



# Improving Outcomes for Justice-Involved Youth Through Structured Decision-Making and Diversion



Center for  
Juvenile  
Justice  
Reform

Amber Farn, M.S. Ed

Georgetown University  
McCourt School of Public Policy  
Center for Juvenile Justice Reform  
<http://cjjr.georgetown.edu/>

3300 Whitehaven St. NW. Suite 500  
Washington, DC 20057



# Center for Juvenile Justice Reform

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## Improving Outcomes for Justice-Involved Youth Through Structured Decision-Making and Diversion

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### Introduction

Recent national juvenile arrest and detention data shows promising results regarding the reduced number of youth formally processed through the juvenile justice system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP, 2017b) found that the juvenile arrest rate decreased 68% between 1996 and 2015, and the number of youth in juvenile residential facilities decreased 55% between 1999 and 2015 (OJJDP, 2017a). These studies show that overall, fewer youth are being arrested and incarcerated, and that both arrest and incarceration numbers reached an all-time low in 2015.

The drop in juvenile arrest and incarceration has occurred at the same time that the body of research has grown demonstrating that formal juvenile justice system interventions have the potential to cause significant adverse effects (Gatti, Tremblay, & Vitaro, 2009; Seigle, Walsh, & Weber, 2014). Studies have shown that the prevalence and persistence of juvenile crime often follow an “age-crime curve,” where non-violent offenses begin to increase during late childhood, peak during adolescence between the ages of 15 to 19, and then decline in the early 20s (National Institute of Justice, 2014). Only a small percentage of youth who commit non-violent crimes continue to reoffend into adulthood (National Institute of Justice, 2014). This finding is consistent with adolescent development research showing that adolescents are more susceptible to engaging in risky behaviors because the brain’s prefrontal cortex, responsible for executive functioning and complex reasoning, does not fully mature until the mid-twenties (Steinberg et al., 2008).

Nevertheless, according to OJJDP’s 2015 residential placement data, a significant portion of youth were placed in confinement due to non-violent offenses. In 2015, of the 47,303 detained or committed youth, almost 60 percent of commitments were for property, public order, status offenses, and technical violations (Sickmund, Sladky, Kang, & Puzanchera, 2017). While youth who commit serious crimes and have a high risk of reoffending may require a higher dosage of treatment in a secure placement, low-risk youth who commit non-violent offenses often age out of adolescent delinquent behaviors on their own and are more likely to benefit from low dosage, community-based services (Baglivio, Greenwald, & Russell, 2014; Center for Innovation through Data Intelligence, 2015; Seigle et al., 2014). Minimizing formal juvenile justice involvement for moderate-to-low-risk youth not only avoids ostracizing them from their community, but also allows more intensive resources to be devoted to high-risk youth involved in more serious offenses (Seigle et al., 2014). This concept of treating youth based on their risk of reoffending and need for services is known as the Risk-Need-Responsivity, or RNR, model (Vincent, Guy, & Grisso, 2012).

Recognizing the potential negative impact of unnecessary juvenile justice interventions, recent reform efforts have focused on utilizing structured decision-making tools to guide disposition decisions, as well as developing alternative programs to divert youth away from the juvenile justice system when appropriate. The Juvenile Justice Delinquency Prevention Act of 2002 recommends using risk and needs assessment tools – standardized instruments designed to identify a youth’s risk of reoffending and need for services. These tools can provide vital information to guide disposition decisions, including the most appropriate level of treatment and supervision (Development Services Group, Inc., 2015). Police and intake officers are ideal candidates to divert youth from the juvenile justice system at the point of arrest and referral as they are often the first points of system contact for youth. Intake officers, in particular,



have considerable power in making judgments about a case, assessing risk and needs of youth, and making initial diversion decisions and recommendations to the prosecutor (Mears et al., 2016). Structured decision-making tools can guide the decision of whether to dismiss a case, refer a youth to a diversion program for services, place a youth on informal probation, or formally process a youth through the system (Cocozza et al., 2005).

When youth enter the juvenile justice system for minor offenses, and their assessment results indicate that they have low or moderate risk of reoffending, professionals may consider referring them to a juvenile diversion program. Instead of formal processing, diversion programs hold youth accountable for their actions while also providing treatment and support to prevent further system involvement.

Given that delinquent youth are frequently involved in multiple youth-serving systems, cross-system collaboration between child-serving agencies, such as education, law enforcement, child welfare, and the court system, is essential to develop an effective juvenile diversion program (Seigle et al., 2014). A 2005 study suggested that the majority of youth involved in the juvenile justice system require support from other systems such as behavioral health, child welfare, and education (Cocozza et al., 2005). It is estimated that about 65 percent of justice-involved youth have mental health disorders (Colwell, Villarreal, & Espinoza, 2012; Vincent, 2012), between 25 to 50 percent of youth in residential facilities have substance use disorders (Hodgdon, 2008), and as many as 65 percent of youth in the juvenile justice system have past or present child welfare system involvement (Herz et al., 2012). By addressing the underlying factors for youth delinquent behaviors, diversion programs can effectively disrupt the pathway into the justice system. However, due to a lack of resources and training, many juvenile justice systems are not equipped to address the multi-systemic and complex needs of these youth alone (Cocozza et al., 2005). Diverting moderate-to-low-risk youth to community-based services, therefore, ensures that youth who require low dosages of community intervention receive the supports and services they need without being placed in confinement unnecessarily or having their cases completely dismissed.

This issue brief reviews research on the structured decision-making process and diversion, including the use of risk and needs assessment tools and dispositional matrices. It also has a focus on how these tools can improve the effectiveness of juvenile diversion programming. Moving from research to practice, this brief further highlights some of the recent reform efforts in Fairfax County, Virginia. Fairfax County has made significant progress in adopting a structured decision-making approach and expanding diversion opportunities to improve outcomes for youth at the referral decision point. It serves as an exemplary example for other jurisdictions that are looking to integrate a structured decision-making framework into their juvenile justice system.

## A Structured Decision-Making Framework

A structured decision-making framework employs tested and validated instruments that provide specific criteria and guidelines to help professionals make intake and disposition decisions for youth in the juvenile justice system (Shook & Sarri, 2007). This framework is based on the graduated sanctions model, which matches sanctions and services to the severity of offense, level of risk, and treatment needs of an individual youth (Juvenile Sanctions Center, 2005). An effective structured decision-making framework with a graduated sanctions approach, therefore, should place low-risk youth who have committed minor offenses with the least restrictive sanctions options, and utilize secure residential placements only for serious, violent, and chronic offenders (Baglivio, et al., 2014). Howell and Lipsey (2004) discussed four main components necessary to apply a structured decision-making framework using the graduated sanctions model:

1. risk assessment;
2. needs/strengths assessment;



3. a disposition matrix; and
4. a protocol to evaluate program effectiveness.

Using the risk and needs assessment results to decrease a youth's likelihood of reoffending is often referred as the RNR model and is one of the most influential and empirically validated approaches. The RNR model has four main principles (Vincent et al., 2012):

1. The *risk principle* highlights matching the level of supervision and service to the youth's risk of reoffending;
2. The *need principle* emphasizes targeting a youth's dynamic risk factors in treatment;
3. The *responsivity principle* suggests tailoring interventions to a youth's specific characteristics, such as learning style, motivation, and mental health; and
4. The *professional discretion principle* underscores the importance of professional judgment, indicating that youth-serving professionals should consider factors other than risk and needs scores (e.g., legal, ethical, and service availability) when making placement and treatment decisions.

A meta-analysis of over 300 studies indicated that adherence to the RNR principles is correlated to success in promoting a youth's pro-social behaviors and reducing a youth's risk of reoffending (Dowden & Andrews, 1999; Vincent et al., 2012). Similarly, Vieira, Skilling, & Peterson-Badali (2009) found that providing services based on a youth's individual criminogenic needs reduced recidivism three years post-service.

## **Risk Assessment**

A risk assessment evaluates both static and dynamic risk factors for a youth's likelihood of reoffending in the future. Static risk factors are unchangeable, historical characteristics such as a youth's criminal history and age of first offense. Conversely, dynamic risk factors, also referred to as criminogenic needs, are characteristics that can be changed through treatment and supportive services, such as a youth's substance use and lack of positive social support (Development Services Group, 2015). Because dynamic risk factors often provide insight into the underlying reasons for a youth's delinquent behaviors and can be addressed through treatment, child-serving systems should target dynamic factors when developing youth's case plans (Seigle et al., 2014). Accurately evaluating a youth's risk level is a critical first step in deciding the appropriate level of juvenile justice intervention for optimal outcomes. Research studies have suggested that youth at a high risk of reoffending can benefit from more intense supervision and treatment interventions. However, high dosage interventions may have limited impact on youth with a low risk of reoffending and could sometimes lead to adverse outcomes (Seigle et al., 2014; Vincent, 2012).

## **Needs/Strengths Assessment**

The needs/strengths assessment identifies a youth's criminogenic and non-criminogenic needs, as well as protective factors. The results can guide the development of treatment plans. Whereas criminogenic needs are those factors that are linked to delinquency, non-criminogenic needs are factors that may require treatment but are not directly related to youth's risk of reoffending, such as low self-esteem and depression (Vincent et al., 2012). While accounting for non-criminogenic need factors may be an important dimension of intervention planning, they should not be included when calculating a youth's risk of reoffending, as they could inflate the risk score and inaccurately reflect a youth's risk level (Baird, 2017; Vincent et al., 2012).

It is equally important that the needs assessment also identifies a youth's protective factors, which are characteristics that can increase a youth's resiliency and discourage delinquent behaviors. These factors, such as having a supportive adult mentor or a stable family, can be leveraged and integrated into a youth's



case plan. For example, if a youth identified her sports team coach as a supportive mentor whom she trusts, the coach could serve as a natural support and be someone that she goes to when she feels disconnected from school. The coach, therefore, should be included in the youth's case plan if possible.

Although prevailing literature strongly suggests that the use of risk and needs assessment tools leads to improved outcomes for youth in the juvenile justice system, researchers caution that these tools are only effective if they are validated for the target population and implemented with fidelity (The Council of State Governments Justice Center, 2016; Vincent et al., 2012). Some static risk factors, such as criminal history and neighborhood, are correlated with poverty and minority status (Skeem & Lowenkamp, 2016). While these factors should be considered in the assessment process, juvenile justice professionals should be careful not to weigh these factors too heavily as they may skew the assessment results. It is also imperative that an assessment is empirically validated before implementation to ensure that it does not produce unintended biases toward minority groups. In other words, an assessment tool should be developed for specific purposes, replicable for targeted populations, implemented with a set of standard procedures, and should contain research-supported risk factors and demonstrate reliability and predictive validity in multiple independent studies (Vincent et al., 2012). When coupled with trained staff who adhere to policies and procedures supported by existing research evidence, validated risk and needs assessment tools can produce race-neutral results that effectively predict a youth's risk of reoffending and needs for services (Lowenkamp, Latessa, & Holsinger, 2006; Vincent et al., 2012).

## *Disposition Matrix*

While the utilization of risk and needs assessment instruments has become popular in recent years, many agencies do not have comprehensive strategies to guide staff in interpreting the information collected or to use it to improve outcomes for youth (Vincent, 2012). A disposition matrix, in the context of juvenile justice, is a tool designed to classify and match youth with appropriate supervision levels and services based on their needs for treatment and risk for endangering public safety. The risk assessment results dictate the ideal restrictiveness and duration of juvenile justice supervision, while the needs/strengths assessment results guide the service matching process to effectively address the underlying reasons for a youth's delinquent behaviors. The matrix summarizes data gathered from the risk/needs assessments, provides a framework for youth-serving professionals to structure their decision-making process, and improve the precision of service delivery (Howell & Lipsey, 2004). A disposition matrix also has the potential to promote fairness and alleviate racial and ethnic disparities (Lipsey, Conly, Chapman, & Bilchik, 2017). Indeed, an effective structured decision-making approach aims for consistent treatment of youth with similar histories and characteristics. Unfortunately, few studies have examined the impact of disposition matrices on racial and ethnic disparities, and therefore further research is required to explore the racial implications of using these tools.

## *Protocol to Evaluate Program Effectiveness*

Once a youth's criminogenic and non-criminogenic needs are identified, it is important that they receive services from programs that have reliably demonstrated positive outcomes through rigorous research or evaluation. Furthermore, dedicated staff should continue to follow-up with youth and collect data to ensure that youth are in fact receiving appropriate and effective treatment after referral. Lipsey et al. (2017) described a few essential elements to include in the program evaluation process:

- The content and focus of the program should match youth's identified dynamic risk factors;
- The quality of service delivery should be monitored and measured consistently;
- The intensity and duration of service delivery should correspond to youth's risk and needs assessment results; and



- The population-level outcomes should improve, including youth’s dynamic risk factors, rate of successful completion of case plan conditions, and youth’s risk of recidivating.

Taking into account of all these components, youth-serving agencies can systematically evaluate the effectiveness of their programs and use these data points to continue refining treatment and services for youth involved in the juvenile justice system.

The use of structured decision-making approach has a long history within the youth-serving profession. However, it was not until recently that researchers and leaders in the field began methodically examining its effectiveness and constructing models to embed the framework and tools within the juvenile justice system. For example, in 2011, Georgetown University’s Center for Juvenile Justice Reform (CJJR) partnered with the Comprehensive Strategy Group and Vanderbilt University’s Peabody Research Institute to lead the Juvenile Justice System Improvement Project (JJSIP). The JJSIP aimed to develop and implement an evidence-based decision-making (EBDM) platform in selected jurisdictions<sup>1</sup>, as well as to align state and local policies to support the EBDM platform in an 18-month period. In 2012, with support from the OJJDP and the Office of Management and Budget’s Partnership Fund, CJJR and its partners expanded the efforts and began a four-year initiative, the Juvenile Justice Reform and Reinvestment Initiative (JJRRI)<sup>2</sup>, working with selected jurisdictions to develop policies and practices to support the implementation of the EBDM platform.

Baglivio et al. (2015) conducted a thorough analysis investigating the effectiveness of Florida’s JJSIP efforts with a sample of 38,117 juvenile offenders and found promising results. The study discovered that youth placed within the matrix’s suggested range had significantly lower recidivism rates (19.4%) compared to youth placed outside of the suggested range (38.7%). The results indicated that adherence to the structured decision-making framework could contribute to reduced recidivism rates and better outcomes for youth in the juvenile justice system.

## Diversion

As jurisdictions begin using structured decision-making tools to guide disposition decisions, an increasing number of youth are diverted to less restrictive, community-based programs (Seigle et al., 2014). Many of these community-based programs aim to divert low- and moderate-risk youth away from more serious sanctions, offering youth and their families supportive services while still holding youth accountable for their actions.

The formality, structure, and setting of juvenile diversion programs vary greatly, as they are designed to target different populations of youth and their dynamic risk factors. The diversion process can be formal or informal, occurring at different points of system contact and in different settings. Formal diversion processing tends to occur after charges are filed, but before court disposition (Development Services Group, 2017). It often involves a youth’s admission of guilt and agreement to participate in programming that targets youth and family needs, sometimes in a justice setting such as teen court or drug court. Failure to complete formal diversion conditions could result in further judicial sanctions (Development Services Group, 2017; Wilson & Hodge, 2013). Informal diversion processing usually occurs at the point of arrest or referral, at the police or intake officers’ discretion (Development Services Group, 2017; Mears et al., 2016). It may involve officers letting a youth off with a warning with no conditions, or referring youth to community-based programs. If a youth has no further infraction with the law, charges are often dismissed after a period of time (Development Services Group, 2017; Wilson & Hodge, 2013).

<sup>1</sup> Four states were selected for the JJSIP, including Arizona, Connecticut, Florida, and Pennsylvania.

<sup>2</sup> Three jurisdictions were selected for JJRRI, including the state of Delaware, the state of Iowa, and Milwaukee County, Wisconsin.





The content and programming of diversion programs also vary widely. To target youth's risk and need factors, some programs provide supportive services such as therapeutic interventions, parent training, and mentoring. Other programs focus on a restorative justice approach to encourage positive development and pro-social behaviors, such as community service and civic leadership training, and require youth to fulfill some form of restitution to victims (Cocozza et al., 2005; Development Services Group, 2017).

While there is an array of diversion programs offering youth distinct services, these programs are generally designed to achieve specific goals. The Juvenile Diversion Guidebook (Models for Change, 2011) identified eight common purposes of diversion programs:

1. Reducing recidivism to improve public safety;
2. Providing services to reduce likelihood of future offending;
3. Avoiding labeling, such as “delinquent,” “deviant,” or “juvenile offender,” which could contribute to further delinquency;
4. Reducing system cost to assure resources are reserved for high-risk youth who require formal adjudication and rehabilitation;
5. Reducing unnecessary social control and assuring that youth receive the minimal justice intervention necessary;
6. Increasing successful outcomes for youth and encouraging positive development;
7. Assuring that youth are held accountable for their action in a positive and meaningful way; and
8. Reducing racial and ethnic disproportionality and disparity within the juvenile justice system.

Due to the variability of and lack of systematic information from diversion programs, there are considerable limitations when studying the impact of diversion. Early meta-analysis studies found that while not all juvenile diversion programs are proven effective in reducing recidivism, specific program components seem to consistently correlate with successful outcomes (Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim, 2012; Wilson & Hoge, 2013). In general, researchers have found that an effective juvenile diversion program targets youth's dynamic risk factors and prevents youth from engaging in further delinquent behaviors. When risks and needs are identified early, school and community interventions are effective in addressing delinquent behaviors before residential placement is warranted (Greenwood, 2008). Other critical components of successful diversion programs include an emphasis on improving family interactions through holistic, family-centered interventions (Schwalbe et al., 2012; Cocozza et al., 2005; Greenwood, 2008), teaching discipline and life skills (Lipsey, 2009), encouraging pro-social behaviors (Andrews & Bonta, 2010; Vincent et al., 2012), building natural, positive support systems within the community (Seigle et al., 2014), and utilizing a restorative justice approach (Schwalbe et al., 2012; Wong, Bouchard, Gravel, Bouchard, & Morselli, 2016).

In addition, the process of developing a juvenile diversion program should be carefully considered and driven by research evidence. The Juvenile Diversion Guidebook (Models for Change, 2011) outlined six key elements for planning, implementing, and improving a juvenile diversion program:

1. Detailing the purpose of the program, including the targeted decision point(s) and extent of intervention;
2. Determining who and what agency will oversee the design and operation of the program, and how the program will be funded;
3. Establishing clear and concise referral process and eligibility criteria;
4. Developing operation policies, such as the types of services provided, program conditions/requirements, and consequences if youth fail to fulfill the requirements, if any;
5. Considering legal procedures to protect sensitive information and guidelines for the role of legal counsel; and



6. Creating a deliberate plan to consistently monitor program implementation fidelity and conduct rigorous and frequent outcome evaluation.

Altogether, these components ensure that, once diverted, youth are provided with treatment services designed to address their unique needs while preserving public safety. Moreover, diversion programs utilizing this evidence-based approach *only* target youth who would otherwise be involved in the juvenile justice system for placement in alternative programming. This serves to minimize the net widening effect, or the phenomenon of bringing in low-risk youth who would never have entered the juvenile justice system in the first place (Nadel, Pesta, Blomberg, Bales, & Greenwald, 2018).

## Structured Decision-Making and Diversion Implementation in Fairfax County, Virginia

Fairfax County is a relatively diverse, suburban county in northern Virginia, with a population of over 1.1 million, approximately 52 percent non-Hispanic/Latino White, 20 percent Asian, 16 percent Hispanic/Latino, 10 percent Black or African American, amongst others (U.S. Census Bureau, 2016). Given the significant minority population, Fairfax County's Court Service Unit (CSU) under the Juvenile and Domestic Relations District Court (JDRDC) has been actively evaluating and working to address Disproportionate Minority Contact<sup>3</sup> within the local juvenile justice system since the 1990s (JDRDC, 2017).

In 2006, the General Assembly of Virginia directed the Virginia State Crime Commission to conduct a comprehensive two-year study of the state's juvenile justice system. As part of the study, researchers surveyed 177 intake officers across 30 different CSUs to explore officers' perspectives on the intake and diversion processes (Blanco, Miller, & Peck, 2007). When asked about the factors used in diversion decisions, officers provided a wide range of responses, from the number and type of prior offenses to the demeanor of the youth. Only about one-third of the officers in the study reported utilizing some type of standardized assessment tool for their diversion decisions. Furthermore, although a majority of the participating officers believed that, under some circumstances, department policies should allow youth to be diverted more than once, 29 percent of the CSUs in Virginia actually had policies that prohibited officers from doing so. The study also showed that only 40 percent of respondents indicated that their department evaluated the effectiveness of their diversion program, and many officers appeared to be unaware of any evaluation protocol. Based on these findings, researchers concluded that there was a need for a statewide, standardized intake assessment protocol, the uniformity of diversion policies within each CSU, and state-funded data collection to analyze the outcomes of diverted youth and program effectiveness.

Building on the 2007 statewide study by Blanco et al., Fairfax County JDRDC leadership created a brief assessment tool for all intake officers in the jurisdiction and added more types of diversion programs. While these efforts showed some promising results, data has also suggested that racial disproportionality within diversion programs persisted (T. Chiles, personal communication, May 30, 2014). In 2012, Fairfax County collaborated with the Center for the Study of Social Policy (CSSP) to look at racial and ethnic disproportionality and disparity within the local juvenile justice system. The findings showed that African American youth represented only 10 percent of the youth population ages 10 to 17 in Fairfax County, yet they represented 27 percent of the referrals to Fairfax County JDRDC and 37 percent of detention placements (CSSP, 2012). Hispanic/Latino youth were also overrepresented in the system; while the group represented about 17 percent of the youth population locally, Hispanic/Latino youth represented 27 percent of JDRDC referrals and 36 percent of detention placements (CSSP, 2012). Researchers further

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<sup>3</sup> In the context of juvenile justice, Disproportionate Minority Contact is defined as “the disproportionate number of minority youth who come into contact with the juvenile justice system (OJJDP, 2012).”



highlighted a lack of sufficient and culturally competent prevention and supportive services for African American and Hispanic/Latino youth, as well as an inadequacy in coordination between the assessment and case planning process (CSSP, 2012).

Recognizing the staggering racial and ethnic disproportionality and disparity at the point of referral, leaders at Fairfax County JDRDC assembled a team consisting of staff from Fairfax County Police Department (FCPD) and Fairfax County Public Schools (FCPS) to attend the CJJR Juvenile Diversion Certificate Program<sup>4</sup> in 2014. As part of the Certificate Program's Capstone Project<sup>5</sup> component, the team subsequently partnered with the Fairfax County Government, the Virginia Department of Criminal Justice, the Fairfax County Department of Neighborhood and Community Services (NCS), and Northern Virginia Mediation Services (NVMS) to develop a local reform effort aiming to explore racial inequity in the juvenile diversion process and redesign the system using a data-driven approach. The Fairfax County Capstone team's effort led to significant improvement in the operations of their local juvenile justice agencies to address racial inequity and, as a result, the team was selected as the CJJR 2016 Capstone of the Year Awardee.

The team members started their Capstone Project by creating three workgroups: the Intake Assessment Workgroup, the Community Restorative Justice Workgroup, and the Data Workgroup. These groups focused on three aspects of the diversion process: incorporating a structured decision-making framework, expanding diversion opportunities, and conducting in-depth data analysis to track progress and ensure transparency.

### *Incorporation of Structured Decision-Making Tools*

Upon review of the existing intake diversion process, the Intake Assessment Workgroup created a diversion visualization tool to depict the ideal pathway for youth moving through the juvenile justice system. The group worked with JDRDC to fully adopt the Youth Assessment Screening Instrument (YASI), a validated risk and needs assessment tool, and the Global Appraisal of Individual Needs, Short Screen (GAIN-SS), a brief screening tool used to identify behavioral health issues that is validated for the general population. They also developed a fidelity plan to train and sustain the use of these tools. In 2016, all juvenile intake officers were trained in using YASI and GAIN-SS.

After learning about disposition matrices at CJJR's Juvenile Diversion Certificate Program, the team worked with Certificate Program instructors to create its own Juvenile Intake Dispositional Matrix (see Appendix A), integrating it with YASI, GAIN-SS, and diversion options to support intake officers' decision-making. In developing this tool, the CSU staff first inventoried the current diversion programming in the county. The team examined various dimensions of the programs, including average length, supervision levels, and criminogenic needs addressed. Team members also spoke with leaders from other jurisdictions and field experts who had experience implementing disposition matrices.

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<sup>4</sup> The Juvenile Diversion Certificate Program is an intensive training designed to bring together individuals and teams of law enforcement officers, probation staff, prosecutors, school officials, judges, policymakers, and other local child-serving leaders to strengthen their diversion efforts. The purpose of the program is to provide participants with the knowledge and tools needed to implement or improve juvenile diversion programming in their jurisdiction, thereby reducing the use of formal processing and incarceration, improving public safety, avoiding wasteful spending, and limiting the collateral consequences youth encounter from exposure to the juvenile justice system.

<sup>5</sup> Upon completion of the Certificate Program, participants become CJJR Fellows by designing and implementing a Capstone Project focused on multi-system reform in their jurisdiction. CJJR currently has over 900 Fellows who benefit from ongoing technical assistance from CJJR and participation in a growing network of mutually supportive leaders across the country.



After developing the matrix, the team established a new juvenile intake process. Intake officers now look at youth's YASI and GAIN-SS results, paying specific attention to youth's mental health and substance use issues, and refer youth to services accordingly when considering supervision level and diversion services for youth. Available services include but are not limited to: community service, anger management and victim impact classes, family communication group, family counseling, and behavioral health counseling. As the team consistently collects data from the new intake diversion process and recidivism outcome, CSU staff utilize the information to revise and update the Disposition Matrix. These changes enabled intake officers to use empirical tools to determine the most appropriate levels of supervision and services for youth, and at the same time evaluate and make changes to the process based on evidence.

The new intake process started its piloting stage in 2015, and since then the Capstone team has been continuously collecting data and revising the intake process accordingly. As of November 2016, a total of 449 youth had participated in the diversion process, of which 228 (51 percent) were youth of color. Of the youth referred to a diversion program based on the newly developed intake process, 83 percent did not recidivate within six months<sup>6</sup>. Furthermore, the percentage of youth who avoided a criminal record due to diversion rose from 84 percent (pre-pilot) to 95 percent (post-pilot).

The team has also been intentionally gathering and analyzing data on racial and ethnic disparity. Based on the initial pilot data between 2015 and 2016, the Data Workgroup found that despite the team's efforts to enhance the intake process, diversion eligibility rates differed starkly for African American youth (34%) compared to their white counterparts (50%). A more in-depth analysis revealed that a large number of youth of color were ineligible for diversion due to some form of prior or current court involvement and/or excessive restitution. To address this issue, the Capstone team worked to change the diversion eligibility criteria offered by the CSU. Without changing the relative weight of the youth's risk of recidivism, the team increased the maximum number of charges allowed for diversion from three to five, and removed restitution as a factor for diversion eligibility<sup>7</sup> in 2016.

### *Expanding Diversion Opportunities*

In 2014, the Community Restorative Justice Workgroup developed and signed a memorandum of understanding (MOU) between JDRDC, FCPS, FCPD, NCS, and NVMS to incorporate restorative justice practices into the Alternative Accountability Program (AAP), an early diversion option for youth involved in the juvenile justice system. The program uses a victim-centered response to juvenile offenses and provides eligible youth an opportunity to acknowledge their involvement in incidents and explore ways to repair the harm in terms that meet victims' needs. The AAP pilot started in 2015 in one substation in Fairfax County, and it has since expanded and is currently available for all school resource officers and patrol officers county wide. Additionally, as part of the diversion pilot, the team created an informal diversion option for low-risk youth. These youth have the option of receiving informal counseling and referral to services, and could potentially be diverted a second time through a diversion hearing or

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<sup>6</sup> Participants in the Alternative Accountability Program (AAP) were not captured in this recidivism data due to the program's infancy.

<sup>7</sup> The Code of Virginia authorizes the CSU staff to handle juvenile offenders informally when appropriate.

Currently, over 35 different offenses are eligible for diversion ranging from possession of alcohol to shoplifting to assault. The Code of Virginia prohibits diversion for youth charged with violent felonies or youth with prior diversion or adjudications on felony charges. Additional charges are prohibited by policies and procedures of the Virginia Department of Juvenile Justice (e.g., assault on law enforcement, arson of occupied dwelling) and the CSU (e.g., drug distribution offenses, gang offenses).



monitored diversion. As part of the informal diversion, intake officers also follow up on referrals made to outside providers to ensure youth have received services.

Preliminary data shows that the impact of the expanded restorative justice diversion approach is extremely promising. Whereas only 79 percent of youth successfully completed diversion in 2012, in 2016 this number rose to 95 percent. Moreover, there has been an increase in the percentage of African American and Hispanic/Latino youth placed in diversion. In 2013, about 19 percent of the African American and Hispanic/Latino youth were placed on diversion, compared to 44 percent white youth. In 2017, the percentage rose to 26 and 27 percent for African American and Latino/Hispanic youth respectively, compared to 37 percent for white youth. Notably, although the total number of youth diverted decreased between 2013 and 2017, the percentage of minority youth diverted increased. This finding indicates that a higher percentage of minority youth are indeed being diverted in the new diversion process.

Although Fairfax County is still in the early stages of redesigning their juvenile diversion process and expanding diversion opportunities for youth, these initiatives have shown encouraging results just in the first two years of operation. In addition to tackling racial inequity within the local juvenile justice system and facilitating a culture of data-driven policy reform, the Capstone team has also been working diligently to promote changes in state and county law in order to improve interagency collaboration and data-sharing capabilities. For example, the team worked with lawmakers to develop H.B. 541, a bill passed by the Virginia legislature that allows police records to be shared for the purpose of juvenile diversion. Before H.B. 541 took effect on July 1, 2016, the FCPD could not share youth's arrest records with AAP staff. Moving forward, the Capstone team members are continuing their efforts to decrease racial and ethnic disproportionality and expand diversion options for youth in Fairfax County and nearby jurisdictions through consistent data collection and frequent evaluation, development of new juvenile diversion programs, and revision of policies and practices around diversion eligibility.

## Conclusion

With a better understanding of the impact of juvenile justice interventions, there has been a surge of reform efforts around taking an evidence-based approach to make disposition and service delivery decisions that optimize outcomes for youth involved in the justice systems. In particular, using risk and needs assessment tools as well as disposition matrices to divert moderate-to-low-risk youth offenders from more restrictive sanctions have received increased attention from the field. These structured decision-making tools provide a framework for juvenile justice professionals to make disposition decisions and further match youth to services accordingly. Juvenile diversion programs provide moderate-to-low-risk youth opportunities to receive services within the community, thereby allowing juvenile justice systems to allocate intensive resources for youth with high risk of reoffending. Fairfax County, Virginia is an excellent example of a jurisdiction successfully adopting the structured decision-making framework and expanding diversion opportunities to address racial and ethnic disparities within the local juvenile justice system.

Structured decision-making tools used in conjunction with diversion programs have the potential to improve outcomes for at-risk youth, promote equality and fairness, and reduce system cost. However, the effectiveness of these efforts relies significantly on the assessment/program validity and implementation fidelity. It is critical that risk and needs assessments accurately reflects youth's risk of reoffending and need for services and do not produce unintentional biases toward minority groups. Furthermore, the process and outcomes of diversion services must be rigorously evaluated to ensure program quality and impact.



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## Appendix A (Fairfax County Juvenile Intake Dispositional Matrix)

### JUVENILE INTAKE DISPOSITIONAL MATRIX

ALL diversion eligible youth will be assessed using the Global Appraisal of Individual Needs – Short Screener (GAIN-SS) and the Youth Assessment Screening Instrument (YASI). The GAIN-SS helps identify youth who could benefit from further psychiatric and substance use assessment. The YASI assesses a youth’s risk, need and protective factors. The Pre-Screen will be utilized first and if Pre-Screen results indicate moderate or high risk, the Full-Screen will be administered. The results of these assessments determine the type of intervention Juvenile Intake will utilize. **Pre-Screen: Use the overall risk**      **GAINS: 3+ (within the past year) = CSB resource information is provided**  
**Full-Screen: Use the dynamic risk**

Youth who have no indicated areas contributing to risk will be considered low need. Youth who have one or more areas contributing to risk will be considered high need.

Restitution will be encouraged to be paid within 90 days. However, no youth will be sent to court for failing to pay. Victims Services will advise victims on available civil remedies.

<b>LOW RISK</b> GAIN-SS & YASI Pre-Screen	<b>MODERATE RISK</b> GAIN-SS & YASI Full Screen	<b>HIGH RISK</b> GAIN-SS & YASI Full Screen
<p><b>LOW NEED</b> Youth and family will be educated on the juvenile justice system and case will be coded as 04 (unofficial counseling). CSB resource information will be provided if the GAIN-SS score is 3 or more.</p> <p><b>HIGH NEED</b> Youth and family will be educated on the juvenile justice system and the youth will be scheduled for Core Values. Case is coded as 05 (referred to other agency for services). If GAIN-SS score is 3 or more, CSB resource information will be provided.</p>	<p>All moderate risk youth will be referred to a Diversion Hearing or Monitored Diversion and case will be coded as 07 (diversion).</p> <ul style="list-style-type: none"> <li>All Domestic Assaults, Status Offenses and cases in which there is increased concern for community safety will be set for Monitored Diversion</li> <li>All out of jurisdiction cases will be set for a Diversion Hearing</li> </ul> <p>Hearing Officers will assign a service that addresses a YASI- indicated area of need.</p> <p>Note: Mental health and Substance abuse will be treated as priority areas.</p>	<p>All high risk youth will be placed on Monitored Diversion and case will be coded as 07 (diversion).</p> <ul style="list-style-type: none"> <li>All out of jurisdiction cases will be set for a Diversion Hearing</li> </ul> <p>Note: Mental health and Substance abuse will be treated as priority areas.</p>

### LOW RISK SERVICE OPTIONS BY YASI DOMAIN

<p><b>MENTAL HEALTH</b> <b>SUBSTANCE ABUSE</b></p>	<p>Referral to Community Services Board</p> <ul style="list-style-type: none"> <li>may utilize private providers</li> </ul> <p>Out of jurisdiction cases</p> <ul style="list-style-type: none"> <li><a href="http://samhsa.gov">samhsa.gov</a></li> </ul>
<p><b>SCHOOL</b> <b>COMMUNITY/PEER</b> <b>FAMILY</b> <b>SKILLS</b> <b>AGGRESSION</b> <b>ATTITUDES</b></p>	<p>Core Values Charitable Donation Essay Firestop Letter of Apology</p>