

Statewide Evaluation of Juvenile Diversion Programming Literature Review

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Juvenile Diversion Literature Review

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Background

In the first quarter of 2010, OMNI Institute began work on the development of a statewide evaluation of juvenile diversion grant programs funded by the Colorado Division of Criminal Justice. The evaluation was implemented in August of 2011. The overarching aim of the statewide evaluation is to allow providers, state agencies, and other stakeholders to make more informed decisions and improve the provision of services. The evaluation activities are intended to yield meaningful improvements in: assessment and subsequent referral of youth to appropriate services; evaluation capacity of grantees; and amount and utility of data and findings available to assess program quality, program outcomes, and statewide impact on juvenile crime and recidivism.

Prior to the development of the statewide evaluation plan, there was a need to develop a comprehensive overview of juvenile diversion approaches and best practices nationwide. To achieve this goal, OMNI conducted a literature review of academic journals and government publications to gain a better understanding on a national level of how diversion programs tend to operate, best practices related to diversion, and accepted standards for evaluating diversion programs.

The intent of this literature review is to explore and organize the most current and useful scholarly and government research to inform Colorado's local juvenile diversion practices. As such, since the initial literature review was disseminated in January 2011, it has continued to be updated with the most recent and relevant research. Over one hundred recently published articles were collected, summarized, and synthesized into the review. The review begins with an overview of the history of diversion and how it fits into the larger criminal justice system. Other topics include best practices and recent trends in diversion, the characteristics of youth in diversion programs, additional needs of youth that may not be met in current diversion programming, and an overview of some key screening and assessment tools. The final section examines a subset of the literature covering the best practices and challenges involved in evaluating juvenile diversion programs. The literature review includes examination of programs and practices from across the United States and encompasses diversion that occurs pre-adjudication, post-adjudication, as well as adjunct to probation.

HISTORY OF JUVENILE DIVERSION

Diversion programs were first designed and implemented in the 1960s and continued to gain momentum with growing popularity and support in the 1970s (Roberts 184). These programs were created and formalized as a result of growing juvenile justice populations, as well as criticisms of the system's ineffectiveness in reducing crime and rehabilitating juvenile offenders (Cocozza et al. 936). Diversion programs are "an attempt to divert or channel out, youthful offenders from the juvenile justice system" (Bynum and Thompson 430). More specifically, diversion is "any process that is used by components of the criminal justice system (police,

prosecution, courts, and corrections) whereby youth avoid formal juvenile court processing and adjudication” (Roberts 184). Such processes typically involve the organization of community-based alternatives to incarceration for minor offenses, which allow for delivery of services and programming designed to mitigate risk of future delinquent behavior (Dembo et al. “Innovative” 377), in a setting that protects youth from exposure to the negative influences of those who committed harsher crimes (184).

The main goals of diversion programming include reducing recidivism, reducing incarceration, providing counseling and other services, and reducing justice system costs (Roberts 191), in settings that mitigate negative labeling of lower-risk youth. Specifically, labeling theory (Roberts 185) states that youth who commit minor crimes go on to commit more severe crimes because they are labeled as deviant in juvenile court after the first offense (185). Diversion programs attempt to avoid labeling juveniles by removing them from the traditional justice system, thus preventing them from being exposed to the explicit or implicit cues that could lead them to see themselves as deviant.

Early programs included police-based diversion, probation diversion, voluntary youth service bureau programs, and community outreach counseling services (184). These programs, like those that followed, focused on intervening with first time offenders before court processing and/or commitment to an institution and treating the youth in community-based settings (184). Some examples of the services offered are counseling, academic skills, and vocational training for delinquents. Some programs specifically targeted school drop-outs and focused on developing pride and self-worth in the youth (184). Others worked with both the youth and family to increase probation effectiveness, with some focused primarily on runaway youth (184).

A shift away from diversion occurred between the late 1980s and 1995 when rates of teenage crime, specifically homicide and aggravated assaults, nearly doubled. Arrest rates for females increased and the arrest rate for assault by females was double the rate from 1980 (Barrett, Katsiyannis, and Zhang 710). In 2006, females accounted for nearly one third of all arrests for assault (710). Additionally, 1996 and 1997 data showed that while African American youth made up about 15 percent of the nationwide juvenile population, they represented 26 percent of all juveniles arrested (Barrett, Katsiyannis, and Zhang 711). Juvenile laws were adjusted in order to make it easier to prosecute juvenile offenders as adult criminals (Carney and Buttell 551). As a result, states and communities began using incarceration as their preferred method to control young offenders (551). However, one major drawback to this approach was that it removed delinquent youth from the community without addressing the issues that led the youth to delinquency (Carney and Buttell 552). It was from this backdrop that diversion programs came back into the conversation.

Renewed Juvenile Diversion Efforts

In the mid-1990s juvenile correctional administrators began speaking out about a critical problem that needed to be addressed in juvenile corrections -- mental health (Grisso 159). During the same period, administrators also had seen the loss of state funding nationwide for child

community mental health systems. This loss of funding combined with more punitive laws resulted in a juvenile justice system that had become a place to put youth who could not receive help elsewhere (Grisso 160). It became clear, especially to those working in juvenile corrections, that identifying and understanding juveniles' mental health needs was essential in order to decrease the rate of juvenile crime (159). This realization was likely triggered in part by the start of the mental health movement during this time, which provided incentive for researchers to study the mental health of youth in juvenile detention centers, and resulted in the development of assessment tools that allowed juvenile justice personnel to identify the mental health needs of youth (160).

The new focus on juvenile mental health needs prompted two foundations, The MacArthur Foundation and The Annie E. Casey Foundation, to initiate research with a mandate to study the relationship of delinquent youths' developmental characteristics to their adjudication and care. This effort also encouraged community-based alternatives to juvenile justice programs (Grisso 160). The federal government additionally developed a program of juvenile justice block grants, for which states could apply to support development of plans to improve response to youths' physical and mental health needs (160). These efforts shared a common philosophy of rehabilitation and prevention for youth, and communities demonstrated greater willingness to pay for diversion programs focusing on those principles as opposed to more punitive approaches such as incarceration (Nagin et al. 642).

Juxtaposed with the increasing awareness and understanding of critical service needs of youth encountering the juvenile justice system, such as need for mental health and substance use treatment, has been a growing concern for the potential of net widening. Net widening is a "phenomenon whereby a program is set up to divert youth away from an institutional placement or some other type of juvenile court disposition but, instead, merely brings more youth into the juvenile justice system who previously would not have entered" [McGarrell; Office of Juvenile Justice and Delinquency Prevention (OJJDP)]. True diversion targets youth who would normally be processed in the juvenile justice system; however the net widening effect can occur when the mere existence of an option such as diversion encourages referral of youth (e.g., by law enforcement or courts) who would otherwise be released on their own recognizance (McGarrell). Thus, juvenile diversion programs are faced with the difficult challenge of ensuring youth are sufficiently at risk to be appropriate for diversion while at the same time ensuring youth with more critical issues – some beyond their purview – are appropriately identified and can receive the additional, more intensive services they need.

Key Features and Best Practices

Juvenile diversion programs, as described previously, are designed to reduce delinquency, increase the efficiency of the justice system, reduce costs to taxpayers, and reduce juveniles' levels of involvement in the justice system (Cocozza et al. 938). Often, diversion programs are designed to address the most prevalent problems facing youth and families in a particular

community (Hamilton, et al. 138). Because of the various goals, differing communities, and particular areas of need or focus, diversion programs vary widely (as explored further below) (Hodges 462). Programs can range from wraparound services (comprehensive programs that often include components to improve family functioning, peer relationships, school attendance, academic performance, and recreational opportunities) to wilderness experience and boot camps to restorative justice programs (described in detail in the Restorative Justice section). Programs may also include restorative justice components, such as victim-offender mediation (i.e., face-to-face dialogue between the victim and offender, family members, and other support persons to discuss the impact of the crime and develop a plan to repair harm). Some programs, such as Juvenile or Teen Court, even mimic traditional justice procedures.

DEFINING SUCCESSFUL AND EFFECTIVE PROGRAMS

A successful diversion program is generally defined as one where the youth involved in the program have a high completion rate and a low recidivism rate, although what constitutes 'high' or 'low' rates of completion and recidivism is somewhat subjective (note that this definition does not necessarily include youth or community satisfaction with the program; Dembo et al., "Innovative" 358). Program completion is most often defined as the youth finishing their sanctions without additional contact with the criminal justice system. Those who do not complete their assigned sanctions are considered failures, in many cases, and referred back to the State or District Attorney (Dembo, Wareham, and Schmeidler 37). Recidivism is defined as a subsequent contact with the justice system after (or sometimes during) the program (Maltz; Mulder 120), although this definition leaves considerable room for interpretation, as further discussed in the Evaluation section.

PROGRAM DIVERSITY

One issue with defining best practices in diversion programs is their diversity. Even within one type of diversion program there can be wide differences between particular implementations in a variety of areas (Cocozza et al. 937) such as the point of contact with the justice system (police, courts, or probation), the way in which charges are handled (such as expunging charges, adjudication, or sentencing), the target population, the point of diversion (such as pre-adjudication versus post-adjudication), and overall program philosophy (such as justice or restitution-based versus treatment-based). Each of these can have implications for a program's impact on recidivism (Cocozza et al. 937), which makes determining best practices much more difficult.

Also complicating matters is that despite the differences among diversion programs, most diversion programs are considered by the general public to be essentially the same. As a result, a documented failure of any program can often be interpreted as a failure of all diversion programs without consideration of varying factors between programs such as the type of youth served, size of caseloads, or level of community support (Carney and Buttell 553). Although this does not necessarily make it more difficult to determine best practices, it is possible that such a

phenomenon artificially constrains the diversion programs that continue and are available to be evaluated for best practices.

The research literature has also tended to examine programs in isolation. Most evaluation studies (as further described in the Evaluation section of this review) focus on one program (or one type of program) at a time and those studies that do include many different types of services tend to group them together rather than comparing their effectiveness. The lack of direct comparisons between different services makes it difficult to say which types of diversion programs or services are the most effective.

The varied causes of delinquency also complicate the discovery of best practices for diversion. Delinquent behavior can be affected by the presence or absence of various protective factors, such as individual personality characteristics, family and peer group bonding, and beliefs about the ability to control one's choices or future (Kurlychek, Torbet, and Bozynski 3). Delinquency is also associated with a number of social and environmental factors including (but not limited to) poor parental management, the criminal and anti-social behavior of family members, educational achievement, and low verbal intelligence (Kurtz 672-674). As delinquency can be impacted by so many factors, rendering each situation unique, best practices must be general in nature to be applicable to the wide variety of risk factors with which youth are faced.

GENERAL BEST PRACTICES

Despite the difficulties inherent in determining juvenile diversion's best practices, four general principles of effective diversion programs are agreed upon in the literature: 1) systematic and standardized screening and assessment of youth; 2) reduced penetration into the juvenile justice system; 3) use of holistic, family-centered interventions; and 4) development and use of a wide network of community-based services (see Coccozza et al. 938; Dembo et al., "Arbitration" 29). An effective program should also focus on changing behaviors and enhancing pro-social skills, concentrate on problem solving with both juveniles and their families, have multiple types or 'modes' of intervention, and be highly structured and intensive (Kurlycheck, Torbet, and Bozynski 4; Lancaster 488). The programs should not be 'problem-focused,' but instead mobilize youths' natural strengths and resiliencies (Sullivan et al. 560).

Programs and services for juveniles must also be based on developmentally appropriate care, which understands that youth are not small adults. It is vital to understand that cognitive and moral development and relationship skills (with both peers and family) differ widely among youth (Sullivan et al. 560).

Newly created programs should ideally balance both general research and local context. Broadly speaking, programs should consult past literature to incorporate evidence-based practices, and understand the factors that put youth at risk for delinquent behaviors such as peer group, family, school, and community influences (Kurlychek, Torbet, and Bozynski 3; Lipsey et al. "Effectiveness," 40). While there is ample general research available, consideration of local context is more challenging if previous research has not addressed culturally relevant dimensions such as a

particular geography or youth demographic. Generally, there is a lack of consensus about which program (or combination of programs and services) is the most effective intervention for youth. It seems clear, however, that interventions that are comprehensive, consistent, and incorporated early are critical to the prevention of future delinquent behavior (Carney and Buttell 552; Dembo, Schmeidler, and Walters 513).

CHARACTERISTICS OF EFFECTIVE PROGRAMS

A number of different characteristics can help make programs more effective. This can include program components such as interpersonal skills programs, parental instruction, behavioral programs, community resident programs, and multiple services (Jones and Wyant 765, Hodges 462).

Organizational characteristics, such as the organization's years of experience implementing the program or program length (longer than six months) also increase effectiveness (Jones and Wyant 765). Another major organizational characteristic that affects effectiveness is the approach taken with diversion programming. Research indicates that programs that include preventive, rehabilitative, and community approaches show greater effectiveness than programs that are punitive, solely educational, or do not provide directed counseling (765). Traditional deterrent approaches such as boot camps, probation, and parole are associated with less effectiveness (765).

There is some initial evidence that adopting a restorative justice approach also results in greater program effectiveness. Completing a restorative justice program reduces the likelihood of recidivism for all offenders (Rodriguez 370), but the effects are especially pronounced for boys (who generally are at higher risk for recidivating than girls) as well as for any youth with fewer prior offenses (Rodriguez 371).

Programs that understand the importance of parents and guardians and involve them in planning and providing services also reduce recidivism rates (Jones and Wyant 765, Mulder 130). This is especially the case when the challenges children and adolescents face arise from family disruptions (Sullivan et al. 560) and when programs account for parents' initial reactions when notified that their child was implicated in a delinquent offense (Brasher 84). These programs are often successfully able to identify and build on strengths of the youth and family that will encourage behaviors likely to reduce further involvement with the juvenile justice system (Carney and Buttell 558, Mulder 130). One type of programming that effectively involves families is the comprehensive wraparound service model. Wraparound services have traditionally been used almost exclusively in the field of mental health, but are beginning to be adopted with delinquent youth (Carney and Buttell 566). The approach relies on involvement from multiple individuals in the youth's life to help plan and carry out the treatment or sanctions (566).

Strong organizational partnerships also help reduce recidivism (Foster, Qaseem, and Connor 864). In general, diversion programs thrive when there is an opportunity to have services offered by a variety of community agencies and organizations. Partnerships can include organizations providing education, juvenile justice, mental health, child welfare, and recreation services (Leone,

Quinn, and Osher 3). Critically, strong organizational relationships have been shown to reduce recidivism for youth with more serious offenses (Foster, Qaseem, and Connor 864). Results of one study indicate that low levels of anger expression and a strong sense of program belonging were related to more positive future forecasts for both males and females (Marsh and Evans 308). The sense of program belonging can be heightened by strong organizational partnerships where youth feel the support of a continuum of care across multiple programs and organizations.

In addition to appropriate characteristics of youth, there are also necessary environmental conditions that communities need to possess to have a successful diversion program. Working with the youth population is challenging because many communities lack the necessary screening, in-depth assessment, and treatment resources to be able to respond appropriately and effectively to the needs of troubled youth (Dembo et al, "Innovative" 360). Hamilton, et al. found that any delay in treatment delivery can increase the risk of relapse or re-arrest of the youth (155). Programs that do not provide direct care for youth must refer youth to an appropriate treatment facility, which may delay treatment (155). Therefore, programs providing direct care reduce the likelihood of a youth further penetrating the system (155). Challenges can also arise when economically stressed families, who do not have the resources to pay for care, view contact with the justice system as a way to provide care for troubled youth (360). Another issue to be considered is the lack of effective intervention services for minority inner-city juveniles and families, specifically for African American and Hispanic families (Dembo, Schmeidler, and Walters 513). Compared to Caucasians, these populations use substance abuse and mental health treatment services less frequently (513) which may require an added focus on those issues for diversion programs serving these populations.

There are a multitude of specific Juvenile Diversion programs that deserve attention in this review, but two distinct types of programs have been highlighted a great deal in the literature and thus are important to describe here. These include Teen Court programs and Restorative Justice both as a philosophy as well as specific Restorative Justice programs.

Teen Court Programs

Teen Court is a unique type of program that has received a large proportion of the research attention devoted to diversion (Rasmussen 632). Teen Courts are typically structured as model court programs with Teen Lawyers, a Teen Jury and an Adult Judge (633). This structure provides a hands-on experience with the criminal justice system but (ideally) without the negative experiences that would result from actually having a case adjudicated in the criminal justice system (633). Teen Courts provide the opportunity for youth to present their case to their peers and experience being judged by their peers (Garrison 11). Youth are often required to admit their guilt prior to participating in Teen Court and thus the experience involves explanations of the mitigating and aggravating circumstances that might affect sanctions (Rasmussen 616). Teen Court juries are encouraged to create sentences that discourage future crime and encourage socially appropriate behavior and should be trained using restorative justice principles (Forgays, Demilio, and Schuster 26). This model of the jury's role is especially important because youth are

often required to participate on a jury as a component of their sanctions (Stickle et al. 138). Other sanctions often administered as a result of a Teen Court can include community service, jury duty, essays, letters of apology, curfew, a jail tour, and (when loss or damage occurs) restitution (Garrison 12; Hanford). Participants of Teen Court on average value their experience and feel they are given an opportunity to be heard (Garrison 12).

Jury composition is important for Teen Court programs as the individuals on the jury can influence the sanctions given to the offender. All-male juries are less likely than mixed-gender juries to include counseling, letters of apology, or attendance at victim impact panels as a part of the sanctions (Forgays, Demilio, and Schuster 29). In addition, juries that include former defendants are more likely to include letters of apology and attendance at victim impact panels as a part of the sanctions. Likewise, mixed-gender juries or juries with former offenders develop sanctions that are more focused on educating the offender about the impact of their crime than do juries composed of community youth (who were not former offenders) or single-gender juries of either gender (Forgays, Demilio, and Schuster 29).

Similar to other diversion programs, Teen Court is said to be most appropriate for first-time offenders charged with non-serious misdemeanor offenses or with status offenses (Bishop and Decker, 25). Although (as with any diversion program) the recidivism rate of Teen Courts will vary depending on the different referral structures and processes (Rasmussen 617; Smith and Blackburn 203), the median recidivism rate is approximately 12 percent after one year post-program and 19 percent after two years post-program. Individuals who have shorter wait periods between their referral to Teen Court and their Teen Court hearing had a lower risk of recidivism (Rasmussen 630). This is possibly because quicker processing ensures that the punishment continues to be salient for the offender (630).

There is some evidence, however, that Teen Courts do cause net widening to some extent. Officials who refer youth to Teen Court have admitted that they send youth to Teen Court when they would otherwise be sent home with a stern lecture (Rasmussen 618). Often those youth are referred to Teen Court by police directly, so if a Teen Court program accepts referrals only from court officials this problem will likely be reduced (Rasmussen 629).

Restorative Justice

While a single agreed upon definition of restorative justice does not exist, one definition seems to be inclusive of the main principles of restorative justice: "Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Braithwaite 5; Latimer, Dowden and Muise 128). Essentially, restorative justice philosophy focuses on the harm that has been done and engages the victim and community to participate in the administration of justice and reparation of the harm (Rodriguez 356). The nature of the philosophy, and thus restorative justice programs, offers the unique opportunity for offenders, victims, and community members to work in collaboration with the juvenile court system in finding appropriate resolutions for delinquent offenses (Rodriguez 371; Kuo 319). Restorative justice has experienced positive

feedback from victim participants with the finding that victims who participated in restorative processes were significantly more satisfied than victims who had participated in the traditional justice system (Latimer, Dowden and Muise 136). However, satisfaction from offenders who participated in restorative processes was not statistically significant compared to offenders participating in more traditional juvenile processes (136). Restorative justice treatment was shown to be more likely than regular court proceedings to promote an offender's involvement in open discourse, repair relationships between the offender and the victim, and develop feelings of remorse that might prevent recidivism (Kuo 326). However, data from the same study did not show a significant difference in relationship building for violent offenders (i.e., violent offenders did not report feelings of being forgiven or the broken relationship being mended) between restorative justice treatment and regular court proceedings (326).

Victim Offender Mediation (VOM) is a unique restorative justice program type that has attracted much recent attention in the scholarly literature. VOM, also referred to as Victim Offender Dialogue or Restorative Justice Conferencing, allows victims and offenders to meet face-to-face with a trained mediator (Heffelbower), and in some cases family members or community members are also present (Rossner 99). This meeting allows the victim and offender to talk to each other about what occurred, the impact it had on their lives, as well as their feelings about the offense and its aftermath (Heffelbower, Rossner). Additionally they may together create a plan to repair any damages that occurred as a result of the crime (Heffelbower). VOM attempts to deal with deficiencies in the typical structure of juvenile justice sanctions such as the fact that typical sanctions (such as community service) often do not affect anyone directly impacted by the offense. In addition VOM is designed to change the typical situation where offenders and their parents play mostly passive roles in the process while victims are excluded entirely (McGarrell 2). Meta-analytic research has indicated that VOM is a well-established and empirically supported intervention for reducing juvenile recidivism (Bradshaw, Roseborough 19). Despite VOM's demonstrated efficacy, VOM practitioners may need to pay attention to the processes used to ensure that the processes are consistent with restorative justice principles, and take measures to ensure the process remains victim focused rather than offender focused as further harm can occur when victims' needs are overlooked (Choi and Gilbert 5).

Another popular type of diversion programming is Family Group Conferencing (FGC). This type of conference is very similar to the VOM where the offender, victim, and supporters of both the offender and victim are brought together with a trained facilitator to discuss the incident (McGarrell and Hipple 223). There are, however, important differences between FGC and VOM. FGC expands the involved parties beyond just the primary victim to people connected to the victim, as well as family members of the offender and people connected to the offender in other ways (Reno et al. 3). These conferences are seen as a way to build a strong community for both the offender and victim since there are more participants as stakeholders in the process (223). Additionally, in FGCs the 'mediator' is often not a volunteer mediator or facilitator but a public official such as a police officer or probation officer, and by design they have a more directive role (3). Victim satisfaction in FGC tends to be less than offender satisfaction, although victim satisfaction is greater in conferencing than victim satisfaction in other justice system practices

(McGarrell, 3; McGarrell and Hipple 223). FGC is effective in reducing recidivism with a variety of ages, ranging from very young youth to adults, as well as different levels of offenses from petty crimes to serious felonies (McGarrell and Hipple 228).

Research indicates that while FGC shows promise, it is still an experimental intervention as far as its impact on recidivism (Bradshaw and Roseborough 19). Research efforts on FGC's effectiveness on the reduction of recidivism should continue in order to provide more support and broaden the information available about FGC (19).

WHICH YOUTH ARE APPROPRIATE FOR DIVERSION?

The decision to place youth in diversion varies widely across programs. However, the best practice is that placement should depend on the needs of the youth rather than the specific offense (Jones and Wyant 768). Unfortunately, while community-based programming for delinquent youth is becoming a more frequently chosen option, the ability to identify the type of program that works for each individual continues to be a challenge (Carney and Buttell 553). Many diversion decisions are often not based on the needs of the individual youth, but rather on program availability and funding considerations (553). It is also difficult to determine which youth are best suited for diversion when needs differ for each juvenile offender, with different family environments, differences in severity of crime, and number of contacts with the juvenile justice system (Carney and Buttell 553). In addition, the placement of youth into diversion is complicated by the fact that diversion programs do not choose their participants. Instead, youth considered for diversion typically receive final approval from the State or District Attorney (Dembo, Wareham, and Schmeidler 33).

Those caveats aside, youth who see the most success in diversion are often first-time offenders and/or those with minor offenses. Some literature suggests that on the continuum of offenders, juvenile offenders who are caught committing very minor pranks are not good candidates for diversion programs (Roberts 191), as they will likely grow out of their deviance. Thus, involving them in diversion would be an instance of net widening rather than effective use of diversion programming. On the other end of the spectrum, Roberts finds that violent offenders (e.g., those committing rape or a violent assault) also may not be good candidates for diversion (191) as the typical programming may not be appropriate or impactful for a youth that commits such a serious offense. One study looking at the impact of restorative justice on individuals and the community found that status offenders participating in a restorative justice program were more likely to complete the program than status offenders participating in other types of programs (de Beus, Rodriguez 344). Additionally, status offenders may differ emotionally or psychologically from other types of offenders and restorative justice programs may provide a less hostile setting to address attitudes and behavior associated with the specific status offense (345-346).

Demographic factors and other individual risk factors also predict success in diversion. One of the strongest individual predictors is the age at first contact with the law, where the younger the youth is at first contact, the more likely they are to recidivate (Cottle, Lee, and Heilbrun 378). In

addition, those with more risk factors are more likely to have a more delinquent future (Dembo et al., “Innovative” 359). Risk factors that play a role in a youth’s likelihood of engaging in delinquent behavior include other demographic characteristics (including gender, ethnicity, and socio-economic status), offense history, educational factors, standardized test scores, substance use history, and clinical factors (376). One study conducted to validate an assessment tool with several thousand Florida youth found that while criminal history was well known to predict future recidivism, social history actually had a greater relationship with recidivism than did criminal history (Baglivio 604).

Additional research has found that poor family functioning (i.e. attachment problems, child maltreatment, and poor parenting skills) increases the likelihood of a delinquent offending, and peer problems such as peer rejection also increase the risk of delinquent behavior (Dembo et al., “Innovative” 360). Youth exhibiting these risk factors may be particularly unsuited to programs that do not directly address those risk factors or help explore the reasons behind early onset of delinquent offenses. Additionally, poverty at the community level influenced the likelihood of program completion, regardless of the type of program (de Beus, Rodriguez and Rodriguez 345). Essentially, it was found that in disenfranchised or impoverished communities, juveniles were less likely to successfully complete the programs (345). However, regardless of program completion, individuals participating in restorative justice programs, whether from a community with a high or low level of poverty, were less likely to recidivate than their counterparts in traditional programs (345).

Little research has been conducted examining what types of youth are placed into diversion rather than being prosecuted. One of the few studies to identify factors predicting placement in diversion for a juvenile population found that severity of crime was the only significant predictor of whether or not a youth would be diverted (McCarter 541). However, other literature suggests that status offenders are more likely to be prosecuted than diverted compared to non-status offenders and violent offenders are more likely to be prosecuted than diverted compared to non-violent offenders (Barrett, Katsiyannis, and Zhan 715). There is some evidence that a greater proportion of Caucasians are diverted compared to African Americans, and more than twice the proportion of African Americans are incarcerated compared to Caucasians (McCarter 537).

ADDITIONAL NEEDS OF JUVENILE YOUTH

A large amount of research has focused on justice-involved youth with multiple issues, including serious emotional disorders, substance use addictions, learning and developmental disabilities, histories of physical or sexual abuse, lack of family support, or growing up in impoverished and sometimes violent neighborhoods (Sullivan et al. 556). The link between juvenile crime and substance use has been well-established (Chassin 166). Strikingly, among adolescents detained in 2000, 56 percent of boys and 40 percent of girls tested positive for drug use (166). National data for mostly publicly funded treatment programs for substance abuse show that the criminal justice system is the nation’s major referral source for adolescent substance users (166), accounting for 55 percent of male adolescent admissions and 39 percent of female adolescent admissions. Each

youth should therefore be screened early enough in the process to identify substance use disorders, address them appropriately, and divert youth out of the justice system into community-based programs as appropriate (Chassin 167). A study examining racial, ethnic, and gender differences in the juvenile offender population found that Caucasian offenders reported higher rates of substance use than their peers (Caldwell 318). This study also found that Caucasian offenders from reconstituted families, or blended families, had lower self-esteem than Black or Hispanic offenders (318). The Colorado Longitudinal Youth Study (N=505) that describes data from the Youth Self Report (YSR) and the Child Behavior Checklist (CBCL) found that when a parent reports that a youth “often” uses substances it more than doubles the risk of re-arrest (Stoolmiller et.al. 318).

Not only are offending juveniles more likely to exhibit substance use or abuse, but they are also more likely to be dealing with mental health issues. Programs that target multi-problem youth require the ability to refer youth to various community services (Hamilton et al. 139). Many youth who come into contact with the justice system have multiple confounding problems, most notably mental health and substance use issues and the ability to work with community services is essential to successful diversion programming (139). The prevalence of any mental health disorder among community samples of adolescents has been estimated at approximately 20 percent; however, the rate among juvenile offenders is much higher at over 66 percent (Cauffman 430). As a result of the mental health movement in the late 1990s, mental health screenings have increased in both acceptance and adoption by diversion programs (Grisso 161). Unfortunately, better mental health screening has not necessarily led to actual referrals for clinical assessment or psychiatric services (Grisso 162), indicating that diversion programs must do more than simply screen their participants.

Although the mental health needs of juvenile offenders are well known, it is important to be able to better identify and respond to those needs (Skowyra and Coccozza 1). The National Center for Mental Health and Juvenile Justice in collaboration with the Council of Juvenile Correctional Administrators developed a comprehensive model and framework to guide mental health problem identification and response with young offenders (2). The framework is designed for individual juvenile justice and mental health systems to use as they develop strategies and policies to improve mental health services for youth (2). The authors identified four cornerstones for the framework: collaboration, identification, diversion, and treatment (4). The diversion cornerstone maintains that whenever possible, youth with identified mental health needs should be diverted into effective community-based treatment and procedures to identify those youth appropriate for diversion (Skowyra and Coccozza 5). This indicates that diversion programs with adequate services are the preferred venue for offending youth with mental health issues. One study preliminarily found that the use of specialized supervision, which includes individually tailored case planning, service coordination and aftercare, was effective at diverting youth with mental health needs from adjudication and increased participation in and access to services more than traditionally supervised youth (Colwell 457). Additionally, youth receiving specialized supervision were significantly less likely to be adjudicated for the initial offense (457). Diversion programs have an important opportunity to address problems that youth with mental health needs may be

experiencing, while at the same time keeping them from further penetrating the juvenile justice system (Skowyrza and Coccozza 10).

Different types of offending youth also are often serviced differently by juvenile justice or diversion mental health services. For instance, male and female juvenile offenders on average share some background characteristics, such as poverty and familial instability, but females are more likely to have been physically or sexually abused as children (Cauffman 431). Girls, regardless of race and age, are also more likely to demonstrate mental health symptoms than boys (431). Additionally, minority youth are more often confined and are less frequently referred to treatment and diversion compared to their Caucasian counterparts (431). African American youth are also least likely to present (or report) mental health symptoms (432). Older youth are more likely to have identified alcohol or drug use problems and traumatic experiences, while younger youth are more likely to exhibit anger-irritable symptoms and depressed-anxious moods (437).

Screening/Assessment Tools

The foundation for preventing and intervening in the trajectory of delinquent and offending behavior lies in fully understanding and identifying risk factors (Dembo et al., "Psychosocial" 646), which relies heavily on screening and assessment tools. Screening and assessment should be regularly performed at the earliest point of contact with the juvenile offender in order to divert the youth to community-based services as early as possible (Skowyrza and Coccozza 5). Numerous screenings and assessments have been used and/or are recommended for the diversion population. One study highlighted its concern about the number of diversion programs that use non-standard screening and assessment tools, finding that only approximately half of diversion programs used nationally standardized screening instruments (Chassin 167).

The identification of an appropriate screening or assessment tool is extremely important. Nationally, there has been a lack of standardized and psychometrically sound needs- and strengths-based screenings as well as in-depth psychosocial assessment instruments designed for delinquent youth (Coccozza et al. 945). Discussions have included debates about whether screening or assessment tools should be gender specific, with one side arguing that many females face specific risk factors (economic disadvantage, drug related offenses, and prior victimization) (Reingle 341) that are unaccounted for in gender neutral tools, particularly with respect to victimization (Baglivio 597). Other studies have argued that the strongest predictors of male delinquency are essentially the same as those for female delinquency (597). Problems have also been identified with programs using assessments that have been validated in specific contexts and then are later applied to new contexts, but do not translate well to the new context in which they are being used (Miller and Lin, 573). With these considerations, among others, it is important to recognize that instruments and protocols that are not sound or appropriate may create problems for the youth by requiring them to participate in services that do not reflect their true needs, do

not exist in the community and are inaccessible, and/or impose an undue burden on the youth and their family (Cocozza et al. 946).

Of the numerous assessment tools, some are more widely adopted and studied than others and are included here. One popular screening tool is the MAYSI-2. The MAYSI-2 is a 52-item scale that elicits 'yes/no' responses on seven subscales: alcohol/drug use, somatic complaints, traumatic experiences, anger/irritability, thought disturbances, depression/anxiety, and suicidal ideation (Dembo et al. "Post-Arrest" 362). Summary results of the seven subscales indicate whether the youth is above a risk threshold for either 'caution' or a 'warning' (362). The caution score means that the youth scored at a level that could be of "possible clinical significance." A warning score identifies the top 10 percent of youth on the scale, meaning that the youth scored exceptionally high in comparison to other youth in the justice system (363). It is noted that the MAYSI-2 is an easy to use 'alert' tool that can help staff identify different issues that may not otherwise be noticed (Cauffman 432). However, it is not intended to provide psychiatric diagnoses and the content does not correspond to the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition), meaning that the MAYSI-2 cannot be used to identify need for treatment, but would help staff determine whether to further evaluate a youth (431).

Another popular tool, the Comprehensive Adolescent Severity Inventory (CASI) can be used to assess psychosocial functioning and drug involvement (Dembo et al. "Arbitration" 36). Individuals who receive a warning score on any of the subscales from the MAYSI-2 often then receive the CASI (Dembo et al. "Post-Arrest" 363). The CASI is a computerized clinical assessment and outcomes interview that collects information on ten modules: health, alcohol/other drug use, family/household member relationships, mental health functioning, stressful life events, peer relationships, legal status, education, sexual behavior, and use of free time (363).

An additional assessment, beyond a screening, can be used in order to determine the youth's level of recidivism risk. For example, the Youth Level of Service/Case Management Inventory (YLS/CMI) is used to determine each youth's level of recidivism risk, and as a result, their need for supervision or monitoring within the community (Dembo et al. "Post-Arrest" 363; Olver et al.). The instrument is psychometrically sound, and structured for evaluating criminogenic risk, including factors identified in theory and research as determinants of youth antisocial behavior (Dembo et al. "Post-Arrest" 364). The subscales include history of delinquency, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behavior, and attitudes/orientation (364). The YLS/CMI has been useful for predicting recidivism in both male and female offenders (Schmidt et. al. 342). The scores are categorized to identify general risk and then need for further recidivism risk assessment (Dembo et al. "Post-Arrest" 364).

An additional tool, the Risk and Needs Triage (RANT), was developed to identify reliable and valid criminogenic-need and risk factors among drug-involved offenders at the point of arrest. In one study, this tool significantly predicted re-arrest and re-conviction rates, and did not reveal evidence of gender or race bias (Marlowe 259).

Additional screening and assessment tools with details about the areas they measure are included below in Table 1.

Table 1: Screening and Assessment Tools

Instrument	Domains assessed by measure				
	Substance use/abuse	Mental Health	Family Issues	School Issues	Abuse
ASAP (Adolescent Self-Assessment Profile)	Yes	Yes	Yes	Yes	Yes
Child and Adolescent Functional Assessment Scale (CAFAS)	Yes	Yes	Yes	Yes	Yes
Colorado Client Assessment Record (CCAR)	Yes	Yes	Yes	Yes	Yes
Colorado Juvenile Risk Assessment (CJRA)	Yes	Yes	Yes	Yes	Yes
Colorado Young Offender-Level of Service Inventory (CYO-LSI)	Yes	Yes	Yes	Yes	Yes
Denver Risk & Resiliency Check Up (DRRCU)	Yes	Yes	Yes	Yes	Yes
Global Appraisal of Individual Needs (GAIN) instrument-Short screener (GAIN-SS) Quick (GAIN-Q) and the full version (GAIN-I)	Yes	Yes	Yes	Yes	Yes

Initial Commitment Classification Instrument (ICCI)	No	No	No	No	No
Massachusetts Youth Screening Instrument 2 (MAYSI-2)	Yes	Yes	No	No	Yes
North Carolina Family Assessment Scale (NCFAS) (R: Reunification)	No	No	Yes	Yes	Yes
Practical Adolescent Dual Diagnosis Interview (PADDI)	Yes	Yes	No	No	No
Substance Use Survey (SUS-1A)	Yes	Yes			
Youth Assessment and Screening Instrument (YASI)	Yes	Yes	Yes	Yes	Yes
Psychopathy Checklist: Youth Version (PCL-YV)	No	Yes	No	No	Yes

Evaluation of Diversion Programs

Effective evaluation of diversion programs is essential not only to measuring the outcomes of diversion programs but also to understanding the process by which diversion programs achieve their impacts.

There are several types of evaluation, each one suitable for answering different questions about juvenile diversion programs. One important basic distinction between types of evaluations is the targets of measurement. In a process evaluation, the goal is to measure what was done (Juvenile Justice Evaluation Center 8), and can help answer questions about a program's structure and function. Such questions could include: 'what were the work plan milestones and outputs of a diversion program?'; 'how many clients did it serve?'; 'what mix of services (and in what amounts) did it provide?'; 'what was the experience or flow of juveniles going through the program?'; and 'how faithful was the program to its evidence-based model?'

Program fidelity is one important process measure. Fidelity measures the extent to which a program implements an evidenced-based program in the manner in which it was intended (Durlak and DuPre 328). The effectiveness of evidence-based programs rests on the specific implementation of their model, and deviations from that model may reduce the program's impact. While allowances need to be made for program adaptations due to local context (Durlak and DuPre 330), the more faithful a program is to its model, the more likely it is to replicate the model's outcomes. Therefore, to ensure that lack of fidelity to a model is not responsible for a program's negative outcomes, it is important to actually measure fidelity.

In contrast to a process evaluation, an outcome (or impact) evaluation answers questions about how well a program performed in affecting the change it was designed to impact. As discussed below, diversion programs should have both short- and long-term outcomes, and an outcome evaluation helps measure how well a program did in meeting those stated outcome goals. In other words, an outcome evaluation answers the questions 'did the program work?' and 'how well did it work?' Most of the studies considered in this literature review were published as outcome evaluations, although it is important to understand what a program did to appropriately contextualize how well it performed.

Recent justice-focused work has sought to clarify the situations and programs where conducting an outcome evaluation is most appropriate (Lipsey et al. 277). These criteria can be summarized by the acronym RE-AIM, where those programs most appropriate for outcome evaluation have a large **R**each (or scope of the population that can benefit from the program), have preliminary evidence of good **E**ffectiveness, show a large potential market for **A**doption of the program, are relatively easier and less costly to **I**mplement, and show potential for **M**aintenance of their positive effects over time (Lipsey et al. 278).

OUTCOMES

The outcomes of a program should be chosen carefully to reflect exactly what it is a program does and what it is hoping to change. In general, there are two types of outcomes: long-term outcomes and short-term outcomes.

Long-term Outcomes

The most common long-term outcome for juvenile diversion evaluations (and criminal justice research in general) is recidivism (Maltz 18), any criminal activity undertaken by an individual after they begin a justice-related intervention. Although this measure has been criticized by researchers because of its focus on a program's failures instead of its successes (Maltz 25) and because of its focus on the individual offender rather than the socio-cultural environment that helped create the conditions for offense (Maltz 20), recidivism is still the most widely used long-term outcome measure (Maltz 22).

Unfortunately, there is no consistent consensus on a definition of recidivism (Maltz 22; Sechrest, White, and Brown 73). Definitions can vary in terms of what types of offenses meet the threshold for a recidivating event, how far an individual must go in the justice system to be counted as a subsequent offense (e.g., contact with police, arrest, filing, conviction, incarceration), when the period for measuring recidivism starts (e.g., while someone is still in a program, when someone has completed program activities, when someone is formally discharged from a program, when someone is released from probation), and when the period for measuring recidivating events ends.

Type of offense included in the recidivism measure is one important dimension on which these measures can vary. Interestingly, as can be seen in Table 2 below, type of offense was actually the dimension on which the reviewed studies varied the least. Only one study explicitly excluded some types of crimes; in this case exclusions included cigarette, alcohol, and status offenses.

Table 2: Type of Offenses Included in Recidivism Measure

	Number of Studies
Any	17
Excluding traffic, alcohol/tobacco, and status-related offenses	1
N/A	8
Not Stated	1
Total	27

The level of penetration into the justice system also varied across the studies. A plurality of studies (eleven) counted any arrest subsequent to program completion as a recidivating instance. A smaller number set their criterion at the point where a juvenile was actually charged with a crime. Finally, several studies had idiosyncratic penetration points including a probation violation

(two studies), court filing, either an arrest *or* a charge, or a deeper contact within the justice system than the previous contact (e.g., a charge if the previous contact was an arrest).

Table 3: Level of Penetration into Justice System

	Number of Studies
Arrest	11
Charge	3
N/A	8
Other	5
Total	27

It is especially interesting that most studies have focused on re-arrests. Although a subsequent arrest does capture further contact with the justice system, Maltz (57) makes the point that arrests can be used by the police for purposes other than confining those who are suspected of committing a crime. Likewise, using conviction or trial as a measure is complicated by several factors (other than the preponderance of evidence) that influence whether an individual goes to trial (with plea bargains being the most popularly used example). Maltz’s solution is to use multiple measures of recidivism, but in studies where that is infeasible, it is important to be explicit about the particular definition of recidivism chosen and aware of the limitations of any particular measure.

A third important dimension on which definitions of recidivism differ is timeframe. As can be seen in Table 4 below, this variable had the greatest variation across reviewed studies, with the time ranging from less than six months to two years or longer. A plurality of studies (six studies) used a time frame of one year, while slightly fewer used six months to one year (three studies) or less than six months (three studies).

Table 4: Length of Recidivism Interval

	Number of Studies
Less than 6 Months	3
6 Months to One Year	3
1 Year	6
2 Years or Longer	2
Subjective self-report	4
Other	4
None	5
Total	27

Interestingly, four studies used a subjective self-report measure that is easier to collect (especially for researchers not connected with criminal justice institutions) but also likely to be less reliable and accurate. The studies that used “other” intervals included some interesting alternative measures including measuring repeatedly at 3, 6, 9, and 12 months (Garrison); using a measure of age (any re-arrest before age 18; Nugent) instead of time after program completion; and using a relative measure of justice system penetration (reentry into justice system and processed to or beyond point of previous exit; Regoli et. al).

In Colorado, a common measure of recidivism has been agreed upon by different agency stakeholders in the juvenile justice system, including the Division of Criminal Justice, Division of Youth Corrections, and other representatives of the Judicial Branch and the Departments of Human Services, Public Safety and Corrections (Colorado Division of Youth Corrections 2). This definition consists of two components: pre-release recidivism and post-release recidivism. Pre-release recidivism is defined as, “A filing for a new felony or misdemeanor offense that occurred prior to discharge from [the program]” (2). Post-release recidivism is defined as, “A filing for a new felony or misdemeanor offense that occurred within one year of discharge from [the program]” (2).

Short-term Outcomes

Beyond the long-term outcome of recidivism, it is also important to measure a program’s short-term outcomes. These may be less related to criminal justice outcomes and more closely related to the specific skills, attitudes, knowledge, or behaviors the program was designed to impact. For example, a program that provides multi-systemic therapy to change family interactions and systems of behavior (Henggler and Menlton, 955) might measure the extent to which family interactions improve and/or the extent to which adolescents feel supported by their families. In the context of a state-wide evaluation, these short-term outcome measures should be as consistent as possible across different programs to ensure as much comparability and ability to draw conclusions on a statewide scope (Chinman et al., 308). Short-term outcomes are also vital to measure because they provide evidence that a program is successfully doing what it is designed to do, which provides evidence that the target of that particular intervention is important for reducing delinquency. For example, if a life skills program predicts reduced recidivism among those it served, the temptation is to claim that teaching life skills causes a reduced recidivism rate. However, for that to be true there need to be several other criteria satisfied, including whether individuals in the program *also* showed increased life skills. If the example program showed reduced recidivism but no change in life skills, then that indicates that something else about the program (perhaps the staff, the structure, or the attention paid to juveniles) may be leading to reductions in recidivism.

The table below details the short-term outcomes used by the 27 quantitative evaluation studies reviewed in the literature.

Table 5: Type of Short Term Outcome Studied

	Number of Studies
None	22
Positive Self Concept	1
Comprehensive Adolescent Severity Inventory (CASI) Clinical Inventory	1
Attitudes toward Authority & Attitudes toward Self	1
Youth Level of Service/Case Management Inventory (YLS/CMI) & urinalysis results	1
ATOD use, social skills, belief in conventional rules, positive self-concept, rebelliousness, and neighborhood attachment	1
Total	27

Perhaps the most striking finding from this review is that the vast majority of studies did not measure any short-term outcomes, relying instead solely on the long-term outcome measure of recidivism. This indicates that the current state of research is not focused on examining the extent to which programs are changing juveniles' thoughts and behaviors in ways consistent with increasing protective factors and reducing risk factors for delinquency. This means that research and evaluations that do examine short-term outcomes will be a valuable contribution to the field.

Recommendations from one meta-analysis of restorative justice programs indicated that because restorative justice is inherently voluntary, there is an issue of self-selection, which does not lend itself to comparison studies (Latimer, Dowde, and Muise 139). For this reason it was suggested that collecting information about identifying participants' motivation across various types of programming would allow for comparison across groups (139). Additional outcomes of interest that have not been addressed in restorative justice programs include antisocial attitudes, self-control or self-management, personality factors, family factors, and low levels of education and employment attainment (140). A separate meta-analysis of restorative justice programs also identified the need to use previous anti-social behavior or past offenses in order to understand the results and recidivism of a restorative justice program such as VOM or FGC (Bradshaw, Roseborough 19). In the case of recidivism, Bradshaw and Roseborough note that recidivism may not be a central restorative outcome (20). Regardless of whether recidivism is reduced or not, some practitioners argue that the restorative justice programs can be justified in that they meet other needs of the offender, victim, and community (20). However, recidivism is a key concern for policy makers and funders, and thus, restorative justice programs must focus on recidivism as an important outcome (Bergseth, Bouffard 434).

Another interesting observation about the short-term outcomes that were measured is that they are fairly evenly balanced between risk and protective factors. Protective factors examined include improved positive self-concept (3 studies), attitudes towards authority/rules (2 studies),

and neighborhood attachment (1 study). Risk factors include those comprehensive factors measured on clinical interviews (2 studies), ATOD use (2 studies), and rebelliousness (1study).

NET WIDENING

Other variables may also be important to measure in the context of a juvenile diversion program. For example, there is concern that diversion can lead to net widening (Fisher and Jeune 60), which, as described previously, consists of a program drawing more juveniles into contact with the justice system than would have if the program did not exist. This is a potentially critical flaw in how youth are funneled into diversion programs since labeling theory (also discussed previously in the Background section) would indicate that such experiences may lead to more criminal activity, which is diametrically opposed to the goals of diversion programs. One common measure of net widening is the proportion of juvenile cases that are filed in a given area before and after a diversion program starts (Fisher and Jeune 66). Logically, adding a diversion program should necessarily reduce the proportion of juvenile cases that go to filing simply by adding and using another option for District Attorneys and Judges. Therefore, if the proportion of filings stays steady or even increases, that is excellent evidence of net widening, meaning that despite using a diversion program, the judicial system is not succeeding in reducing the contact juveniles have with the justice system; in fact, in this case, the diversion program may actually be making things worse. Net widening can also be examined for an existing program over time by looking at proportion of overall cases that go to filing over time.

RESEARCH DESIGN

Another important aspect of conducting a good evaluation of a diversion program is determining the best research and analytic design to answer the key evaluation questions as well as fit the constraints of the program (and evaluation scope).

In many research contexts, the randomized-controlled experiment (RCT) has been labeled the gold standard for experimental design (Lipsey et al. 282). An RCT has a treatment group (that receives the intervention) and a control group (that does not receive the intervention), and each individual in the experiment is randomly assigned to one of the groups. The purpose of random assignment is to ensure that the individuals in each group, on average, are equal across any potential confounding factors. For example, random assignment would theoretically ensure that offense severity would be equal across treatment and control, which is important because offense severity could be a large influence on short- and long-term outcomes. This then allows researchers to make more confident causal claims about the effectiveness of an intervention. If every potential confounding factor has been (theoretically) controlled for by the random assignment, then it is easier to make the claim that any observed difference(s) between the treatment and control groups is due to the intervention. However, while RCTs are excellent for making causal claims, they are not always amenable to research conducted outside of academia. Diversion programs that have a specific offense threshold for qualification do not easily allow for

random assignment. Some evaluations, however, have successfully used RCTs in specific circumstances. For example, in an experimental evaluation of Teen Court programs in four Maryland counties (Stickle et al. 143), 168 juveniles were randomly assigned to either the standard Maryland Department of Juvenile Services processing and sanctions or the alternative Teen Court program. After completing the program, the two groups were then compared on self-reported delinquency behavior as well as several short-term risk and protective factor outcomes. Because of random assignment, the differences in self-reported delinquency between the participants could be confidently attributed to the different programs.

Quasi-experimental designs are more common “real-world” alternatives to RCTs. Such designs utilize a number of features to attempt to control for confounding factors, and thus enhance the ability to make causal claims (although this ability is not nearly as strong as for RCTs). For example, following a baseline measure of an outcome by a post-test measurement, and examining the amount of change that occurred between these two time periods, is one such quasi-experimental method (283). Other quasi-experimental methods include the time-series design which captures measurements at three or more points, or the comparison of (non-randomly assigned) treatment and control groups. For example, Veysey and Hamilton (345) used an interesting quasi-experimental design to examine differences in program success and recidivism for boys and girls with mental health issues. Since juveniles could not be randomly assigned to a gender, the quasi-experimental approach compared the genders to show that different variables predicted recidivism for each group. While recidivism for boys was most strongly predicted by age and type of first offense, family dysfunction and prior mental health history were the strongest predictors for girls.

A third type of research design is the observational design (284). In this case, data are collected on important variables of interest (i.e., outcomes) without using an explicit pre-post change design. In addition, potential confounding factors are also collected, and the researchers attempt to use statistical techniques (such as analysis of variance or least squares regression) to control for those confounding factors. Although this technique has the least impact on programs (other than the burden of data collection) the obvious drawback is that it is not always easy or straightforward to foresee all of the important confounds or to collect data on them (285). In a 2008 study of a post-arrest diversion (PAD) program in Miami, Dembo and colleagues (365) used the observational design to good effect: examining over 400 juveniles who participated in the PAD, they examined 1-year recidivism while controlling (in a regression) for socio-demographic characteristics (such as age, sex, and race); type of arrest charge that led to participation in the PAD; recidivism risk (as assessed by structured clinical risk interviews); and whether a juvenile completed the PAD program. They found that even controlling for the other variables, completing the PAD program was a statistically significant predictor of reduced 1-year recidivism.

Because of the considerable difficulty in conducting RCTs, they were rarely used in the articles collected for this literature review. More often the design featured a quasi-experimental or observational design, as detailed in Table 6 below.

Table 6: Type of Research Design

	Number of Studies
Observational	11
Quasi Experimental	7
<i>Pre-post w/ control group</i>	<i>3</i>
<i>Pre/post, no control group</i>	<i>1</i>
<i>Other</i>	<i>3</i>
RCT	7
Other	2
Total	27

Pre/post designs were the most common form of quasi-experimental design, but by far the most popular design was the regression approach which attempted to examine differences in recidivism due to participation in a diversion program while controlling for demographic and juvenile justice characteristics. This makes sense given that most studies did not measure short-term outcomes. With no short-term outcomes to measure, it is difficult to measure pre-post changes (as recidivism is not a variable normally amenable to pre-post testing).

As discussed above, control groups are an important feature of RCT and quasi-experimental designs. This raises the question of what is an appropriate control group. In some situations, with evaluations of single programs implementing new services, it may be appropriate to assign all potential juveniles to a control or experimental group. For example, in the testing of a new case management system, juveniles received the same services, and differed only in the type of case management they received (Poynthress et al. 10). In existing programs, however, this approach may not be ethical or feasible. One potential alternative control group could include individuals who committed an offense, possess similar demographic characteristics, and did not participate in diversion. It is unclear, however, how many individuals in Colorado’s judicial districts have an appropriate level of offense and do not participate in diversion programs.

A further consideration in designing a diversion evaluation is the appropriate sample. In many cases, it may be appropriate to collect information on all individuals in a diversion program (Campbell and Retzlaff 59), especially in those cases where grantees are already collecting data on all juveniles to satisfy other legal or grantee requirements. In other cases, especially where data collection is inconvenient or expensive, a sample of juveniles may be appropriate. For example, in a formative evaluation of a new diversion program in Florida (Dembo et al. 31), adolescents assigned to either the new program or the control group were compensated for completing a two-hour long interview. Because of this extensive monetary and time commitment, only a sample of offenders was interviewed. When using only a sample of offenders, considerations of appropriate sample size should be weighed to ensure the study has appropriate statistical power (or ability

find a statistical effect if it actually exists). In addition, the sample should be representative of the entire population of interest to ensure that any study conclusions can be accurately generalized.

The studies discussed in this review cover diverse program types, using diverse designs; the below table summarizes the complete group of studies examined.

Table 7: Summaries of Evaluations of Juvenile Diversion

Diversion Program Type	Study	Short term Outcome	Recidivism Measure			Recidivism Rate	Research Design
			Time Frame	Types of offenses included	Stage of Justice System Contact		
Mentoring							
Mentoring	Bouffard & Bergseth (2008)	Youth Level of Service/Case Management Inventory (YLS/CMI), Drug use/urinalysis	6-month post-program	Excluding traffic, alcohol/tobacco, and status-related offenses.	Charge	34.8%	Quasi-experimental (pre-post, control group)
Mentoring	Drake & Barnoski (2002)	None	1, 2, & 3-year post-program	Not stated	Arrest	45.0%	Quasi-experimental (control group)
Teen Court							
Teen Court	Forgays et al. (2006)	None	none	n/a	n/a	n/a	Other
Teen Court	Forgays et al. (2005)	None (although the Harter Self-View Profile was used only at post)	6-month post-program	Any	Charge	19.2%	Observational
Teen Court	Forgays et al. (2008)	None (although the Harter Self-View Profile was used only at post)	6-month post-program	Any	Charge	14.0%	Observational
Teen Court	Garrison (2001)	None	3, 6, 9, & 12 month post-program	Any	Arrest	36.3% (at 3 months post-program)	Observational
Diversion Program Type	Study	Short term Outcome	Recidivism Measure			Recidivism Rate	Research Design
			Time Frame	Types of offenses included	Stage of Justice		

							System Contact
Teen Court	Wilson 2009	Positive self concept	Self-reported delinquency	n/a	n/a	n/a	Observational
Teen Court	Stickle (2008)	ATOD use, Social Skills, Belief in conventional rules, positive self concept, rebelliousness, neighborhood attachment	Self-reported delinquency	n/a	n/a	n/a	RCT
Teen Court	Logalbo 2001	Attitudes toward authority & self	5-month post-program	Any	Arrest	n/a	Quasi-experimental (pre-post, control group)
Juvenile Accountability and Teen Court	Patrick (2005)	None	3-year post-program		Court appearance	41.3%	RCT
Arbitration							
Juvenile Arbitration vs. Arbitration plus case management	Dembo et al. (2006a)	None	None	n/a	n/a	n/a	Observational
Juvenile Arbitration vs. Arbitration plus case management	Dembo et al. (2006b)	None	in-program and 1-year post-program	Any	Arrest or Charge	11% (in program) & 24% (1-year post-program)	RCT
Arbitration, restitution, & education	Falkenbalch et al., (2003)	None	1-year post-program	Any	Arrest	27.5%	Observational

Diversion Program Type	Study	Short term Outcome	Recidivism Measure			Recidivism Rate	Research Design
			Time Frame	Types of offenses included	Stage of Justice System Contact		
Case Management (inclusive of other various services)							
Home based case management & family functioning	Dembo et al. (2008a)	CASI (Comprehensive Adolescent Severity Inventory, structured clinical assessment interview) Family & household relationships, peer relationships, mental health issues, education problems)	Self-reported delinquency	n/a	n/a	n/a	Quasi-experimental (pre-post, no control group)
Screening and assessment, individualized case planning, an extensive referral service, and case management and follow-up	Cocozza et al. (2005)	None	None	n/a	n/a	n/a	Observational
Screening and assessment, individualized case planning, an extensive referral service, and case management and follow-up	Dembo et a. (2008b)	None	1-year post-program	Any	Arrest	19.8%	Observational
Family Group Conferencing							
Family group conferencing	McGarrell (2010)	None	1-year post-program arrest	Any	Arrest	20.0%	RCT
Family group conferencing	Hipple & McGarrell (2008)	None	2-year post-program arrest	Any	Arrest	42.0%	RCT

Diversion Program Type	Study	Short term Outcome	Recidivism Measure			Recidivism Rate	Research Design
			Time Frame	Types of offenses included	Stage of Justice System Contact		
Tailored/Wraparound Services							
Mix of tailored services: community service, restitution, educational tasks, career research, creative assignments, counseling	Nugent (1991)	None	Re-arrest prior to age 18	Any	Arrest or Probation violation	8.0%	Observational
Wraparound services (family-involved in creation, individualized service provision, responsive)	Carney (2003)	None	Parent-reported school attendance, unruly and delinquent informal behavior, unruly and delinquent formal behavior, run -away instances, and 6-month Court Reported arrests	Any	Arrest	28.0%	Quasi-experimental (pre-post, control group)
Restorative Justice							
Victim-Offender Mediation	Abrams et al. (2006)	None	none	n/a	n/a	n/a	Other
Various or Unstated							
32 Colorado diversion programs	Campbell & Retzlaff (2000)	None	none	n/a	n/a	n/a	Observational
6 Denver diversion programs	Regoli et al., (1985)	None	reentry into justice system and processed to or beyond point	Any	Deeper contact in justice system	18.4%	Quasi-experimental (control group)

Diversion Program Type	Study	Short term Outcome	of previous exit		Recidivism Measure	Recidivism Rate	Research Design
				than previous contact			
			Time Frame	Types of offenses included	Stage of Justice System Contact		
Various	Dembo et al. (2005)	None	1-year post program	Any	Arrest	19.5%	Quasi-Experimental (Interrupted time series)
Various	Hamilton (2007)	None	120-day post-program	Any	Arrest or Probation violation	15.0%	Observational
Various	Veysey & Hamilton (2007)	None	120-day post-program	Any	Arrest	14.3%	RCT
Youth Court, Juvenile Accountability Program, Magistrate Court	Patrick et al. (2004)	None	1-year post-program	Any	Arrest	8.7%	RCT

To summarize, evaluations of diversion programs show some strong consistencies in certain aspects and much diversity in others. As discussed, the studies greatly differ in terms of design. On the other hand, short-term outcomes are almost never studied in evaluations of diversion programs. Those few studies that have examined short-term outcomes used measures that were generally connected with the goals of the program, such as changes in attitudes towards the court system, changes in self-concept, or improvement in risk behaviors (such as drug use). Recidivism, on the other hand, is a ubiquitously examined outcome, although the exact definition and time frame for measuring recidivism varies widely.

Capacity Building, Training, and Technical Assistance

An important consideration in conducting evaluations is to ensure that the different participating organizations are in agreement with the need for the evaluation and realize the benefits that the evaluation can bring them. Utilization focused evaluation (UFE) is an evaluation philosophy that insists on making evaluations useful to the programs they serve (Patton). In other words, UFE “begins with the premise that evaluations should be judged by their utility and actual use; therefore, evaluators should facilitate the evaluation process and design any evaluation with careful consideration of how everything that is done, from beginning to end, will affect use” (Patton 37). By focusing evaluation on how it can and will be used, organizations and evaluators can work through the common barriers to evaluation. UFE as an approach requires a strong commitment to having an extensive amount of communication about the evaluation, working to increase interest among those affected, building a sense of ownership about the evaluation, paying attention to psychological issues such as self-esteem and anxiety, and getting knowledge about the organizational context to increase understanding of reasons for resistance (Patton 39).

Another way to ensure the smooth running of an evaluation is to have training and technical assistance (TA) focused on increasing organizations’ evaluation capacity. Effective evaluation capacity building involves preparing an organization for changes in how they think about their programs, think about data and insights, and how they think about what matters (Preskill). In general, the federal government has identified four key areas of evaluation capacity: organizational evaluative culture, data quality, analytic expertise, and collaborative partnerships (GAO 24). Effective capacity building initiatives address all of these key areas from the perspective of program managers and program staff, rather than that of evaluation professionals (Newcomer). In addition, beyond what capacity building initiatives should cover, there should also be attention to how capacity building efforts are structured. To be effective, capacity building should have a strong component of both training and TA involving different learning styles (especially ‘practice by doing’ and ‘training trainers’; Preskill). Capacity building initiatives in evaluation often fail because of a lack of dedicated and motivated training staff, and feelings of fear and resistance from target organizations (Miller, Kobayashi, and Nobles). To combat this, a model of close TA in a partnership is ideal (rather than a teacher/student or other relationship

problematized by power differentials). Effective capacity building includes not only what should be done, but also why it should be done for the benefit of the program and the staff.

Staff turnover in the nonprofit sector makes evaluation training and TA a significant, ongoing need (Hunter et al.). While recruitment and retention have represented long-standing issues within the nonprofit sector, the unprecedented transition in nonprofit leadership that is expected due to the aging of the workforce will exponentially increase the need for skill development, professional coaching, and technical support (Halpern 6; Tierney). The development of evaluation capacity, in particular, has been found to have a significant effect on prevention providers, strengthening the ability to reflect on efforts objectively and to improve programs over time (Mitchell, Florin, and Stevenson). Secondly, research has shown that one of the greatest predictors of a program's success is whether its implementation is monitored through evaluation (Durlak and DuPre 335).

Conclusion

Juvenile diversion has a relatively recent history in the United States judicial system and therefore is relatively understudied compared to other more established topics. This literature review, however, is an attempt to organize what is known and has been studied about diversion programs to help inform understanding of diversion programs nationally and in Colorado specifically.

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