

Effectiveness of Juvenile Diversion Programs

Allison Durazzi

Youth in the Urban Context

Prof. Marcia Tate Arunga

September 12, 2011

Effectiveness of Juvenile Diversion Programs

Introduction

For five years from 2006–2010, I served as a volunteer with the King County Superior Court Partnership for Youth Justice (PYJ), a diversion program for youth who have committed certain levels of offenses (generally, misdemeanors). Instead of going to court, juveniles and their families accept responsibility for the charges, and work with a non-judicial community panel to arrive at resolutions. Through the oversight of court staff, hundreds of volunteers like me serve on these boards. We've been trained in principles of balanced and restorative justice, and work with the youth and their families to make things right so that they can move on from the incident in a positive way.

I often wondered if our dispositions had the desired impact--if the juveniles were able to use their mistakes as an opportunity for change. Some nights, I left the meetings feeling as though our efforts were a whisper in the wind of the lives complicated by family dysfunction, conflicting societal and social pressures, and poverty. I wondered, are juvenile diversion programs effective?

Literature Review

Balanced and Restorative Justice is an international movement initially developed in New Zealand, where traditional Maori "family group conferences" were adapted into a model of conflict resolution for youth offenders. Implementation varies across jurisdictions, but the method generally includes participation of the victim, the youth, the youth's parent or guardian, and members of the local community (In PYJ, victims do not appear in person; they are invited to submit a victim statement, which is included in the case file if submitted). The process

involves giving voice to each of the parties affected by the offense, particularly in addressing the specific harms and desired restitution/restoration that will allow the youth to accept consequences while engendering her interest in becoming a law-abiding community member (McKenzie, 2006; "Restorative Justice," n.d.).

In Washington State, diversion programs are given authority through state laws and rules: Title 13 of the Revised Code of Washington addresses juvenile courts, and incorporates the 1977 "Juvenile Justice Act" in chapter 13.40; sections within this chapter set forth the parameters for juvenile diversion programs such as King County's Partnership for Youth Justice. Washington State's Juvenile Court Rules include regulations for diversion programs (see, Title 6 Juvenile Offense Proceedings--Diversion Agreements). In these rules, there appears to be no provision for evaluation of effectiveness of diversion programs.

Lack of standard evaluation measures is not unique to Washington State. Most programs seem to report on cases heard, dispositions completed, and/or rates of re-offense. However, within each of these measures, criteria vary hugely; e.g., one program may count re-offense on only the same crime, while another will count any crime, while yet another will factor in if the juvenile becomes an adult criminal. The voluntary nature of program participation adds another statistical bias that defies correction--one group of researchers attempted to standardize a variety of reports, each with its own measures, in considering the effectiveness of diversion programs, and cited the lack of a control group as a challenge to gauging effectiveness (Bradshaw, Roseborough, Umbreit, 2006).

In his 2006 monograph "Measuring What Really Matters in Juvenile Justice," balanced and restorative justice leader and researcher Gordon Bazemore attributed these problems of

measuring effectiveness with a lack of stated purpose. Bazemore suggested evaluating programs based on outcomes in the areas of "accountability, competency development, and community protection" (p. vii):

- In the area of accountability, he noted restitution and community service satisfy victims and allow offenders to re-enter society gracefully; also, that these two dispositions are "predictive of reduced recidivism, as well as attitude change in offenders" (p. viii).
- Under competency development, Bazemore suggested indicators to be measured are "school attendance, employment status (for those not in school), and substance abuse resistance" (p. viii).
- For community protection, he held juvenile offense statistics are an appropriate measure of program success (p. ix).

In their analysis, Bradshaw et al commented on some pros and cons to juvenile diversion programs, but overall concluded them to be effective toward reducing recidivism. Some of the positives they found are the feelings of satisfaction with the experience in both offenders and their victims. Among the challenges they noted are long times between the offense and the diversion meeting, and not knowing why some choose to participate in diversion while others do not (p. 94-95).

Conversely, in her study, McKenzie found little evidence that diversion contributes to recidivism, at least not re-conviction (the definition of recidivism does not necessarily include re-conviction). However, she concluded her research inconclusive due to lack of control groups, and the highly individualized nature of each case and the youth involved (p. 51-52).

Methodology

My previous experience as a volunteer notwithstanding, I participated in a recent diversion hearing in West Seattle. The conditions of my observation were that I participate as a regular board member in conducting interviews and delivering dispositions over a three-hour period, and honor my agreement with the King County Superior Court, which includes confidentiality. This restriction means that in this paper, I can only share generalities about these cases and my observations. Appendix A: Outline of Interview shows the questions and format of the interviews.

Analysis and Findings

The cases heard were fairly typical (theft). In both, five or more months had passed since the time of the offense--this was also common in my experience as a volunteer. In both cases, the parent/guardian had imposed timely consequences independent of the diversion process. In one case, the youth had difficulty remembering the timeline of events leading to the charge, and could not articulate correlation of some punishment to the offense. In the other case, the youth recalled details with great specificity, and was eager to share the positive steps the family had taken to help right the wrong of the offense (this demeanor was not typical of my experience). In both interviews, the youth characterized their offenses as regrettable, impulsive decisions.

The interviews always include discussion of the youth's responses to the three restorative justice questions about who was harmed, how, and how to make it right. Almost always, the first response to who was harmed is "me," followed by "my mom/dad/guardian," because the youth relates their consequences (attending diversion, loss of privileges at home) as the harm. Later in the meetings, parents/guardians air frustrations at lack of communication with the youth. The say

they struggle with getting their child to understand s/he is part of a larger community. The youths' responses, and their parents' frustrations, echo the adolescent stage of development as suggested by Erikson; adolescents are starting to develop through their own actions, and are navigating ethical decision-making.

Discussion

The options for disposition are many: family counseling, anger management, shoplifting education, gang-prevention programs, bibliotherapy (e.g., a written apology to the victim), repayment of fines, and more. The board I participated on often saw youth whose home lives and school pressures are greater problems than the offense which brought them to diversion. We frequently opt for counseling or shoplifting education. It was surprising to read Bazemore's monograph, in which he held that community service is one of the best dispositions of juvenile diversion cases. However, I wouldn't know what works because we volunteers never see the follow-up to the diversion agreements.

Conclusion

Participating as a volunteer in diversion is at times rewarding, and at times disheartening. I believe that the program has substantial merits; indeed, I believe our justice system--both juvenile and majority age--needs to be less focused on retribution, and more focused on healing. For youth in an urban setting, there are hard consequences for stupid, impulsive decisions: shoplifting a pair of three dollar earrings from Claire's at Northgate Mall will result in arrest, handcuffs, several hundred dollars in civil fines, and a court date. Such a response is not always the best remedy; diversion programs allow space for youth to talk about peer pressure or other issues in their lives, maybe even get support for making different choices. This support is critical

as adolescents are, according to Erikson, developing autonomy and learning to make moral judgments. Information about the types of dispositions that are effective would be good for volunteers to know so that we can make better decisions about dispositions. Feedback from youth, their families, and victims would also allow neighborhood boards to correct deficiencies or underscore good practices that result in positive outcomes.

References

Bazemore, Gordon. (2006) Measuring What Really Matters. American Prosecutors Research Institute. www.ndaa.org.

Bradshaw, W., Roseborough, D., & Umbreit, M. S. (2006). The effect of victim offender mediation on juvenile offender recidivism: A meta-analysis. *Conflict Resolution Quarterly*, 24(1), 87-98. doi:10.1002/crq.159

McKenzie, N. (2006). Youth Justice Family Group Conferences: Do Restorative Measures Prevent Re-Offending?. *British Journal of Community Justice*, 4(3), 37-54. Retrieved from EBSCOhost.

Restorative Justice Online. Retrieved from <http://www.restorativejustice.org/university-classroom/04restorative%20justice%20theory/shaming>

Wash. JuCR Title 6.

Wash. Rev. Code Ch. 13.