

Juvenile Training Immersion Program:

Lesson 35 – Disposition Advocacy

ANNOTATED BIBLIOGRAPHY OF KEY RESEARCH STUDIES AND POLICY PAPERS FOR DISPOSITION

(Last updated – May 15, 2016)

The following brief summaries highlight several studies looking at the harms of youth incarceration as well as studies looking at promising youth programs. These studies and papers can be useful at both detention and disposition hearings.

I. Research Studies

a. Negative Effect of Detention and Incarceration on Recidivism

Edward P. Mulvey et al., *Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders*, 22 *DEV. & PSYCHOPATHOLOGY* 453 (2010).

Download: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2908904/pdf/nihms207059.pdf>

Purpose

- To examine patterns of anti-social behavior in serious offenders after court involvement in order to obtain a better understanding of how adolescents' reduce their offending behavior over time.

Methodology

- Data used in this analysis/article draws from a larger study called the “Pathways to Desistance” in which 1,354 serious offenders are interviewed over a 7-year period.
- Analyses for the current study used 1,119 male adolescents who had been adjudicated of a serious offense (e.g. includes all felony offenses, as well as misdemeanor weapon offenses and misdemeanor sexual assaults).
- Participants ranged between 14 and 18 years old, with an average age of 16. The sample was ethnically diverse: 19.6% white, 41.1% African American, 34.7 % Hispanic. Data was collected in two cities: Philadelphia, PA and Phoenix, AZ.
- Participants for the current analyses were interviewed twice a year for up to 3 years. Interviews consisted of a number of measures to assess self-reported offending, mood/anxiety and substance use problems, attitudes toward the legal system, psychosocial maturity, parenting, peers, as well as prior arrest history. Several demographic characteristics were also collected in addition to an assessment of neighborhood disadvantage.

Results

- Researchers clustered participants into 5 different groups based on their offending patterns. They highlighted in particular those participants who persisted in offending and those who desisted from offending.
 - Two years after being adjudicated for a serious offense, a majority of youth (73.8%) reduced their offending to low or zero involvement in offending behavior.
 - **For those youth who self-reported the lowest level of offending, placement in an institution raised their level of self-reported offending after release from institutional placement.**

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Relevance

- The authors conclude that the majority of serious offenders are not necessarily “bad actors” destined for adult criminal activity. Most serious offenders demonstrate low or zero involvement in criminal activity years after court involvement. As a result, this is an important point to raise when highlighting the amenability of a youth to treatment at disposition or in transfer proceedings.
- For youth who have been adjudicated for a serious offense, but demonstrate overall low levels of offending, incarceration or placement in residential treatment facilities has the potential to increase recidivism. As a result, community based alternatives may be a far better rehabilitative option than incarceration or institutional placement, particularly for youth with low levels of overall offending.

Aizer, A., J. Doyle, *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges*, National Bureau of Economics Research Working Paper No. 19102, 2013.

Download: http://www.mit.edu/~jjdoyle/aizer_doyle_judges_06242013.pdf

Purpose

- Examine the impact of **incarceration** on high school completion and adult incarceration

Methodology

- Authors analyzed a source of linked data covering a period of more than 10 years and over 35,000 juveniles who came before a juvenile court in Chicago, Illinois. The data were linked to both public school data for Chicago and adult incarceration data for Illinois to investigate effects of juvenile incarceration on high school completion and adult incarceration.
- Exploited plausibly exogenous variation in juvenile detention stemming from the random assignment of cases to judges who vary in their sentencing to address the issue of negative selection into juvenile incarceration and estimate effects for those at the margin of incarceration where the judge assignment matters for the incarceration decision.
- Used instrumental variable (IV) techniques to control for potential omitted variables.

Results

- Using OLS regressions with minimal controls, those incarcerated as a juvenile are 39 percentage points less likely to graduate from high school and are **41 percentage points more likely to have entered adult prison by age 25 compared with other public school students from the same neighborhood.**
- Using OLS regressions with demographic controls, limiting the **comparison group to juveniles charged with a crime in court but not incarcerated and instrument for incarceration**, juvenile incarceration is estimated to decrease high school graduation by 13 percentage points and **increase adult incarceration by 22 percentage points.**

Relevance

- Secure settings (like residential treatment centers and New Beginnings) that take youth away from their current school will make it more likely that the youth will not complete high school and more likely that the youth will recidivate and end up incarcerated as an adult.
- For use primarily at disposition.

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Loughran, T.A., E.P. Mulvey, C.A. Schubert, J. Fagan, A.R. Piquero, & S.H. Losoya, “Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders,” *Criminology*, Vol. 47, No. 3, 2009.

Download: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2801446/pdf/nihms157953.pdf>

Purpose

- The purpose of the analyses is to identify two related yet distinct treatment effects: 1) the effect of placement, as compared with probation, on recidivism rates; and 2) the marginal effect of length of stay in placement.

Methodology

- The article examines a subset of the research participants for the Pathways to Desistance study, which is an ongoing, longitudinal study of 14 to 17 year old adolescents who were found guilty of serious offenses (i.e., mostly felony offenses) in juvenile or adult court systems in AZ and PA.
- The study participants completed follow-up interviews at 6-month intervals for 3 years and annually thereafter.
- 86% of the study sample consists of minority males with an average of two prior petitions to the court.

Results

- While not significant at conventional levels, this effect of placement is actually still negative, indicating an *increased* effect on the future rate of re-arrest for placement compared with probation.
- The results show no marginal gain from placement in terms of averting future offending.
- There is little or no marginal benefit in terms of reducing recidivism for retaining an individual in institutional placement for longer than 3 months.

Relevance

- For serious offenders, placement in an institutional setting, as opposed to probation, does not reduce recidivism and could make it more likely that the youth will commit a new offense.
- There is little to no benefit from placing a youth in an institutional placement for longer than 3 months.

b. Negative Effect of Detention and Incarceration on School Achievement

Aizer, A., J. Doyle, *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges*, National Bureau of Economics Research Working Paper No. 19102, 2013.

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- For use primarily at disposition.

c. What Works

Holly Wilson & Robert Hoge, *The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review*, 40 CRIM. JUSTICE & BEHAVIOR, 497 (2012).

Download:

http://childhub.org/sites/default/files/library/attachments/wilson_hoge_diversion_2013.pdf

Purpose

- Examine whether diversion reduces recidivism at a greater rate than traditional justice system processing.
- Explore aspects of diversion programs associated with greater reductions in recidivism.

Methodology

- Meta-analysis reviewing 45 diversion evaluation studies reporting on 73 programs assessing 14,573 diverted youth and 18,840 youth processed by the traditional justice system. The majority of studies came from the United States (34).
- Diversion was defined as any program that allows the youth to avoid (a) official processing through a screening process prior to being charged; (b) full prosecution after being charged; or (c) a traditional sentence after conviction.

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Results

- Diversion is more effective in reducing recidivism than traditional judicial interventions.
- Two program-specific characteristics were also examined as potential moderating variables.
 - Programs that targeted youth prior to being charged were found to be more effective in reducing recidivism than programs accepting charged youth, although the difference was small.
 - The agency that sponsored the program influenced its reported effectiveness. Programs provided by the criminal justice system appeared to reduce recidivism at a greater rate than those provided by either social services agencies or researchers. Programs run by private agencies were found to be the least effective.
- *For all diversion programs:* There was no statistical difference found in the effectiveness of diversion programs serving low- or medium/high-risk youth.
- *For caution programs:* For low risk youth, caution programs appeared to be more effective in reducing recidivism than programs providing some form of intervention.
- *For intervention programs:* In line with the risk principle of rehabilitation, intervention programs targeting medium/high-risk youth were more effective in reducing recidivism than those working with low-risk offenders.

Relevance

- Diversion is more effective than formal processing through the juvenile justice system. Thus, especially when representing low-risk youth, counsel should seek to negotiate alternatives to formal processing and diversion prior to disposition.

Lipsey, Mark W., “The Primary Factors that Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview,” *Victims & Offenders*, Vol. 4, No. 2, 2009.

Download: <http://www.tandfonline.com/doi/abs/10.1080/15564880802612573>

Purpose

- The purpose of the paper is two-fold. The first purpose of the meta-analysis is to investigate the factors most strongly associated with positive intervention effects (i.e., the type of treatment, the dose of the treatment, the quality of the treatment, and the characteristics of the youth) with a single integrate approach with two objectives: 1) using a consistent framework to identify the general factors associated with program effects; and 2) providing a balanced, adequately controlled comparative analysis of the differential effectiveness of different interventions.
- The second purpose of the meta-analysis is to determine whether the effectiveness of a given treatment modality is influenced by the associated level of juvenile justice supervision.

Methodology

- The data used were based on 548 independent study samples for which information was extracted from 361 primary research reports. The research reports span the period from 1958 to 2002. All of the studies were conducted in an English-speaking country and over 90% of the studies were conducted in the United States.
- Youth represented in the research were in varying stages of penetration into the juvenile justice system and divided into the following categories: 1) No supervision; 2) Diversion; 3) Probation or parole; and 4) Incarceration.
- Seven intervention philosophies were identified from the research as well: 1) Surveillance; 2) Deterrence; 3) Discipline; 4) Restorative Programs; 5) Counseling and its variants; 6) Skill building programs; and 7) Multiple coordinated Services.

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Results

- Counseling interventions yielded the largest reductions in recidivism followed by multiple services, skill building programs, restorative programs, and surveillance programs. Deterrence programs and discipline programs actually increased recidivism, though the effect of deterrence is relatively small (virtually zero).
- Assuming juveniles of similar characteristics (i.e., risk, age, gender, ethnicity) and similar intervention approaches, the effects of those interventions are not significantly different whether the youth is treated in the community, after diversion, while on probation or parole, or while incarcerated.

Relevance

- The services that have the strongest effect on reducing recidivism have a therapeutic philosophy rather than a control philosophy. Thus, to optimize the effects on recidivism and other outcomes, programs from the therapeutic categories should be favored and those from the control categories should be avoided as much as possible.
- Juvenile justice systems will generally get more delinquency reduction benefits from their intervention dollars by focusing their most effective and costly interventions on higher risk juveniles and providing less intensive and costly interventions to the lower risk cases. Moreover, they can expect similar benefits from their intervention programs for juveniles at a given risk level whether they are treated and supervised in the community or in residential facilities.

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II. Policy Papers & Policy Briefs

Juvenile Court Working Group on Sentencing Best Practices, *Dispositional and Sentencing Best Practices for Delinquent and Youthful Offender Matters*, Commonwealth of Massachusetts Trial Court, Juvenile Court Department, 2016.

Download: <http://www.mass.gov/courts/docs/sentencing-commission/jc-sbp-report.pdf>

Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update, The Annie E. Casey Foundation, 2015.

Download: <http://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities/>

Re-examining Juvenile Incarceration, The Pew Charitable Trusts, 2015.

Download: http://www.pewtrusts.org/~media/assets/2015/04/reexamining_juvenile_incarceration.pdf

Sarah Hockenberry, Melissa Sickmund, and Anthony Sladky, *Juvenile Residential Facility Census, 2012: Selected Findings*, Juvenile Offenders and Victims: National Report Series, Office of Juvenile Justice Delinquency Prevention, March 2015.

Download: <http://www.ojjdp.gov/pubs/247207.pdf>

Sticker Shock: Calculating the Full Price Tag for Youth Incarceration, Justice Policy Institute, 2014.

Download: <http://www.justicepolicy.org/research/8477>

National Research Council, *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, 2013.

Download: http://www.nap.edu/openbook.php?record_id=14685

Mark W. Lipsey, James C. Howell, Marion R. Kelly, Gabrielle Chapman, & Darin Carver. *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Programs*. Center for Juvenile Justice Reform, Georgetown University, 2010.

Download: <http://cjjr.georgetown.edu/pdfs/ebp/ebppaper.pdf>

Holman, B. and Ziedenberg, J, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (Justice Policy Institute, 2006).

Download: <http://www.justicepolicy.org/research/1978>

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III. Additional Resources

Washington State Institute for Public Policy (WSIPP), Benefit-Cost Results.

Download: <http://www.wsipp.wa.gov/TechnicalManual/WsippBenefitCostTechnicalManual.pdf>

Purpose

- The goal is to provide Washington policymakers and budget writers with a list of well-researched public policies that can, with a high degree of certainty, lead to better statewide outcomes coupled with a more efficient use of taxpayer dollars.

Methodology

- First, WSIPP systematically assesses all high-quality studies from the United States and elsewhere to identify policy options that have been tried and tested and found to achieve improvements in outcomes.
- Second, WSIPP determines how much it would cost Washington taxpayers to produce the results found in Step 1, and calculate how much it would be worth to people in Washington State to achieve the improved outcome. That is, in dollars and cents terms, we compare the benefits and costs of each policy option. It is important to note that the benefit-cost estimates pertain specifically to Washington State; results will vary from state to state.
- Third, WSIPP assesses the risk in the estimates to determine the odds that a particular policy option will at least break even.

Results

- For Juvenile Justice specific programs, see summary available at: http://www.wsipp.wa.gov/BenefitCost/Pdf/1/WSIPP_BenefitCost_Juvenile-Justice

Relevance

- Effective evidence-based, community-based programs yield a high return on investment for taxpayers.
- The costs associated with the programs conducted in institutions do not include the cost of the institution itself. Only the cost of the specific program itself is used. Thus, because the cost of placement or incarceration in an institution is typically high, these programs likely yield a negative benefit to cost ratio depending on the length of stay.
- Should be used in conjunction with the approximate costs of placement through DYRS discussed on page 80 of the DYRS 2011 Annual Performance Report (see cite below).
- Should be used to argue why effective community-based programs are the least restrictive placement consistent with public safety.

CrimeSolutions.gov, National Institute of Justice, Office of Justice Programs.

Source: <http://www.crimesolutions.gov/>

Purpose

- The goal of CrimeSolutions.gov is to use rigorous research to rate the effectiveness of programs and practices in achieving criminal justice related outcomes in order to inform practitioners and policy makers about **what works, what doesn't, and what's promising in criminal justice, juvenile justice, and crime victim services.**

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Methodology

- CrimeSolutions.gov is a resource that helps explain what works in justice-related programs and practices. The purpose is to assist in practical decision-making and program implementation by gathering information on specific justice-related programs and practices and reviewing the existing evaluation and meta-analysis research against standardized criteria.
- For **programs**, the reviewers use a Program Scoring Instrument for each study and assign scores across multiple criteria within four dimensions: 1) Program's Conceptual Framework; 2) Study Design Quality; 3) Study Outcomes; and 4) Program Fidelity.
- For **practices**, the reviewers use a Practice Scoring Instrument for each meta-analysis and assign scores across multiple criteria within two dimensions: 1) Overall Quality and 2) Internal Validity.

Results

- For delinquency specific programs and practices, see summary available at: <http://www.crimesolutions.gov/TopicDetails.aspx?ID=62>

Relevance

- The information on the programs and practices can be used in disposition advocacy to demonstrate the rigor and effectiveness of many community-based alternatives to detention.