

Reducing Juvenile Offender Recidivism Through Diversion

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REDUCING JUVENILE OFFENDER RECIDIVISM THROUGH DIVERSION

Reducing Juvenile Offender Recidivism Through Diversion

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Abstract

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Purpose

The purpose of this research is to examine the effectiveness of diversion programs in reducing juvenile offender recidivism. Juvenile crime has decreased in the last twenty years from a high of 1,875,000 crimes to fewer than 1,060,000. Between the years of 2012-2014, the number of justice involved juveniles dropped by 11% and was at the lowest rate since 1975 (Hockenberry & Puzzanchera, 2015). While these numbers are encouraging, continued efforts need to be made that can help prevent juveniles from entering the juvenile justice system in the first place, and to lower recidivism rates when they do. The negative results of confinement dictate that more emphasis needs to be placed on the use of diversionary programming.

Increasing public safety and deterring recidivism among juvenile offenders are goals that are not being met by traditional correctional means, such as detention. It states, in *Focusing on Juvenile Justice Reform in Minnesota*, that punishment is not as effective a means of decreasing recidivism as treatment-oriented interventions, and may actually increase recidivism. The success of a community-based program has a greater likelihood than one in an institution (Greenwood, 1996) and can be provided for at a fractional expense.

Methodology

This paper will primarily utilize secondary research in my research paper in a qualitative review. It will be supplemented with available research with statistics regarding the performance of varied diversion programs. Further information and statistics will be obtained from the Office of Juvenile Justice and Delinquency Prevention, diversion program information from peer reviewed articles, government websites and other accredited sources pertinent to this research.

Anticipated Outcomes

This research paper will provide a comprehensive look at how the detrimental effects of traditional or formal court processing can be alleviated by the increased utilization of effective diversion programs. The detrimental effects are those not only to the individual juvenile offender, but society as a whole as when taking the cost of crime and detention into consideration. It is anticipated that there will be varied results in the performance of diversion programs but that some commonality will be found within successful programs that can be utilized in the development of new programs.

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I. Introduction

Statement of the Problem

The juvenile justice system has existed for over a century. The tenets of its original inception established a separate court for individuals under 16 years old, provided for confidentiality to ensure as little stigmatization as possible to the juvenile, and encouraged rehabilitation over punishment (Shepherd, 1999). Changes occurred nearly a century later that changed the rehabilitative focus of the juvenile system to one of punishment. A pervasive opinion existed that juveniles should be given some sort of sanction upon their initial appearance before a judge, with sanctions graduating in severity with each succeeding offense (Shepherd, 1999). Yet Shepherd (1999) recognizes in his paper that juveniles are more likely to be rehabilitated in a treatment program as opposed to punitive measures. This is supported by a study done comparing the transition into adulthood between juveniles confined prior to the age of 18, juveniles arrested by the age of 18 but not confined, and juveniles with no criminal history. The study found that those juveniles who were confined experienced significant differences from the other groups. The study's recommendation is that less reliance needs to be placed upon correctional control, and other types of programming should be adhered to that provide for an emphasis on more typical juvenile development skills (Schaefer & Erickson, 2016).

The finding that as few as eight percent of offenders are responsible for most offenses by way of recidivism (Onifade, Wilkins, Davidson, Campbell, & Petersen, 2011), has resulted in a "risk-need responsivity" that espouses responding to primarily medium- and high-risk offenders with formal procedures, and in doing so reducing costs in terms of time and monetary expenditures. The formal processing of juveniles for relatively minor offenses leads to increased

exposure to criminal elements, as in other offenders, and a possible labeling of the juvenile within their community which disrupts their pro-social connections (Onifade et al, 2011).

Purpose of the Study

The purpose of this research is to definitively illustrate the advantages of diverting juveniles from traditional court processing means. Although the volume of cases resulting in detention for delinquency was reduced by 41% between 2005 and 2014, the proportion has slightly increased from 21% to 22% (Hockenbery, & Puzzanchera, 2017). It will be shown that although diversion programs have existed for several decades, further efforts must be made in order to utilize more such programs for a greater number of juvenile offenders, and allow for more offenses to be eligible for diversion programs. Recent national estimates indicate that approximately 25% of youth who are referred to the juvenile justice system end up in some sort of diversion program (Puzzanchera & Kang, 2008).

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that there are at least 285 such diversion programs in existence with varying degrees of effectiveness (OJJDP, 2015). Diversion programs or policies exist in every state in this country. In a meta-analysis of 50 diversion programs, it has shown them to be more effective in reducing recidivism as compared to traditional court processing (Whitehead & Lab, 1989). Traditional court processing consists of formal court prosecution, which may result in incarceration or other types of confinement, and burden the youth with the stigma of a juvenile criminal record. Research has shown that juveniles in the criminal justice system are likely to experience physical harm while incarcerated or become further entrenched in criminal behavior (Dietch, Borstow, Lukens, & Reyna, 1999). A general consensus was reached by participating agencies in 2008 in Hennepin County, MN that the overuse of secure detention and out-of-home placements for juvenile

offenders negatively impact those individuals. They went on to state that those means also do not result in greater public safety, are costly alternatives, and increase juveniles' subsequent involvement with the correctional system (Driessen, 2011).

The recommendations in the Hennepin county reform suggested that only those offenders considered at risk of reoffending prior to trial or failing to appear for trial be detained. A youth's risk level is assessed in order to ensure that the least restrictive measure is taken in each case (Driessen, 2011). By assessing and assigning individuals to diversionary programs based upon evidence such as that found in risk assessments, rather than solely upon the seriousness of the crime involved, this research will endeavor to show that more effective and beneficial results can be achieved.

Significance or Implications of the Study

The significance of this research is the potential benefit to society, as well as youthful offenders and their families, by reducing recidivism and thereby reducing crime, and the costs associated with it. Reduced recidivism increases public safety and reduces the monetary impact crime has on victims, as well as the taxpayer.

The post-reform measures taken in Hennepin County have led to a greater than 50% reduction in the number of juveniles in detention and a nearly 50% drop in Juvenile Detention Center admissions (Driessen, 2011). The savings realized with these results has allowed for the implementation of more community-based services with greater effectiveness and less cost than detention. The potential for similar results in those areas not effectively utilizing juvenile diversion programs is a significant point to this study. The finding that as few as eight percent of offenders are responsible for most offenses by way of recidivism (Onifade, Wilkins, Davidson,

Campbell, & Petersen, 2011), has resulted in a “risk-need responsivity” that espouses responding to primarily medium- and high-risk offenders with formal procedures, and in doing so reducing costs in terms of time and monetary expenditures. The formal processing of juveniles for relatively minor offenses leads to increased exposure to criminal elements, as in other offenders, and a possible labeling of the juvenile within their community which disrupts their pro-social connections (Onifade et al, 2011). However, Onifade et al, 2011, found that when comparing similar risk level offenders who were informally and formally processed, no significant differences were found in recidivism rates. This study will also take into consideration studies, such as Onifade’s, that did not find recidivism to be effectively reduced through informal processing of juvenile offenders.

Effects of Incarceration

On any given day as of 2014, approximately 4,200 youth under 18 years old are held in a jail in this country and just over 1,000 are held in a state prison. Nearly 51,000 juveniles are held in residential placement facilities (OJJDP). The possible effects of incarceration upon these juvenile offenders are many and varied. These effects may be detrimental to their physical, mental, and emotional well-being. Some of the health issues seen may have existed prior to confinement and been exacerbated upon confinement. Barnett, Perry, and Morris (2016) state that a strong causal relationship exists between youth incarceration and adult health outcomes. Ng, Shen, Sim, Sarri, Stoffregen, and Shook (2011) found evidence of higher rates of depression among juveniles incarcerated for serious crimes and some indication that the risk of depression is higher for juvenile offenders confined to adult prisons. Incarceration of juveniles is potentially traumatic as well as physically harmful. Juveniles who find themselves incarcerated are put at a disproportionately higher risk of morbidity and mortality in comparison with the general

adolescent population. The mortality rate for all juveniles with a history of incarceration is 4 times that of the general population and 6 times higher for girls. Ninety percent of the deaths were due to homicide. African American male youth had the highest mortality rate (Barnert et al, 2016). The physical, development, and mental health needs of incarcerated youth are largely unmet, in comparison to the general adolescent population, as well as experiencing higher mortality rates, while incarcerated (Hein & Cohen, 1980). The list of health disparities affecting incarcerated youth include, sexually transmitted infection, pregnancy and parenthood, chronic condition, such as, asthma and diabetes, PTSD, learning and mood disorders, substance abuse and suicidality (Barnert et al, 2016). Whether this is due primarily to factors existing as a result of incarceration or to preexisting factors is something debated in literature pertaining to the subject.

There are some health benefits as a result of incarceration. An estimated 80% of detained youth do not have a regular health care provider prior to incarceration and most do not see one post-incarceration (Barnert et al, 2016). The Department of Juvenile Justice is legally required to provide health care for those incarcerated (United Nations). This makes health care readily available although the variety of services provided is not consistent among facilities. Several factors, such as budget constraints, staffing limitations, and availability of specialty services, limit health services in some locations. While incarcerated, a resident is cared for by providing immunizations, care for immediate health concerns and chronic health issues. An additional benefit of incarceration is that adolescents are removed from what may have been a risky environment in their communities. Notwithstanding those benefits, incarceration has been found to have a causal relationship with adult health outcomes. Causal factors include an increased

exposure to diseases, possible abuse or trauma within the detention facility, and the social effects that result from having been incarcerated (Barnert et al, 2016).

The unmet mental health needs of incarcerated youth are conditions that may have contributed to their incarceration to begin with. Conduct disorders and substance abuse increase the risk of incarceration. They also may be contributing factors to the physical health concerns of those incarcerated. The majority of both boys and girls who are incarcerated meet the criteria for at least one psychiatric diagnosis, with half of all those detained requiring the administration of a psychotropic medication (Barnert et al, 2016).

Teplin, Welty, Abram, Dulcan, & Washburn (2012) evaluated rates of mental health disorders post release. The study followed-up on 2,000 youth for up to 5 years post release. It found a decrease in mental health and behavioral disorders over time except in youth who were previously incarcerated. Up to 50% of those youth exhibited the criteria for at least one mental health disorder at follow up. Depression is one mental health disorder that has been found to affect incarcerated juvenile populations. A number of studies have shown this. Studies that identified major depression found it to occur in between 7.2% and 16% of their samples (Washburn, Teplin, Voss, Simon, Abram, and McClelland, 2008). Depression rates of incarcerated juveniles and non-incarcerated juveniles were compared in studies which found differences of 14-26% between the two groups. Depression was reported by 18% and 30.6% of incarcerated youth in two studies compared with approximately 4% of non-incarcerated youth in both studies (Kashani, Manning, McKnew, Wytryn, Simonds, and Wooderson, 1980). Lyu et al's (2015) study found that 34.7% of those surveyed experienced severe or very severe depression. These may not be a particularly surprising statistics given the fact that incarcerated youth are deprived of their freedom and are experiencing the consequences of their actions prior

to confinement. However, there is little existing research to support the idea that depression is the result of incarceration. More evidence exists that shows depression exists among juvenile offenders prior to their incarceration. This does not relieve the juvenile justice system of providing proper care for these individuals. In fact, it is in the best interest of society to provide adequate care for these youth in the hopes that it will benefit them in their lives upon release. Boothby and Durham (1999) posit that when depression is not dealt with among inmates it results in a cost to the prison system. They contend that untreated depression affects others in the prison community so that it may result in self-harm to the individual suffering from depression and even suicide, which incurs costs to the facility. Ng et al, (2011) found that youth who have been incarcerated for serious offenses are more likely to suffer from depression than those with less serious offenses or none. It was also indicated that juveniles who are incarcerated in adult prisons may be more likely to experience depression than those confined in juvenile facilities. In fact, juveniles incarcerated in adult facilities were at least 20 times more likely to experience depression than other groups (Ng et al., 2011). No significant difference was found in the presence of psychiatric disorders between juveniles processed in the adult and juvenile systems. Juveniles in adult incarceration had 64 times the odds of being depressed compared to community youth and 37 times the odds of serious offenders in the juvenile system. Minor offenders exhibited a depressed-not depressed odds ratio that was significantly larger than non-offenders. Upon analysis it was found that rates of depression increased according to the severity of punishment.

Formal System Processing for Juveniles

The goal of the juvenile justice system is to provide for the public's safety by determining how to most effectively deal with juvenile offenders and deter them from reoffending. One of the choices of the juvenile system is to send juvenile offenders to secure detentions. The premise of this choice is that the punishment will impress upon the offender the consequences of their actions and deter them from continuing to offend. Within the last two decades the number of juveniles in residential placement has decreased by 55% from over 107,000 to just over 48,000 juveniles (OJJDP, 2015). In a meta-analysis of the juvenile justice systems performance in reducing delinquency it was found that, while not statistically significant, formally processed juveniles recidivated slightly more than those who were diverted (Petrosino et al, 2010).

The annual cost of incarcerating juvenile offenders is estimated to be between \$8 and \$21 billion (OJJDP, 2014). While this alone might seem like a reason to research how to reduce the number and length of incarcerations each year, the cost in terms of the health and well-being of the juveniles who are incarcerated should be of greater concern. The care these juveniles receive while confined may help to determine the course their lives will take upon release. Providing them with the proper care for their physical and mental health, as well as protecting them from harm during incarceration is the responsibility of the juvenile justice system.

The effects of incarceration upon juveniles is not measured only in regards to the effect upon their physical and mental health. In a study by Aizer and Doyle (2015) the impact upon human capital and future crime was evaluated. The study posits that incarceration during adolescence effects the earning potential in a juvenile's future and increases the likelihood of recidivism. It finds that 15 and 16 are the critical ages in adolescence when incarceration is most likely to end the high school education of an offender. Juveniles will most likely not return to school once

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incarcerated and if they do they are more likely to be classified for special education services with a behavioral or emotional disorder. The importance of the study and future studies like it lies in its usefulness to help form decisions and policies regarding incarceration of juveniles. The authors also posit that the presence of more police officers in our schools has resulted in increased arrests of juveniles placing them at risk of not completing high school. This study found that incarceration reduced a juvenile's likelihood of graduating by 39% compared to others from the same neighborhood. It was also found that once incarcerated in a juvenile facility and released, the juvenile is 22% more likely to be incarcerated in an adult correctional facility by the age of 25 (Aizer & Doyle, 2015). The study found that juveniles who were brought before the court but not committed to a juvenile facility had only a 16% likelihood of future incarceration as an adult. In general, we can conclude from this study that juvenile incarceration negatively effects high school completion and positively effects adult recidivism (Aizer & Doyle, 2015).

II. Review of Literature

The section presented here will include an overview of the history of the juvenile justice system. Subsequent to that there will be presented an overview of various types of diversion programs in practice today. They include Functional Family Therapy (FFT), restorative justice, evidence-based programming, mental health programming and drug diversion programs. In the following section, evaluations of specific diversion programs will be presented, followed by a section for review of several meta-analytic studies.

History of the Juvenile Justice System

Eighteenth century courts treated juveniles no differently from adults. Children were held accountable for crimes and punished alongside adults. Changes began to occur in the first quarter of the nineteenth century that saw juveniles being treated separately from adults. It was acknowledged that incarcerating juveniles merely enhanced criminality among them and did nothing to rehabilitate the offender. A century later juvenile courts were common in most states across America. The legal principle of *parens patriae* became prevalent. It was recognized that state officials would act as guardians of children who came before the court to look after the best interests of the child. In 1974, the Juvenile and Delinquency Prevention (JJDP) Act was passed that required states to separate juveniles from adult prisoners in jails and prisons in order for the state to be eligible for federal funding (Schmallegger, 2015). This was further amended in 1980 to completely prohibit housing children in adult jails (Bohland, 2011). Retributive goals began to appear in juvenile justice by the late twentieth century. Rehabilitation remains the goal of the juvenile justice court system today, however changes have occurred that also put emphasis on accountability and punishment (Schmallegger, 2015). This entails confinement of juveniles in jails, prisons, and residential placement facilities.

Diversion programming was advocated and funded by the federal government beginning in the 1960s in order to avoid to the extent possible the attachment of a stigma as a result of formal court processing for juveniles. It also endeavored to assure that less serious delinquency cases were not dismissed due to a lack of resources (President's Commission on Law Enforcement and Administration of Justice, 1967). The following decade saw more funding for a number of diversion programs in response to the acceptance of labeling theory and its effect (Blomberg, 1980). Today, diversion remains a prominently legislated issue in juvenile justice (Willison et al., 2010). It has appeal as while it allows juveniles to be held accountable it also provides treatment and assistance, intending to create a balance between punishment and rehabilitation (Mears et al., 2016).

Functional-family Therapy

Functional-family therapy, known as FFT, is an intervention process used with delinquent youth or those at risk for delinquency and requires the participation of a parent (Celinska, 2015). It is implemented over a short period of time in three phases. Within these phases the therapist works to create a close relationship with family members, improve parenting skills and communication skills among family members and anger management. Finally, the therapist seeks to help the family learn how to continue to use the skills acquired in the FFT process and how to access needed resources in their community (Alexander & Sexton, 2002). The importance of adherence to the FFT model and the training of therapists is important to the effectiveness of FFT.

Recidivism was shown to have been significantly reduced in initial experimental research conducted in the 1970s by the creator of FFT, James Alexander, and Bruce Parsons (1973). Research consisted of delinquent youth who had committed behavioral offenses, such as,

truancy, shoplifting and drug or alcohol offenses. The researchers also found a lower rate of criminal referrals for more serious offenses, such as felonies, by the FFT group post-participation, than non-FFT groups (Parson & Alexander, 1973).

In a study of mandated and volunteer participants and their parents of a FFT program, it was found that there was virtually no difference in the results between the two groups. The results of FFT were not specifically measured in this study to determine its effectiveness but rather the results of it in terms of FFT being applicable to both mandated and non-mandated participants. Youth participating in the study were those who had exhibited violent or aggressive behavior, were truant or had committed a property crime. Those youths who had a history of substance abuse, serious mental illness or criminal behavior were not eligible for the study (Celinska, 2015).

Positive changes were seen in both groups studied. Those changes were also in areas which are suggested as being most important in the prevention of at-risk of delinquent behavior. Although the effectiveness of FFT was not specifically measured as an evaluation of it, it was found that the number of sessions attended by participants was predictive of positive changes. Celinska (2015) states that in research, FFT has been shown to be effective in reducing delinquency and aggressive behavior. This study also recommends that based upon the results of mandated and non-mandated FFT participants, less formal processing would be beneficial in either case (Celinska, 2015). Based upon the results of this study, the author of it suggests that the use of FFT may also result in a savings upon court resources, minimize youth and parental stress and avoid the possibility of the adverse effects of being processed in the traditional court system (Celinska, 2015).

Restorative Justice

Restorative justice is a method that, although it cannot obliterate the actions that resulted in a person being diverted to a restorative justice program, does attempt to repair damage, both physical and emotional, to victims and society. Recidivism “refers to a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime” (National Institute of Justice, 2014). Restorative justice programs endeavor to effectively reduce recidivism.

Restorative justice is a nontraditional practice that aims to repair the damage an offender has done, rather than solely receiving a punishment, or sanction, for the offense. Examples of restorative justice approaches, are victim-offender mediation, community conferencing, circle sentencing and family group conferencing. Within these approaches are contained the opportunity for victims and offenders to meet and acknowledge the harm done to the victims, as well as to the offenders themselves, and determine how that harm may be repaired. Reparation is the goal, rather than retribution. A goal of restorative justice is to reduce crime and studies have been conducted to measure recidivism rates connected with it. While some past studies have shown lower rates of recidivism, they were not statistically significant (Rodriguez, 2007). A more recent study has been able to show greater success, in terms of lower recidivism, in restorative justice programs compared to traditional correctional supervision programs (Latimer, Dowden, & Muise, 2005). An additional study of juvenile participants in a restorative justice program examined data collected over the course of two years and found that participants recidivated at a lower rate than those in a comparison group (Rodriguez, 2016).

Juvenile participants in a restorative justice program administered by Men As Peacemakers, or MAP, recidivate at a rate of 1 out of 50 participants by six months after release, while

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juveniles released from traditional juvenile justice programs recidivate at a rate of nearly 40% within the same timeframe (Tsui, 2014). In addition to recidivism rates, for which there are some challenges in accurately determining, 25% of juveniles participating in MAP initially reported understanding the effect their crime had on others and how to make reparation for it. This number increased to 85% after participation in a restorative justice program (Tsui, 2014). The challenges mentioned in accurately determining recidivism rates include those of analytic strategies, how recidivism is defined and the duration for which follow-up information is collected (Bergseth & Bouffard, 2007).

In the state of Illinois, it is reported that over half of the juveniles once held in a Department of Juvenile Justice facility are incarcerated at some point again (Tsui, 2014). In an effort to help curb that number, Illinois introduced the Balanced and Restorative Justice (BARJ) model. Using this model allows for alternatives other than incarceration for juvenile offenders. One example of that is seen in Cook County where community-based restorative justice programs are utilized for first-time or nonviolent offenders. Restorative justice programs are commonly assessed in comparison to other programs for first-time or nonviolent offenders. The results of a study done that included repeat and violent offenders assessed recidivism rates in comparison with juvenile offenders who experienced traditional court procession (Bergseth & Bouffard, 2007). The study found that participants in a restorative justice program reoffended significantly later than those from the traditional court procession group. The program group also reoffended with serious offenses in significantly smaller numbers within a two-year follow-up period. Overall, the restorative justice participants experienced more positive results than those referred to traditional court processing. The program participants measured as long as three years after participation had fewer police contacts and those contacts made were for less serious behaviors (Bergseth &

Bouffard, 2007). Result of this study lend credence to the idea that restorative justice programs can produce positive results with more serious offenders, and not be limited to first-time or non-violent offenders. Further research is warranted into the effects different applications of restorative justice measures within juvenile diversion programs may produce on various groups of offenders in reducing recidivism.

Evidence-based Programming

Evidence-based programming, in terms of its use in the juvenile justice system, is the application of scientifically directed strategies in interventions with juvenile offenders (McKee & Rapp, 2014). Effective and consistent application of evidence-based principles are key to the success of a program whether the program is a proven proprietary name brand program or simply one that adheres to effective evidence-based interventions. The Standardized Program Evaluation Protocol (SPEP) is used to evaluate existing programs to determine their effectiveness and to modify ones that are not (Bishop, 2012). SPEP is a point system developed by Mark Lipsey with more points being assigned to factors within a program with strong indications of having an effect upon recidivism and lesser points assigned to factors with weaker indicators (Lipsey, Howell, Kelly, Chapman and Carver, 2010). This system is beneficial in the decision making process of determining which program a juvenile justice agency could best implement (Welsch, Rocque & Greenwood, 2014).

A study of an evidence-based program focused upon one in which a life-skills-oriented psychoeducational approach was utilized to reduce recidivism (Lancaster, Balkin, Garcia and Valarezo, 2011). Participants were primarily Latino juvenile offenders. Participants attended weekly group counseling sessions emphasizing the provision of life skills to navigate areas, such as, emotions, substance abuse and building self-esteem. The control sample was obtained

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through a database of juvenile offenders who received community-based probationary sanctions. Results showed that 60% of those who received counseling did not recidivate within the 24 months following the program compared to 46% of the control group who received probation. Results are indicative of a need for further research in programs facilitating counseling in order to delineate the most effective portions of the counseling process (Lancaster, et al, 2011).

An evidence-based approach was used in determining whether juvenile awareness programs using confrontational methods are effective. These programs attempted to use intimidation and fear in order to scare juveniles straight based on the deterrence theory that asserts that criminal behavior can be deterred if punishment is swift, severe and certain (Klenowski, Bell, and Dodson 2010). A study was conducted to determine whether recidivism was affected or if at-risk juveniles were deterred from becoming delinquent through these programs. The operating theory of these programs posited that by exposing youth to personal accounts by inmates of prison life and how the choices they made in their lives resulted in their incarceration program participants would be deterred from making the same choices in order to avoid the same consequences. In this study it was determined that these methods were ineffective at reducing recidivism or deterring juveniles from delinquency (Klenowski, Bell & Dodson, 2010). In fact, it was found that participation in the program actually increased the chances of reoffending (Petrosino, et al, 2000). The implementation of evidence-based methods made this determination possible and at the same time detected elements of some programs which may have value when applied to different programs. This study also illustrates the importance of applying evidence-based research in determining the value and effectiveness of a program (Sherman, Farrington, Welsh & MacKenzie, 2002).

Mental Health Programming

A study by Grande, Hallman, Rutledge, Caldwell, Upton, Underwood, Warren, & Rehfuss (2012) found that juvenile offenders have a higher rate of mental health needs than the general population. The general population rate of at least one psychiatric disorder ranges from 9 to 33% and incarcerated youth range from 40 to 82%. The mental health of incarcerated juveniles differs by gender according to research. This is important to determine in order to ensure that the mental health needs of both genders are being adequately met with the increasing number of juvenile females being arrested. The concern regarding the mental health of incarcerated youth has prompted a number of studies here in the U.S. and internationally. Lyu, Chi, Farabee, Tsai, Lee, Lo, and Morisky (2015) performed a cross-sectional census survey study of all juveniles residing in correctional institutions in Taiwan. Its purpose was to examine the prevalence and correlates of the psychological stress among the residents. Forty-four percent reported psychological distress with sleep disturbance, depression, and hostility being the most prevalent symptoms. Being female was found to be one of the correlates of psychological stress. Grande et al's (2012) causal-comparative study of over 4,000 adjudicated youth was performed to determine the effect of gender on dependent variables. As found in past studies, significant differences were found between the mental health symptoms of males and females, but not in the overall prevalence of mental health symptoms. This finding was different from previous studies and may be an indicator of changes in the prevalence of mental health symptoms in males or the findings may be a result of the particular sample used. Due to the region the study was performed in and the sample used of adjudicated youth entering incarceration, it is possible that the results are not typical in other regions and in non-adjudicated juvenile offenders. However,

the results showing the disparity between genders in mental health are still a compelling basis for the need to modify how incarcerated youth are assessed and treated (Grande et al., 2012).

Mental health diversion programs for youth are being utilized more frequently recently in response to the fact that an increasing number of persons with mental illness are becoming involved with the criminal justice system (Evans Cuellar, McReynolds & Wasserman, 2006). In earlier studies, mental disorders, such as, substance, mood, anxiety and disruptive disorders were found among incarcerated youth with ranges varying from 2 to 50 percent (Wasserman, McReynolds, Lucas, Fisher & Santos, 2002). Their purpose is therapeutic rather than punishment (Wexler, 2000). Nonetheless, recidivism may yet be affected through the treatment of mental disorders whose effects may contribute to delinquency and crime (Evans Cuellar et al, 2006). The programs seek to divert juvenile offenders with mental illness from the court system to mental health treatment. The goal is to reduce recidivism through the use of mental health diversion programs. The increase in these programs is directly related to the concept that mental health disorders in youth can lead to crime, and that crime can be reduced by providing treatment. Although a correlation has been shown in studies between mental disorders and crime, a causal relationship does not automatically follow (Evans Cuellar, et al, 2006).

In Texas, the Enhanced Mental Health Initiative (Evans Cuellar, et al., 20016) helped to increase mental health services to offenders with mental health disorders with the intent to reduce offending and provide alternatives to incarceration. The Special Needs Diversionary Program (SNDP) was funded to help provide services to juvenile offenders with mental disorders. The services SNDP provided were done so to keep those offenders in the community but under supervision. Participants were required to meet certain criteria such as being under the jurisdiction of the juvenile court, mental health criteria, and having family member involvement.

Data was collected on the participant sample and a comparison group. It was found that over 10% more youth from the comparison group were re-arrested at least once within the same timeframe as the treatment group (Evans Cueller et al., 2006). The predicted number of arrests on average for program participants was .68 less than those not participating. Upon analysis of all the data it was learned that mental health diversion is effective in lowering crime by the delay or prevention of recidivism. The significantly fewer number of arrests per youth served in this program is a promising indicator that such mental health diversion programs may be extremely helpful in the reduction of crime. In particular, treatment had a greater effect upon felonies than a combination of all other offenses (Evans Cuellar et al, 2006).

Drug Diversion Programming

Substance abuse among juvenile offenders is significant. The need for substance abuse treatment among juvenile offenders is estimated at 60% (Aarons et al., 2001). It has been shown in research that often when substance abuse is untreated it increases in severity and involvement in criminal activity (CASA, 2002). In 2002, the National Center on Addiction and Substance Abuse found that 30% of youth arrested reporting no substance use or only alcohol, had been arrested or incarcerated within the past year. In comparison, 61% of those youth admitting to substance use at some point had been arrested or incarcerated within the past year (Ridenour et al, 2002). This sets in motion a lifecycle beginning with academic failure leading to a lack of economic security due to the lack of employment opportunities, which in turn may result in increasingly serious involvement with the criminal justice system (Ridenour et al, 2002). In a data analysis it was found that recidivism was significantly higher among juvenile drug offenders as opposed to other juvenile offenders (Belenko & Sprott, 2002). In order to address this issue effective treatment needs to be administered within the juvenile justice system.

Establishing effective treatment programs in community-based programs for juvenile offenders has typically differed from that which takes place in residential detention facilities. Practices that work effectively within a residential setting may not be transferrable to a community setting and vice versa, such as family-based therapies, which have been empirically shown to be consistently effective among youth involved with the juvenile justice system (Austin et al, 2005), may be impractical due to distance and other factors inherent within a residential detention facility (Hoagwood et al., 2001).

In a study of 217 substance abuse treatment facilities within criminal justice and community-based facilities for juveniles and adult offenders, those that provided treatment in community-based treatment programs will primarily be considered here (Henderson et al, 2007). It was found that community-based programs typically used more of the effective treatment practices than the institution-based programs. The community-based programs also tended to employ qualified staff, include family involvement in the treatment and upon completion of the program, assess the outcomes. Institutional programs included more comprehensive services than community program, such as healthcare needs and academic components, but less family involvement (Henderson et al, 2007). Findings of this study suggest that community-based programs are ahead of institutionally-based programs in their use of effective treatment practices for juvenile substance abuse offenders (Henderson et al, 2007).

Drug courts for juvenile offenders were adapted from drug courts which were initially developed for adult offenders. Participation is voluntary and successful completion of the program results in a dismissal of charges, or suspension or reduction of the offender's sentence. Participants must abstain completely from drugs or alcohol, as both are illegal substances for juveniles, and adherence to this stipulation is aided by therapy and regular random urine screens

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(Hills, Shufelt, & Cocozza, 2009). Drug courts also have the unique aspect of the judges being able to not only impose sanctions, but to also award incentives (Stein et al, 2015).

The program types presented here, FFT, restorative justice, evidence-based, mental health and drug diversion, all show positive results in reducing recidivism. FFT even has promise in reducing recidivism among felony offenders, as well as financial savings and the avoidance of the adverse effects of traditional court processing. Restorative justice and mental health programming not only have success in reducing recidivism rates among first time or non-serious offenders, but with also with serious offenders. Drug diversion programming provide therapy resulting in lower recidivism among participants, also with more serious offenders. These programs hold great promise within the juvenile justice system of reducing recidivism among all types of offenders.

III. Diversion Program Evaluations

The equitable evaluation of diversion programs is difficult due to factors, such as, type of offender (Campbell & Retzlaff, 2000), at what point in the justice process a juvenile is diverted and what treatment is provided (Hamilton et al, 2007). Some of the intended impacts of diversion programs overall though are the avoidance of formal processing for juvenile offenders and detention, reduced recidivism, and increased public safety. Lipsey (1992) found that community-based treatment programs were of greater benefit to juveniles than detention facilities. Some of those benefits being improved health and less stigma to the youth, possibly resulting in the prevention of delinquency (Whitaker et al, 1984). The processes and benefits of several diversion programs are related next.

Functional Family Parole

Functional Family Parole (FFP) utilizes Functional Family Therapy (crimesolutions.gov) within the program that endeavors to reduce recidivism and increase employment rates and wages among participants. This is achieved by refocusing the youth's attention from their personal difficulties to enhancing their familial communications and relationships. The program is administered by parole officers in three phases: 1) Engage and Motivate, 2) Support and Monitor, 3) Generalize. FFT has been highly effective in reducing recidivism, as compared to juvenile probation residential treatment (Sexton & Alexander, 2000).

During the first phase of engage and motivate, the emphasis focuses on several important skill sets which assist in enhancing the ability to attain goals set for this phase. The three skill sets addressed in this phase are structuring, interpersonal and relationship skills. Goals include

building a relationship with clients and family members by establishing trust and to reinforce those skills which will contribute to the initializing and future longevity of changes made by the participant (Andrews et al, 2012).

The emphasis of the second phase of support and monitor focuses upon the youth's relationship with family members as well as assisting families in learning to discover and utilize important resources within the community that are necessary for the family. The skills learned in this phase help to ensure long-lasting improvements within the family stemming from a constructive and affirmative therapy experience (Andrews et al, 2012).

The final phase of generalization strives towards maintaining progress post-therapy and to continue to build upon skills achieved when traversing new difficulties.

A study of this program was conducted involving participants who committed non-serious criminal offenses. Results showed positive results. Participants were re-arrested within 9 months following therapy at a statistically lower rate than those of a comparison group. Program participants were also more likely to be employed at a higher average rate of pay within one year following their participation in the FFP program than those in the comparison group. The results were statistically significant (Andrews et al, 2012).

Juvenile Restorative Justice Program (Midwest County)

The Juvenile Restorative Justice Program (Midwest County) (crimesolutions.gov) is an alternative to traditional court processing that offers offenders the opportunity to repair the harm they perpetrated, while affording victims the opportunity, if they wish, to address the offender and communicate to them the effect the offense has had on them (Bergseth & Broussard, 2007). This particular program includes offenders who have committed a minor assault, a victimless or

property crime. Juvenile offenders in the program are required to admit to the offense and be willing to participate in a meeting with their victim, if they so desire, in an attempt to make reparation for their offense. The victim may request to have the matter dealt with through formal processing, or to be handled indirectly without the requirement of their presence in a meeting. In cases where the victim is willing to participate in a restorative justice measure, a facilitator helps to prepare the offender for the meeting. It is hoped that through this process victims will achieve closure and offenders will accept responsibility for their actions. While a statistically significant difference was found in a fewer average number of re-arrests for program participants compared to those of a comparison group, no statistical difference in the average number of official police contacts within 4 years was found between the two groups (Bergseth & Bouffard, 2007).

AMikids Community-Based Day Treatment Services

AMikids provides community-based interventions to delinquent and at-risk youth intended to reduce recidivism as well as be cost-effective (crimesolutions.gov). One intervention utilized is a day treatment program allowing youth to remain in the home while receiving treatment in the community. Participants are those who have offended for misdemeanors and lesser felonies. Mental health issues and substance abuse are common among the youth in the program. AMikids employs a Personal Growth Model (PGM) that is the foundation for its services. Their PGM is a combination of treatment, education and behavior modification that assists youth in attaining personal growth and success. The goals of the PGM emphasize evidence-based interventions, recidivism reduction and a comprehensive approach that ties together the community, family and the individual. The PGM also establishes six core principles integrated into the program (Winokur et al, 2010).

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They are:

- Bonding
- Family atmosphere
- Nonprison environment
- Positive learning environment
- Gender responsiveness
- Cultural relevancy

Upon admittance to AMIkids, youth are administered an assessment which helps to determine each individual's specific needs. Mental health and/or substance use treatment services are provided involving different therapies and skills support. The assessment also helps to determine other factors that help to determine the course of treatment for each youth (Winokur et al, 2010).

A study was conducted with a sample of treatment youth and a sample group from the same timeframe who experienced secure residential programming. It was shown that significantly fewer treatment youth were found to be rearrested, rearrested or convicted for a felony offense, or to be committed, receive adult probation, or sentenced to prison than youth in the secure residential program (Winokur et al, 2010).

In a cost comparison, the AMIkids program was able to provide services for individuals at approximately one-quarter of the cost of providing low-, moderate-, and high-risk residential programming. This amounted to a savings of \$3 million for every 100 youth receiving services from AMIkids each year (Winokur et al, 2010).

Adolescent Diversion Project (Michigan State University)

The Adolescent Diversion Project (ADP) is a collaboration between Michigan State University, Ingham County (Mich.) Juvenile Court personnel, and members of the community and was begun in 1976 (crimesolutions.gov). The program was created in response to rising juvenile crime and as a diversion alternative for juveniles who would otherwise be processed through traditional court procedures. It was also an attempt at cost-saving over formal processing of juveniles. A cost analysis determined that the cost of one participant in the 18-week program is \$1,020.83, including overhead and administrative costs. The typical cost of a local juvenile court for one juvenile is \$13,466. ADP serves 144 youth in an average year compared to 375 youth served through the county juvenile court system. A savings of nearly \$1,800,00 annually is realized by serving youth through ADP, rather than traditional juvenile court services (Sturza & Williams, 2006).

The program consists of an 18-week intervention, which provides a volunteer mentor who focuses on improving the juvenile's skills in areas pertaining to family relationships, school, and employment. The mentor also educates the juvenile about resources available in the community and how to access them once the juvenile completes the program. Previous studies show significant differences in official delinquency rates between ADP participants and traditionally processed juveniles, but not in self-reported delinquency. The program has also been estimated to result in an approximate savings of \$1.8 million annually to the county as compared to traditional juvenile court processing (crimesolutions.gov, 2013).

The goal of the program is to strengthen the youth's attachment to family, increase their ability to access resources in the community (both during and after the program), and keep youth from becoming a part of the juvenile justice system and other affiliations that may result in social

stigmatization. In order to attain these goals, caseworkers (students) work to provide the youth with needed services and also to improve skills in areas pertaining to family, school, employment, and free-time activities. The initial 12 weeks of the program are considered the active phase. During this time, caseworkers provide direct assistance in behavioral contracting and advocacy efforts. The last four weeks of the program are called the follow-up phase and the caseworker's role gradually changes to more of a consultant role in order to prepare the juvenile to utilize the skills and knowledge they have acquired to use upon completion of the program (Adolescent Diversion Program, Michigan State University, 2013).

The results of the study showed no difference in self-reporting of delinquency between treatment and control conditions. However, official delinquency rates were significantly affected. Those groups assigned to the action condition (which included ADP) and the action condition with a family or court setting showed a significantly lower rate of recidivism as a whole when compared to the sum total rate of recidivism of the control, placebo, and court setting action condition groups. Other significantly lower recidivism rates were recognized for the individual action and relationship condition groups in comparison with the control condition groups. This study showed that juveniles processed through the court system did not fare as well as those juveniles assigned to a specific treatment model (Davidson et al, 1987).

The official results of the study showed a significant difference in recidivism rates between those groups who received the services of the ADP and those who were diverted but did not receive services, and those who experienced the formal court processing. The ADP services group showed a 22 percent recidivism rate compared to a 32 percent rate for the non-services diversion group, and a 34 percent rate for those receiving formal court processing (Davidson et al, 1987)).

Aggression Replacement Training (ART)

Aggression Replacement Training differs from many other diversion programs as it is intended for juveniles who display chronically aggressive and violent behavior (crimesolutions.gov). The intent of the training is to replace antisocial behavior with prosocial behavior by teaching violent youth how to restrain their angry impulses and view situations from a different viewpoint.

Although the program does not solely work with adjudicated youth, the work cited here is from a study of the program administered to moderate and high-risk youth who had previously been charged for a weapon, violent misdemeanor, or felony conviction. The sample and comparison groups were taken from populations of adjudicated youth in Washington state.

Participants were chosen by court staff as being appropriate for the ART program (Godley et al, 2006).

Groups of 8-12 program participants meet three times weekly for the 10-week, 30-hour instructive program. Three components encompass the program's aggression reduction curriculum. They are:

- Structured Learning Training which is a combination of instruction, role-play, practice and performance feedback. Youth are able to practice responding to situations which may be difficult for them to respond to in a prosocial manner.
- Anger Control Training is used to help participants learn what it is that elicits aggressive responses from them. They are subsequently taught how to contain those responses using new skills to help manage their angry responses.

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- Moral Reasoning helps participants to achieve a higher level of moral reasoning. It is used to encourage youth to deal with difficulties at a more advanced moral and ethical manner. This is done through instruction in techniques used to help youth view a personally experienced situation from another viewpoint.

Results of this study of ART show that the recidivism rate over an 18-month period was 19%, as compared to the control group's rate of 25% in courts rated competent or highly-competent. This equates to a 24% reduction in felony recidivism which is statistically significant. In a combined analysis of all courts, competent and not competent, a 16% reduction in felony recidivism was still seen in comparison with the control group. Program fidelity was examined to determine the status of each court as competent or not based upon their conformity with application of program components and goals (Godley et al, 2006).

Implementation of the program was estimated to be \$745 per participant. The cost benefit of implementing the program was calculated using courts rated competent, not competent, and also in combination. In competent courts the benefit of cost avoidance of crime was determined to be \$11.66 for every \$1.00 spent on the program. When administered by a court not determined to be competent, the costs to society were 3:1 in relation to initial costs. When these results were combined a net savings of \$6.71 were realized for every \$1.00 spent (crimesolutions.gov).

Meta-analytic Studies

A meta-analysis was conducted examining the characteristics of 31 studies selected from 2008 to 2012 pertaining to drug courts (Kazdin et al, 1993). Results showed an average early termination rate of 44.8% from 26 studies providing data. While that appears to be a large number, this study indicates that it is not unlike other adolescent interventions (Kazdin et al,

1993). No correlation between participants or studies was found as explanation for early termination from the programs. In the study of data relating comparing pre-to-post-participation in a drug court and the 1-year follow up timeframe, improvement was observed with regards to recidivism. Other results indicate that drug courts may have a longer lasting effect than traditional court processing. This study indicates modest results as far as recidivism when compared to juveniles who experienced alternate adjudication means. It also is of interest to note that the study recommends that post-program follow-ups for different timeframes (e.g. 6 months post-program vs. 18 months post-program) should not be grouped, as significant differences may be observed when evaluated separately (Stein et al, 2015). Observations of areas lacking in drug court programs are the use of empirically supported treatments and comprehensive treatment service. The involvement of family in therapy and the implementing of Cognitive Based Therapy (CBT) are also recommended. In summation, the meta-analysis found that although the results of drug courts on recidivism are not significantly better than other adjudication measures, there is potentially a longer lasting effect for drug court participants (Stein et al, 2015).

Additional meta-analyses found similar results when looking at juvenile drug courts. Their effectiveness was not equivalent to that seen in adult drug courts. One study revealed a 5% reduction in recidivism compared to 10% as seen in adult drug court (Shaffer, 2006). In the comparison between juvenile drug courts participants and a comparison group, no difference was found in recidivism rates (Wilson, 2006). The results of one other meta-analysis did find a small significantly lower rate of recidivism of drug court groups over the control groups, but not as effective as adult drug courts (Mitchell et al, 2012).

A number of other studies found differing results. One study found significantly higher rates of arrest at 24 months for the comparison group (Carey et al, 2004) and another found a 16%

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lower probability of arrest when compared to the comparison group (Latessa et al, 2002). In one additional study, mixed results were observed. Drug court participants spent significantly more days in detention than those in the comparison group in the year following intake and yet in the year after completion of drug court, participants experienced significantly fewer referrals than the comparison group (Crumpton et al, 2006).

IV. . Application of Theory

The basis for the formation of diversion programs is rooted in theoretical assumptions regarding juvenile crime's nature and the prevention of crime (DeFosset et al, 2017). Labeling, deterrence and differential theories are theories associated with juvenile delinquency (Andrew et al, 2004), as well as, the purpose of juvenile diversion programs. The use of theory helps us to treat juvenile delinquency as we make decisions and create new methods that may be of benefit to juveniles either in the juvenile justice system or in danger of entering it. Diversion programs seek to prevent juveniles from being adjudicated to residential facilities and work towards change that will lead youth away from further association with the criminal justice system. It is essential for those employed in the field of juvenile justice understand the theory behind diversion and why it is an important alternative to confinement.

Labeling Theory

One intent of diversion programs is to reduce the risk of juveniles being labeled as delinquent or criminal. The influence of labeling theory was the basis for continued endorsement of diversion programs in the 1970s (Mears et al, 2016). Labeling theory suggests that the labeling of juveniles may actually increase the chances that a juvenile will continue to participate in criminal activities based upon Becker's theory of labeling (1963). The theory posits that a label initiates certain social stigmatization and personal perceptions that may result in a continuation of criminal behavior. A juvenile's perception of their self may be affected by the negative connotations of being labeled as deviant and lead to secondary deviance due to experiences related to the primary deviant behavior (Lemert, 1951). The concern is that a label can become self-fulfilling for a juvenile offender and subsequent behaviors conform to the label (Becker, 1963). In fact, in a comparison of diverted youth and those formally processed it was concluded

that the contact with juvenile justice system was a criminogenic experience (McAra & McVie, 2007).

This leads to a point to be made that even diversion results in contact with the juvenile justice system. In order for a juvenile to participate in a diversion program they must admit guilt in the offense. This may actually result in pressure to confess to having committed the offense whether or not that is the truth because the alternative is formal processing (Hoge, 2016). While under supervision of a diversion program, if a participant engages in some infraction, such as an unexcused absence, there is the possibility of being referred back to the justice system for formal processing. The result of this may be that an individual who may have pled guilty only to avoid the harsher sentencing possibly given with formal processing, may yet be adjudicated and be brought further into the juvenile justice system and suffer the consequences of labeling (Hoge, 2016).

The overall belief in diversion is that it does not have the stigmatizing effects of formal processing and has the potential to help to improve the lives of juvenile offenders and reduce crime, as well as reduce court costs (Mears et al, 2016). The provision of diversionary programs allows juvenile offenders to receive rehabilitative measures without the necessity of experiencing formal court processing. This is supportive of reasons to divert juvenile offenders from the juvenile justice system to a less stigmatizing option. Diversion programs seek to treat juvenile offenders without the possibility of subjecting them to the more traumatizing means of confining juvenile offenders in facilities. A youth's association with these facilities has the potential of attaching a long-lasting delinquent label to them that may make avoiding further delinquency a more difficult endeavor. An important consideration for those working with the juvenile

offender population is the potential for labeling and efforts need to be directed towards contradicting that possible stigmatization.

Deterrence Theory

Deterrence theory operates on the supposition that an individual will be deterred from committing a criminal act if the risk outweighs the reward (Rausch, 1983). Becker (1968) outlined a model wherein the probabilities of being caught or getting away with a crime could be defined with the belief that crime is a rational choice. As such, the supposition upon which deterrence theory is based is that if the risk and cost of committing a crime increase, then crime should decrease (Clarke and Cornish, 1985).

Deterrence theory offers the approach that there are two types of deterrence, general and specific. General deterrence is what occurs by informing the public what the legal sanctions are applied to criminal behavior. This requires an individual to make an informed decision by assessing the risk versus the reward. Specific deterrence occurs when an individual is kept from committing criminal acts by a form of incapacitation, such as incarceration (Nagin & Paternoster, 1991). To be most effective deterrence theory asserts that punishment needs to be severe, certain, and swift (Cook, 1980). Evidence exists that the certainty of punishment may be much more of a deterrent than the severity of the punishment (Klepper and Nagin, 1989).

How much of an effect deterrence has upon a juvenile offender is largely dependent upon their previous experience with the juvenile system. The deterrent effect lessens as an offender experiences repeated contacts with the juvenile justice system (Greenwood et al., 1998). This may occur due to desensitization to the judicial process, an increase in their identification as being delinquent, or the decision that the costs do not outweigh the rewards of delinquency

(Dick, 2004). The juvenile justice system's goal is rehabilitative, rather than retributive. With that in mind and the evidence that certainty outweighs severity, crime deterrence efforts among juvenile offenders would be better focused on utilizing consistent diversion methods instead of incarceration to reduce recidivism, as incarceration is the more restrictive of the two.

Differential Association Theory

The value individuals place upon social commodities, such as behavior, is reached through a learning process (Sutherland, 1947). Differential association posits that the more positive associations to criminal behavior an individual is exposed to then that individual is more inclined to participate in those criminal behaviors. The earlier and more frequent the exposure to delinquent acts are, the greater the likelihood that the individual exposed to them will participate in similar delinquency (Matsueda, 1988). In a study of at-risk youth it was found that they experienced an increase in problem behavior during adolescence and negative life outcomes in adulthood (Dishion et al, 1999). These results were not seen in the control group. As a result of their study, it was suggested that high-risk juveniles may experience the same results, to a higher degree than that of low-risk youth. There may potentially be a higher risk of continued delinquency for juveniles adjudicated in the juvenile court system when they are formally processed in the court system and confined to facilities with peers who have committed similar acts of delinquency (Leve & Chamberlain, 2005). Deviance training models show that when anti-social youth are assembled, rule-breaking, anti-social talk, and behaviors are reinforced. The youth gain experience from their peers in delinquent acts resulting in an increase in those behaviors (Capaldi et al, 2001). A study found that delinquent youth associating with delinquent peers at a high level while housed together in an intervention facility, continued to have a high degree of association with delinquent peers at a one-year follow-up (Leve & Chamberlain,

2005). This enforces the assertion that the association between high-risk juvenile delinquent offenders within the juvenile justice system increases the risk of continued delinquency by way of their prolonged association with delinquent peers. Diversion programming helps to alleviate this situation by helping to avoid the aggregating of juvenile offenders in confinement facilities.

The psychological development of the juvenile is an important consideration when considering the benefits of diversion over confinement. Juveniles may not have the coping skills necessary to deal with confinement. Custody is a high ranking source of lifetime stressors resulting in trauma for juveniles (Frydenberg, 1997). Previous life experiences may have created vulnerabilities in the youth that would make the transfer of their physical custody to an institution an especially traumatic one putting them especially vulnerable to the risks of differential association theory in their alliances while in confinement. The negative impact of an institutional environment may be especially felt among those youths who enter already considered to be at a higher-risk for continued involvement with the juvenile justice system (Cesaroni & Peterson-Badali, 2010).

V. Summary and Conclusion

Positive Components and Results of Diversion Programming

Benefits of diversion programs range from less exposure to the juvenile justice system to reduced recidivism, and reduced court costs by diverting youth to programs providing an alternative to cost-saving alternatives. Diversion is beneficial in terms of juveniles being able to avoid the stigma of being labeled delinquent and benefit from treatment available within a program. A benefit of diversion is the avoidance of a formal petition being filed with the court thus avoiding an official record (Mears, 2012).

Studies have shown that evidence-based interventions produce positive results in programming (Howell, et al., 2014) and the lack of them may fail to produce positive results in a program (Howell et al., 2014). When the police are enabled to divert juveniles from being referred to court, court caseloads are reduced resulting in more of the court's resources being directed toward the needs of more serious offenders (Feld & Bishop, 2012).

The financial benefits, as measured by diversion program evaluations, have potentially significant savings as compared to formal court processing.

Negative Components and Results of Diversion Programming

One of the potential harms inherent to diversion programming is something called net-widening. This means that an increased number of youth and their families may have contact with the juvenile justice system in order for a juvenile specifically to be directed to a diversion program. A minor offense might not otherwise result in any consequences for the youth and family. Instead, by being diverted there is actually a waste of resources and creation of a stigma that is meant to be avoided with diversion (Mears, 2012). Increased supervision of a juvenile in a diversion program may also result in the discovery of delinquent acts that are in violation of participating in a diversion program and lead to formal processing. If a case were merely dismissed as a minor offense, no supervision would ensue making compliance with a diversion program unnecessary (Mears, 2012). All this may actually result in no reduction in caseloads for juvenile courts as more juveniles may actually be processed when numbers of formally and diverted individuals are combined (Mears et al., 2016).

Diverted youth may not have been subject to any sanction were their case to have been formally processed. In fact, diverted youth whose case might have been dismissed in juvenile

court, may have an increased likelihood of their case still ending up in juvenile court and retaining an official court record (Shah, Fine, and Gullen, 2014). Consequences not seen at the time may later in life have significant implications. In instances where criminal histories must be reported, such as post-secondary institution, job, or housing applications, an individual may be prevented from having an application approved (Council on Crime and Justice, 2011).

Conclusion

The actualization of the premise of diversion programming has the potential to be beneficial. That potential may yet to be seen. Although when examining individual programs there are significant positive results as far as recidivism and cost savings, those results do not carry over in most meta-analyses performed. Mears et al. (2012) states that the design and implementation of diversion, with few exceptions, is poor, and that it does not produce a reduction in recidivism nor cost-saving. The lack of heterogeneity among program designs and other inconsistencies continue to make an accurate evaluation of the effectiveness of diversion programs difficult. While this may appear to suggest that diversion is of little to no value, Mears et al. (2012) suggests that there is potential for diversion programming. The evidence that success has been shown in individual programs may hold the promise that by further study of those programs and a wider implementation of what makes those programs successful, diversion will yet be of greater benefit to the juvenile system in curbing recidivism. Equitable measurements in how the success of programs are assessed may also result in a more accurate and positive conclusion as to the benefits of diversion programs. Continued research into the use of diversion programming is necessary and changes made based on the results of this research.

An additional potential benefit of diversion is that it does allow for early intervention with juveniles who might not otherwise be given attention until their delinquency has escalated in

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severity, and more serious sanctions, such as detention, are necessary. The negative factors associated with confinement are well established. By providing diversion alternatives, as opposed to confinement, the juvenile justice system helps to avert youth from the stigmatization of labeling that may have lifelong effects. Diversion also provides the opportunity to safeguard juvenile offenders from the negative aspects of differential association. Juveniles kept out of secure confinement are allowed to remain with their families and within the communities where they live. Confinement creates new trauma for youth who may have already experienced it. Diversion is a chance to rehabilitate youth while they remain within their known environment without the need for confinement which is known to be detrimental. According to the research that shows the certainty of punishment as more impactful than the severity of punishment, diversion would provide a greater deterrent for youthful offenders than secure confinement (Klepper and Nagin, 1989) as the financial advantages of it make it available to a larger number of youth than confinement does. Confinement is detrimental, comes at a greater cost, and carries with it the risks of labeling and the effects of differential association. Diversion provides the means to avoid labeling, prevent ongoing association with a primarily delinquent population, and a method of providing rehabilitation resulting in lower rates of recidivism.

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