



Describing theoretical underpinnings in juvenile justice diversion: A case study explicating Teen Court program theory to guide research and practice



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ABSTRACT

In light of evidence that justice system involvement contributes to poor social, economic, and health consequences for youth, many jurisdictions have begun to implement diversion programs for first-time or low-level juvenile offenders. While Teen Court—a program in which youth are judged by their peers and assigned development-oriented sentences—is a prevalent model of juvenile justice diversion, its theoretical basis has not been empirically examined. This in-depth case study sought to describe current practice and characterize theoretical assumptions of the Los Angeles County Teen Court program. Methods included: 1) structured observations of Teen Court hearings ($n = 12$); and 2) key informant interviews with youth processed through Teen Court ($n = 10$). Case findings illustrate the Los Angeles County Teen Court program's focus on hierarchical decision-making, procedural consistency, and deterrence paired with development-oriented supports and services. Practices reflect a combination of retributive and rehabilitative theoretical perspectives, with limited alignment to the reparative perspective. Results from qualitative interviews support the possible positive impacts of Teen Court on program participants; however, given the potentially competing theoretical assumptions that influence local practice, additional work is needed to better understand the relative value of this approach. The practice-grounded logic model developed through this case study provides a foundation for future research and practice locally, including outcome evaluation. The processes and tools described in this study provide an example for other jurisdictions seeking to conduct theory-informed planning and assessment of juvenile diversion efforts.

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1. Introduction

Over one million youth under the age of 18 are arrested in United States (US) each year; more than 75% of these cases are processed through juvenile or adult criminal courts (Office of Juvenile Justice and Delinquency Prevention (OJJDP) (2014)). Increasing evidence suggests that formal justice system involvement is associated with poor social, economic, and health consequences for youth, including increased school drop-out, unemployment, substance abuse, and worse mental health outcomes (Apel & Sweeten, 2010; Hjalmarsson, 2008; Kirk & Sampson, 2013; Lambie & Randell, 2013; Sweeten, 2006; Sapp, Blasi, Faer & Criollo, 2012). In light of these negative consequences, policy makers and advocates have highlighted the need to develop juvenile justice diversion programs that allow for early intervention, but prevent formal system involvement by handling cases through alternative mechanisms (Seigle & Welsh, 2015). Widely used in the 1960s and

1970s, (The Center on Juvenile and Criminal Justice, 1999), diversion is again becoming a popular approach to address youth crime, especially for those charged with first-time or low-level offenses (National Research Council, 2013). Diversion programs vary in structure and approach, representing a range of theoretical assumptions about the nature of juvenile crime and crime prevention (Abrams, 2013).

Youth or Teen Court (TC) is one prevalent model of juvenile justice diversion in the US. Core elements of TCs include the involvement of volunteer youth (peers) in court proceedings and decision-making, the use of sanctions intended to support positive development, and the opportunity to avoid a criminal record through successful program completion. Proponents of the program cite TC's potential to influence a range of outcomes across multiple audiences, including "offenders" or youth who are processed through the program, participating peers, and the broader community. To date, over 1000 TC programs are in operation in the US, potentially handling an estimated 25% of all juvenile arrests annually (Collaborative Justice Courts Advisory Committee, 2016; Fisher, 2011).

Despite the large number of youth who come into contact with the program, research examining the impact of TC on youth offenders is

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limited. What scant evidence is available has shown mixed results regarding the impact of TCs on recidivism; considerably less attention has been paid to short-term or intermediate attitudinal or behavioral outcomes (Gase, Schooley, DeFosset, Stoll, & Kuo, 2015). Two significant gaps hamper the development of a coherent evidence base regarding the impacts of TC: 1) the elements of current TC program practice are rarely documented, despite potentially large variation in key implementation elements, such as the agencies involved, the role of peers in court processes, the length of the intervention, and the sentences and supportive services offered; and 2) the underlying theoretical assumptions guiding TC program practice are infrequently identified and/or empirically examined (Gase et al., 2015). In order to identify best practices in juvenile justice diversion, there is a need for assessment that both describes and links program practice to expected short-, intermediate, and longer-term outcomes along a specified theory of change.

The present study sought to address these gaps by conducting an in-depth exploration of a large TC program in Los Angeles County. The goal of this case study was to develop a practice-grounded, theory-informed logic model that could be used locally to guide program decision-making and assessment, and contribute nationally to a more robust discussion on the theoretical perspectives guiding TC practice.

2. Theoretical perspectives associated with Teen Court

Although a cohesive theoretical framework for TC has not been fully articulated, scholars and practitioners have referenced a range of individual theories in relation to TC practice. In their much cited report on

the impact of TC on youth offenders, Butts, Buck, and Coggeshall (2002) described seven theoretical perspectives as potentially informing TC programs: specific deterrence, procedural justice, law-related education, skill-building, peer justice, labeling, and restorative justice. Other authors have cited theories of differential association or reintegrative shaming as potentially related to TC program functioning (Dick, Pence, Jones & Geertsen, 2004; Norris, Twill & Kim, 2011; Puzach & Hass, 2014). Broadly, the theories associated with TC can be classified into three categories of theoretical perspectives: retributive, rehabilitative, and reparative (Table 1). These three categories align with prominent criminological schools of thought, as outlined by the Office of Juvenile Justice and Delinquency Prevention and others (Adler School, 2011; Lilly, Cullen, & Ball, 2015; OJJDP, 1997; Zehr, 1990).

Theories categorized as retributive, including deterrence, procedural justice, and law-related education, assume that criminal behavior is the result of rational decision-making (Adler School, 2011; Akers & Sellers, 2013; OJJDP, 1997). From this perspective, preventing crime is a matter of demonstrating to an individual why she or he should not (re)offend, by providing a punishment that matches the offense and is sufficiently severe to deter re-offense and/or improving perceptions of justice processes. Retributive approaches have shaped the criminal justice system in the US since its inception and have also been influential, to varying degrees, in juvenile justice systems (Lilly, Cullen, & Ball, 2015; OJJDP, 1997; Myers & Farrell, 2008). Retributive interventions involve a focus on procedural consistency and transparency, individual rights, enforcement of rules, and proportional punishment for rule breaking, and

Table 1
Theories relevant to teen courts and implications for juvenile justice diversion practice.

Theoretical perspective	Related theory	Key assumption(s)	Implications for practice
<i>Retributive theories</i>			
Assume criminal behavior is the result of rational choice. Responses emphasize changing the offender's behavior and justice system- perceptions in order to prevent re-offense.	Specific deterrence	Quick, certain, and sufficiently severe punishment for a criminal act leads to heightened awareness and fear of the negative consequences of crime and reduced delinquency.	Programs provide sanctions that are consistent and proportional to the offense.
	Procedural justice	Legal processes perceived to be fair, transparent, and in accordance with rights build trust in authority and increase the likelihood of compliance with sanctions and reduced delinquency.	Programs should have clear and consistent procedures that provide opportunities for participants to feel represented, respected, and fairly treated within the justice system.
	Law-related education	Improved knowledge of the justice system leads to increased investment in civic processes and reduced delinquency.	Programs should educate participants about the law and legal processes to increase investment in the legal and justice systems.
<i>Rehabilitative theories</i>			
Assume crime is the result of social context. Responses emphasize providing treatment and supports to offenders that take into account their unique needs.	Differential association	Youth learn to adopt delinquent behaviors by associating with and internalizing the values of others who are delinquent. Changing who youth associate with can shift values, and reduce delinquency.	Programs should facilitate prosocial interactions (e.g., mentoring or extracurricular activities) and limit interactions with delinquent peers (e.g., through curfews or non-association requirements) to increase the perceived opportunity or need to change behavior.
	Peer justice	Youth are uniquely susceptible to peer influence. Sanctions applied by prosocial peers will be more influential in changing behavior than adult directives.	Programs should facilitate peer-to-peer interactions focused on communicating disapproval of delinquent behavior.
	Skill building	Deficits in life skills (e.g., academic skills, critical thinking, interpersonal skills) cause youth to disconnect from society. Developing needed skills increases prosocial bonds and reduces delinquency.	Programs should provide targeted opportunities to develop and practice skills (e.g., tutoring, job training) based on individual need.
<i>Reparative theories</i>			
Assume crime is both the result and cause of community strain. Responses focus on avoiding stigmatizing processes, addressing underlying conditions, and remedying harms caused to impacted parties.	Reintegrative shaming	Identifying acts, not individuals, as unacceptable creates accountability, while facilitating self-reflection and positive relationships. Providing mechanisms for reintegration will reduce delinquency and improve community wellbeing.	Programs should communicate disapproval of the offense, while avoiding stigmatizing language and processes, and provide structured opportunities (e.g. community service) for youth to move on from the role of offender and rejoin the community.
	Restorative justice	Engaging victims, offenders, and communities in dialog and decision-making is necessary to reduce delinquency and restore community wellbeing. Impacted parties must take an active role in determining a resolution that meets the underlying needs of all parties and repairs the specific harm caused by the offense.	In addition to the steps taken in reintegrative shaming interventions, programs should engage those impacted by the offense as decision makers and foster meaningful dialog focused on identifying and addressing the needs of impacted parties.

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