Juvenile Justice Diversion Programs

A Study of Civil Citation and Teen Court Programs in Florida

Executive Summary

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by

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Civil Citation and Teen Court programs are two of many juvenile diversion options funded in Florida and elsewhere in the United States. The juvenile justice system nationally continues to emphasize front-end programs that divert youth from deeper involvement in the juvenile justice system with the concomitant risks of exposure to negative role modeling, victimization, and stigmatization. Diversion is not, however, for all youth. Youth that repeatedly offend, commit violent crimes, and exhibit characterological deficits (e.g. sociopathy or psychopathy) which increase risk of offending and are not easily treated continue to be adjudicated through the juvenile justice system and sentenced to probation, detention and residential treatment.

For youth deemed appropriate for these programs as determined by the arresting officer, consequences will be swift while evading the stigma of a juvenile record. In addition, the courts benefit from smaller caseloads. Communities profit from a reduction in recidivism and increased community service performed by offending minors. Youth have the opportunity to learn from their mistakes by adjudication from peers, as is the case when Teen Court programs are utilized. For Civil Citation programs, they learn by serving the community and being held accountable by caring adults. Both programs provide an opportunity for identification of underlying problems addressed through referral to community-based programs (e.g. mental health counseling) or, in some cases provided within the program itself.

This research effort focused on the current operationalization of Civil Citation and Teen Court programs as well as establishing guidelines for starting Civil Citation programs in communities that are planning to begin a program. To accomplish this, the research team utilized information from 45 programs in 29 counties in Florida that included 12 Civil Citation programs, 19 Teen Court programs and 14 other programs or agencies (e.g. State Attorney's Office, Florida Department of Juvenile Justice, Circuit Courts). In addition, white papers, reports, and published literature were reviewed. Information was obtained via both qualitative (interviews, document review) and quantitative (completion of a study survey) methods. Thus, complimentary data sources, data collection, and analytic methods were used in the course of this project.

Specific objectives targeted in this research included the following areas:

- Description of policies and statutes affecting Civil Citation and Teen Court programs
- Description of Juvenile Assessment Centers and their influence on Civil Citation and Teen Court programs
- Current operationalization of Civil Citation programs in Florida
- Current operationalization of Teen Court programs in Florida
- Startup and implementation guidelines of a Civil Citation program
- Recommendations

The main results for each objective will be discussed separately in this executive summary.

Policy, Civil Citation, and Teen Court

Juvenile justice policy in Florida operates under the key principles of offender accountability, community protection, and competency development. Of these, respondents relate competency development most with increased hope for a better life and attainment of necessary skills for youth. Hope and skill attainment are necessary for recidivism prevention. However, competency development receives the least focus by Civil Citation and Teen Court programs in general, increasing the chances for recidivism.

Policy and procedure development at the programmatic level is limited for the majority of Civil Citation and Teen Court programs. There are examples of programs with well-developed policies and guiding procedures that increase fidelity to the respective program models, but these are few. Further, some Civil Citation programs are relying on the statute as the procedural policy document and some Teen Court programs are utilizing the bylaws of their state association as the basis program policy. Careful analysis of both these documents finds them inadequate as policy and procedural documents at the program level.

Juvenile Assessment Centers, Civil Citation, and Teen Court

The relationship between Civil Citation programs and Juvenile Assessment Centers varies substantially by site. Some individuals involved with the Civil Citation programs described their relationship as non-existent because the youth involved with Civil Citation programs do not go to a Juvenile Assessment Center. They are diverted into the community. Others describe a more dependent relationship. For instance, the Miami-Dade Civil Citation program is embedded in the Juvenile Assessment Center. In Leon County, the Civil Citation program is housed in the Juvenile Assessment Center and there is considerable communication. When a Juvenile Assessment Center is aware of or involved with a Civil Citation program there is considerable support and respect for the diversion effort.

The relationship between Teen Court programs and Juvenile Assessment Centers are as varied as those between Civil Citation programs and Juvenile Assessment Centers. Some Teen Court representatives report either no Juvenile Assessment Center in their area at all or "not much interaction" between the two, while others reported much higher levels of communication. One Teen Court representative reports not getting any referrals at all from the Juvenile Assessment Center, while another states they do get referrals from the Juvenile Assessment Center stating, "that's where it all starts." "[It is] in the same building. They assess the teen for Teen Court." The level of interaction between Juvenile Assessment Centers and Teen Court or Civil Citation programs depends on how the programs have evolved from the initiation of the diversion program and appear not to alter appreciably over time.

Operationalization of Civil Citation Programs in Florida

Civil Citation programs are funded either through a Florida Department of Juvenile Justice grant, county juvenile justice dollars, the county Sheriff's Department budget, or through multiple funding sources at a community-based social service agency. The average range of funding per Civil Citation program is $113,000 to $137,000. The majority of programs have one full time

employee though one program reports six employees working in various capacities. The average number of youth processed through a Civil Citation program is 503 with a substantial range of 40 to 1,600 youth.

Programs vary on whether they allow first or second time misdemeanants in their program, though the statute appears to imply that second time misdemeanants are eligible. For many programs, location and law enforcement priorities have shaped which offenses are covered by civil citations. For programs mainly in middle schools and high schools, this equates with affray, assault, disruption of a school function, and disorderly conduct. On the other hand, a program that has the majority of their referrals due to shoplifting has naturally become specialized in petty retail theft. When analyzed, offenses clustered into seven categories: Theft/Taking Property, Other Property Related, Substance Related, Disruptive Behavior, Violent/Threatening Offenses, Traffic/Driving Related, and Other. The largest individual offense is petty retail theft (20.86%). However, the violent/threatening cluster is the largest category of offenses diverted to Civil Citation (29.64%).

The assessment process for Civil Citation programs varies in rigor. Some programs report no assessment completed with the focus of the program on satisfying community service hours and other sanctions levied. Other programs, usually through the efforts of the local Juvenile Assessment Center or through a clinical team approach for community-based social service agencies, have extensive assessment procedures that guide sanction assignments and service referrals (e.g. mental health counseling). Programs housed in law enforcement are less likely to have a comprehensive assessment process. This should not be construed as a criticism of law enforcement based programs. Law enforcement programs have a different expectation of their programs and youth focusing more on the offense and restitution for the offense.

The main sanction for Civil Citation is community service, with an average of 23.3 hours assigned per youth with the average low of 12.5 hours and high of 43.5 hours. There are four general strategies for provision of community service hours: Youth generated with advice from program staff, a list of placements provided for the youth to follow-up on, community service group activities in parks or other locations, and home-based community service for younger or special need youth. Community service is not the only sanction in Civil Citation programs and a considerable list of additional sanctions has emerged. For instance, group mentoring, 'giving back' reports, school attendance, and apology letters are often assigned.

Youth are referred often to services when an assessment detects a specific need. For instance, services attempting to increase the chance of keeping the child from falling into the trap of recidivism include attending help sessions on social skills, anger management, mandated involvement in mentoring programs, and attending resistance skills development groups. The most available services are counseling related (mental health, substance abuse, family) and the least are restorative justice related. Whether services are provided in-house or offered via a referral will affect the success of the service provision and, to a degree, the program. Referred services are less likely to be completed than those provided by the program. For the majority of Civil Citation programs, success of service delivery is based on completing the service, not knowledge gain or behavioral change, for the majority of the Civil Citation programs. Thus, there is limited assessment of service impact, only compliance.

There are multiple barriers influencing success of Civil Citation programs. Five categories of potential barriers were identified in the proposal for this project and analysis of data confirmed this early perception. The barrier categories include the following issues:

- *Policy barriers*. The zero tolerance policy was the most cited policy barrier addressed by program staff. Zero tolerance in schools was addressed as a barrier because the original intent of the law, for some respondents, has evolved to include nearly any offense. Training, and lots of it, was the primary solution cited by program staff to address zero tolerance. In most cases, the trainer most likely to convince law enforcement of how zero tolerance policy has evolved into potentially unfair law enforcement practices and the further link to Civil Citation as a viable alternative to arrest was law enforcement personnel themselves.

- *Implementation barriers*. Three implementation areas were noted consistently as problematic for Civil Citation programs. These include law enforcement and school personnel mindset (punitive versus change oriented), lack of stable community service locations, and extensive paperwork in some jurisdictions. Open and direct communication with partners was suggested as the primary solution to barriers. Finding the time to help partners feel valued was often difficult but respondents indicated that it was a priority.

- *Youth related barriers*. Two types of youth related barriers were uncovered. The first is youth noncompliance and the second is accepting youth into the program that have, unbeknownst until intake, extensive psychological and/or psychosocial impairments. Youth related noncompliance was a source of frustration for several respondents. Suggestions for addressing the problem included expending extra time assisting the youth and probing for the reasons behind their noncompliance; enlisting the aid of the parents, finding an alternative to some of the community service hours if the reasons for noncompliance are legitimate; and pointing out the consequences of further noncompliance.

- *Family/Caregiver related barriers*. Family related issues raised during interviews include disinterested or over involved parents that may have a criminal history, other family members with a criminal history (negative role modeling) and pragmatic issues such as lack of transportation. While caretaker barriers can be quite disruptive in successful completion of a Civil Citation program, their detection hinges on having an assessment sensitive enough to detect their presence. Case managers and other line staff in Civil Citation programs are addressing issues of parental disinterest by spending time building rapport with the parents and by emphasizing the positive aspects of civil citation versus juvenile adjudication. Messages of support and explanation of Civil Citation program benefits delivered to parents appear to be relatively consistent across programs.

- *Community related barriers*. Only half of the programs identified community barriers to success. This was less than expected and leaves the question unanswered whether the participants understand what potential community related barriers are. In many areas where the programs operate, there is extensive poverty, discrimination, lack of community recreation resources and other community issues. A suggestion that emerged from the literature and not the direct study was the recognition and training of ecologic understanding of family/community issues for diversion programs in general. Youth

criminal activity requires opportunities and justification by the youth that often stem from negative family and community issues more prevalent in disadvantaged areas. At this time, there is no information on whether Civil Citation programs would value or support this type of training.

Restorative justice is a useful organizing concept and theory of change for Civil Citation programs. Only three programs have components that directly address restorative justice in the form of 'giving back' reports or restorative justice conferences that bring the victim, offender, and their families together to discuss sanctions and to offer apologies. Another concept used to organize program delivery for some CC programs is disproportionate minority contact (DMC).

The extent that DMC was a focus was due, in part, to the demographic makeup of the community in which the program was surveyed. None of the respondents believed that minority youth had the same opportunities and resources as majority youth. For respondents that commented on DMC, there was agreement that there must be systematic changes in how youth are perceived, approached, referred, and assisted in order to develop an identity that does not internalize criminal offenses as a viable alternative to acting within societal norms and laws.

The majority of programs are using recidivism as the only outcome to measure program success. Recidivism is operationalized by checking the Juvenile Justice Information System for additional charges for each youth after program completion. Recidivism levels range from 3 to 17 percent. However, the measurement of recidivism is inconsistent with respect to interval across Civil Citation programs. Intervals range from 3 to 12 months with only a few programs checking at multiple time points. Programs should begin to check consistently at 3-month intervals and minimally to 12 months. Some programs are using additional indicators or outcomes beyond recidivism. However, many of these are not true outcomes as some are indicators of youth participation in the program rather than changes in the youth's knowledge, skills, attitudes, or behavior. There is a large deficit of evaluation skill and usage across Civil Citation programs.

Operationalization of Teen Court Programs in Florida

There was less qualitative and more quantitative information available for assessment of Teen Court operationalization. A brief overview of results from Teen Court data analysis begins with comments on budget and staff. The average annual budget for a Teen Court program is $119,300 with a range of $25,000 to $500,000, although the half-million dollar budget addresses complimentary programs as well and that could not be broken out for Teen Court alone. Approximately two full time staff work with each program though the range is extreme (0 to 7).

Teen Court programs have a degree of flexibility when deciding on what type and level of criminal offences are eligible for their program. The statue does not define specific covered offenses and from the limited data, it appears that the programs that have been established longer are taking offenses that are more serious. Interviews and documents indicate that some Teen Court programs are limited to first time misdemeanor offenders while others will take felony cases, some directly or others with an agreement with the State Attorney's Office.

When considering offenses, retail/petty theft (24.9%) is the most frequent offense referred to Teen Court. Possession of marijuana (15.42%) is the second most frequent offense.

Theft/taking property is the most frequent category of offenses (29.39%). Not surprising, the category of substance related offenses is second most frequent but only slightly behind the first at 24.38 percent of all offenses referred.

The majority of interview respondents report that the Juvenile Assessment Center completes an initial assessment that may include a psychosocial or biopsychosocial assessment, the PACT or similar instrument for assessing risk, family interactions, substance abuse history, disqualifying information (weapon charges and sex offenses were mentioned by one participant as excluding entry into that program), and urinalysis. Two programs stated directly that they do not complete an assessment separate from the Juvenile Assessment Center. Parent assessment of youth behavior, history, and emotional stability should be included in more Teen Court assessment packages. This provides a counterbalance to information obtained from the youth.

Teen Courts have developed a long list of sanctions beyond community service. Unique to this program, and part of each Teen Court interviewed, is the return to court to participate in jury duty as a mandatory sanction. This is not universal as one respondent mentioned one county where it is not mandatory. Several sites place limits on community service hours and nights of jury duty for the level of offense but they must be levied as sanctions unless extenuating circumstances makes this impossible. Much like Civil Citation, Teen Court programs will dispense with mandatory sanctions if issues of transportation or health require.

Community service remains the backbone of sanctions for Teen Court. However, several programs suggested that community service locations are approved that will "… send them to something they're good at to improve others lives." This is another example of restorative justice practices. However, not all Teen Court representatives made this claim and it is likely an easier task to manage in an urban location. Consistently, arranging steady community service sites was cited as a principal barrier to program implementation.

Service assessment and referral is similar to Civil Citation programs. However, there are some notable services being developed as potential alternatives for youth manifesting specific issues. For instance, in one jurisdiction the Teen Court is spearheading the development of Camp ExRAYD (Exam Reality about Your Decision). This is an additional 18 hours of mandated activities for youth charged with a substance abuse crime or that test positive at intake as well as specified aftercare. This includes a jail tour, follow-up counseling, and six months of aftercare. A separate county is replicating this effort. Another program developed specifically for the offender population is Shock Education that provides tours to numerous facilities such as emergency rooms to expose the youth to the negative consequences of poor choices. This is not a 'scared straight' effort, which has proven ineffective, but is exposure with education, discussion, and also an opportunity to experience careers that a youth might aspire to in the helping professions.

Finally, discussions of barriers are not substantively different from Civil Citation programs and will not be repeated.

Starting a Civil Citation Program

Twenty guidelines emerged from the data that support Civil Citation program startup. These are

presented in abbreviated form, with some combined, and should be followed more or less in the order presented.

1. Determine optimal funding needed, complete the steps to obtain funding, and begin planning for sustainability immediately.

2. Plan for multiple meetings with key stakeholders to gain support and budget time accordingly to meet funding deadlines.

3. Contact the State Attorney's Office, Chief Judge of the Circuit Court, local law enforcement agencies, the Public Defender's Office, the District School Board, in that order, to gain support and sign memorandums of understanding. Follow this with communication with community service providers and referral agencies for special needs and establish partnership agreements. Negotiate the role of the State Attorney's Office as specifically as possible. They have the largest impact on startup policy and procedures.

4. Focus on the benefits of Civil Citation to law enforcement (e.g. immediate consequences, admission of guilt, elimination of case dismissal, and no time in court) when discussing their participation. When in doubt, start with school resource officers. Data from respondents identify this group as more responsive.

5. Talk to state and local juvenile justice organizations and school system officials to identify key individuals in the juvenile justice system, school system and community service stakeholder groups. Maintain local juvenile justice and school district personnel on the steering committee.

6. As soon as feasible, develop a coherent process and measurement tool to increase understanding of the potential problems and their frequency in the target population. Administer this tool to key stakeholder groups. Use this information to identify key service provision and community service provider stakeholders.

7. Develop a theory of change. Remember to include professionals with the requisite background knowledge of the population and of diversion. Include individuals with experience in evaluation and program development.

8. Establish a functional system of policies and procedures to guide early implementation of the program. Do not postpone this task as negative procedural habits could start and be difficult to reverse.

9. Develop a cohesive intake and monitoring process (e.g. acceptance of referrals, scheduling of intake/assessment, necessary forms, sanction, referral processes, and discharge protocols).

10. Ensure that the assessment process is comprehensive enough to detect high risk youth and to address underlying problems that will interfere with successful completion of the program.

11. Develop a list of possible sanctioning choices that will benefit and not simply punish the youth. Maintain contact with community service and service providers and make sure that they are maintained as stable partners through consistent contact even if their use as a referral agency is sporadic.

12. Develop an evaluation plan, logic model, and data management system. Assume that you

will be asked to prove the worth of the program or pursue additional funding opportunities as they arise.

Recommendations

The final portion of this summary will address recommendations that emerged from the data and are supported by multiple data points, are consistent with the analytic method, and are supported in the literature base. Recommendations are clustered into two categories. The first are recommendations that will affect Civil Citation, Teen Court and by extension, diversion in general. These global recommendations will improve the value of Civil Citation and Teen Court programs through validating and improving efficacy. They will also improve operationalization of the programs. The second category is a set of recommendations that will improve the operational capacity of Civil Citation and/or Teen Court programs as they are currently implemented in Florida.

Global Recommendations

1. **Improve the Evaluation Capacity of Civil Citation and Teen Court Programs**

   Currently, Civil Citation and Teen Court programs alike have a great deal of anecdotal information that suggests that these programs work. Further, Teen Court programs have legitimate peer reviewed studies that support their position, though these are not specific to Florida. Civil Citation currently has minimal peer reviewed literature supporting it. It is recommended that there be an investment made for increasing the evaluation capacity of Civil Citation and Teen Court programs (e.g. fundamentals of program evaluation, basic methods, selection of measurement tools, development of a logic model). This could be either a standalone effort or in conjunction with Global Recommendation 2 below. Further, current efforts are generally descriptive and do not link the program to recidivism or other outcomes. In other words, there is not a strong scientific evidence base to support the impact of the program.

2. **Complete a State Level Evaluation of Civil Citation and Teen Court Programs**

   There are multiple reasons for conducting a statewide evaluation of Civil Citation and Teen Court programs, including the following:

   - If completed, while also addressing evaluation capacity (Global Recommendation 1), it leaves in place a capability for continued evaluation that is easily translatable to evidence-based practices for new programs as they are established.

   - Data from multiple programs can be pooled to establish a state level effect size for Civil Citation and/or Teen Court programs. Simultaneously, individual effect sizes can be computed and compared with variables that contribute to an increased or decreased effect size. This would allow the identification of individual factors that contribute to or diminish the success of the program.

   - The use of the same or similar data collection procedures and establishment of identical or at least highly similar outcomes across sites will allow the comparison of programs across outcomes and can better test the effect of demographics, population density, and other variables in hierarchical ecologic models. These are complex analyses that require specific minimum sample sizes be met to ensure validity and a

state level evaluation would ensure this. Practically, this methodology would allow a more in depth investigation of single variables as well as grouping of variables to identify drivers of success within programs.

3. **Complete a State Level Cost-Benefit Analysis of Civil Citation and Teen Court Programs**

    There are currently no Florida based and almost no cost-benefit studies of Civil Citation and Teen Court programs out of state. Indeed, only Washington State has any data minimally relevant to Florida. A cost-benefit analysis is suggested over a cost-effectiveness study because the results, in dollars versus, for instance, number of events avoided, are more easily understood and accepted by policy makers. An important consideration is that cost-benefit analyses are usually performed on programs with proven efficacy. Teen court has preliminary data supporting efficacy where as Civil Citation only has limited performance data. It is recommended that a sound base for program efficacy be established before conducting a cost-benefit analysis on either program.

Program Recommendations

1. **Establish Comprehensive Policies and Procedures Early in the Life Span of a Program**

    Policies influence practice and good policy will often support good practices. Having a clear idea of the procedures for operating a program consistently increases the chance that the program will be successful or will be implemented as designed, allowing evaluation of the program to detect barriers.

2. **Utilize a Re-offending Risk Assessment**

    Recidivism is the primary targeted outcome linked to Civil Citation and Teen Court programs, and is likely to remain so, yet many programs are not using a risk assessment for reoffending at program entry to better identify youth at higher risk for recidivism and thus targeting additional resources.

3. **Develop a Theory of Change**

    A theory of change should be developed in the context of an evaluation plan and logic model to gain the full benefit of the direction that a theory of change brings. However, a theory of change can guide operationalization and service delivery, not just evaluation and significantly improve program outcomes.

4. **Develop and Assess Outcomes Other than Recidivism**

    Currently there are few programs adopting outcomes other than recidivism. Programs should develop a list of viable outcomes that will help focus the use of resources and can be operationalized as a limited logic model without embracing a complete evaluation plan if capacity for evaluation is limited.

5. **Assessing Change over Time**

Related to Recommendation 4 is the use of surveys to investigate program satisfaction, perception of the program through the eyes of youth and family, program fidelity, improved empathy of the youth, increased knowledge, the desire to re-offend, and many other possible concepts. These, as well as more specific program outcomes, can all be measured at the beginning and end of the program as well as further out in time to assess stability of change. Multiple measurements of the program will establish program impact over time, a necessity to establish worth and provide initial evidence of program efficacy.

6. **Increase Contact with Other Civil Citation Programs**

This recommendation is specific to Civil Citation programs. Individuals in Civil Citation programs uniformly agreed that the lack of communication with other Civil Citation programs needs to change. All programs agreed that more frequent conversation at least with programs geographically close to them would be useful. Most programs recommended an annual or bi-annual meeting with frequent electronic communication with many or all other Civil Citation programs.

7. **Increase Recognition and Planned Interventions for Program Barriers**

Barriers (policy, youth, family, implementation, and community) affect programs to varying degrees. There appears to be little proactive planning and targeted intervention for barriers. It would be useful if the programs and their stakeholders had an open dialogue on barriers facing Civil Citation and Teen Court programs and then brainstorming ideas to address the barriers followed by concrete action steps. Engaging stakeholders is essential.

8. **Increase Program Operationalization of the Three Guiding Principles Driving Florida Juvenile Justice Practice**

A balanced diversion program will provide a reasonable emphasis on offender accountability, community protection, and competency development. The majority of programs have devoted limited resources to competency development compared to the other two principles. Interestingly, these programs also view changes in skills and hope for youth as the predominant link with the choice not to re-offend. Competency development is most closely related to change in skills and hope.

9. **Increase Sustainability Planning and Implementation**

Programs are often started with minimal support and understanding of how to operationalize the program. This puts undue stress on the program staff, which is often a single individual, and encourages a myopic focus on the here-and-now. Sustainability planning should begin in the first year and be maintained throughout the life of the program.

10. **Increase Linkages with Service Providers**

The final recommendation is to work to increase the number of agencies that are willing to provide a wider range of services. Program staff are assessing more specialty needs in youth populations and it must be remembered that budget and funding problems are

affecting all sectors of service providers. Programs should proactively review their service delivery partner list, re-establish contact with any that have been neglected, openly discuss their stability, and seek additional partners for those areas that appear less stable.