 1991. Girouard (2012, p. 3) states, “The mission of the National Association of School Resource Officers (NASRO) is to provide the highest quality of training to school-based law enforcement officers, school administrators, and school security/safety professionals working together as partners to protect students, faculty and staff, and their school community.”

SROs’ responsibilities include law enforcement, teaching, and mentoring. The specific duties of the officers who are generally assigned to middle and high schools may vary, but the mission for all SRO programs includes providing a safe school environment, providing assistance to schools, developing a positive relationship with the students and school personnel, and assisting in the prevention of crime and other problems on the school grounds. SROs work closely with juvenile justice, child protection agencies, and community volunteer groups. For example, SROs often have opportunities to detect child abuse or neglect, and they participate in school-related activities that benefit the community.

SROs are assigned to schools at the request of school administrators. The salaries of school resource officers come from several sources, including grants and the employing police agency. They also may be either fully or partially paid by the school system.

Findings of research on the effectiveness of school resource officer programs (Finn, 2006) include a reduction in the frequency patrol officers are called to the schools; a reduction in referrals to the juvenile courts by school officials; the prevention of minor and major criminal acts within school buildings and on school grounds; an improvement in the relationships, including mutual trust, between students and the police; and an improvement in the image of the police in the community.

**Box 5.1: Interview with Student Resource Officer (SRO) Kelly Crowl
Interviewer: P Kratcoski, Interviewee Kelly Crowl Completed
July 19, 2016**

QPK: How long have you served as a Louisville (Ohio) police officer?

AKC: I first started working as a deputy with the Stark County Sheriff's Office. I worked as a deputy for 2 years and was offered a position with the Louisville Police in 2008.

QPK: How long have you served as a SRO?

AKC: I have been assigned to work with the schools since 2009. I was afforded the opportunity to work in the schools as a SRO under a crime prevention grant. This allowed me to do crime prevention in the schools and become a SRO.

QPK: Did you receive any special training for the SRO position? Please explain.

AKC: In addition to the required Ohio Peace Officers Training Academy, I attended a 1-week training session related to working in the schools.

QPK: What are your specific duties as a SRO?

AKC: The duties of a school resource officer are similar to a police officer, as I have to uphold the law. My job can be as simple as charging a juvenile with a crime to as complicated as uncovering a convoluted bullying incident. I network with the children through walking the halls, sitting in lunch mods, or even engaging in classroom activities with them. I have even been known to get holes in my uniform pants while diving for volleyballs in gym class. I educate them on drugs and alcohol through our annual Red Week activities and also through presentations. I also educate our younger students of middle school age on anti-bullying with a presentation that I developed from "A Bug's Life" from Disney. When I address the older children during the cyber portion of the anti-bullying presentation, I utilize the time to speak about the inappropriate digital pictures that they take of themselves. There is a phrase coined "sexting" that adults use to refer to children who take nude photographs of themselves and send them to others. I talk about all the legal and social ramifications of this activity, because it is a problem among our youth culture. I work with our administration on policies relating to safety such as active "shooter" situations. I am trained in ALICE (Alert, Lockdown, Inform, Counter, and Evacuate) and have taught our school personnel as well as our students about this. I am on a safety committee with our school administration as well as local fire departments, school board members, and city personnel that meet to make sure we are working together to keep the schools safe. I also work with social services and other agencies to help families in the community.

QPK: Do you have the authority to handle minor delinquent offenses and school infractions without referring them to the family court (fights, minor theft, bullying)?

(continued)

Box 5.1 (continued)

AKC: I work with the schools to best serve the needs of the school and the students. Although I am a law enforcement official, there are times I do have a choice to not intervene. The school is located in the city limits; therefore, I have jurisdiction in the schools. If a situation is severe enough for law enforcement intervention, I am bound by law to handle the situation. If someone wants to pursue charges of a crime that has happened in the school or on school property, regardless of whether the school has given disciplinary action or not, I have a duty to investigate and pursue charges through the prosecutor's office. However, the prosecutor assigned to the juvenile division also works with the schools. Thus, if a first-time offender charged with a misdemeanor crime receives disciplinary action at school, the prosecutor's office may be satisfied and may not take any further action. It does depend on the severity of the issue. A good example would be an assault or fight. If two students should engage in a fight, which is against the school rules and also against the law, depending on how serious the injuries are, or even if there is any injury, and if the parents want to file a charge, a determination will be made on whether or not to file charges. The same situation would apply to theft and whether or not the victim or victim's parents want to pursue charges. When it comes to bullying, there is no law against bullying per se. It depends on the situation to determine if we can file charges. For example, did an assault occur due to physical bullying? If so, perhaps an assault charge can be filed. If it is a telecommunications situation and the person being harassed informed the caller not to call again, perhaps a charge of telephone bullying can be filed. Many times I confer with the juvenile prosecutor's office, and they ultimately decide whether they will pursue charges or if there is enough evidence to charge the offender. The prosecutor has "prosecutorial immunity," so it is up to that office to decide whether to charge or not to charge. The school can sometimes hand out a more severe disciplinary action by suspending or even expelling the student, and this is taken into account when the prosecutor's office is making a decision on the matter. Many times, the student's behavior does not constitute a crime, and I will inform the school officials and they can handle it, based on school policies. However, when a crime has occurred, it is always best to speak with a prosecutor and allow that office to decide what action to take, since the prosecutor has the immunity. That office generally works well with us. So, to sum up the question, there are a number of variables I take into factor and articulate to the school officials and the prosecutor.

QPK: To what extent can you make referrals to juvenile diversion agencies (teen court)?

(continued)

Box 5.1 (continued)

AKC: Usually the juvenile prosecutor makes the determination, but I can speak with a prosecutor ahead of time and inquire about a recommendation.

QPK: Do you patrol on school grounds (outside the school building)?

AKC: I usually patrol from within the building, but also will do perimeter checks.

QPK: What are the most challenging aspects of the SRO job?

AKC: There are many challenges relating to the SRO position. One of the most challenging is working with some of the parents. When the children are in school, the school works to provide the children with a meal if they have not eaten, gets the child established in the classroom setting, and sets appropriate boundaries for them to learn in a safe environment. When they go home and there is no follow-through on the simplest of items such as homework or even having food available, it would appear as if the child is set up to fail all over again. There is also the issue of how parents forget that the school is responsible for children during the day, and so it is not appropriate for the parents to try to dictate to the school officials how to discipline their children if they misbehave at school. Some parents from disadvantaged households still put their children first and do everything possible to have their children succeed, and there are parents from all socioeconomic households who do not seem to care what happens to their children in the schools and do not want to be bothered with them while at home. It is ultimately the parents and not the schools that should be raising the children, so I feel this is a challenging aspect. Another problem is communication, that is, having the resources to talk with one another. There are multiple agencies that work within Stark County to assist children. However, many of these agencies are unaware that SROs are working in the schools and can offer assistance to child and family-related problems.

QPK: What are the most rewarding aspects of the SRO job?

AKC: The most rewarding aspects of the job are shown through the children. A school resource officer has the unique opportunity in policing to be proactive and do proactive work. The work can be engaging and as creative as you want it to be. The more you educate and get involved, the more the children and the community can engage with you. Some rewarding aspects come in the form of young children getting excited when they see you because they know you work in their school or even having past graduates coming up and talking with you about their futures. To be able to help a child through a difficult transition or hold them accountable to make better choices is rewarding as well. I have often said I guard our city's most precious resources, our children. No bank or business holds the value that I protect on a daily basis. It is a challenging, humbling, and rewarding job that involves a multifaceted role. At times I am their teacher, their counselor, their social worker, and of course always their police officer, and I hope they learn that police are here to help them, to listen to them, and to protect them.

Juvenile Court Diversion

Almost half of the youths who are referred to the juvenile court by the police, school administrators, and parents are not judicially processed and not adjudicated delinquent by the courts (Snyder & Sickmund, 1999).

The juvenile and family courts in the United States have jurisdiction over youths in a specified age category (the majority of the states use the 18th birthday as the upper age for jurisdiction). The legal jurisdiction of the courts encompasses children referred to the court who are “at fault” for violating a law and children who are “not at fault” but need the protection or services of the courts. “Not at fault” children who come to the attention of the court are those who have been abused, neglected, or abandoned or those whose parents (caretakers) are incapable of caring for them for various reasons such as mental illness, physical handicaps, or abject poverty. Once an “at fault” or “not at fault” case is referred to the court, an intake official will conduct an intake interview and, after assessing the information obtained in the intake interview, will make a decision (based on court policies and guidelines) to place the youth on the court docket for formal court processing or place the youth into the informal processing (diversion) category. If the youth is diverted from formal processing, the court will determine what court administered or outside agency programs will be the most beneficial to the youth and make the appropriate placement. Generally, the records for those who are diverted from formal processing are destroyed if the youth completes the requirements ordered by the court.

Teen (Youth) Courts

According to the Global Youth Justice Advocacy Organization (2016, p. 1) “A record 1,600+ Adult and Youth Volunteer-Driven Youth Courts, Teen Courts, Student Courts, Peer Courts and Peer Jury Diversion Programs are now operation on 4 continents.” These youth courts are structured to divert special categories of youthful offenders from official processing through the juvenile justice system. They may be attached to the juvenile court, a police agency, or even the prosecutor’s office. While each court will have its own specific goals, guidelines for eligibility, and operating procedures, there are some common characteristics that can be found in the large majority of the special youth courts. These characteristics are:

- Youths between the ages of seven and 18th birthday are eligible.
- Youths who have committed a status offense (beyond control of parents, curfew violation, truancy, runaway) are eligible.
- Youths who have committed minor offenses (disorderly conduct, minor property damage, theft [shoplifting], simple assault, vandalism, harassment, loitering, possession and use of illegal substances) are eligible.

- Referrals to the youth court come from police departments, school officials, and in some jurisdiction parents or caretakers and are made at initial juvenile court intake screenings.
- The youths who are eligible for teen court can select not to participate and can opt for a formal juvenile court hearing.
- Youths charged with an offense will either plead true to the charges and sanctions by a jury of peers or be tried by a peer court (judge, prosecuting and defense attorneys) and if the charges are found to be true sanctioned by a peer jury.
- Typical sanctions require some form of community service and participation in some type of counseling (alcohol and substance abuse counseling, anger management, family counseling, truancy prevention, or shoplifting prevention) program or educational program, depending on the nature of the youth's offense.
- A parent, guardian, or caretaker is required to be present at the teen court hearing.
- The youths are supervised by an official of the court or agency administering the teen court program.
- Typically, a number of community service agencies will be involved in providing the counseling, education, and community services projects required of the youth.
- If the youth completes the program, the initial charges will be dropped, and the youth will not have a delinquent record.
- If the youth does not successfully complete the program, the youth will be referred to the juvenile (family) court and formally processed through the court.

Although there are common characteristics in the large majority of the teen (youth) courts, there are also several major variations in the way the courts are structured. For example, in some jurisdictions, the juvenile charged with an offense will have to admit to the offense before becoming eligible for sanctioning by the youth court. In these cases, the peer jury only has the responsibility to determine the appropriate sanction, while in other courts those youths charged with an offense and found to be eligible for the youth court will have an option of pleading true or not true to the charge. If the plea is not true, the complete court process, including the examination of witnesses by the prosecution and defense attorneys, having the right to testify, and deliberation by a jury will be completed. Other differences include the involvement of adult officials in the youth court process. In some youth courts, the judge from the juvenile court is involved. In other youth courts, all of the participants, including the judge, are peers. However, in these cases a court official will be present during the hearing to assure that the court hearing is completed in a fair manner and that the sanctions given by the jury are in line with the severity of the charges.

Judge Susan Watkins, a municipal court judge in Independence, Missouri, for 21 years, has served as the Director of the Independence Youth Court for 29 years and as Executive Director of the Eastern Jackson Youth Court for 17 years.

The following interview with Susan Watkins was completed on July 3, 2016.

Box 5.2: Judge Watkins Interview**Peter Kratcoski—Interviewer Judge Susan Watkins, Interviewee**

PKQ: Judge Watkins, What are your duties as Director of the Independence and Eastern Jackson County Youth Courts?

SWA: As director of these peer court programs, I oversee all courtroom sessions, but do not act as judge. Both courts utilize the student judge program, and all courtroom personnel are 8th- to 12th-grade students. However, they are supervised at all times by adults.

PKQ: What was your motivation for taking on this responsibility in addition to your municipal court position?

SWA: I was the Director of the Independence Youth Court for 8 years before I became a judge at the adult court. I have always had a passion for working with youth, both in my professional life and in my personal life. I feel that adults should be positive mentors to young people and assist in the difficult journey of growing up whenever possible. The youth court provides juveniles with the opportunity to make a mistake, learn from it, and have a clean slate in life. If a juvenile successfully completes the youth court program, then at the age of 17, all records will be destroyed.

PKQ: You mentioned that you are the judge over two youth courts. What are the two courts? Are they structured differently? Explain.

SWA: The two peer court diversion programs are the Independence Youth Court (IYC) and the Eastern Jackson County Youth Court (EJC) that are both located in Jackson County, Missouri. I helped to start the EJC Youth Court in 1990. The programs are very similar. The juvenile cases are handled in the same way, and the courtroom procedure is the same, as are the volunteer training and the sentences and the educational classes provided. The main difference between the two programs is that the IYC is operated in the city of Independence only for juvenile cases that happen in Independence. The EJC Youth Court is a multi-jurisdictional program and handles cases from several smaller areas that include the Blue Springs Public Safety Department, the city of Buckner, the city of Grain Valley, the city of Greenwood, the city of Oak Grove, the city of Sugar Creek, and the areas in Jackson County Missouri that are patrolled by the Jackson County Sheriff's Office.

PKQ: Does the Independence Youth Court have peers of the teen offenders fill all of the court positions?

SWA: Yes, teens (8th–12th graders) fill all of the courtroom roles, which include bailiff, clerk, prosecuting attorney, defense attorney, and judge. The judge is typically a senior with experience in all of the roles.

PKQ: How are the youth court participants selected?

SWA: The teens are recruited from the local high schools, middle schools, and the home school association. Students in grades 8–12 must apply for admission, have good attendance and passing grades, and submit a letter of

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Box 5.2 (continued)

reference from a teacher. All new attorneys must complete a 3-month training program, successfully pass a written bar exam with a score of at least 75%, take an oath of confidentiality, and be sworn in to practice as youth court attorneys by an adult judge.

PKQ: Do the court participants receive any training before they assume their positions?

SWA: I conduct the training program, assisted by guest speakers from the family juvenile court, the police department, and the local attorneys' legal association. In addition, the students observe courtroom dockets and participate in mock cases to prepare themselves before becoming assistant attorneys. Each student then works with an older, veteran attorney for 2 to more than 4 months before handling cases on his/her own. There is always a volunteer adult attorney and a police officer in the courtroom to assist with any questions.

PKQ: How many cases are referred to these youth courts in a year?

SWA: The Independence Youth Court on average handles 400–600 juvenile cases per year. There are two evening dockets per month held in the Independence Municipal Court. The Eastern Jackson County Youth Court on average handles 150–250 cases per year. There is one evening docket per month held in the Grain Valley Municipal Court.

PKQ: Do the teen defendants have an opportunity to plead not guilty to the charges? If yes, what percent of those tried plead not guilty?

SWA: All juvenile offenders have the opportunity to enter a plea of not guilty after the charges are read to them by the judge at the arraignment. Less than 8% of the juveniles enter a plea of not guilty and go to a full trial. Some juveniles who pleaded not guilty change their minds when they come back for the trial and see that the witnesses are at court to testify. The actual number of cases that have a trial is 5% or less per year.

PKQ: For those who receive a full trial, are there any issues or problems that occur from time to time during the trial?

SWA: The trial is supervised by an adult volunteer attorney, myself (to supervise the youth judge), and a police officer. The students spend a lot of time in preparation for any trials, and the actual trial process is very smooth and professional. The only issue during a trial is if someone is unhappy with testimony or evidence that might be presented that points to their guilt or if they are unhappy with the verdict. That is no different than in adult court cases, since no one really wants to be found guilty after a trial.

PKQ: How confident are you that the judgments and sanctions made by the youth court participants are fair and reasonable?

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Box 5.2 (continued)

SWA: I feel confident that the judgments and sanctions are both fair and reasonable in the peer court process. The process is supervised at all times by adults, and volunteer attorneys utilize a sentencing guideline on all cases that has been set and approved by the Youth Court Executive Director and the entire Board of Directors. The IYC celebrated 30 years of operation in May 2016, and the recidivism rate for repeat offenders after successful completion of youth court average has remained between 4 and 7% each year. This is a juvenile offender success rate (to not be convicted of any other juvenile offenses as measured 1 year after completion of the youth court process) of 93–96% in the various years. The IYC was also part of a study on the effectiveness of youth courts that was financed by the Department of Justice and conducted by the Urban Institute of Washington, D.C., from 2000 to 2003. The IYC was found to be more effective than the Jackson County Family Juvenile Court in handling youth with minor offenses as to successful completion of the process and a lower recidivism rate. In addition, there are now more than 1600 similar youth court diversion programs in the United States. This volunteer-driven peer process provides juvenile offenders with accountability for action, positive peer pressure, and positive peer mentoring.

PKQ: What percent of the defendants successfully complete the program?

SWA: Of those eligible for youth court services that are adjudicated by the IYC, on average 86–94% of the youth will complete all parts of the youth court process, including court sanctions of community service and educational classes. One year after completion of the youth court process, less than 7% of those youths will have any repeat convictions of a juvenile crime.

PKQ: Do you have any additional comments you would like to make regarding the youth court?

SWA: The youth court exists to provide high-risk youth with intervention, education, and an alternative to entering the traditional juvenile justice system. The goals are to have juveniles take responsibility for criminal conduct by performing restitution to the community in the form of community service hours and to attend free educational programs that teach resistance skills to prevent future criminal activity. The city of Independence provides a yearly operations grant to the Independence Youth Court, along with office space and the use of the courtroom. In addition, the Jackson County COMBAT (Community Backed Anti-Drug Tax) provides a yearly grant for operations and the costs of educational programs for juvenile offenders.

Treatment Programs for Special Offenders

Although the underlying mission and goals of juvenile courts follow the restorative justice model, the notion of the courts providing treatment to youths in need has not been abandoned. The courts typically use the traditional treatment modalities that provide both supervision and treatment for those youths who are processed formally and adjudicated delinquent, as well as for those youths who are diverted from the formal court process but remain under some form of court supervision.

Juvenile court administrators have adopted evidence-based tools to assist in the determination of the likely risk the juvenile will present to the community if given a community-based disposition, as well as the specific needs of the adjudicated juvenile offender that must be addressed. The risk and needs assessment tools employed by juvenile courts throughout the United States, while varying somewhat on particular items, are similar in content. The statewide model assessment of risk and needs instruments adopted in the state of Ohio was developed at the University of Cincinnati Center for Criminal Justice Research and was adopted by the state in 2011 (Pitocco, 2011). The risk assessment tool covers areas relating to delinquent history, including number of prior offenses, supervision under probation, commitments to a juvenile institution, substance abuse problems, amount of family and social support, education, employment, peer associations, and general attitude. The needs assessment instrument considers such matters as low intelligence, physical handicaps, low ability to function in school due to reading and writing limitations, cultural barriers, mental health, and personality issues that may affect a juvenile's ability to make positive changes in his/her life.

Based on the risk and needs assessments that are generally completed at intake, some of the youths may be placed in a special needs category, and the treatment provided will address these needs. For example, those who have exhibited special problems relating to sexual abuse will be supervised by court staff who have training and experience with supervising youths with sexual problems, or these youths will be referred to an agency that provides the counseling needed. The same would be true for youths experiencing alcohol or drug abuse problems and for those youths whose problems and needs center on family relations.

Treatment for Sexual Abusers

Harris and Bezuidenhout (2010, p. 33) completed research pertaining to the factors that contribute to the risk of a juvenile becoming a sex offender. After interviewing a number of juvenile sexual offenders, the authors identified an incomplete family structure, substance abuse, early exposure to pornography, peer influences, previous sexual conduct, previous sexual victimization, and growing up in a culture of violence as the predominate factors contributing to the youths becoming sex offenders. In regard to the treatment of juvenile sex offenders, Harris and

Bezuidenhout (2010, p. 38) conclude, “Not all children are exposed to the same risk factors; however, there are certain social dynamic risk factors which appear to be prevalent in the lives of youth sex offenders such as substance abuse, early exposure to pornography, and an influential peer network.” Lundrigan (2002, p. 200), after reviewing the literature and research findings on adolescent sexual offenders, concluded, “The adolescent who commits sexual offenses tends to be different from other young delinquents and thus the types of treatment that work best with this population must likewise be different.” He proposes a multicomponent model for treating the juvenile sexual offender, citing the inconsistencies of the individual model in which the therapist counsels the offender in a one-on-one counseling setting. Lundrigan (2002, p. 200) explains, “The multi-component model is an effort to maximize the range of services provided to the client, while allowing for the highest possible level of continuity and coordination among these various services.”

The components suggested for a treatment program for adolescent youth who are sexual abusers include (Lundrigan, 2002, p. 202):

- Sexual offense-specific group: a standard in the treatment of this population
- Family therapy education: very important for adolescents in treatment
- Individual therapy: has many important functions when used in conjunction with group therapy
- Adjunct/therapy treatment: addresses wider issues and treats the whole person
- Milieu treatment: an essential component for group care programs dealing with a treatment environment
- Assessment and treatment planning: a component ensuring quality treatment
- Retreatment: prepares clients to engage in treatment (usually only needed in the first intervention setting with clients who are not yet ready to enter full-scale treatment)
- Aftercare/follow-up: bridges the gap between programs on the continuum and ensures adequate support for clients transitioning to their next setting to enable success
- Staff training gives the staff needed tools to work with the adolescent
- General resident education: assists group care programs with a mixed population to create a healthy, tolerant, and safe milieu

The ability of the juvenile courts or service agencies offering treatment for juvenile sex offenders to include all of the components listed above into a comprehensive treatment program is often not feasible. However, many of the components can be included in the program. For example, the juvenile is usually tested for risk and needs by the court and placed under the supervision of a court official, even if the youth is referred to an agency offering sex offender treatment. The agency will have staff that can provide both group and individual counseling and also provide family counseling, if required, or refer the youth to an agency that specializes in family counseling. The integration of the components given by Lundrigan (2002) may not be as feasible for sex offender treatment programs for those sexual offending youths who are placed in community treatment facilities or long-term

correctional facilities, since the resources and the opportunities for the personnel associated with the various components to interact may not be available.

Van Ness, a social worker at a state juvenile correctional institution, who supervised and provided group therapy for violent sex offenders housed in the facility, provides the following topics that were discussed in the treatment sessions (Van Ness, 1983, p. 14):

- Being honest with yourself about the offense
- Taking personal responsibility for your actions without blaming others
- Understanding the laws and why you were sent to the institution
- Dealing with your reputation in the community
- Being honest with your family
- Learning what makes you angry
- Learning to solve problems without using force
- Chemical abuse and your offense
- Building good relationships with people

While Van Ness conducted her therapy sessions within the walls of a secure correctional facility and without the assistance of counselors from other agencies, she nevertheless was able to integrate many of the components recommended in Lundrigan's multicomponent model, including family, anger, violence, and blaming others, including the victims, for the behavior, and problems with substance abuse, into the group therapy given to the sex offenders.

Drug Courts for Juvenile Offenders

The creation of a drug court to divert some categories of substance abusers was first used in courts for adult criminal offenders and quickly spread to the juvenile courts. Since there was considerable federal funding available for the development of specialized courts for juvenile offenders who also had some type of substance abuse problem, drug court programs for juveniles were developed and implemented even though there were questions about the likely effectiveness of the juvenile drug courts to reduce delinquency and the use of illegal substances by adolescent youths.

Juvenile drug courts have many of the same characteristics as adult drug courts, have similar goals, and use the same methods in their treatment as the adult drug courts. A major difference is a larger emphasis on the role of the family in providing the supervision, support, and assistance the youth needs during the treatment process. Butts and Roman (2004, p. 8) describe the juvenile drug court process in the following way:

The cases begin with an arrest, followed by some form of screening and assessment to determine each youth's eligibility for drug court. The court meets with each offender regularly, often weekly, in open hearings. Before each hearing, the judge may meet with the drug court team (probation officer, case manager, prosecutor, defense attorney, treatment provider, school representative, and so on) to review the sanctions and services

ordered for each youth, assesses the effectiveness, and make any needed modifications to treatment and supervision arrangements.

Typically, the team meetings will continue until the judge determines that the youth has made the necessary adjustments and is capable of having a “drug-free” life in the community without needing the supervision and assistance provided by the court.

Mission of Juvenile Drug Courts

Some experimentation with drugs and or alcohol has been made by a large majority of adolescent youths. However, for most of these youths, the drug and alcohol use is not so extensive that it interferes with the normal functioning of the adolescent user in regard to family relations, school progress, and community relations. The juvenile courts do not have the resources to offer the special and extensive treatment given to those referred to the drug courts to all of the youths brought to the courts who have had some contact with drugs. When a youth is referred to the court for some type of violation and it is discovered that he/she has used illegal drugs, a decision must be made on whether or not the drug court would be an appropriation sanction.

Butts and Roman (2004, p. 176) note that the mission of juvenile drug courts presents a number of challenges for policy and practice. Some of the challenges mentioned by Butts and Roman are:

- Adolescents are more likely than adults are to engage in health-risk behaviors of all sorts, including drug use.
- Juvenile drug courts are designed to reduce a problem among young offenders that is highly prevalent among teenagers in general (substance abuse).
- The diagnostic methods used to distinguish drug use from drug abuse and dependence may be inexact and subject to social and cultural influence.
- The youths at greater risk of severe problems from drug use appear to be those that go beyond alcohol and marijuana to use other illegal drugs.
- The majority (80–90%) of youths involved in juvenile drug court programs have used alcohol and marijuana only.
- Unless the target clients for juvenile drug courts are identified clearly, juvenile justice systems may end up using considerable resources to serve a broad population of young offenders, including many who are unlikely to have serious problems with substance abuse.

Residential Treatment for Juvenile Delinquents

Community residential facilities include halfway houses, residential treatment centers, and community corrections centers. They will generally house youths with different characteristics and needs. For example, the term “halfway house” can be applied to a facility for delinquent youths convicted of an offense who are considered to need supervision beyond that of probation, but not considered such a threat to the community as to require commitment to a secure correctional facility. The same facility might house youths who have been released on parole from a correctional facility, but for some reason do not have a suitable home or residence available. Generally, halfway house residents are between the ages of 14 and 18. Some facilities accept younger juveniles, while others focus on older youths who are still under the control of either a probation or a parole agency. Typically, specialized treatment programs are not offered for those housed in these facilities. The residents are supervised by the halfway house staff and either a probation officer or a parole officer. The youths either attend school during the day or go to work, if employed. During the evenings, some group counseling is provided by either the staff or volunteer groups. The major emphasis of the counseling offered focuses on conforming to the rules, accepting responsibility, and getting along with others.

A community residential treatment center is similar to a halfway house, but specialized treatment is provided for the youths housed at such facilities. For example, a community residential treatment center may house youths with psychological problems, personality disorders, or drug abuse or sexual abuse problems. The staff members are trained in specific treatment techniques that are utilized in the programs offered. Such facilities are generally under private auspices, and the administrators of the facilities will have the final say on who will be accepted.

A more recent development is the community corrections center. These secure facilities are located in the community and administered by local officials. The youths committed to the facility have been adjudicated delinquent on a serious offense and are considered to be in need of supervision beyond that provided by probation. The stimulus for the development of such facilities came from several sources. It was determined by state authorities that it would be less expensive to send a youth to a facility located in the community than to a state-administered facility. Agreements are made between state and local authorities to have the state build the community corrections center, but have it operated by local staff. The state pays the local community a stipend for each youth housed at the facility.

Research has shown that it is preferable to keep the youths in their own community for several reasons. The youths are able to maintain contacts with family and others in the community. The residential corrections centers house fewer residents than is the case at the state-administered youth corrections facilities (generally less than 50 compared to 200 or more at the state facilities), and it is easier for the staff to maintain order and control and hold the occasional disruptions to a minimum. Also, there is less opportunity for residents to victimize each other. Most important, there is more personal interaction between the staff and the residents.

Summary

The juvenile justice movement that began in the mid-nineteenth century had the goal of providing a separate and distinct justice system for children who for various reasons violated the laws as well as for children who were not at fault but nevertheless needed protection and assistance. The “*parens patriae*” (parent substitute) approach, with the exception of a few periods of a “get tough on young criminals” philosophy, has been the cornerstone of the juvenile justice system. Various diversion programs have been established for the purpose of minimizing the penetration of juvenile offenders into the formal juvenile justice system. These diversion programs are implemented by the police, schools, and the courts. Many of the programs, such as the school resource officers and teen courts, require collaboration between several agencies.

It is not possible to divert all juvenile offenders from official processing. For some, formal processing is required because of the severity of the offense, the likely danger to the community if the juvenile is not placed under some form of secure supervision, and the treatment needs of the offender. Risk and needs instruments are used to assess which offenders will be likely to benefit most from community-based supervision and treatment and which youths are in need of some form of institutionalization. The courts have also developed special treatment programs for juveniles with problems related to sexual abuse, drug abuse, and family violence. These programs can be implemented in the community as well as in a secure facility.

Discussion Questions

1. Differentiate between total diversion and partial diversion. Under what conditions should each of these be applied?
2. What are the dangers of involving youths in programs for juveniles who have not committed offenses but are perceived and “delinquency endangered”?
3. How can a school resource officer balance the roles of law enforcement officer and mentor for the youths he/she supervises? Which role is more important?
4. When “at fault” youths are referred to the juvenile court, what are the diversion options open to the judge?
5. How are risk and needs instruments used to determine the types and levels of supervision used for juvenile offenders? What can be done if a juvenile has perceived needs that cannot be met?
6. Discuss the risk factors that have been identified as making a youth vulnerable to becoming a sexual abuser?
7. Why is constant monitoring so important in the supervision of drug-abusing juveniles?
8. What are the factors that place juveniles at risk for severe drug abuse behavior?

9. When juveniles housed in halfway houses who have never been institutionalized are in the same facility with youths who are on parole after a period of institutionalization, is there a possibility that the youths who have been more severe offenders in the past may negatively influence the behavior and thinking of those who have committed less serious offenses?
10. What are the advantages of placing youths in community corrections facilities as an alternative to institutionalization? Are there any disadvantages for the youth and the community?

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