
Reforming Youth Diversion in the District of Columbia

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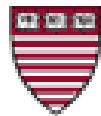
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Submitted to:

DC Lawyers for Youth

Professor Julie Wilson, Harvard Kennedy School

*This policy analysis exercise reflects the views of the authors and should not be viewed as
representing the views of the policy analysis exercise's external clients, nor those of Harvard
University or any of its faculty.*



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Executive Summary

The District of Columbia has demonstrated progress in reducing the number of arrests, prosecutions, and commitments of youth in recent years. However, recent reports suggest that the District still has a comparatively high youth arrest rate.¹ The personal and financial costs of arrest are potentially great. It is estimated that the initial processing costs for youth system involvement in Washington, DC approximate \$1,700 per young person.

Furthermore, due to recent budget cutbacks, the two sole community-based programs currently receiving diverted youth (Access Youth and Time Dollar Youth Court) risk potentially fatal cuts within the next year. These closures may increase the likelihood that more youth will be charged and prosecuted for low-level offenses rather than diverted in the early stages of processing. Seventy-five percent of arrests and 52% of prosecutions are for non-violent, non-weapon offenses, suggesting there may be opportunity to serve these youth in community-based services while holding them accountable.² While the DC juvenile justice system has built a network of community-based service providers for youth committed to DYRS, what is referred to as the “deep end” of the juvenile justice system, there is potential to use a similar approach much earlier in the process to divert youth from further court involvement and detention, as well as improve youth outcomes.

This project’s main research questions are:

- For Fiscal Year 2015, how can DC increase diversion services to prevent unnecessary youth system involvement?
- How can DC unite different stakeholders to reduce formal youth system involvement?

Findings

Finding #1: Compared with diversion, extensive justice system penetration increases the likelihood of youth to commit future crimes.

- Empirical studies indicate a negative effect from justice system processing compared with early diversion.
- For low-risk youth, diversion options are effective at reducing recidivism and aligned with a developmental approach to youth justice.

Finding #2: For low-risk youth, financial benefits of diversion significantly exceed program costs.

- Compared with the costs of protracted system involvement, diversion programs have been proven to generate savings.

¹<<http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>>

² MPD Annual Reports, 1998-2012

- DC has promoted positive youth outcomes while generating cost savings with diversion programs like Access Youth.

Finding #3: There is no DC-wide strategy for addressing the broad flow of youth touching the justice system.

- A lack of centralized coordination and strategy can lead to communication impasses with significant consequences.

Finding #4: The complexity of the justice system presents challenges to government agency coordination.

- There is a lack of common goals to reverse trends of justice system penetration for low-risk youth.
- The process for youth court-involvement is complicated and multi-jurisdictional.
- It is difficult to access the necessary data to initiate evaluations of overall system performance and youth outcomes.

Finding #5: Focused mayoral initiatives can improve multi-agency performance around common issues affecting young people.

- Cities across the United States have experienced structuring mayoral initiatives that include concrete goals, defined outputs, and designated individuals responsible for implementation.
- Management consultants often roll out organizational reforms through “performance pilots.”

Recommendations

These findings led us to the following recommendations for the District of Columbia:

Recommendation #1: Secure Fiscal Year 2015 (FY 15) funding for pre-arrest diversion models.

- Restore diversion funding through an annual line item.
- Through annual budget benchmarking, create a target for 1) total number of youth diversions and 2) expected unit cost per diversion.

Recommendation #2: Support and evaluate a comprehensive diversion pilot led by the Department of Human Services.

- Develop a comprehensive pilot to divert eligible youth by connecting them with wraparound services.
- Leverage DYRS resources and evaluation capacity to fund pilot and determine effectiveness.

Recommendation #3: Pursue centralized mayoral strategy to reduce formal youth system involvement.

Conclusion

While cuts to existing diversion programs have significantly limited DC's capacity to divert, the challenge can be viewed as an opportunity to consider a holistic approach to youth interactions with the justice system. A combination of short-term funding security and a long-term, stable commitment to inter-agency collaboration could significantly improve outcomes for DC youth.

Diversion: History and Context

Beginnings of Diversion in DC

To properly understand today's diversion strategy in DC is to properly locate it in a specific historical and sociopolitical context. Diversion as a concept emerged over forty years ago as an alternative to formal detention and processing in the juvenile justice system, at a time when criminologists and advocates alike were questioning the effectiveness of the exclusively punitive nature of the system.³ The history of diversion in Washington, DC specifically stems back at least 20 years. Paralleling the history of diversion in other cities across the United States, diversion in DC has assumed different forms, neither adhering to a singular format nor guided by a standard process for implementation.

In its current form, the DC juvenile justice system involves different types of diversion at three different points along DC's juvenile justice system continuum, but is also undergirded and informed by surrounding social, political, and economic forces. Given today's fiscal and political climate, youth diversion is at a critical crossroads in DC.

Defining Diversion

Diversion is broadly defined as “the process of removing a youth from the juvenile justice system by referring him or her to a rehabilitation or treatment program”^{4,5} and is widely understood to be available for youth who are under 18 and either have no prior record or have committed low-level misdemeanors.⁶ Across different stakeholders in the District, however, there are diverse and at times competing understandings of diversion. That range impacts how alliances are formed, agendas are set, and funding is allocated.

Diversion in DC boils down to types: delinquency-related diversion and truancy diversion. **Delinquency diversion** refers to non-detention alternatives to meet the needs of youth who have committed low-level offenses, including but not limited to petty theft, simple assault, disorderly conduct, unlawful entry, possession of marijuana, and destruction

³ Prince, Zenitha. “Diversion Programs Offer Youth a Second Chance.” *Afro*. 15 May 2013. Web. December 2013. <http://www.afro.com/sections/news/afro_briefs/story.htm?storyid=78441>

⁴ Models for Change Diversion Juvenile Diversion Workgroup. “Juvenile Diversion Guidebook.” *National Juvenile Justice Network*. Center for Juvenile Justice Reform, et. al., March 2011. Web. December 2013. <http://www.njjn.org/uploads/digital-library/MfC_Juvenile_Diversion_Guidebook_March-2011.pdf>

⁵ Council for Court Excellence. “Guide to the D.C. Juvenile Justice System.” *Council for Court Excellence*, June 2009. Web. December 2013. <http://courtexcellence.org/uploads/publications/DCJuvenileJusticeGuideEnglish_Final.pdf>

⁶ See citation 5.

of property.⁷ Given their primary exposure to delinquency diversion, it is through this lens that the Metropolitan Police Department understands diversion.⁸

Truancy diversion refers to non-detention alternatives for those youth who are chronically late or absent from school because of their or their parents' conduct. The Office of the Attorney General (OAG) primarily handles these kinds of diversions, which fall under the broader category of status offenses, or acts only considered criminal when minors commit them (underage drinking, breaking curfew, truancy, etc). **PINS (Person in Need of Supervision) diversion** is another kind falling within this category, which is a non-detention alternative for youth identified as “habitual runaways” or who have committed other status offenses.⁹

For another segment of the DC stakeholder base, including Court Social Services (CSS), and most recently, the Office of the Mayor, diversion can be a combination of all of the above, though each group can exercise their own discretion in prioritizing one kind of diversion over another if they so choose.

This variance in defining diversion presents both unique opportunities and challenges for those involved in juvenile justice work in DC.

Evolution of Diversion in DC

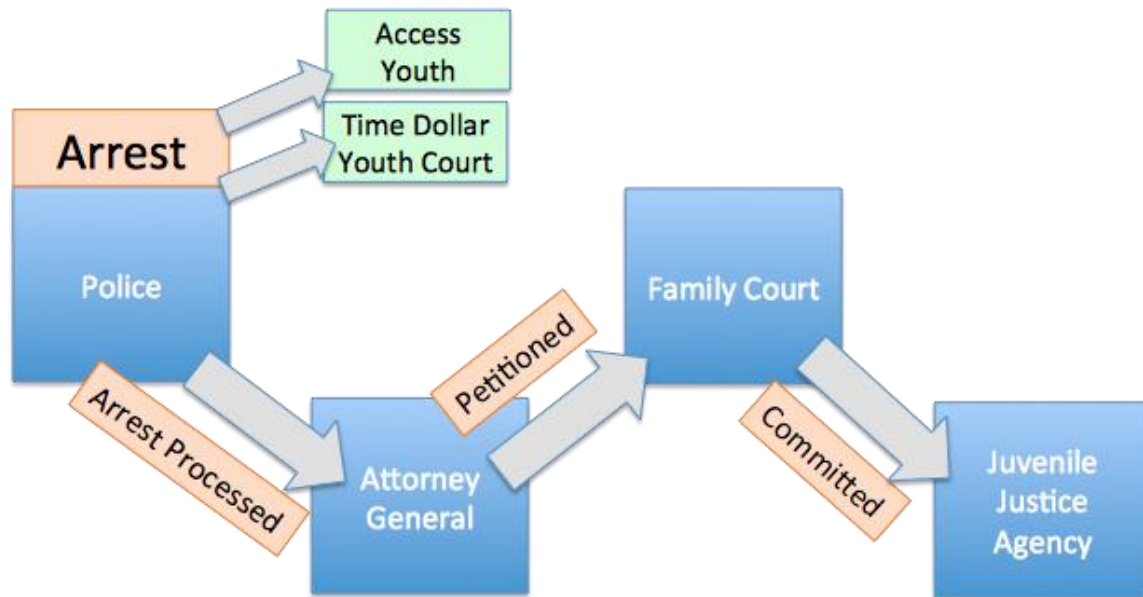
In previous years, diversion only happened at the behest of CSS. All diversion programs, including both truancy and delinquency-related diversions were then supervised by CSS once a case was referred to them for prosecution. CSS would then decide which diversion program was appropriate for the youth. Part of this process included the MPD passing down cases of arrested youth to the OAG and CSS, but that was often a long process, resulting in OAG and CSS receiving youth for whom there was never a warrant. When CSS lost funding, diversion moved to the law enforcement level.

Once diversion transitioned from CSS to the MPD and the OAG, the diversion program expanded to further meet youth at the “front-end” of the juvenile justice system, at the arrest and pre-adjudication phases, or before a judge reviews a juvenile case through CSS and issues a judgment for a youth who has been officially processed into the juvenile justice system.

⁷ Dallas, Carolyn D. “Progress Report, 2004 to 2011.” *Youth Court of the District of Columbia*. Print.

⁸ Dickerson, Kimberly. Personal Interview. 14 November 2013.

⁹ Family Court Social Services Division. “Status Offender.” *District of Columbia Courts*. Web. December 2013. <http://www.dccourts.gov/internet/superior/org_social/pins.jsf>



Diversion is said to be happening at three different points. The **first point** of diversion happens at the arrest phase, through MPD’s process and only deals with delinquency diversion.¹⁰ At this point, based on a set of internal criteria, MPD had the option of diverting youth to one of two diversion programs: Access Youth (AY) or Youth Court (YCDC - formerly named Time Dollar Youth Court).¹¹

The **second point** of diversion happens once the youth’s arrest is processed and reaches the OAG. Based on their own set of criteria, separate from that of MPD, that office then has the option of either diverting youth, giving them a “no-paper” determination for lack of sufficient evidence, or move them further along into the juvenile justice system. The **third point** of diversion is called a consent decree and happens after the OAG has filed a petition against the youth. A consent decree is an agreement between the youth and the child that is approved by the judge. Under the agreement, the youth agrees to be supervised by Court Social Services and abide by a number of conditions of release. In exchange, the OAG agrees to hold the petition in abeyance for six months. If the youth abides by the conditions of the agreement for six months, the petition will be dismissed. If the youth violates the conditions of the agreement, the OAG can reinstate the petition against the youth.

State of Diversion

Though diversion is said to formally be happening at three different points along the juvenile justice system, the current state of diversion efforts does not appear to reflect that

¹⁰ It is possible youth are being released pre-arrest, or immediately after being seized, but there is no way of tracking the numbers of those seizures because MPD does not process them into the system and no data therefore exists to track those numbers.

¹¹ See citation 8.

reality. Officials involved in diversion efforts in DC claim diversion is primarily happening at the arrest stage through MPD, for certain populations at the pre-adjudication stage (truant and PINS cases), but almost never at the adjudication phase. In light of recent funding challenges, however, even the limited diversion that does exist is now at great risk. Access Youth and Youth Court, the lone diversion programs available for delinquent cases at the arrest stage, both experienced budget cuts and as of August 2013, Youth Court, which was initially established in 1996, was forced to close its doors upon notification that it would no longer receive baseline funding from DC's Justice Grants Administration (JGA). That closure renders the District without the services of an organization that to date was receiving nearly 60% of the District's first-time juvenile offenders for diversion.¹²

Access Youth, established in 2009, remains in operation, but due to funding stipulations by JGA, it has had to redesign its diversion program, curtailing its otherwise dominant focus on delinquency diversion to enter less familiar territory in the area of truancy diversion.¹³ The organization now faces having to manage the capacity of a potentially increased pool of truant youth in addition to the delinquent youth it was already serving.

Diversion in DC is now in crisis mode. The current funding status of these programs is putting youth who could otherwise be diverted at risk of advancing deeper into the system during FY 2014. This is a significant problem that demands immediate and thoughtful attention from all primary stakeholders involved in diversion in DC.

This crisis generated our primary research question:

For Fiscal Year 2015, how can DC increase diversion services to prevent unnecessary youth system involvement?

¹² Shank, Michael. "DC Defunds Youth Courts, Pushes Kids Into Criminal Justice System." *The Blog*. Huffington Post, 21 October 2013. Web. December 2013.
<http://www.huffingtonpost.com/michael-shank/dc-defunds-youth-courts-p_b_4138193.html>

¹³ Ovca, Jodi. Personal Interview. 08 November 2013

Methodology, Additional Research Question, and Problem Statement

Process map analysis—We analyzed process maps from the Criminal Justice Coordinating Council and Office of the Attorney General to understand how youth formally touch the justice system and how diversion programs intervene to provide an alternative. Our analysis of process maps is referenced in Finding #3.

Case studies—We researched jurisdictions around the country to determine the effect of diversion on recidivism. Our learning from these cases is illustrated in Finding #1. We also researched mayoral offices that structure youth services reforms as initiatives. These studies can be found in Finding #5.

Literature review—We reviewed literature related to positive youth justice, such as the National Academies of Sciences report *Reforming Juvenile Justice: A Developmental Approach*. We also consulted materials from youth justice think tanks such as the MacArthur Foundation.

Site visits and interviews with DC government stakeholders—From September 2013 until February 2014, we were in constant contact with stakeholders in several youth agencies in DC government, DC Council, the Metropolitan Police Department, in addition to service providers. We visited officials in DC in November 2013 and January 2014.

Police arrest & diversion data analysis—We used police data and reports from DC Lawyers for Youth to compare overall arrest trends and diversion trends. We also explored arrests by offense to understand the target population of diversion interventions.

Unit cost analysis—We reviewed the IRS 990 forms for one service provider, Access Youth, and used their caseload history to calculate a unit cost per diversion, which can be found in Finding #1.

Stakeholder analysis—As we continued to meet with officials involved in diversion work throughout DC, we decided to map different aspects of the system to understand patterns of collaboration and coordination. Our analysis can be found in Appendix #3.

The generally challenging collaborative environment caused our group to develop another research question:

How can DC unite different stakeholders to reduce formal youth system involvement?

Our team approached this PAE viewing the problem from multiple levels. On one hand, we needed to address the urgent short-term issue of funding cuts. At the same time, we also needed to engage a difficult system-wide collaborative dynamic.

Problem #1	Problem #2
Youth who would have been diverted in FY 2013 are advancing deeper into the system in FY 2014.	There is no unified approach in DC to reduce youth system involvement.

Our findings and recommendations seek to address both levels of the problem.

Finding #1: The Negative Effects of System Involvement

Compared with diversion, extensive justice system penetration increases the likelihood of youth to commit future crimes.

- Empirical studies indicate a negative effect from justice system processing compared with early diversion

In the absence of diversion options, police officers arrest young people who then advance through various stages of justice system processing. For youth who exhibit a low-risk of reoffending—a category determined by the nature of the offense and the overall risk factor profile—further system penetration may increase their likelihood of committing future crimes. Empirical studies in Denver, Colorado, Montreal, Quebec, and Bremen, Germany have each demonstrated the anticipated negative effect of justice involvement on youth compared with more lenient diversion options.¹⁴¹⁵

- For low-risk youth, diversion options are effective at reducing recidivism and aligned with a developmental approach to youth justice.

According to a recent report by the *National Academy of Sciences*, a less punitive, more developmentally appropriate approach to youth justice can promote positive youth outcomes while also improving public safety.¹⁶ While definitions of diversion and program designs may vary, for a segment of court-involved youth, less severe alternatives have been more effective than formal justice system processing.¹⁷ In the DC context, youth charged with marijuana

Top Charges Diverted by DC MPD (2005-2013)	
Charge	# of Diversions
Simple Assault	1,832
Disorderly Conduct	1,737
Possession of Marijuana	547
Theft II	426
Unlawful Entry	394
Shoplifting	234

¹⁴ David Huizinga et al., “The Effect of Juvenile Justice System Processing on Subsequent Delinquent and Criminal Behavior: A Cross-national Study,” Final Report to The National Institute of Justice, Grant no. 1999IJCX0037 (2003),

<https://www.ncjrs.gov/app/abstractdb/AbstractDBDetails.aspx?id=205001>.

¹⁵ Uberto Gatti, Richard E. Tremblay, and Frank Vitaro, “Iatrogenic Effect of Juvenile Justice,” *Journal of Child Psychology and Psychiatry* 50, no. 8 (2009): 991–998.

¹⁶ National Research Council. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press, 2013.

¹⁷ Blueprints for Violence Prevention study (case study)

possession, disorderly conduct, simple assault, shoplifting, theft, and unlawful entry have been categorized as lower-risk candidates for diversion.

Case Study: Blueprints for Violence Prevention—Effect of Diversion on Recidivism:

Blueprints for Violence Prevention was started in 1996 by the Center for the Study and Prevention of Violence at the University of Colorado in an effort to identify proven anti-violence strategies and programs using scientifically rigorous methods of evaluation. The initiative is now also supported by the Office of Juvenile Justice and Delinquency Prevention; the Coalition for Evidence-Based Policy, a non-profit organization committed to using evidence to promote effective governance; Washington State Institute of Public Policy, a policy organization; and Mark Lipsey, the Director of the Peabody Research Institute at Vanderbilt University who conducted some of the primary meta-analysis about juvenile justice interventions. Below is a summary of the five relevant programs found to have a scientifically significant impact on recidivism.

Name of Program	Description	Size of Meta-Analysis	Effective Size on Recidivism
Diversion with Services	Provides directed services, typically to low-risk youth with one or less offenses	13 Studies	-.05
Coordinated Services	Provides multi-agency resources and wrap-around services	4 Evaluations	-.14
Functional Family Therapy	Offers family-based therapeutic intervention	9 Studies	-.25
Multidimensional Treatment Foster Care	Temporarily places youth in community families trained in behavior management	3 Studies	-.37
Adolescent Diversion Project	Connects youth to change agents who promote behavioral change and link youth to community resources	5 Studies	-.27

Finding #2: Cost Benefits of Diversion

For low-risk youth, financial benefits of diversion significantly exceed program costs.

- **Compared with the costs of protracted system involvement, diversion programs have been proven to generate savings.**

The National Academy of Sciences report calculates the financial benefits of diversion to victims and the system by subtracting the program cost from the total program benefit over time:

- Teen courts - \$16,800 cost savings per participant
 - Drug courts - \$9,700 cost savings per participant
 - Restorative justice - \$9,200 cost savings per participant
 - Coordination of services - \$4,900 cost savings per participant
 - Victim offender mediation - \$3,400 cost savings per participant
- **DC has promoted positive youth outcomes while generating cost savings with diversion programs like Access Youth.**

Access Youth promotes youth rehabilitation while producing cost savings in comparison to the associated cost of arrests. According to DC Lawyers for Youth cost estimates, the system spends approximately \$1,700 for a single arrest, overnight detention, processing, petition, and hearing. Comparatively, Access Youth spends roughly \$613 per diverted young person—just 36% of the cost of full system involvement up until a hearing.

System Involvement Component	Estimated Cost
Arrest	\$450.26
YSC Detention	\$690.19
Intake	117.07
Petition	34.97
Hearing	390.54
Early Total	\$1,683.03

Finding #3: Lack of Comprehensive Strategy

There is no DC-wide strategy for addressing the broad flow of youth touching the justice system.

- A lack of centralized coordination and strategy can lead to communication impasses with significant consequences.

Conversations with MPD and the two primary service providers receiving diverted youth indicate that the overall trend for the number of youth diverted away from the juvenile justice system has declined over recent years, with just 242 youth diverted in 2013. MPD reports that the primary reason diversion numbers were on the decline is “due to juveniles not being eligible for diversion due to a felony charge or previous criminal history.” However, MPD also attributed the reduction in overall diversions to a decrease in referrals related to recent budget constraints affecting the capacities of Access Youth and Youth Court. While the MPD Youth Division was aware of this trend, other agencies of government were not briefed and were unaware of the scale of the unmet need.

Consequences of Communication Impasses	
Under communicated challenge	Consequence
JGA funding suspended for Access Youth and Youth Court suddenly.	A sharp decrease in service provider capacity to accept referrals to divert youth away from arrest and processing.
MPD believes youth are being arrested that could otherwise be diverted.	Months pass until other agencies become aware of the challenge and begin to develop a contingency plan.

Percentage Change in Youth Diversions Over Previous Year	
2010 to 2011	-23%
2011 to 2012	-27%
2012 to 2013	-49%

Year	Youth Diversions
2010	839
2011	646
2012	471
2013	242

Finding #4: System Complexity

The complexity of the justice system presents challenges to government agency coordination.

- **There is a lack of common goals to reverse trends of justice system penetration for low-risk youth.**

DC is also a landscape where different agencies across the continuum of justice system involvement define diversion differently. According to DC government sources, *true diversion* is limited to certain justice system actions. These diversions happen pre-arrest by police or at the petition-level by the Office of the Attorney General through consent decree or court-ordered diversion. Diversion in this form is considered *delinquency diversion*.

However, there are a number of other ways stakeholders have defined and pursued diversion. Mayor Gray, through Public Safety, has spent fiscal year 2014 targeting *truancy diversion*. DC Council introduced legislation that compliments this initiative, imposing stricter requirements on youth and families. This push has resulted in increased truancy referrals to the Office of the Attorney General. Programs are under development to divert many of these referrals away from the court system.

Parent and Adolescent Support Services (PASS) is a program that serves families of youth committing status offenses like underage drinking, truancy, or running away from home. This intervention sets goals around meeting the underlying needs of youth charged with status offenses.

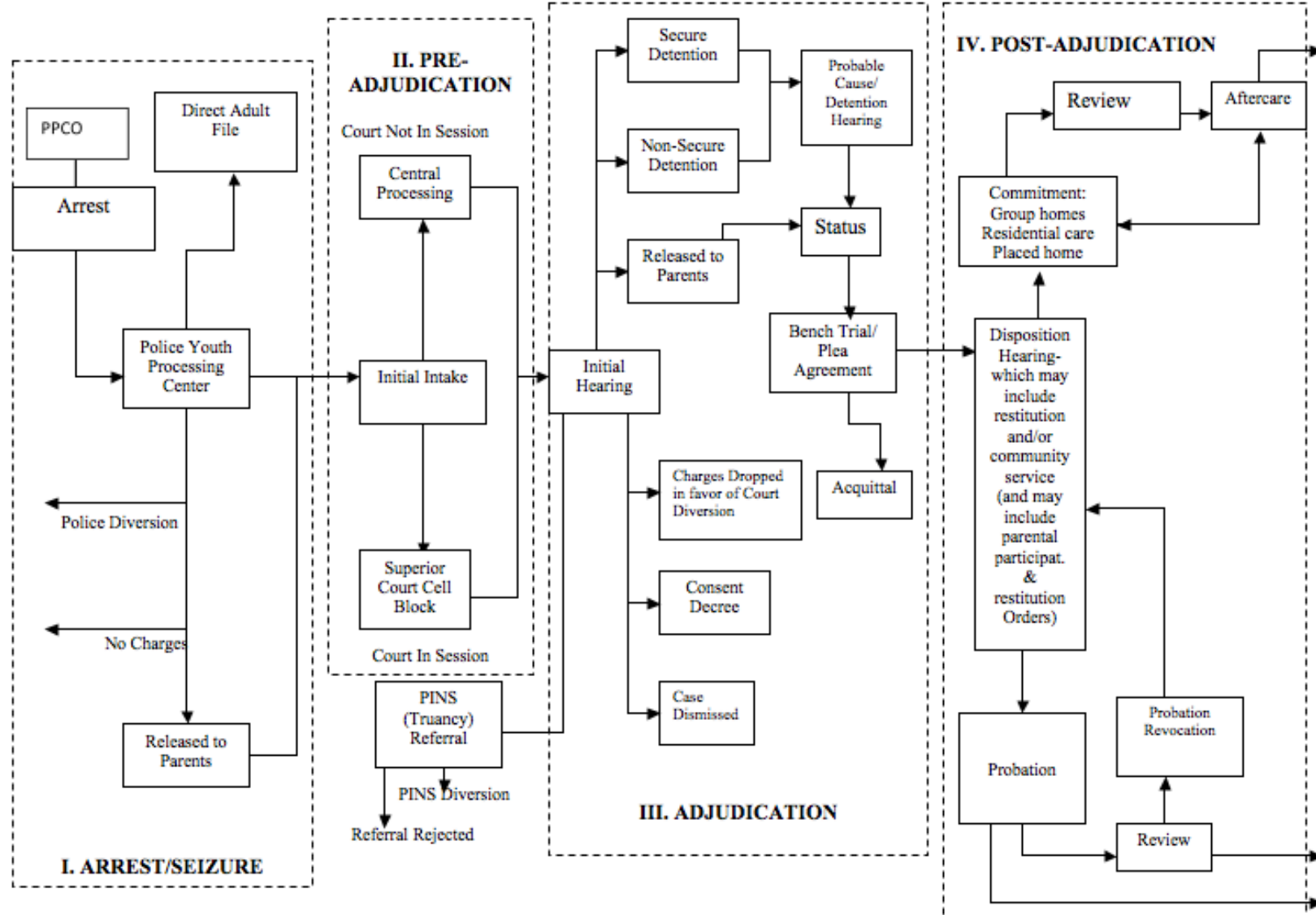
Meanwhile, Court Social Services may choose to issue court-ordered probation instead of commitment to the Department of Youth Rehabilitative Services (DYRS). This process mirrors traditional diversion in that the agencies evaluate risk profiles and needs in order to determine the best option.

- **The process for youth court-involvement is complicated and multi-jurisdictional¹⁸.**

Interviews with a diverse range of DC government stakeholders revealed there is no common understanding regarding how youth interact with the court system. Dave Rosenthal, the Senior Assistant Attorney General in the Public Safety Division the Office of the Attorney General, created one comprehensive process map, but few agencies understand the system clearly or comprehensively.

¹⁸ See Office of the Attorney General Process Map

Office of the Attorney General Process Map¹⁹



¹⁹ Completed by Dave Rosenthal, Office of the Attorney General, 2012

- **It is difficult to access the necessary data to initiate evaluations of overall system performance and youth outcomes.**

Interviews with various stakeholders revealed agencies were not on the same page regarding which data they could access or share. Much of this disagreement stems from a history of confidentiality laws that were designed to protect youth, but that have also deterred collaboration. In recent years, confidentiality laws between agencies have been relaxed; however, behavior has not adjusted to this change.

Although the Criminal Justice Coordinating Council, an independent DC agency, collects all data related to youth court involvement and conducts its own analyses, agencies along the youth justice continuum are unclear as to which analyses are being conducted and how to access the necessary data to evaluate performance. Furthermore, no central DC government authority has leveraged this data in order to evaluate the entire system. As a result, there is no way for DC agencies to understand short-term challenges along the continuum of court involvement. As previously illustrated, when Access Youth and Youth Court lost much of their funding, other agencies in the system were unaware of how the lack of diversion services would affect their agencies.

Finding #5: Focused Mayoral Initiatives

Focused mayoral initiatives can improve multi-agency performance around common issues affecting young people.

- Cities across the United States have experience structuring mayoral initiatives that include concrete goals, defined outputs, and designated individuals responsible for implementation.^{20,21}

Case Study: New York City

Mayor Bloomberg commissioned the **Young Men's Initiative**—designed to reduce inequities experienced by young black and Latino men in their educational, professional, and personal lives. Through a combination of private and public funding, advisory boards and management delivery teams are responsible for drafting policies and implementing programs to address these challenges. The Mayor's Offices directly supervise implementation. A report is drafted for the Mayor to evaluate effectiveness and issue recommendations for future system-wide policy changes.

Many other American cities address challenges across multiple juvenile justice, education, child welfare, and youth services agencies through unified mayoral initiatives. Comprehensive, centralized initiatives encourage agency cooperation through shared goals, stable organizational structures, and clearly defined responsibilities for both policymaking and implementation.

Case Study: Orlando, Florida

In Orlando, Florida, Mayor Dyer introduced the **"Parramore Kidz Zone: A Mayor's Children and Education Initiative."** The initiative focuses on a specific neighborhood and offers wraparound services for youth across several age groups and multiple government sectors. To produce results, the initiative first seeks to establish a common goal. Then, a clear, multi-step strategy is outlined for all agencies to follow. Finally, predetermined metrics are used to measure the effectiveness of the collaboration.

- Management consultants often roll out organizational reforms through "performance pilots."

Jon Katzenbach, an expert on organization performance and senior partner at Booz & Company, released an influential paper in 2007 touting the merits of connecting performance with organizational pride.²² While a city government differs from an

²⁰ "About Young Men's Initiative." *The City of New York*, 2014. Web. December 2013. <<http://www.nyc.gov/html/ymi/html/about/about.shtml>>

²¹ Families, Parks, and Recreation. "Mayor's Children and Education Initiative." *City of Orlando*. Web. December 2013. <<http://www.cityoforlando.net/fpr/html/Children/aboutpkz.htm>>

²² Katzenbach, Jon. "Unleashing the Potential of Pride Builders." Booz & Company, 2007.

organization in many respects, DC can take away many of this framework's key principles. In an environment where agencies and programs report their own statistics and define their own outcomes, it can be very challenging to achieve organizational unity in service of a common goal. Katzenbach's framework illustrates how an organization, or a mayor, can rally different stakeholders or individuals around common goals and metrics in order to achieve bold goals. From this perspective, organizational change can occur in a manner that leverages the strengths of the team or, in the case of DC, portfolio of agencies and service providers.

Those seeking to enact this change are advised to conduct "performance pilots." Applying this technique to organizational change allows managers to achieve bold objectives while respecting the organization's capacity.

December, 2007

booz&co.

Unleashing the Potential of Pride Builders

Performance Pilots: Connecting Pride to Performance

1. Determine the specific behaviors that will improve performance results.
2. Carefully select the unit or units for the pilot.
3. Choose a pilot design team.
4. Develop metrics and assessment mechanisms.
5. Determine the specific behaviors that need to change.
6. Develop specific approaches to motivate behavior change.
7. Launch and implement the pilot.

Recommendation #1: Fund Police Diversion

Secure Fiscal Year 2015 (FY 15) funding for police diversion models.

- **Restore diversion funding through an annual line item.**

By FY 14, Youth Court lost most of its funding through a Justice Grants Administration award and closed for the remainder of 2013. Access Youth also lost its JGA award, but received restructured funding enabling it to continue operation. From 2006-2012, Time Dollar Youth Court diverted more than 4,000 young people from arrest through its program. *Interviews with police officers suggest that youth who formerly fit the criteria for Time Dollar Youth Court diversion are now being processed as arrests.* This capacity for pre-arrest diversion should be restored through an annual line item that guarantees funding security.

- **Through annual budget benchmarking, create a target for 1) total number of youth diversions and 2) expected unit cost per diversion.**

For FY 15, a reasonable target would be 820 diversions. This target is set by comparing 2010's arrests (3,643) with an estimate for 2013 arrests (3,170). In 2010, MPD recorded 826 police diversions through Access Youth and Time Dollar Youth Court. By multiplying the average cost of an Access Youth diversion (\$711²³) by 820, we can arrive at an expected diversion line item of \$583,020. The Department of Human Services should manage funding in order to reach the target number of youth. If the number of arrests decreases in 2014-2015, the total target number of diversions can be adjusted downward for future budget cycles.

Proposed Fiscal Year 2015 Diversion Line Item	
Estimated Cost Per Diversion	\$711
Estimated Diversions	820
Proposed FY 2015 Diversion Line Item	\$583,020

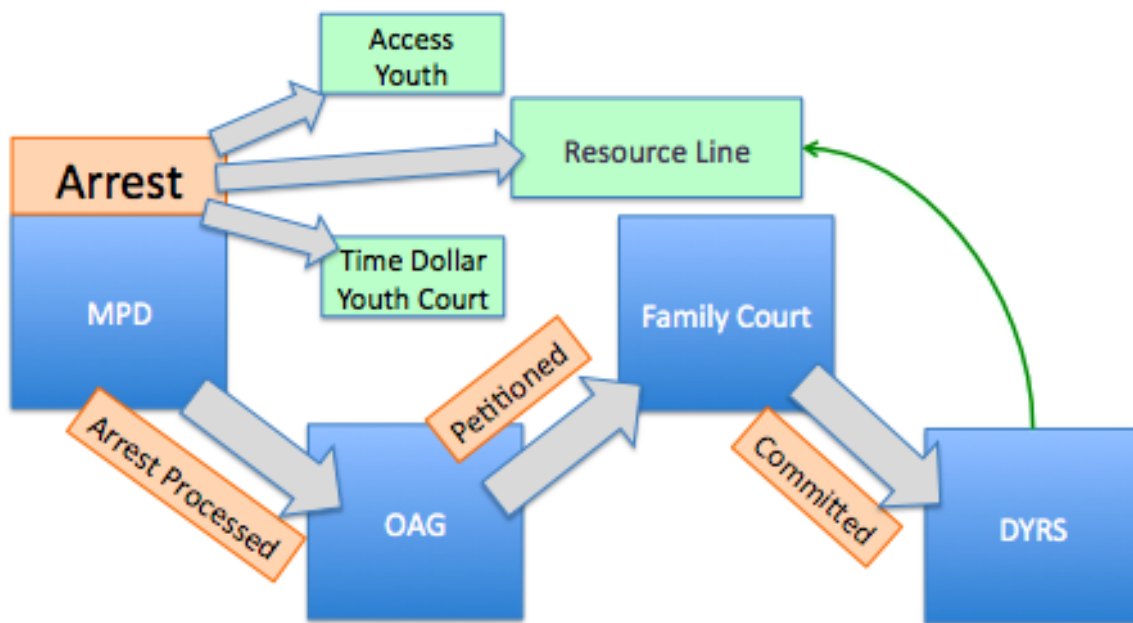
²³ Estimated cost per diversion reflects the historical unit cost for Access Youth in present value and assumes a 3% interest rate.

Recommendation #2: Structure Comprehensive Diversion Pilot

Support and evaluate a comprehensive diversion pilot led by Department of Human Services.

- Develop a comprehensive pilot to divert eligible youth by connecting them with wraparound services.

The Department of Human Services has a plan underway to direct two full-time Department of Youth Rehabilitative Services social workers to operate a “Resource Line” that receives referrals from police for possible diversions. The aim of this program is to better assess youth needs upon arrest and connect them to a broader range of wraparound services offered through DC YouthLink. This promising effort is needs-based and designed to promote the principles of positive youth development. Like many other promising programs throughout the country, the resource line should have the opportunity to demonstrate its effectiveness and learn how to improve.



In order to achieve its maximum potential, the resource line should be established as a pilot in year 1 (2014-2015), which can support 25 youth with two committed case managers for 3 months at a time, with a goal to work with 100 youth over the year. Steps to ensure the pilot’s success include²⁴:

1. Develop a well-conceived model informed by available data, diversion best practices, and DC context and available resources.

²⁴ Based on NHS pilot testing resource.

2. Prior to implementation, determine which data to collect and how to evaluate success.
3. Develop an implementation plan and assess whether or not it was carried out with fidelity.
4. Solicit feedback from program participants—youth, families, police officers, and government stakeholders.

If the program can demonstrate success across multiple criteria, DC may want to scale the pilot up to support more—or all—diversion cases. Under this configuration, the resource line may want to include Access Youth and Youth Court among its referral service providers.

In Appendix I, we offer more detailed recommendations regarding potential design of the comprehensive diversion program, how to implement the design and the pilot, and how to evaluate effectiveness.

- **Leverage DYRS resources and evaluation capacity to fund pilot and determine effectiveness.**

At this point in the process, we support funding the pilot using DYRS dollars.²⁵ DYRS has agreed to cooperate with the office of BB Otero, the Deputy Mayor of Human Services, by supplying two committed social workers to handle the resource line. Meanwhile DC YouthLink has indicated the capacity to support youth with available community services. With DYRS' development of a Youth Assessment Unit, we believe it also has the capacity to evaluate the effectiveness of the program and report back findings annually. However, DC may want to consider a partnership with Annie E. Casey, the Department of Justice, or Urban Institute, to conduct a more thorough empirical analysis.

In Appendix I, we offer more detailed analysis and recommendations regarding how to fund the comprehensive diversion program and its pilot.

²⁵http://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY14_Approved_Budget.pdf

Recommendation #3: Mayoral Initiative to Reduce Youth System Involvement

Pursue centralized mayoral strategy to reduce formal youth system involvement.

From PASS case management to police diversion, many programs are already in place to reduce youth involvement with the system; however, as the FY 2014 crisis indicated, agencies struggle to communicate, plan, and coordinate to reverse adverse trends.

To address this challenge, more must be done to 1) establish a common purpose for these programs, 2) set clear goals for youth system involvement reduction, and 3) monitor progress across all agencies and service providers.

The Executive Office of the Mayor may want to consider a centralized initiative encouraging agencies to collaborate to reduce youth system involvement by sharing data, creating an annual strategy, and using biannual and annual data to evaluate the strategy's effectiveness.

In Appendix II, we detail how the Mayor might draft this initiative by using private sector performance pilot techniques as a framework.

The collage consists of several overlapping images:

- Top Left:** A blue document titled "THE MAYOR'S BUDGET FOR FISCAL YEAR 2014" with a sidebar menu containing: Home, Mayor's Message, Budget Priorities, Budget Overview, Community Meetings, 2014 Budget by Agency, and 2014 Capital Budget.
- Top Center:** A document titled "Mayor Gray's Four Goals in the FY 2013 Budget" listing a \$172.1 million budget gap and expenditure cuts. A blue arrow points from this document to the "2014 Priorities" box.
- Top Right:** A blue box titled "2014 Priorities" listing: Education, Jobs and Economic Development, Fiscal Stability, Safe Communities (highlighted with a black box), Self Determination, and Sustainability.
- Bottom Left:** A screenshot of the "Mayor's Priorities" website, showing a sidebar menu with: Education, Jobs & Economic Development, Fiscal Stability, Safe Communities (highlighted), Self Determination, and Sustainability. Below this is the "Executive Office of the Mayor" logo with the text "ONE CITY".
- Bottom Center:** A screenshot of the "Safe Communities" website section, titled "Building Safe Communities", with text about ensuring safety and well-being. A blue arrow points from the "Safe Communities" priority in the "2014 Priorities" box to this section.
- Bottom Right:** A small photo of a person riding a horse.

Conclusion

In 2013, young people of the District of Columbia suffered a critical setback when funding for police diversion programs evaporated. The consequence was fewer alternatives to arrest for low-risk youth who likely pose little threat to society.

While these events were discouraging, in 2014, there appears to be considerable momentum to correct these setbacks. DC Council, the Office of the Deputy Mayor of Human Services, the Office of the Attorney General, the Metropolitan Police Department, and community-based service providers have been working together to tackle the future of diversion services.

There certainly appear to be short-term approaches that can guarantee more youth served and fewer unnecessary arrests (setting targets for annual diversions and budget benchmarking); however, the intriguing possibilities for DC are in the long run.

How can DC unite different stakeholders to reduce formal youth system involvement?

In a modest sense, DC can support ongoing efforts to develop a resource line in order to expand diversion options. On the other hand, the District can use this moment as a chance to pursue the critical work of getting government agencies on the same page by seeing youth system involvement as a common challenge. While the task of reducing intrusive system involvement is challenging, the young people of DC stand to benefit from increased communication, planning, and coordination.

Appendix I: Comprehensive Diversion Model

The following overview of a comprehensive diversion model is meant to inform decisions made to develop the “Resource Line” program currently underway. We offer a suggested timeline and process to roll out this comprehensive diversion model that includes a pilot phase and ramp-up period.

These recommendations are informed by best practice research, DC’s context and resources, and the Models for Change Juvenile Diversion Guidebook produced by the Models for Change Juvenile Diversion Workgroup to support the development of diversion programs.²⁶

Goals of DC’s Juvenile Justice System

In reviewing the mission, vision, and guiding principles of DC’s juvenile justice system, we identified three overarching goals that should inform the design of any diversion program²⁷:

1. Increase public safety by:
 - Reducing the incidence of crime
 - Reducing the likelihood of repeat offenses
2. Support positive outcomes for youth by:
 - Adopting a positive youth justice framework that supports six key developmental domains—work, education, health, relationships, community, and creativity—to support youth transition to adulthood
 - Providing youth and families access to evidence-based services that reduce recidivism and increase positive outcomes such as high school completion and obtaining stable employment
 - Decreasing unnecessary institutionalization by serving youth through community-based services and minimizing the time of detainment
3. Hold youth accountable for unlawful actions by:
 - Ensuring youth understand the seriousness of their behavior
 - Providing some form of restitution to victims

Guiding Principles

In reviewing the literature on best and promising practices in diversion, we propose the following guiding principles in designing a comprehensive diversion program that transforms DC’s juvenile justice system to one that realizes its goals.

A comprehensive diversion program should be:

1. Responsive to the needs of individual youth and families
2. Based on evidence and research

²⁶ See Citation 4

²⁷ Department of Youth Rehabilitation Services. “DYRS 2012 Annual Performance Report.” The District of Columbia. Web. 2013. <<http://dyrs.dc.gov/page/dyrs-2012-annual-performance-report>>

3. Designed to offer evidence-based services that have proven to be effective in practice
4. Rigorously evaluated to support continuous improvement over time
5. Designed to include incentives for actors and agencies to support aligned juvenile justice goals
6. Cost effective to use scarce financial resources strategically

Points for Diversion Referral

DC's current juvenile justice system offers one primary diversion point that is initiated by MPD prior to formal arrest and during the initial screening process at the Juvenile Processing Center (JPC) located at YSC. The diversion process is largely informal, with little standardized data collected by MPD on the program and little evidence as to whether the strategy is effective in reducing recidivism or enhancing public safety. Our conversations with MPD and the two primary service providers receiving diverted youth indicate that the overall trend for the number of youth diverted away from the juvenile justice system has declined over recent years, with just 239 youth diverted for the year as of mid-November 2013. MPD reports that the primary reason diversion numbers are on the decline is "due to juveniles not being eligible for diversion due to a felony charge or previous criminal history, which makes them ineligible for diversion."²⁸ In addition, MPD cited that because ACCESS Youth and Time Dollar Youth Court lost their funding there were no programs in place to divert youth away from the juvenile justice system.²⁹

While external entities and DYRS's website describe a diversion point that occurs after formal arrest and prior to the OAG petitioning the case,³⁰ our interview with the OAG revealed that no pre-petition diversion process exists at this time for delinquency related cases. Rather, the AG petitions the case or the case is dismissed for a variety of reasons, including a lack of sufficient evidence to prosecute the youth or the victim's unwillingness to participate in the process.

In order to maximize the opportunity for youth to be appropriately diverted as early as possible, we propose formalizing two referral decision points across the juvenile justice continuum:

1. **Police Diversion:** Youth are brought into YSC for police processing by the JPC, eligibility for diversion is determined, and a referral is made to the Diversion Coordinating Unit (DCU)—a new entity that coordinates service provision and program referral to diverted youth and monitors compliance. Upon successful completion of the diversion program, the youth will have no juvenile record for the incident. If the youth does not complete the program successfully, the youth may receive a warning or the arrest may be recorded and a formal charge may be brought

²⁸ Dickerson, Kimberly. Personal Email. 11 January 2014.

²⁹ See citation 29

³⁰ How We Decide By Jonah Lehre

<http://www.courtexcellence.org/uploads/publications/DCJuvenileJusticeGuideEnglish_Final.pdf
<http://dyrs.dc.gov/page/juvenile-arrest-process> >

in Juvenile Court.

2. OAG Diversion: After formal arrest, police processing, and intake screening conducted by CSS, the OAG may decide to offer the youth an opportunity to participate in a diversion program rather than petition the case. The youth is referred to the DCU to be connected to appropriate services. If the youth completes the diversion program successfully, the case is expunged and the youth will have no juvenile conviction or arrest record for this incident. If the youth fails to complete the diversion program, then charges will be brought in Juvenile Court.

Establishing two main points of diversion early in the juvenile justice continuum allows youth to avoid or minimize formal processing. These two points strengthen DC's current diversion program by formalizing existing processes and eligibility criteria, as well as strengthening current capacity to appropriately divert youth. Given that different data will be made available at these two points, eligibility criteria for diversion referral will vary at each point.

Extent of Intervention

We propose establishing a responsive intervention system that takes into account both the needs of the individual youth and the seriousness of the offense. Such a system would replicate, with appropriate modifications, the Structured Decision-Making tool (SDM) and Graduated Response Protocol that the DYRS currently has in place to assess risk of re-offending and increasingly severe sanctions for youth who do not comply with conditions of community release, respectively. Such a protocol is also consistent with literature showing that structured decision-making tools can reduce complexity, time needed to make a decision, and improve consistency in response. Research also shows that having clear roles and responsibilities in the decision-making process helps ensure that decisions are made well and executed as planned.³¹ Thus, we propose that each diversion referral point have three broad categories for action that are further individualized by case:

Police Diversion Options

1. *Warning*: MPD issues a warning and releases youth to parent.
2. *Single Condition*: MPD releases the youth to the parent and if no contact with the law occurs for 6 months after the incident, there is no record of the arrest. If the youth is unsuccessful in meeting this condition, the youth is arrested for the original and subsequent offense and may be considered for more intensive diversion options by the OAG or the case may be petitioned in Juvenile Court.
3. *Multiple Conditions*: MPD refers the youth to the DCU for more intensive assessment and an individualized diversion contract that will include multiple conditions, such as no further contact with the law for 6-12 months, regular school attendance, community service, and participation in community-based programs such as

³¹ Rigby, Darrell. "Management Tools 2013: An Executive's Guide." *Bain & Co., Inc.* 2009. Web. December 2013. <http://www.bain.com/Images/Management_Tools_2013_An_Executives_guide.pdf>

mentoring or tutoring. If the youth is successful there is no record of arrest. If the youth is unsuccessful in meeting the conditions, the youth is charged for the prior and subsequent offense and may be considered for more intensive diversion options by the OAG or the case may be petitioned in Juvenile Court.

If a youth is ineligible for police diversion, MPD formally arrests the youth and CSS proceeds with the intake process.

OAG Diversion Options

1. *Single Condition:* OAG releases the youth to the parent and if no contact with the law occurs for 6 months after the incident, no charges are issued and the record of arrest is expunged. If the youth is unsuccessful in meeting this condition, the youth is charged for the subsequent offense and may be considered for more intensive diversion options by the OAG or the case may be petitioned in Juvenile Court.
2. *Multiple Conditions:* OAG refers the youth to the DCU for an individualized diversion contract that will include multiple conditions, such as no further contact with the law for 6-12 months, regular school attendance, community service, and participation in community-based programs such as mentoring or tutoring. If the youth successfully fulfills the contract, no charges are issued and the record of arrest is expunged. If the youth is unsuccessful in meeting the conditions, the youth may be considered for more intensive diversion options by the OAG or the case may be petitioned in Juvenile Court.
3. *Services and Conditions:* OAG refers the youth to the DCU for more intensive assessment and an individualized diversion contract that will include multiple conditions and more intensive services, such as substance abuse treatment, mental health services, and family counseling. If the youth successfully fulfills the contract, no charges are issued and the record of arrest is expunged. If the youth is unsuccessful in meeting the conditions, the case is petitioned in Juvenile Court.

If the youth is ineligible for diversion, or the OAG decides to not divert the youth, a petition is filed in Juvenile Court.

The abovementioned diversion options do not take into consideration cases where MPD or the OAG should dismiss the case due to a lack of evidence or other reasons. The extent of intervention is described in greater detail in the Services section of this chapter.

Operations

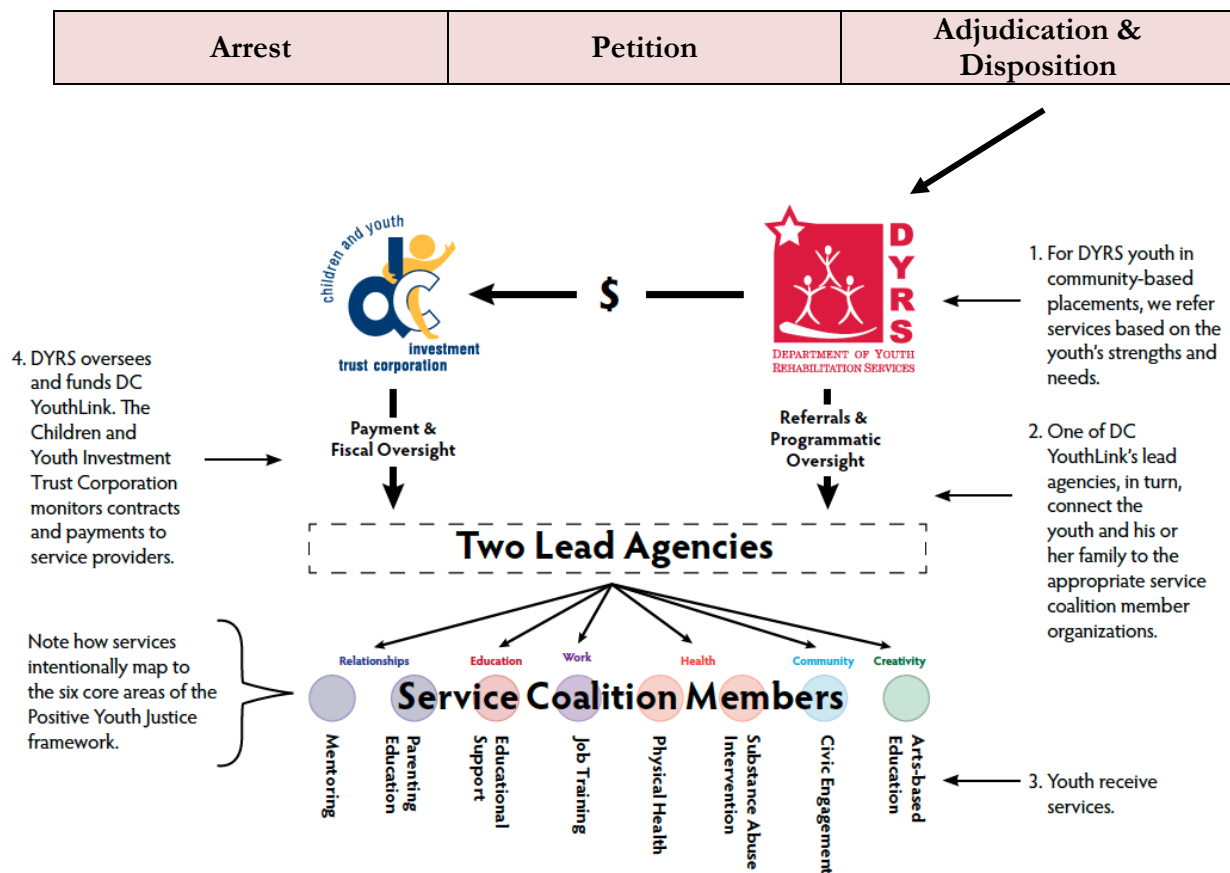
Successfully operating a diversion program across the juvenile justice continuum will require a collaborative approach that addresses the priorities and concerns of various entities and agencies. We recommend establishing a separate entity, the Diversion Coordination Unit (DCU), with repurposed funds from the DYRS budget. The DCU collaborates with the MPD, OAG, CSS, DYRS, CJCC, and DC Youth Link community-based service providers to

establish individualized diversion contracts that stipulate the conditions that must be met by each youth, refer youth and families to appropriate services through collaboration with DC Youth Link, and monitor compliance. We recommend outlining an MOU among MPD, DYRS, OAG, and CSS that stipulates the shared interest of diversion, contributed financial and staffing resources, explicit roles and responsibilities, and the potential benefits of engaging in the initiative. Given the need to engage all parties to obtain buy-in and support of the diversion project, as well as agree to and implement new processes, establishing a joint entity during a pilot phase is likely an ideal way to launch the initiative. This operation structure allows for the DCU to utilize existing capacity and expertise in assessing youth and collaborating with an existing network of community-based services providers through DC Youth Link.

While DC Youth Link is currently designed to enhance the community's capacity to respond to the needs of DYRS committed youth and families, namely reintegrating DYRS youth back into their community, we recommend adding another lead agency to the existing structure to create a cadre of 3 lead agencies that are responsible for coordinating and providing oversight of community-based services through their distinct coalitions.

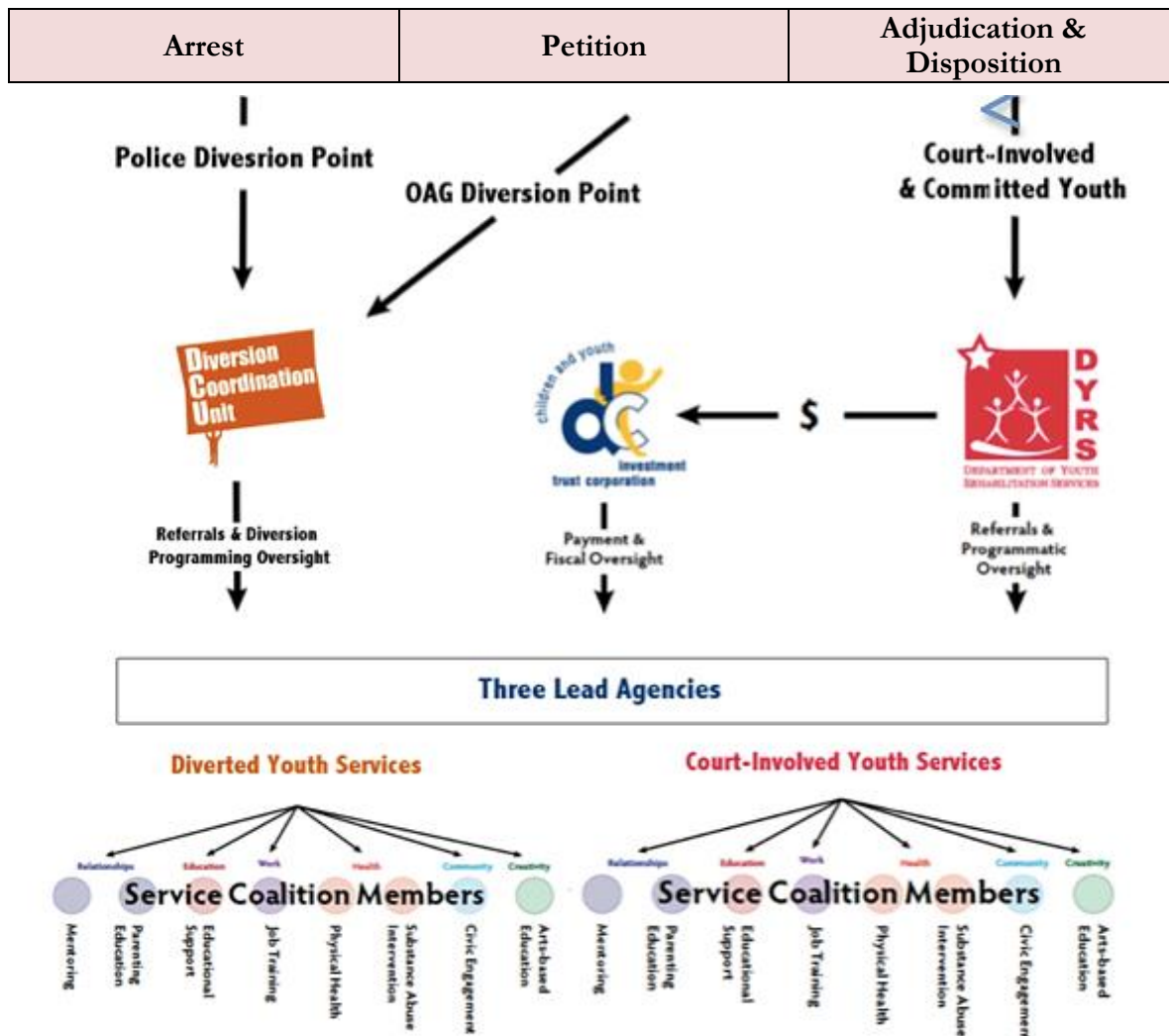
Below provides a snapshot of the current structure and proposed structure.

Current Service Provision Structure for Court-Involved Youth³²



³² http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS_AR-low-res_041713.pdf

Proposed Structure for Diverted Youth



As currently in place, each lead agency serves as a care coordinating entity, a funder and oversight entity to the providers in coalitions, and an engagement vehicle for increasing and diversifying community-based services to youth. We propose that DYRS work with the Children and Youth Investment Trust Corporation (the Trust) to issue a Request for Proposal for a third lead agency that would be focused on differentiating service provision for youth who are diverted away from the juvenile justice system and typically lower-risk than DYRS committed youth. While we considered having DYRS operate and manage the DCU, after several interviews with stakeholders it became clear that broadening the organization's mission from one that "provides the nation's best continuum of care for *court-involved* youth and their families through a wide range of programs" to one that prevents youth from becoming court-involved in the first place may difficult to operationalize given the potential conflict of interest.³³ Meaning that success in the front-end of the system may inevitably mean a drastic "reverse in flow" of youth involved in the deeper end of the system

³³ Department of Youth Rehabilitation Services. "Mission and Vision." *The District of Columbia*. Web. December 2013. <http://dyrs.dc.gov/page/mission-and-vision>

and question the capacity required at the deep end. Thus, it is proposed that the DCU be a separate entity that is held accountable for success or failure with youth diverted from the juvenile justice system.

While CSS currently has the responsibility of screening and assessing all youth entering the juvenile justice system and serving youth who are court-involved but not yet committed to DYRS, we see several challenges in making them the primary operator of the proposed diversion program. First, CSS is under the jurisdiction of the federal government and is not funded by, nor reports to, the District of Columbia City Council. Second, their capacity appears limited. With fewer than 150 staff, nearly 2,000 youth on probation each year, and an annual budget of \$17.6 million, several interviewees alluded to the limited capacity of the organization. In comparison, DYRS has a staff of 600 employees and a budget of \$100 million and serves approximately 1,000 youth annually.³⁴ Finally, in January 2011, CSS launched the Juvenile Behavioral Diversion Program (JBDP) that is designed to identify juveniles and status offenders with an Axis I mental health diagnosis and provide them with appropriate mental health services in order to reduce behavioral symptoms that result in contact with the court and to improve the juvenile's functioning in the home, school, and community.³⁵ Given the constrained capacity and recent launch of JBDP, we anticipate that the current program infrastructure requires strengthening just as any new programming effort would require. Indeed, interviews revealed that the program is still in the early stages of implementation and we expect expanded diversion responsibilities may be beyond what CSS can currently bear successfully.

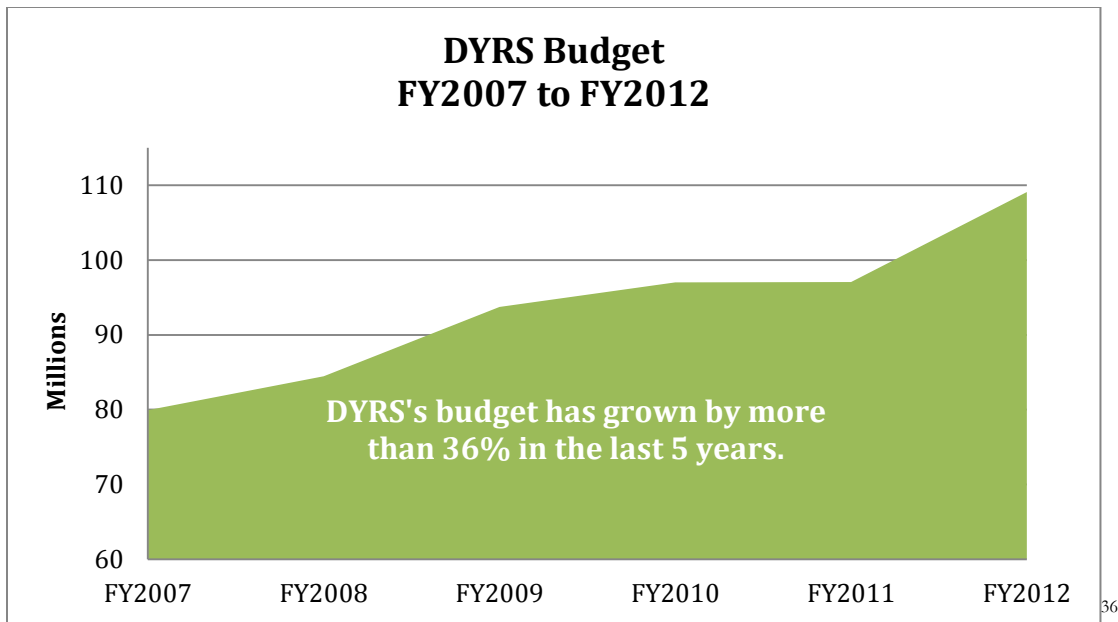
Funding

There is no single, clear funding source currently available for delinquency diversion in D.C. As previously noted, funding for programs that serve youth diverted by MPD has ended, resulting in near dissolution of the MPD diversion effort entirely. We recommend establishing a separate line item for the Diversion Coordination Unit within the FY15 budget that repurposes financial resources from DYRS to ensure the comprehensive diversion program proposed is sustainable, institutionalized, and has sufficient capacity to operate effectively. DYRS's budget has grown significant over a relatively short period, as demonstrated by the graph on the following page.

³⁴ Cauvin, Henri E. "Slaying Case Calls Attention to D.C. Court Agency." *The Washington Post*, 21 May 2010. Web. December 2013.

<<http://www.washingtonpost.com/wpdyn/content/article/2010/05/20/AR2010052005264.html>

³⁵ District of Columbia Courts. "Juvenile Behavioral Diversion Program Description" Web. December 2013. <<http://www.pdsdc.org/Resources/JUVENILEPANEL/Program%20Description.pdf>>



A modest amount of funding will be needed for operational activities, including:

- Program coordination
- Assessment
- Service referral processing
- Data management
- Monitoring compliance of youth

However, the bulk of funding will be used for compensating community-based organizations for services provided to youth and families. Depending on the intensity of services provided per youth, funding will vary from \$300-1200 per youth. Furthermore, compensation will be need to be provided to the third lead entity charged with engaging, training and providing oversight to community-based program providers that serve diverted youth. We recommend the District explore augmenting funds within the Trust, a public-private partnership chartered by the District to help a wide variety of organizations improve the quality, quantity and accessibility of services and opportunities for children, youth, and their families in DC.³⁷ Given the potential cost-savings associated with diverting youth that may be further processed through the juvenile justice system, held in detention, placed on probation, or committed to DYRS unnecessarily, we expect that funds formally used for these activities can be reinvested in the proposed diversion continuum over time.

In reviewing the capacity of DC YouthLink as it currently exists, we found that approximately 580 to 780 were served annually in the first three years of the entity's

³⁶ Office of the Chief Financial Officer. "Budget." *Government of the District of Columbia*. Web. December 2013. <<http://cfo.dc.gov/page/Budget>>

³⁷ YITC/DYRS DC YouthLink- Service Coalition. "Request for Proposals FY13." *DC YouthLink*, 18 June 2012. Web. December 2013. <http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/release_content/attachments/DYRS%20%20CYITC-%20DCYL%20Service%20Coalition%20RFP%2061812%20FINAL.pdf>

operation.³⁸ As noted in our budget analysis on pages 15-16, we anticipate a minimum of \$503,000 is needed to provide a single-program diversion option to just over 800 youth. However, given the additional operational and coordination capacity described in this model, and the more intensive support services outlined, we suggest investing an amount comparable to doubling the resources and capacity of the existing DC Youth Link. Based on FY 2012 and 2014 contracts with DC Youth Link,³⁹ we estimate that approximately \$4 million will be needed to resource the DCU and expand DC Youth Link capacity, with more than 85%⁴⁰ used to pay for support services to diverted youth.

Eligibility

MPD currently determines eligibility for police diversion by reviewing the history of the juvenile and the nature of the offense on a case-by-case basis. According to Access Youth's description of the referral process,⁴¹ which was also cited during an interview with MPD's Youth Investigation Division,⁴² offenses currently eligible for diversion include:

- simple assault
- disorderly affray
- shoplifting
- defacing private property
- destruction of property
- disorderly affray
- disorderly conduct
- misdemeanor threats
- inciting violence
- theft II from auto
- theft II destruction of property
- threats to do bodily harm
- threats
- unlawful entry

While more than 20 years old, a MPD General Order regarding the handling of juveniles (No. 305.1) stipulates more specifically that "diverting the juvenile and releasing him/her to a parent or guardian is generally an alternative to court referral in cases of minor violations

³⁸ Department of Youth Rehabilitation Services. "Youth Population Snapshot." *The District of Columbia*. Web. December 2013. <<http://dyrs.dc.gov/page/youth-snapshot>>

³⁹ Council of the District of Columbia. "FY12-FY13 Contracts." *Council of the District of Columbia*. Web. December 2013. <http://www.dccouncil.us/files/user_uploads/event_testimony/Tab_7._FY12_FY13TD_Grants_and_Contracts.pdf>

⁴⁰ Gray, Vincent et al. "Annual Fiscal Report, Fiscal Year 2012." *Government of the District of Columbia Department of Youth Rehabilitative Services*, April 2013. Web. December 2013. <http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS_AR-low-res_041713.pdf>

⁴¹ Ovca, Jodi. "Early Intervention Juvenile Mediation Program Project Description." November 2013. Print.

⁴² Lieutenant Kimberley Dickerson, interview

and isolated offenses” (p. 18).⁴³ The order, citing Rule 106 of the Superior Court Rules Governing Juvenile Proceedings, specifies that youth cannot be diverted if involved in a(n):

- “Title 16 case,” referring to the DC statute that allows for the AG to decide that a juvenile who is 16 or 17 charged with murder, first degree sexual abuse, burglary in the first degree, armed robbery, or assault with intent to commit one of the aforementioned offenses should be charged as an adult;
- Traffic offense and is 16 or 17 years-old;
- Offense covered by Part II of the General Order, which includes:
 - Homicide, including attempts and assault with intent to kill;
 - Forcible rape, including attempts and assault with intent to commit forcible rape;
 - Armed robbery, including attempts and assault with intent to commit armed robbery;
 - Burglary in the first degree;
 - Abscondence from court-ordered secure custody;
 - Any weapons offense involving a firearm;
 - Any commercialized sex offense;
 - Simple possession of a schedule I-IV controlled substance (e.g. heroin, morphine, cocaine; excluding cannabis);
 - Distribution or possession with intent to distribute a controlled substance, including cannabis;
 - Any offense which results in a significant bodily injury;
 - Any D.C. code violation on D.C. Public School System property committed by a juvenile not enrolled at the school; and
 - Any offense that involves damaging or defacing Washington Metropolitan Area Transit Authority vehicles or trains

Furthermore, Part II states that youth are not eligible for diversion if he/she:

- Has been alleged of a delinquent act and presented to Family Court Social Services Division within that last two years;
- Is currently on probation;
- Has failed to successfully complete a diversion contract or “casework by a non-authoritative social services agency” in the past;
- Has a long-term pattern of runaway behavior from a juvenile home;
- Has a pattern of misbehavior established by detention records (PD Forms 379), such as:
 - Two or more arrests for the same offense within a two-year period;
 - Three or more arrests for any violation of the DC code within a two-year period; and
- Failed a diversion contract or non-authoritative intervention because the juvenile or parent/guardian were unwilling or unable to cooperate.

⁴³ Metropolitan Police Department. “General Order No. 305.1: Handling Juveniles.” MPDOnline.com. Web. December 2013. <https://go.mpdonline.com/GO/GO_305_01.pdf>

The General Order specifies that any juvenile *not* excluded by the aforementioned criteria “may be automatically eligible for diversion” (p. 18). MPD reports that the General Order is timeworn and is currently being updated to reflect current diversion protocols.⁴⁴ Nevertheless, the GO offers a historical framework to consider when developing new criteria for diversion at a MPD and OAG point of referral. In addition, the list of eligible offenses for the JBDP, recently developed through a collaboration between Family Court, the Department of Mental Health, the OAG, the Public Defender Service, CSS, and the D.C. Courts’ Research and Development Division,⁴⁵ offers a far more recent basis to develop eligibility criteria that is well targeted, i.e. sufficiently broad to capture youth entering the juvenile justice system who could benefit from alternative services, and sufficiently narrow to ensure that youth who are serious risks to public safety are not inappropriately diverted.

Given the two points of diversion proposed, we recommend that the DCU and its partners jointly determine criteria for diversion at the police diversion point and the OAG diversion point.

We offer the below as a starting point for the discussion:

ELIGIBLE	INELIGIBLE
MPD DIVERSION	
<p><u>Offenses</u> Misdemeanor offenses, including:</p> <ul style="list-style-type: none"> ▪ simple assault ▪ disorderly affray ▪ shoplifting ▪ defacing private property ▪ destruction of property ▪ disorderly affray ▪ disorderly conduct ▪ misdemeanor threats ▪ inciting violence ▪ theft II from auto ▪ theft II destruction of property ▪ threats to do bodily harm ▪ threats ▪ unlawful entry 	<p><u>Offenses</u> Violent or felony offenses, including:</p> <ul style="list-style-type: none"> ▪ Homicide, including attempts and assault with intent to kill ▪ Forcible rape, including attempts and assault with intent to commit forcible rape ▪ Armed robbery, including attempts and assault with intent to commit armed robbery ▪ Burglary in the first degree ▪ Abscondence from court-ordered secure custody ▪ Any weapons offense involving a firearm ▪ Any commercialized sex offense ▪ Drug offenses
<p><u>History</u></p> <ul style="list-style-type: none"> ▪ Prior arrests but no convictions or attempt at diversion 	<p><u>History</u></p> <ul style="list-style-type: none"> ▪ Prior criminal convictions ▪ Currently on probation

⁴⁴ See Citation 30

⁴⁵ District of Columbia Courts. “Juvenile Behavioral Diversion Program.” Web. December 2013.
<http://www.dccourts.gov/internet/documents/10-17_ATTACHMENTS_A_B_C_D.pdf>

OAG DIVERSION	
<p><u>Offenses</u></p> <p>Misdemeanor offenses and Low-level felony charges, including:</p> <ul style="list-style-type: none"> ▪ simple assault ▪ assault of an officer ▪ disorderly affray ▪ shoplifting ▪ defacing private property ▪ destruction of property ▪ disorderly affray ▪ disorderly conduct ▪ misdemeanor threats ▪ inciting violence ▪ theft II from auto ▪ theft II destruction of property ▪ threats to do bodily harm ▪ threats ▪ unlawful entry ▪ low-level drug offenses, including possession of I-IV controlled substance ▪ low-level felonies where there is no physical injury, no damage to property, or property taken is under \$500 	<p><u>Offenses:</u></p> <p>Violent offenses, including:</p> <ul style="list-style-type: none"> ▪ Homicide, including attempts and assault with intent to kill ▪ Forcible rape, including attempts and assault with intent to commit forcible rape ▪ Armed robbery, including attempts and assault with intent to commit armed robbery ▪ Burglary in the first degree ▪ Abscondence from court-ordered secure custody ▪ Any weapons offense involving a firearm ▪ Any commercialized sex offense
<p><u>History</u></p> <ul style="list-style-type: none"> ▪ No more than 1 failed attempt at diversion 	<p><u>History</u></p> <ul style="list-style-type: none"> ▪ 2 or more failed attempts at diversion ▪ Currently on probation

Participant Requirements

Several case studies of promising diversion practices across the country also revealed other common criteria required for youth to participate in the diversion program. Given that success will depend on the youth's willingness to accept services and be held accountable for his or her actions, participation in the diversion program should be voluntary. In addition, some diversion programs require parents to agree to participate in the program with the youth, varying in the level of commitment in time required from the parent. While parental consent for the youth to participate will be required, we recommend a low-level commitment be asked of the parent. Given that the vast majority of parents are low-income, we anticipate that demanding significant time from parents working low-wage and typically inflexible jobs may inadvertently make it impossible for youth and parents to be successful. Finally, some diversion programs require youth and parents to pay for diversion program services (up to \$1000) or court costs (about \$50-100). Again, given the low-income status of

most families, we recommend that a youth's family be required to pay a minimal cost (\$25-75) to participate in the program that is returned upon successful completion. Research has shown that individuals are likely to be more committed to an activity if some monetary investment is required on their part.

Once enrolled in the diversion program, the DCU is charged with developing a tailored diversion contract based on the offense, youth and family strengths and risk factors, and available community services. Diversion contracts may outline specific requirements of youth, such as:

- Abstain from any new arrests
- Regular school attendance
- Participation in community-based programming such as family counseling, anger management or group behavioral therapy, substance abuse treatment, mental health services, tutoring and academic support, or mentoring
- Community service
- Restitution for cost of stolen or damaged item
- Written apology or other assignments
- Imposed curfews
- Location restrictions
- Drug testing

Screening and Assessment

The intake process is one of the most significant events for youth and families referred to the juvenile justice system. As designed, an MPD referral for diversion would have minimal screening and assessment. Thus, it will be important that DCU be equipped with the capacity to screen and assess youth with respect and competence. An OAG diversion referral however will be after CSS has completed the intake process, which includes using a twice-validated standardized risk-assessment instrument that determines if a youth is low-, medium, or high-risk to public safety and helps inform CSS's recommendation about placement; the Conner Screening Tool as a mental health screening; and a social assessment that looks at positive and negative factors regarding a youth's family and peer environment.⁴⁶ The use of a standardized risk assessment, along with a review of available evidence, will inform the OAG's determination about whether a case should be dismissed, diverted, or formally referred to juvenile court.⁴⁷ During this process, it is important to avoid "net-widening" or inadvertently referring youth for diversion whose case should be dismissed. Although CSS's assessment provides valuable input, it may be that the DCU prefers to conduct its own assessment to better inform how to tailor a diversion contract and provide service referrals. If this is the case, the process should be designed to minimize redundancy and reduce any burden placed on youth and families in recounting potentially traumatic events.

Services

⁴⁶ CJCC map

⁴⁷ PA Models for Change

Once screening and assessment is complete, the youth's family and social status, mental health, substance abuse, and risk needs inform DCU's service planning and the development of a diversion contract stipulating how a youth successfully completes the diversion program.

We expect that the length of program participation to vary from 3 to 6 months, which is consistent with what is observed in diversion programs across the country.

As designed, the diversion continuum proposed is meant to build on existing service infrastructure currently in place, namely DC Youth Link. However, it will be important to differentiate services to address the needs of a youth population that is generally lower-risk and lower-need, as well as to avoid socializing youth of different ages and risk-levels that may lead to youth learning delinquent behavior from older or more troubled youth. While additional services may need to be identified, we anticipate services currently solicited and offered by DYRS through DC Youth Link to be a sound foundation from which to build. Current services offered by DY Youth Link fall into four categories:⁴⁸

- Education Services
 - Vocational Training Leading to a Credential
 - GED and/or Adult Basic Education
 - On-line HS Diploma
 - Arts-Based Education
 - SAT Preparation/College Application Assistance
 - Tutoring
- Workforce Development Services
 - Job Readiness Training, Job Placement Assistance, and Retention Services
- Health Services
 - Substance Abuse Prevention, Treatment, or Recovery Support
 - Mental Health and/or Individual Counseling
 - Physical Health
- Healthy Relationship Services
 - Evidence-Based Mentoring
 - Family Support and Counseling
 - Civic Engagement and Community Service
 - Parent Education
 - Intensive Third-Party Monitoring

Consequences of Failure to Comply and Successful Program Completion

Upon successful completion of the diversion program, the charge will be dropped and the youth's record expunged. Failure to complete the diversion program requirements may result in a warning, filing of a petition, increased intensity of monitoring, or unsuccessful discharge from the program. We recommend flexibility in the consequences for failure to comply for

⁴⁸CYITC/DYRS DC YouthLink- Service Coalition. "Request for Proposals FY13." *DC YouthLink*, 18 June 2012. Web. December 2013.
<http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/release_content/attachments/DYRS%20%20CYITC-%20DCYL%20Service%20Coalition%20RFP%2061812%20FINAL.pdf>

diversion cases referred by both the MPD and OAG. However, we anticipate that failure to complete the diversion program will result in filing charges and petition the case in juvenile court.

Outcome Evaluation

The Standardized Program Evaluation Protocol (SPEP), based on a meta-analysis of over 500 studies conducted by Dr. Mark Lipsey at Vanderbilt University over the last 20 years, is a validated, data driven approach for determining how well an existing program matches research evidence for the effectiveness of that particular type of intervention for reducing the recidivism of juvenile offenders.⁴⁹ Partnering with the SPEP would allow DC to link the DCU and its associated service providers to a large body of experimental and quasi-experimental research on program effectiveness to evaluate its success and guide program improvement. Researchers have found that the effects of juvenile delinquency intervention programs are mainly related to four key features: the primary service provided, the quantity of service, the quality of service delivery, and the risk level of the juveniles served. These four predictors of recidivism effects serve as the foundation of the SPEP. The predictors inform the SPEP tool used to evaluate programs:

Standardized Program Evaluation Protocol (SPEP) for Services to Probation Youth		
	Possible Points	Received Points
Primary Service:	35	
High average effect service (35 points)		
Moderate average effect service (25 points)		
Low average effect service (15 points)		
Supplemental Service:	5	
Qualifying supplemental service used (5 points)		
Treatment Amount:	10	
Duration:		
% of youth that received target number of weeks of service or more:		
0% (0 points) 60% (6 points) 20% (2 points) 80% (8 points) 40% (4 points) 100% (10 points)		
Contact Hours:	15	
% of youth that received target hours of service or more:		
0% (0 points) 60% (9 points) 20% (3 points) 80% (12 points) 40% (6 points) 100% (15 points)		
Treatment Quality:		
Rated quality of services delivered: Low (5 points) Medium (10 points) High (15 points)	15	
Youth Risk Level:	20	
% of youth with the target risk score or higher:		
25% (5 points) 75% (15 points) 50% (10 points) 99% (20 points)		
Provider's Total SPEP Score:	100	[INSERT SCORE]

⁴⁹ Lipsey, Mark W. et al. "Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence Based Practice." *Center for Juvenile Justice Reform*. Georgetown Public Policy Institute: December 2010. Web. December 2013.
<<http://forumfyi.org/files/ImprovingEffectivenessofJuvenileJusticePrograms.pdf>>

Dr. Lipsey's extensive research synthesis of evaluation studies of treatment programs for juvenile offenders has identified many programs and program types that produce significant reductions in recidivism along with positive effects on such other outcomes as school attendance, family and peer relationships, employment, and mental health symptoms.

A current project underway using the SPEP as a framework offers explicit outcomes that should inform an evaluation's design⁵⁰:

Intended Short-Term Outcomes

- **Reduced recidivism rates of juvenile offenders.** When a youth's needs and risk level are targeted through the provision of effective services, juvenile offenders should receive higher-quality and more appropriate services that have a better chance of preventing future delinquency.
- **Reduced use of detention, institutionalization and other forms of out of home placement, particularly for lower risk juvenile offenders.** Structured decision making tools, such as risk assessments, will reduce the number of lower risk youth from unnecessarily being detained, incarcerated or otherwise removed from a family setting. Since more effective services will be provided in the front-end, fewer youth will recidivate, and therefore, there will be a decreased demand for detention and secure facilities. As a result, we expect that the number of admissions and lengths of stay at detention, secure corrections facilities and other out of home placements will decrease after implementation.

Intended Long-Term Outcomes

- **More efficient use of resources.** The cost per juvenile processed in the juvenile justice system is largely a function of the cost of the sanctions applied (incarceration being the most expensive), the cost of the services provided, and the cost of handling the juvenile again if he/she recidivates. The comprehensive diversion program will seek to guide optimal resource allocation for optimal outcomes. It is expected that the project will result in substantial cost savings in each of the jurisdictions.
- **Decreased school dropout, increased school attendance, increased stability of school placement and increased school performance among juvenile offenders.** By providing more effective services, it is expected that the needs of the program youth will be addressed, including their educational needs. Also, since it has been shown that a lack of attachment to school can be a risk factor for delinquency, it is expected that an improvement in school related outcomes will contribute to the reduced recidivism rates expected from the intervention.

⁵⁰ "Juvenile Justice System Improvement Project." *Center for Juvenile Justice Reform*. Georgetown University. Web. December 2013. <<http://cjjr.georgetown.edu/jjsip/researchbasis.html>>

- **Reduced mental health symptoms and substance abuse among juvenile offenders.** Many juvenile offenders have clinical-level mental health symptoms (e.g., conduct disorder, depression, PTSD from exposure to violence, etc.) and substance use disorders. Indeed, many of these are criminogenic risk factors related to the juveniles' delinquency. Moreover, many of the treatment programs that are effective for reducing recidivism also have positive effects on these other outcomes, especially if information from needs assessment tools is used by treatment providers to target the particular needs of the juveniles.

To the extent possible, we also recommend an experimental evaluation design that would allow evaluators to isolate the effects of the DCU and its associated service providers as compared to no diversion, Access Youth, and Youth Court diversion services. One possibility is to randomize youth who are “on the fence” not clearly eligible or ineligible for diversion. Randomizing these youth to diversion and tracking both groups would offer a way to accurately compare the effects of diversion to typical processing.

Implementation

Given the immediate need for diversion options for delinquency cases in the District, we recommend re-establishing previous program capacity as soon as possible to serve the 800 or more youth who are likely diversion eligible, while simultaneously piloting the new comprehensive diversion model and scaling up the effort over time.

Below is a proposed timeline:

March 2014	Ensure both diversion program funding to restore previous diversion capacity and DCU pilot funding in FY 2015 budget.
March 2014 – September 2014	Program Planning and Development: Establish program design and create implementation plan, field-test Resource Line to refine design and process with existing FY2014 resources. Design pilot and evaluation for FY 2015. Target: Serve 100 youth and evaluate process and outcomes.
October 2014 – September 2015	Implement comprehensive diversion model pilot (200 youth). Fund diversion programs (600 youth). Target: Serve 800 youth and evaluate process and outcomes.
January – March 2015	Ensure additional DCU operational funding in FY 2016 budget.
October 2015 – September 2016	Depending on evaluation results and implementation, revise diversion program design and scale-up DCU to serve more youth. Include previous diversion programs as service providers in DC Youth Link coalition of community-based service providers.

	Target: Serve 800 youth and evaluate process and outcomes.
September 2016 – December 2016	Finalize evaluation findings and provide report to DC Council on results.
January – March 2016	Ensure full DCU operational funding in FY 2016 budget.
October 2016 – future	Continue to refine diversion program model through continuous improvement mechanisms. Secure adequate funding.

Appendix II: Creating a Mayoral Initiative Using “Performance Pilot” Framework⁵¹

I. Assemble Essential DC Government Stakeholders

Sample of Agencies and Service Providers that Reduce Formal Youth System Involvement

School-based Intervention

- Office of the Deputy Mayor of Education
- Office of the Deputy Mayor of Public Safety
- Superintendent of DC Public Schools
- PINS Diversion
- PASS Diversion

Police Diversion

- Access Youth
- Time Dollar Youth Court
- Resource Line
- Metropolitan Police Department

OAG Diversion

- Office of the Attorney General

Human Services Diversion

- Office of the Deputy Mayor of Human Services
 - DYRS
 - Youth Assessment Unit
 - Office of Research and Evaluation

II. Develop “Performance Pilot” From the Office of the Mayor to “Reduce Formal Youth System Involvement”

⁵¹ *Ibid.* Katzenbach.

Performance Pilots: Connecting Pride to Performance

1. Determine the specific behaviors that will improve performance results.

- Shared understanding of “formal youth system involvement” across agencies
- Organized clear data collection around number of youth getting involved in system at all levels
 - Truancy petitions
 - Arrests
 - Expulsions
 - Suspensions
- Organized clear data collection around number of youth offered alternatives
 - Delinquency diversions
 - Truancy diversions
- Comprehensive strategy to set goals, monitor progress, and make adjustments
- Unit-cost based budgeting related to projected program targets
- Cross-agency plans for implementation, communication, and collaboration
- Offering recommendations to improve the system in order to reduce unnecessary youth system involvement

2. Carefully select the unit or units for the pilot.

- Data Collection
 - Cross-agency knowledge of youth arrests, petitions, truancy referrals
 - Cross-agency knowledge of delinquency diversions, truancy diversions, OAG diversions, and consent decrees
- Performance Management
 - Establishing goals for number of youth formally involved
 - Establishing targets for delinquency diversions, truancy diversions, OAG diversions, and consent decrees
- Collaboration
 - Creating structures for cross-agency reflection on mid-year and end-of-year data
 - Creating space for evaluation of agency and service provider performance
 - Creating a report to brief the Mayor and DC Council on progress made on reducing youth system involvement

3. Choose a pilot design team.

- 3-5 individuals to determine how cross-agency collaboration will work and how performance will be evaluated
- Office of the Mayor is best suited to manage performance
- Develop process to include advocates and community voices

4. Develop metrics and assessment mechanisms.

- At the start of a FY, goals should be set regarding target number of diversions (delinquency diversions and truancy diversions)
- Assessment should involve looking at system trends at the end of a FY to determine target diversion services for the upcoming year

5. Determine the specific behaviors that need to change.

- Lack of central mayoral knowledge regarding the number of youth caught up in the system and the number of youth diverted
- Lack of cooperation across agencies
- Lack of centralize planning between agencies involved in the formal system

6. Develop specific approaches to motivate behavior change.

- Biannual report with diversion numbers per program compared against arrest/truancy numbers.
- Briefing before DC Council on progress being made
- Encourage service providers to accept more youth by developing a way for programs to keep revenue during “slow years”

7. Launch and implement the pilot.

- Include initiative within priorities for FY 2015 (e.g. “Safe Communities”)

Appendix III: Stakeholder Analysis

Parties

DC does not lack in parties interested in juvenile diversion matters; rather, it seems that they have historically operated in silos, leaving the District with a universe of individuals and groups eager to improve diversion efforts, but absent a mechanism for effectively organizing and consolidating these efforts. This includes the collection of diversion programs, the groups with the power to divert, government agencies that support diversion efforts, and collaborative working groups convening to improve diversion on a multi-system level.

The universe of diversion programs include AY, YCDC, PASS, PINS diversion, but there are also other organizations and social service organizations to which OAG and CSS are referring youth at their points of diversion. Yet there remains little information on all of the services these groups offer, whether or not there is overlap in services across these groups, and ways to measure how effective these programs are in reducing entry and recidivism of youth in the juvenile justice system.

Three parties, MPD, OAG, and CSS currently control all of the points of diversion, but there is seldom communication across these points to better track youth passing through each of these points along the juvenile justice chain. Beyond the Mayor's office (and all the departments that fall under it) and the legislatively sanctioned working group on diversion, there is also a collection of groups assembling on diversion among other juvenile justice matters, including the Justice Detention Alternatives Initiative (JDAI)⁵², Juvenile Justice Advisory Group (JJAG), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and Criminal Justice Coordinating Council (CJCC), yet it remains unclear as to what degree each of these organizations are exchanging information and implementing new strategies based on the findings within each of the groups.

Interests

DC is considering several interests that all impact the future of diversion and the urgency with which it should be addressed.

Current political conditions seem to weigh the heaviest while signaling a deeper urgency in strengthening diversion in the District. D.C. Council passed two pieces of legislation that can fundamentally change how diversion operates. The Alternatives to Juvenile Arrest and Secured Detention Working Group Establishment Act of 2013 specifically mandates the establishment of a working group to create alternatives to arrests

⁵² JDAI is the most relevant in considering diversion matters at the arrest phase of the process, as they convene diversion program managers, diversion decision-makers, and other officials with the explicit purpose of reducing the amount of youth being detained in the District's detention facilities.

and detentions in the juvenile justice system through multi-system coordination and a recommitment of resources.⁵³ The other bill, the Attendance Accountability Amendment Act of 2013, passed in June, aims to reduce truancy rates in the District's Schools by mandating police to send parents notifications when their children have acquired 10 unexcused absences and in danger of facing criminal prosecution.⁵⁴

Since the anti-truancy bill's passing, agencies overseen by the mayor's office have received mandates to focus on truancy diversion, not the least of which include the Office of Public Safety and JGA. JGA is now supporting extensive evaluation to ensure that every child in truancy programs are being tracked and has provided funding to diversion programs like AY, contingent on the fact that they include programs that address truancy. This has also led to significant administrative strain on the OAG, who were receiving nearly 80 cases annually for truancy matters are now receiving upwards of 1000 cases annually. Such emphasis significantly affects the current diversion landscape, as it presents the challenge of balancing recent efforts towards truancy diversion with other efforts and programs that have historically existed to primarily address delinquency cases. The District also has the additional task of aligning interests of the working group, evidence-based diversion programs, legislation, and interests of the Mayor, which will require extensive communication across agencies and departments.

Underlying these political interests also include differing interests on the kinds of diversion strategies that should be prioritized, whether they should primarily focus on delinquency diversion, truancy diversion, a combination of the two, or a broader range of diversionary models beyond the scope of the two.

There are also capacity and budgetary considerations that need to be considered. Data on juvenile detention in DC is also giving stakeholders urge to bolster diversion efforts. Though the number of arrests in DC have steadily declined, the detention facilities have been experiencing overcrowding. Everyday since November 19, 2012 the Youth Services Center(YSC), where juvenile youth awaiting adjudication are detained,⁵⁵ has exceeded its 88-person capacity, averaging in early 2013 between 125 and 130 youth a day. Strengthening and/or developing diversion programs in service of reducing these detention rates without compromising public safety would work to the benefit of the District. Budget season is also ahead for the District in the coming months, and they are currently facing a surplus, as they

⁵³ *Ibid*, Committee on Human Services Budget Report for 2014 Fiscal Year

⁵⁴ District of Columbia Council. *Attendance Accountability Amendment Act of 2013*. 20th Council Period. 20-72. Legislative Information Management System: 2013. Web. <<http://dcclims1.dccouncil.us/images/00001/20130606110822.pdf>>

⁵⁵ Debonis, Mike. "Another Revenue Windfall for D.C. Government." *District of DeBonis*. The Washington Post: 24 June 2013. Web. December 2013. <<http://www.washingtonpost.com/blogs/mike-debonis/wp/2013/06/24/another-revenue-windfall-for-d-c-government/>>

expect to take in an addition \$600 million over the next five years.⁵⁶ This presents a tremendous opportunity for the government to channel funding towards the improvement of the diversion process in DC, whether it be through program expansion, monitoring and evaluation, or communication infrastructural development.

Challenges and Opportunities

Underlying the efforts that lie ahead in improving diversion in DC are the following challenges and opportunities:

Challenges

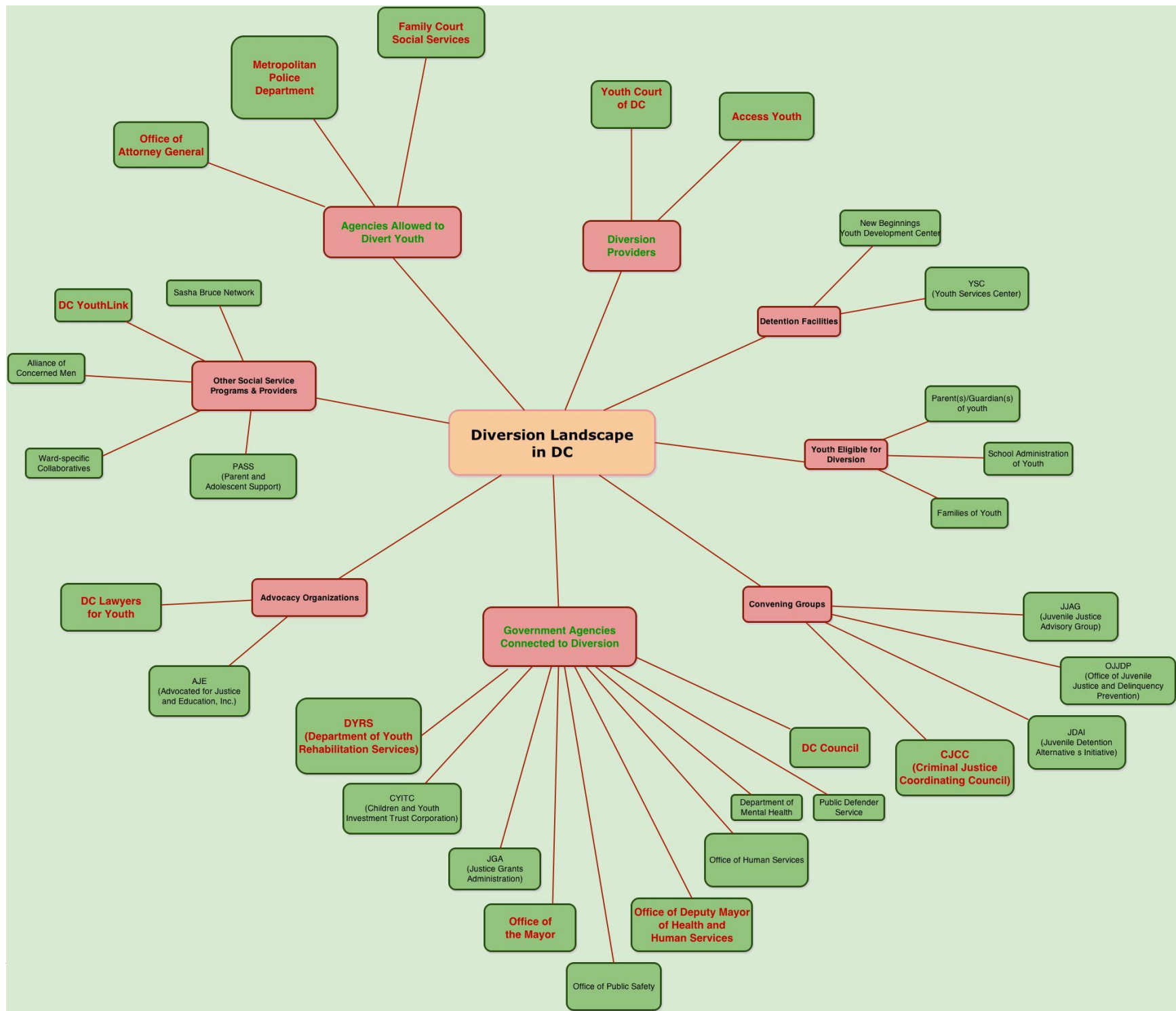
- Measuring the effectiveness of diversion programs
- Determining which diversionary models are effective for DC's population and diversion system
- Tracking youth before they enter the juvenile justice system
- Tracking youth along each point of the juvenile justice system chain
- Determining the universe of services currently offered under DC's diversionary model
- Assess the collection of services that should be available to youth in DC's ideal diversion program
- Determining which existing agencies, departments, and organizations have capacity for managing diversion programs.
- Developing mechanism for diversion decision-makers to effectively communicate with each other in service of juvenile youth

Opportunities

- Building on the already-existing system based on the programs currently deemed effective
- Aligning interests of different parties toward comprehensive diversionary model
- Involving schools in the diversionary model and connecting them to a deeper pre-arrest diversion system
- Capitalizing on DC budget surplus to sustainable stream of funding for diversion

Any recommendations for improving this system should take these challenges and opportunities into consideration.

⁵⁶<<http://www.washingtonpost.com/blogs/mike-debonis/wp/2013/06/24/another-revenue-windfall...>>



Appendix IV: Arrest and Diversion Historical Data⁵⁷

Year	Youth Arrests
2005	
2006	
2007	3413
2008	3753
2009	4045
2010	3643
2011	3464
2012	3006
2013	3170
*2013 data is based on recently released biannual report data	

Year	# of Pre-Arrest Diversions
2005	630
2006	736
2007	584
2008	836
2009	747
2010	839
2011	646
2012	471
2013	242
Total	5731

Access Youth Annual Expenditures ⁵⁸	
2010	\$57,538
2011	\$168,678
2012	\$122,675

Access Youth Cost per Diversion	
2010	\$276.63
2011	\$839.19
2012	\$766.72
Average 2010-2012	\$613.17

⁵⁷ Data provided by the Metropolitan Police Department

⁵⁸ Expenditures provided in IRS 990 forms.

Below is data captured by the Special Arbiter's Report on population levels and management at the Youth Services Center. The data show an ebb and flow of diversion between January of 2008 and April of 2010, with a range of 15 and 38 diversions a month.⁵⁹

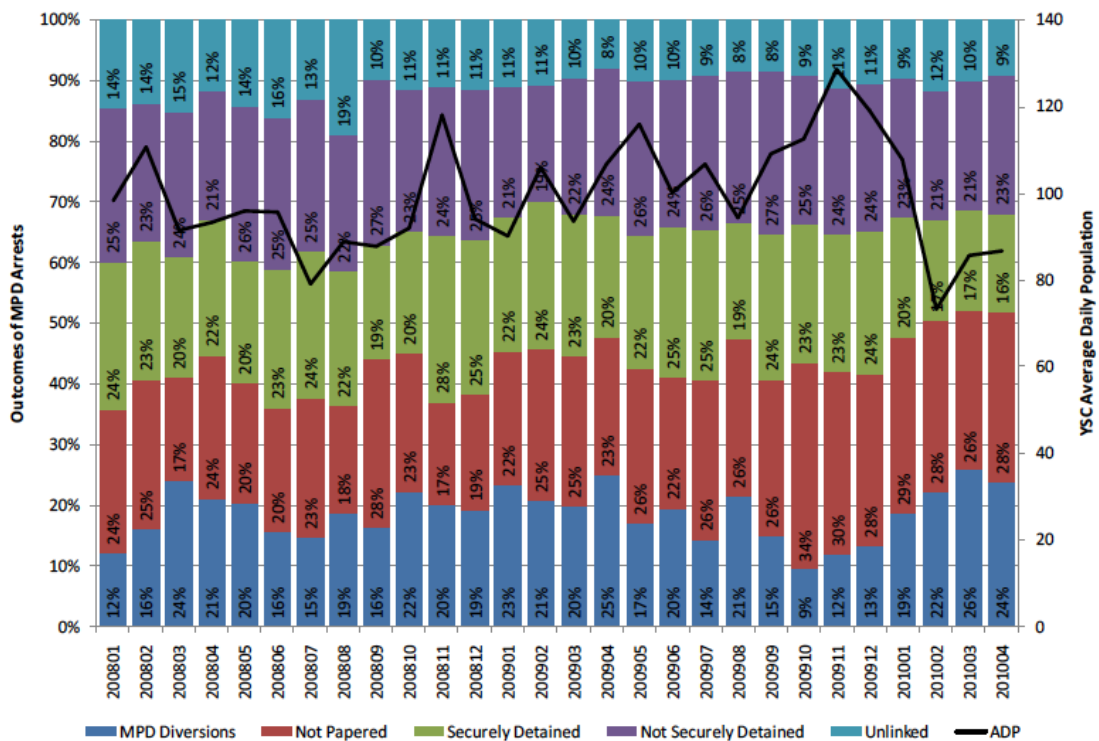


Figure 3: trends for youth arrested between Jan 1, 2008 and May 1, 2010, proportion of all arrests

⁵⁹ Data from Special Arbiter's Report

Appendix V: Additional Case Studies

Lessons Learned: Best Practices and Model Programs

Methodology

Although in the past two decades a vast amount of research has focused on identifying and evaluating interventions that impact court-involved youth, the field is still emerging. Ideally, criminologists would be able to indicate which categories of interventions best serve youth, which practices and policies most closely exemplify those categories, and which justice systems most effectively integrate those practices and policies. Criminologists would be able to understand how to implement those interventions in the context of fluxing resources, demographics, political climates, leadership, and professional cultures. Further, success would be widely understood not only as reduced recidivism, but also as the measure of consensually defined life outcomes for youth, their families, and their communities. Indeed, creating a useful index of best practices and model programs requires a) research that is carefully specific but robust, b) a general consensus about objectives and definitions and c) a cognizance about potential implementation barriers.

Many of the above inquiries have been well investigated, but most of those studies are limited in scope, underdeveloped, or not specific to diversion. Out of the existing research, a small set of model or promising diversionary strategies and programs have been identified as scientifically rigorous enough to be classified as evidence-based; some evaluations of justice systems have been performed on the state and local levels; and a few key meta-analysis have synthesized the outcomes of those disparate studies. Other research has focused on the steps, challenges, and the various frameworks of implementation. Together, they form a rich body of knowledge that begins to answer the inquiry of “what works.”

As many researchers have noted in the course of their studies about juvenile interventions, a current priority is incorporating what is known and has been known for over twenty years into what is actually done on the ground. In the words of Shay Bilchik, the Director of the Georgetown Public Policy Institute’s Center for Juvenile Justice Reform, “The true challenge is not...a lack of knowledge of what works, but rather is in translating the robust body of knowledge into practice.”

Given the research gaps detailed above, our team has compiled a list of best practices and model programs by conferring a multitude of sources, including empirical studies, qualitative reports, theoretical literature, insights from researchers and practitioners in the field, and our own informed assessment of the resources, objectives, and needs of the D.C. juvenile justice system. The criteria guiding our selection process includes a) effectiveness b) costs and savings c) political and logistical feasibility and d) similarities in context, objectives, and challenges.

The purpose of our list is not to detail perfect diversionary strategies for the D.C. juvenile justice system to replicate nor to provide an exhaustive or definitive mapping of the landscape of diversion in America. By providing real-world accounts of other systems attempting to divert court-involved youth, we hope to encourage a creative and flexible sense of possibilities, troubleshoot potential difficulties or obstacles, gather a rich network of possible resources and allies, and provide a powerful set of analogies and anecdotes for messaging across stakeholders.

Principles and Frameworks

A few essential axioms and principles have emerged out of the relevant intervention and diversion research, including eight evidence-based principles of effective interventions and several key implementation frameworks that are borne of scientific experimentation as well as professional experience and intuition. Those core insights form the theoretical and philosophical skeleton of a successful diversion strategy.

Implementation is as important as the outlined principles themselves, but the study of it is evolving. Although some justice systems have attempted establishing the process through trial and error, guided by professional experience and intuition, others have been informed by the research of Fixsen, D.L., et. al., who engaged in concept mapping, group meetings, and a review of implementation evaluation literature to identify the following guidelines, stages, and the characteristics of best practice implementation. (See text box on the right).

Eight Evidence-Based Principles of Effective Interventions

1) Assess risks

An effective intervention identifies the juvenile's risk level and criminogenic needs using an actuarial and statistically valid tool. The assessment should be formal and discrete, but also informal and ongoing throughout the course of the intervention.

2) Enhance Intrinsic Motivations

Juveniles should be prepared for treatment through respectful, positive interactions, motivational interviewing, strength-based approaches and rewards and sanctions.

3) Target Interventions

Juveniles should be offered targeted and timely treatment interventions that are matched to their specific needs. Administrators should prioritize interventions for higher-risk juveniles.

4) Develop skills through directed practice

Interventions should incorporate evidence-based programming that emphasizes cognitive-behavior strategies.

5) Increase positive reinforcement

A juvenile should be accorded appropriate rewards and incentives to reinforce positive progress.

6) Engage ongoing support in natural communities

Practitioners should understand the bonds and relationships that exist in a juvenile's community as resources and potential sources of positive reinforcement.

7) Measure relevant processes and practices

There should be a balance of routine and accurate informal reporting and formal, valid mechanisms to measure outcomes throughout the course of the intervention.

8) Provide measurement feedback

The information gathered throughout the course of the program should be used to monitor and inform the juvenile as well as service providers.

A dominant theme of Fixsen's findings is mindfulness about the relationship between staff, organizational culture, and data. Routinely and accurately gathering, evaluating, and sharing information is core to successful implementation and should be regarded as a way of empowering, not supplanting, professional decision making.

Best Strategies and Programs

At the helm of the effort to identify proven strategies and programs using scientifically rigorous methods of evaluation are Blueprints for Violence Prevention, an initiative that was started by the Center for the Study and Prevention of Violence at the University of Colorado and is now also supported by the Office of Juvenile Justice and Delinquency Prevention; the Coalition for Evidence-Based Policy, a non-profit organization committed to using evidence to promote effective governance; Washington State Institute of Public Policy, a policy organization; and Mark Lipsey, the Director of the Peabody Research Institute at Vanderbilt University who conducted some of the primary meta-analysis about juvenile justice interventions. Collectively, of the existing delinquency- and recidivism-related interventions the researchers considered, 22 *strategies*, or general categories of interventions, and 5 *programs*, particular practices that fall under those general categories, were designated as proven. 6 were categorized as promising. Others, while not considered proven or promising, were found to have a significant impact on recidivism. Two of those strategies--diversion with services as an alternative to regular juvenile processing and coordinated services--and three of those programs--Functional Family Therapy, Multidimensional Treatment Foster Care, and the Adolescent Diversion Project--could potentially apply in the context of diversion.

It is important to note that while justice interventions include diversion, very little of the intervention research is devoted specifically to diversion. As a result, our team has been unable to evaluate the effectiveness and full diversity that exists within diversion options, including pre-adjudication diversion that does not lead to programming.

Diversion with Services | Proven

Diversion that prioritizes providing services, typically availed to low-risk youth with one or less offenses. Some programs were structured by citizen accountability boards and offer counseling services provided by other social service agencies.

- Results based on a meta-analysis of 13 studies
- Expected net present value is \$5, 679 per participant
- Associated with an average effect size of -.05 for basic recidivism

Coordinated Services | Proven

Focuses on funnelling multi-agency resources and services to youth, often called "wrap-around services."

- Results based on a meta-analysis of 4 evaluations
- Average \$25.59 benefit-to-cost ratio
- Associated with an average effect size of -.14 for basic recidivism

Functional Family Therapy | Proven

Offers family-based therapeutic intervention

- Results based on a meta-analysis of 9 studies
- Average \$28.81 benefit-to-cost ratio
- Associated with an average effect size of -.25 for basic recidivism

Multidimensional Treatment Foster Care | Proven

Foster care program for severely delinquent youth. The youth is temporarily placed in community families trained in behavior management. The program facilitates family therapy and discourages youth from interacting with delinquent peers.

- Results based on meta-analysis of 3 studies
- Average \$43.70 benefit-to-cost-ratio
- Associated with an average effect size of -.37 for basic recidivism

Adolescent Diversion Project

Youth are connected to “change agents,” who promote behavioral change and link youth to community resources.

- Results based on meta-analysis of 5 studies
- Average \$24.81 benefit-to-cost ratio
- Associated with an average effect size of -.27 for basic recidivism

Case Studies

The following case studies have been identified by empirical studies, intervention literature, advocates, and practitioners. They were selected through a process guided by considerations of efficacy, feasibility, philosophy, reputation, resources, demographics, leadership, and ingenuity. Because diversion research is limited, however, the effectiveness of some of the programs mentioned have been understudied. This list should not be considered a blueprint, but a snapshot of key insights about the various challenges and possibilities posed by various diversion strategies throughout the country.

Pre-Arrest Diversion

Prosecutor’s Early Intervention Program | Louisiana’s 16th Judicial District, 2006

PEIP relies on a partnership with schools, the District Attorney’s office, Models for Change, the National Resource Bank and local allies to offer therapeutic interventions to middle-school youth at risk of delinquency. Rather than referring students to the justice system as a solution to behavioral issues that arise in the school setting, school personnel use validated assessment instruments to evaluate students’ risks and needs and develops a plan of care with youth and their family. Families are at the core of the intervention: not only do they help construct a youth’s schedule of service and expectations, but one of the services offered is the ten-week Strengthening Families Program, an evidence-based program that focuses on supporting and

fortifying families.⁶⁰

Pre-Adjudication Diversion

Intake Diversion Program | Chester County, Pennsylvania 2009

In 2009, a panel of legal practitioners, service providers, researchers, and advocates, under the guidance and support of Models for Change, convened to create the Mental Health/Juvenile Justice Workgroup, which aimed to better identify and serve youth who have mental health needs and are at risk of entering the juvenile justice system. As part of their larger system reforms, the group worked to revolutionize the intake process.

Because of those reforms, at minimum three screenings are administered: the Pennsylvania version of the North Carolina Assessment of Risk (NCAR-PA), which assess a youth's risk to reoffend, the Child and Adolescent Needs and Strengths (CANS), and Massachusetts Youth Screening Instrument (MAYSI-2), which assesses a youth's behavioral and mental health needs. Based on the results of those screening, some cases are referred to the diversion caseload and fall under the supervision of the Diversion Probation Officer, who has thirty days to make a disposition recommendation to the District Attorney's Office. If the District Attorney agrees that a case should be diverted, the Diversion Probation Officer retains authority over the case and the youth avoids entering the juvenile justice system. Youth can, and often, receive more than one service, according to their needs.

As a result of such a robust intake process, decision makers in the justice system are empowered to make more informed choices about youth and are more motivated to consider diversion at other points along the justice continuum. The process also encouraged stronger, more collaborative relationships between players--particularly between the Diversion PO's and the DA's.

The success of the reforms derived in part from the panel's tremendous efforts to cultivate buy-in from all players in the systems by splitting into four, purpose-driven teams. The Process Subcommittee elicited input and support from high level decision-makers in the courts and human service systems as well as family representatives; the Outreach Subcommittee served as the coordinators for the involved systems, providers, and school personnel--which, as a consequence, eliminated the delays and disconnects for youth wanting to receive evaluations and services; the Training Subcommittee conducted behavioral health and adolescent development trainings; and the Screenings and Assessment Subcommittee developed and implemented the

⁶⁰ "16th Judicial District Family Service Division." *Models for Change*. 29 April 2009. Web. December 2013.
<<http://www.modelsforchange.net/directory/103>>

screening instruments and protocols.⁶¹

Law-Enforcement Diversion

Miami-Dade Civil Citation | Florida, 2007

Police officers may refer youth with misdemeanors to its citation program, which, after a needs assessment, allows case managers to connect youth to an array of services, including mental health treatment, substance abuse treatment, mentoring, family counseling, educational assistance programs, and community service.⁶²

Crisis Intervention Teams for Youth | Colorado, Louisiana, and Pennsylvania

The Models for Change's Mental Health/Juvenile Justice Action Network worked with national experts to create age-appropriate law enforcement responses to youth with mental health needs at risk of entering the juvenile justice system. They did so by building upon the Crisis Interventions Team (CIT) model, which was a mental health response strategy developed for adults vulnerable to entering the criminal justice system. The modification included more youth-appropriate CIT training as well as a better coordination of age-appropriate mental health service resources. To date, the reformed intervention has been piloted in Louisiana, Washington, Connecticut, Pennsylvania, Ohio, and Texas.⁶³

Front-End Diversion Initiative Program | Texas

The Front-End Diversion Initiative Group was formed as part of the larger efforts of the Mental Health/Juvenile Justice Action Network to create appropriate responses to court-vulnerable youth with mental health needs. Youth are screened for mental health needs and medical insurance and are asked to participate in a family suitability interview. Eligible youth are then assigned to specially trained probation officers who actively build relationships with and seek services from mental health clinicians, service providers, and advocates.⁶⁴

Diversion as a Continuum

The Missouri Approach | Missouri, 1974

The success of Missouri's diversion strategy is its coherence with the state's juvenile justice

⁶¹Wachter, Andrew et al. "Chester County Intake Diversion Program: A Pennsylvania Models for Change Diversion Demonstration Site." *National Center for Juvenile Justice*. October 2012. Web. December 2013. <<http://modelsforchange.net/publications/458>>

⁶² "The Miami-Dade Civil Citation Program: Diverting Youth from System Involvement." *NCJA's Innovations Series*. National Center for Justice Planning. Web. December 2013. <<http://ncjp.org/content/miami-dade-civil-citation-program-diverting-youth-system-involvement>>

⁶³ Mental Health/Juvenile Justice Action Network. "Law Enforcement-Based Diversion: Strategic Innovations from the Mental Health/Juvenile Justice Action Network." *Models for Change*. 1 April 2011. Web. December 2013. <<http://modelsforchange.net/publications/438>>

⁶⁴ Spriggs, Vicki. "Front-End Diversion Initiative Program: Policy and Procedure Manual Overview." *Models for Change*. 29 May 2009. Web. December 2013. <<http://www.modelsforchange.net/publications/372>>

system as a whole, which for over three decades has focused on serving as a therapeutic and developmental, rather than correctional, community. The Missouri Approach is a self-described “movement and life-style,” developed and maintained by its bipartisan Advisory Board of judges, former legislators, civic leaders and concerned private citizens who believe in a model of restoration, treatment and education matched with tailored, wraparound services.

The Missouri Division of Youth Services (DYS), which runs the juvenile system, developed the Juvenile Court Diversion program in 1980. The program, allotted funds from the state, offers the over 3,000 youth it diverts annually a variety of local programming including intensive probation, detention alternatives, gang prevention and intervention, family therapy, sexual offender treatment, restitution, teen court, and tutoring.⁶⁵

Wraparound Milwaukee | Wisconsin, 1995

Wraparound Milwaukee contracts with 8 community agencies to provide strength-based, individualized wraparound services to youth and their family as an alternative to institutionalization in correctional or psychiatric settings. The program centralizes youths’ families at every decision point and in all of its provision of services. Its continuum of care includes a Mobile Urgent Treatment Team, a crisis intervention service.

Among the distinguishing features of the program are its Quality Assurance Program and blended funding scheme. The program assesses caregivers, youth and care coordinators at intake, the 6-month and the 12-month marks, and discharge. Those assessments incorporate service utilization, educational, and juvenile justice data.

Because the Bureau of Milwaukee Child Welfare, the County’s Delinquency and Court Services, the Behavioral Health Division, and the State Division of Health Care Financing, which operates Medicaid, share the expenses of the programs, Wraparound Milwaukee is assured of fiscal sustainability and commands a multi-stakeholder interest and investment in its survival.⁶⁶

Data, Evaluation and Implementation

Juvenile Justice Project System Improvement Project | Arizona, Florida, Connecticut, Pennsylvania 2011

In 2011, the Peabody Research Institute of Vanderbilt University partnered with the Center for Juvenile Justice Reform at Georgetown University and the Comprehensive Strategy Group to help four demonstration states (Arizona, Florida, Connecticut, & Pennsylvania) develop, implement, and

⁶⁵ Missouri Department of Social Services. “The Missouri Approach: A Revolutionary Approach to Meaningful Juvenile Justice Reform.” *Missouri Division of Youth Services*. 2010. Web. December 2013.
<<http://missouriapproach.org/approach/>>

⁶⁶ “Wraparound Milwaukee.” *Health Care Reform Tracking Project: The Promising Approaches Series*. Issue 8 (2009): 100-103. Web. December 2013.
<http://rtckids.fmhi.usf.edu/rtcpubs/hctrking/pubs/promising_approaches/issues/issue_08/PAS8-14.pdf>

monitor research-driven, evidence-based, cost-effective juvenile justice strategies. Guiding that effort is the Standardized Program Evaluation Protocol, a scheme pioneered by Dr. Mark Lipsey, who has conducted a series of meta-analysis of over 500 juvenile justice studies and continues to serve as one of the leading expert on juvenile justice best practices.⁶⁷

Informal Courts

Hamilton County Juvenile Community Courts | Ohio, 1988

Based on a referral from school or law enforcement, youth who have committed minor, first-time delinquency or status offenses are directed to an unofficial court, where community volunteers assess the youth's offense and impose appropriate sanctions.⁶⁸

Community Collaboration

Ogle County Juvenile Justice Council | Illinois, 2007

The success of the Juvenile Justice Council was its emphasis on data and collaboration.

In its initial phases, service agencies, schools, local police departments, and faith-based groups gathered to form the Juvenile Justice Council, with the assistance of Models for Change. Together, the Council identified the county's top ten juvenile justice needs, which evolved into a strategic plan, now known as the "community report card." After that process, the Council continued to meet regularly to reaffirm their connections.

Noting the importance of information-gathering, the next step involved all the major players in the juvenile justice system signing a Memorandum of Understanding, which stipulated that juveniles be administered screening at the first instance of contact. The council also standardized the police contact forms of all law enforcement agencies and collaborated to develop protocols for the expungement of juvenile records as well as school referrals, which became the Alternatives to Suspension Program. Because of the Council's collective efforts, nearly $\frac{2}{3}$ of all juvenile arrests are diverted to Balance and Restorative Justice Programs.

A huge pillar of the diversion strategy is data, which informed and drove many of the reforms. The Council in fact deliberately invested to improve the county's data system.⁶⁹

Youth Aid Panels | Lancaster County, Pennsylvania, 1990s

Contingent upon their admissions of guilt, youth are offered the opportunity to go before a

⁶⁷ "Juvenile Justice System Improvement Project." *Center for Juvenile Justice Reform*. Georgetown University. Web. December 2013. <<http://cjjr.georgetown.edu/jjsip/researchbasis.html>>

⁶⁸ Beck, Victoria S. "Juvenile Diversion: An Outcome Study of the Hamilton County, Ohio Unofficial Juvenile Community Courts" *Juvenile and Family Court Journal* 57.2 (2006): 1-10. *Wiley Online Library*. Web. December 2013.

⁶⁹ Lisa, Jacobs & Jim Bray. "Ogle County Juvenile Justice Council." *Models for Change*, December 2013. Web. December 2013. <<http://www.modelsforchange.net/publications/490>>

Youth Aid Panel, which is composed of citizens of varying ages, professions, ethnicities, and socioeconomic groups. The Panel reviews cases and determines resolutions for the victim and offender--allowing juveniles to avoid the traditional justice system and the stigma of a record.⁷⁰

Legal Interventions

Team Child | Washington, 1995

Team Child provides free legal advocacy related to youth and their families' civil law issues like education, housing, healthcare, disability access, and other vital supports.⁷¹

Front-End Diversion Initiative Program | Texas

The Front-End Diversion Initiative Group was formed as part of the larger efforts of the Mental Health/Juvenile Justice Action Network to create appropriate responses to court-vulnerable youth with mental health needs. Youth are screened for mental health needs and medical insurance and are asked to participate in a family suitability interview. Eligible youth are then assigned to specially trained probation officers who actively build relationships with and seek services from mental health clinicians, service providers, and advocates.⁷²

Multi-Party Collaboration

Juvenile Justice System Enhancement Strategy | Pennsylvania

The Juvenile Justice System Enhancement Strategy was formed as a statewide initiative to help better coordinate and support county-wide efforts to integrate evidence-based practices into their justice systems. As part of its efforts, JJSES conducted trainings to reinforce the idea that evidence-based programming is not just a tool or a singular change, but cultural change. JJSE created a cost-benefit analysis team, shared research evidence broadly, standardized performance measures, and conducted service gaps assessments. It also worked to cultivate partnerships between probation departments and service providers as well as worked to align the policies and philosophies of probation, providers, politicians, and players in the justice system. Developing dashboard measures allowed providers to better understand the progress and needs inherent to their reform work.⁷³

⁷⁰“Youth Aid Panels.” *Lancaster County Pennsylvania Office of District Attorney*. Web. December 2013. <<http://web.co.lancaster.pa.us/519/Youth-Aid-Panel>>

⁷¹ “About Us.” *Team Child*. 2014. Web. December 2013. <<http://www.teamchild.org/index.php/about/>>

⁷² See Citation 67.

⁷³ See Citation 70.

Reference Page: Diversion Terms and Stakeholders

CJCC	Criminal Justice Coordinating Council
CSS	Court Social Services
DCLY	DC Lawyers for Youth
DCU	Diversion Coordinating Unit
DHS	Department of Human Services
OJJDP	Office of Juvenile Justice and Delinquency Prevention
DYRS	Department of Youth Rehabilitative Services
JDAI	Justice Detention Alternatives Initiative
JDBP	Juvenile Diversion Behavioral Program
JGA	Justice Grants Administration
JJAG	Juvenile Justice Advisory Group
JPC	Juvenile Processing Center
MPD	Metropolitan Police Department
OAG	Office of the Attorney General
PASS	Parent and Adolescent Social Support
PINS	Persons in Need of Supervision
SDM	Structured Decision Making Tool
SPEP	Standardized Program Evaluation Protocol
YCDC	Youth Court DC (Time Dollar Youth Court)
YSC	Youth Services Center

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