



DALLAS COUNTY JUVENILE DEPARTMENT DIVERSION COURTS

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Tension has always existed between the beliefs that the juvenile justice system must focus on the best interest of the individual youth (i.e., *parens patriae*) while protecting the community with swift punishment (McCord et. al., 2001). To address both conflicting concerns, juvenile justice systems seek innovative intervention models to address the complex task of rehabilitating young offenders while also holding the youth accountable for their offending behavior, thus maintaining a safer community. One intervention model used by the juvenile justice system has been the use of deferred prosecution programs. Specifically, the “Diversion Court” is a specialty program used to target low to medium risk youth. Even though there are no exact criteria for what embodies a diversion program, there is one common goal, which is to decrease youth exposure to the juvenile justice system (Models for Change, 2011).

First adopted by the adult criminal justice system, diversion programs have also proven to be beneficial to the juvenile justice system. Occurring prior to adjudication, each system uses diverse methods when applying diversion programming. However, common characteristics include a youth’s avoidance of formal juvenile court processing, decreasing a youth’s exposure to institutional settings, providing appropriate treatments at the community level, and promoting family involvement (Models for Change, 2011, p. 7-15). It is a commonly held belief that, with the combination of focused treatment services and specialized supervision, diversion programs can decrease the rates of recidivism and reduce the stigma attached to juvenile justice system involvement (McCord et. al., 2001, p. 167-176).

In Texas, counties hold the responsibility of prosecuting juvenile cases through the local District Attorney's Office or through the County Attorney's Office (TJJD, 2015). With this, county juvenile departments act as front-line representatives providing progressive therapeutic interventions and sanctions, including diversion programming. A groundbreaking report released in 2015, "Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms," measured recidivism at the county level with an in-depth analysis of eight Texas counties (Fabelo et. al., 2015). Among these Texas counties, Dallas County had the lowest rate of recidivism at 27 percent. Even though a clear link between diversion programming and low recidivism rates was not established in the study, it does not necessarily mean that these measures are irrelevant (Fabelo et. al., 2015, p. 1-84). Early indicators, such as program completion and recidivism rates (six months post-graduation), demonstrate promising outcomes for the Dallas County Juvenile Department's (DCJD) diversion programs. This article briefly examines the DCJD diversion programs and their unique position within the Dallas County juvenile justice system.

WHAT IS A DCJD DIVERSION COURT?

Approximately 100,000 juveniles are arrested or referred to the Texas juvenile justice system each year (TJJD, 2015). Receiving 6,000 to 7,000 referrals per year, Dallas County is one of four counties with the highest rate of referrals (Children at Risk, 2014).¹ Dallas County Diversion Courts offer direct services to youth identified as the most vulnerable and underserved within this population. From traditional diversion programs, like Mental Health Court and Drug Court, to new approaches, like Youthful Offender's Court, DCJD strives to implement standard program components with innovative and research-based solutions to better address the needs of Dallas County youth. Within this process, there are several key stakeholders, tools, and interventions that offer support to youth and their families. Key components, identified by DCJD, include collaborative efforts amongst stakeholders, therapeutic methodologies, and a consistent, progressive process of supervision. Below, these components are concisely discussed as a crucial link in the young offender's successful completion and graduation from the diversion program.

FIRST CONTACT²

Since the District Attorney's Office is charged with the responsibility of prosecuting juvenile cases, DCJD has formed a collaborative relationship with the office to ensure that every youthful offender has limited contact with the department, when deemed appropriate. It can be argued that this team-oriented relationship is the most significant component to the ongoing success of any deferred prosecution process.

The District Attorney's Office shares the same investment in diverting youthful offenders as the juvenile department—to expedite the process to protect the community. It is imperative to identify referred youth who would benefit from available services. Because the department has the ability to provide professional recommendations to the DA's Office, the young offender is accurately and swiftly paired with a program that best suits his/her needs. When a youth first makes contact with DCJD, the family is tasked with a long process of navigating an unfamiliar, complex system. The department and the DA's Office accelerate a youth's access to services and simplify the process for families by diverting youth, who are most often first-time offenders, to diversion court programs. Youth and their families promptly receive services tailored to addressing the offending behavior and any specific unmet needs. As a result,

diversion programming simultaneously limits exposure to the juvenile justice system and safeguards the community. As a crucial link between the DA's Office and DCJD, a collaborative effort is essential for the success of any diversion program.

DIVERSION PROGRAM PHASES

Another essential component to a DCJD diversion program is the use of a documented process that is typically adhered to by the specialty courts, or diversion courts. A standard court protocol allows for consistent supervision across several diversion programs. For DCJD, this protocol is a progressive model that consists of four character phases, creating a base program that includes developing positive characteristics and addressing adverse behaviors. Included is a brief summary of what the phases entail.

Over the course of three to six months, in each diversion court, youth complete three character phases and an aftercare phase.³ As they advance through the character phases, supervision levels and court hearings decrease. During this time, youth participants and their families meet regularly in a casual courtroom setting, during the evening, with a judge and other stakeholders to discuss progress and offer support. They examine values such as trustworthiness, responsibility, fairness, and citizenship during at least three programmatic phases. Each phase utilizes

community services and department programs that confront risk factors for criminal and violent behavior. Any specific needs discovered during the process are targeted with wraparound services. The court specifically addresses poor academic attendance and performance, negative social skills, lack of empathy, and unhealthy relationships with every participant. With an over-arching goal of expanding participants' world view during the program phases, participants develop better cognitive skills such as moral reasoning, problem solving, and critical thinking. In the final aftercare phase, monitoring, such as curfew checks and school visits occur as they are needed and the court continues to follow the youth's progress. Charges are not filed once the youth participant successfully completes the program.

INTERVENTION AND REHABILITATION (STAKEHOLDERS)

Every phase involves a teamwork approach to enhance a youth's success. Within the diversion court process, there are key stakeholders who hold essential responsibilities, which offer methods of intervention and rehabilitation. This includes the judge, the juvenile probation officer, the therapist, court staff, the District Attorney's Office, and community partners. The efforts of these stakeholders are considered essential for a successful

diversion program. More specifically, the role of the juvenile probation officer and the role of therapeutic services are examined.

Juvenile participants undergo an intense level of supervision by matching them with a specialized juvenile probation officer, who is the youth's first point of contact. The probation officer carries a smaller caseload, and this enables them to act as mentors, service brokers, advocates, report writers, case managers, and to perform other duties as needed. With the help of community partners, probation officers identify and address specific needs and criminal behavior risk factors with each participant.

For a diversion program to be considered successful, it may be necessary to provide a combination of intense and comprehensive services, which include individualized treatment consisting of multi-systemic therapeutic services (McCord et. al., 2001, p. 167-176). The Dallas County Juvenile Department (DCJD) provides youth with multicultural-based Functional Family Therapy (FFT). FFT provides referred youth with home-based therapy that focuses on treating the youth and their family.

With a combination of supervision provided by the probation officer and the court, therapeutic services, and

wraparound services, youth and their families are offered individualized services that increase the youth's likelihood of success. Each DCJD diversion court possesses unique features that are molded around a youth's success. The diversion programs discussed in this paper are Drug Court, Mental Health Court, E.S.T.E.E.M. Court, Diversion Male Court, and Youthful Offenders Court.

DRUG COURT

In a study released in 2014 by the National Institute on Drug Abuse (NIDA), decreasing trends of drug and alcohol abuse were found among youth in the United States. Even though these are promising results, arrest rates for drug-related offenses remain high among juveniles (NIDA, 2014). Many youth who come in contact with DCJD reflect the trend of drug-related offenses. In 2014, DCJD received 585 referrals and the majority of referrals (78.5 percent) were first time drug offenses.⁴

Established in 2002, DCJD's juvenile drug court was the first diversion court to serve Dallas County youth. The DCJD Drug Court was established to directly address youth who have been arrested for drug related charges (misdemeanor possession of alcohol or a misdemeanor drug offense). The aim of the juvenile drug court is to quickly provide a barrier between future drug and alcohol abuse

and those who come in contact with the juvenile justice system. Following the standard DCJD diversion structure, both youth and family members are encouraged to participate in every phase, which includes court room appearances and community-based services. Even though the drug diversion court is the most familiar, it has been instrumental in the development of all other diversion court programming.

MENTAL HEALTH COURT

A low percentage (17 percent) of Texas children have access to mental health treatment services, as compared to the national average (21 percent), which increases the likelihood that Texas youth will encounter the juvenile justice system (Interim Report to the 84th Texas Legislature, 2015). In 2014, the total DCJD detention/pre-adjudication population receiving individual psychotherapy increased by 14.51 percent, from 441 juveniles to 505 juveniles. This reflects the lack of access to affordable community-based treatment services.⁵

A well-known and established diversion court is the Mental Health Court (MHC). MHC seeks to provide participating youth that have diagnosable mental health disorders with a means to receive treatment. A distinctive component of this court is community collaboration

between DCJD and Metrocare psychiatric services. Not only are participating youth able to receive in-home therapeutic services, but they are provided with medication management as well. As the only mental health court in North Texas and with a completion rate of 66 percent, DCJD's Mental Health Court is well prepared to serve as a model for surrounding counties interested in addressing this nationwide crisis.

E.S.T.E.E.M. COURT

Founded in 2012, the ESTEEM (Experiencing Success Through Empowerment, Encouragement and Mentoring) Court targets a female population at high risk for commercial sexual exploitation and diverts them from further entry into the juvenile justice system. This court program specifically reaches girls who exhibit risk factors associated with being a victim of human sex trafficking and child exploitation. The DCJD established the ESTEEM Court diversion program to help curb the trend of commercial sexual exploitation (also known as domestic minor sex trafficking) in Dallas County. Commercial sexual exploitation is sexual exploitation of children primarily for financial or other economic reasons with maximum benefits for the exploiter (Isaac, 2011). Studies indicate that the number of cases identified as commercial sexual exploitation is increasing (Kotrla, 2011).

Due to the high amount of transient youth and the area's access to major transportation hubs, the FBI ranks the Dallas County area as one of the top ten hubs for commercial sexual exploitation.

DCJD provides their most qualified probation and clinical staff to high risk victims as part of the team that implements programming and interventions. Services aim to curb documented risk factors associated with trafficking and exploitation. Participants are enrolled in the program as space allows (a limit of 12 girls at one time) or as girls fit the target population. Unique to ESTEEM Court, are girls' groups and parents' support groups that meet with a therapist immediately following the review hearings. Parents needing an outlet for support and education often attend the parent support group, even during weeks they are not required in a review hearing. During the six-month program, the participant is empowered by completing several phases of supervision that foster structure, support, and open communication. FFT counselors meet weekly in the home with the youth and their families and their therapist attends their court hearings. Ultimately, ESTEEM Court decreases a participant's entry into the juvenile system and improves the outcomes for families.

DIVERSION MALE COURT

Since 1988, juvenile justice agencies noticed alarming trends of a disproportionate number of minorities in the juvenile justice system compared to non-minorities in communities across the United States. DCJD is a site for the Annie E. Casey's Juvenile Detention Alternatives Initiatives and its efforts to implement the initiative's strategies; it examined points in the juvenile justice system where over-representation exists. Data from the department indicated that of the 2000 youth that are detained throughout 2015 in the DJCD detention center, 53 percent are African American, 39 percent are Hispanic and eight percent are white.⁶

The department launched the Diversion Male Court (DMC) in February 2013 to specifically divert minority males from formally entering the criminal justice system. The DMC program works closely with the District Attorney's office to identify candidates that would have otherwise been adjudicated for a first-time misdemeanor or felony offense such as burglary, theft, assault, and criminal trespassing. Minority juvenile males consistently represent more than half of all violent offenses committed by juveniles in Dallas County. In an effort to curb this pattern, the DMC targets minority males that are at risk for violent behavior or have experienced violent trauma. Youth

are examined for potential risk factors for violence such as illicit drug use, peer groups, low parent involvement, academic failure, and community involvement. There have been over 100 successful Diversion Male Court graduates since early 2013.

The DMC utilizes successful components of other diversion and probation programs, such as Functional Family Therapy, truancy monitoring programs, gender responsive assessments, service learning, and case management. Anecdotal evidence indicates that part of DMC's early success is due to the stakeholders. The probation officers and other stakeholders act as mentors and role models for participants, encouraging pro-social behavior.

YOUTHFUL OFFENDER COURT

Nationally, the number of young offenders up to the age of 12, who pass through the juvenile justice system, has increased by 33 percent over the last ten years (Snyder, 2001). Dallas County data demonstrates a high number of youth, between 10 and 13 years old, who have committed offenses, such as assault and burglary (approx. 851 youth). However, by providing early treatment and intervention services to this population, the young offender is more likely to succeed (OJJDP, 1995).

The DCJD recently introduced a new program that addresses the urgent need to provide services to these young offenders (10-13) called the Youthful Offenders Court (YOC). A participant does not typically meet requirements for other diversion programs, but they are first time offenders and would still benefit from early intervention. Participants typically display underdeveloped cognitive functioning and a lack of maturity because of age and inexperience. YOC utilizes the standard diversion protocol but offers specialized services to the younger participants. For instance, young offenders meet every other week to present assignments to the judge, which are based on the youth's maturity, reading level, and level of comprehension. Assignments are also based on their personal interests and educational needs, like math tutoring.

CONCLUSION

Creating meaningful and viable alternatives to deter future criminal involvement is a priority for DCJD. These diversion court programs are still relatively new within Dallas County. Each court follows best practices set by other diversion courts, particularly the Drug Court model. However, most of the diversion programs (sans a process evaluation completed in 2013 of ESTEEM Court) have not undergone a rigorous, long term, program evaluation. Early indicators such as program completion

and recidivism rates six months after graduation indicate that the diversion programs are successful at deterring future criminal involvement. The challenge for this department is to capitalize on early successes involving collaborations with the district attorney's office and the judiciary.

ENDNOTES

- ¹ Dallas County data listed is from the Dallas County Juvenile Case Management System, JCMS, 2012-2014.
- ² It is important to note that Texas State Law defines a youth's age as 10 years old but not yet 17 at the time the act was committed.
- ³ According to the Texas Family Code, youth are able to participate in a deferred prosecution program up to a maximum of 180 days.
- ⁴ Dallas County data listed is from the Dallas County Juvenile Case Management System, JCMS, 2012-2014.
- ⁵ Dallas County data listed is from the Dallas County Juvenile Case Management System, JCMS, 2012-2014.
- ⁶ Data from the August 2015 Director's report to the Dallas County Juvenile Board.

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