

# Juvenile Justice Reform

Exploring Evidence Based Pre-Adjudication  
and Diversion Programs in the United States

**Honorable Anthony Capizzi**

*Immediate Past President*

**National Council of Juvenile and Family Court Judges**

*Administrative Judge*

**Montgomery County Juvenile Court**

**Dayton, Ohio, USA**

# Goals of Juvenile Courts

We must be the catalyst to protect children by:



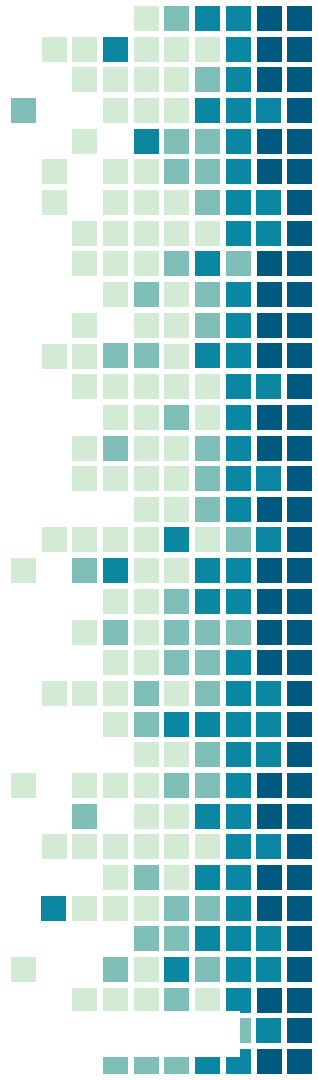
**Being a leader in effective and cost efficient utilization of community resources for the treatment of children and families**



**Providing for the protection of the community through just and speedy consequences**



**Being sensitive and responsive to individual victims and their families, while improving outcomes for youth**



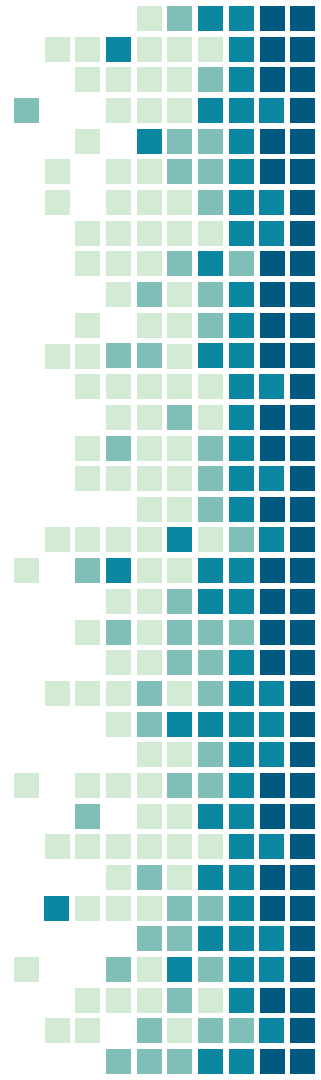
# Learning Objectives

- **Why Diversion?**
- **Diversion approach in a low-income suburb of a large city**
- **School centered diversion approach utilized in a major metropolitan city**
- **Community based diversion approach of a large city**
- **Diversion approach of a medium sized county**
- **State wide approach to mental health focused diversion**



# Statistical Reality of Racial and Ethnic Disparity

- **73.6 million youth under the age of 18 in America**
  - **59% white**
  - **41% racial minorities**
- **Of the youth detained by law enforcement in America**
  - **27.4% white**
  - **72.6% racial minorities**
- **African American Youth represent**
  - **13% of the total juvenile population but**
    - **42% of juveniles arrested and detained**
    - **39% of juveniles placed in a residential facility**
    - **32% of juveniles on probation**
    - **35% of juveniles adjudicated**
    - **40% of juveniles transferred to adult prison**
    - **58% of juveniles sentenced to prison**



# Statistical Reality of School Related Offenses

2X

Students with disabilities are twice as likely to receive an out-of-school suspension than those without disabilities

3X

Students suspended or expelled are nearly three times as likely to be in contact with the juvenile justice system the next year than their peers

1:4

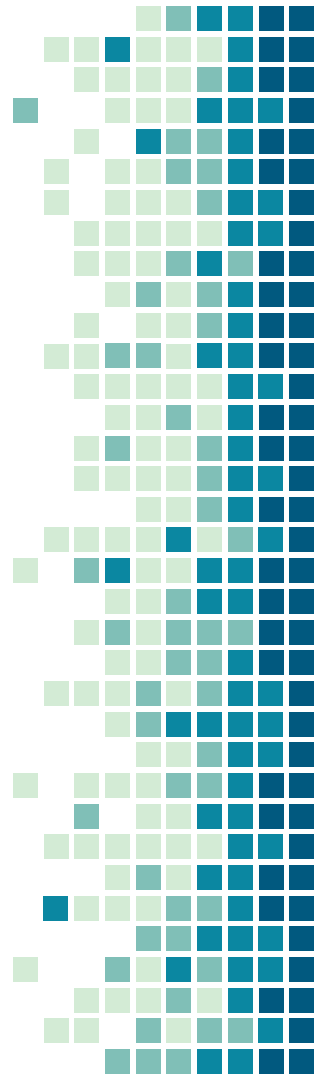
More than one in four boys of color with disabilities receive an out-of-school suspension

4X

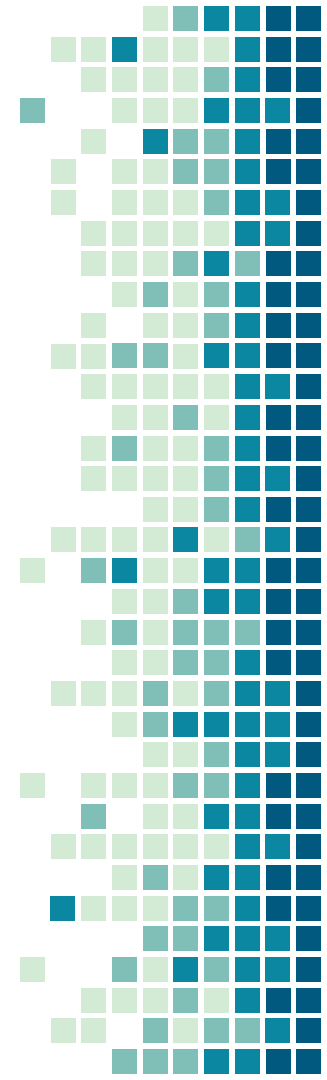
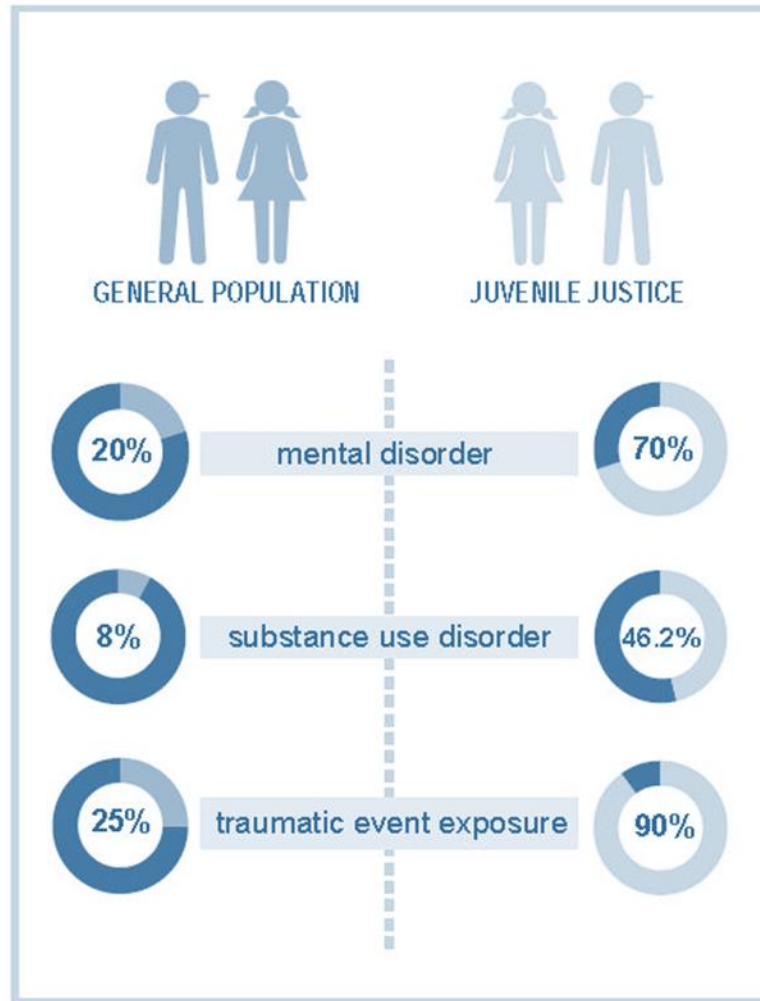
Students who are arrested and subsequently are processed through the court system are 4 times more likely than non-arrested peers to fail to graduate.

2X

Being arrested doubles a student's likelihood of failing to graduate.



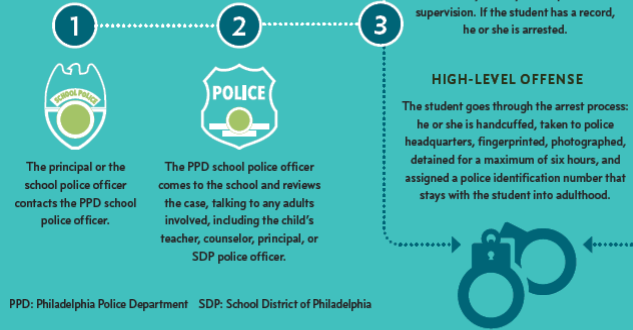
# Statistical Reality of Juveniles with Mental Health and/or Trauma



# THE DIVERSION PROGRAM

## STEP BY STEP

When a student has been involved in a behavioral incident or "delinquent act:"



PPD: Philadelphia Police Department SDP: School District of Philadelphia

### EXTRA HELP

As part of the Police School Diversion Program, the Good Shepherd Mediation Program is providing training to school principals in conflict resolution and mediation to strengthen their skills in de-escalating tension within schools and facilitating more successful outcomes when working with PPD school police officers, SDP police officers, families, and other interested parties. PPD school police officers and SDP police officers have received similar training.

In addition, groups of students involved in altercations or behavioral incidents can be referred to the Police School Diversion Program. Those cases are handled by Good Shepherd using the principles of restorative justice so that the students themselves can have the opportunity to repair the harm they caused.

*If the student has no such juvenile justice history, the student may return to class while arrangements are made for him or her to be given the opportunity to enter the Police School Diversion Program. The principal and school administrators can continue to make independent school disciplinary decisions.*

Within 72 hours, a social worker from the City's Department of Human Services visits the student's home and speaks with both the student and the parent/caregiver.

As part of the interview, the social worker asks questions to help identify underlying issues that may be influencing the student's conduct: the student's level of alienation from others, rebelliousness, friends involved in delinquent behavior, bullying (either being bullied by others or acting as a bully), whether a parent/caregiver is incarcerated, the parent's/caregiver's general attitudes toward the problem behaviors, and the parent's/caregiver's or student's use of alcohol or drugs.

In addition, the social worker tries to identify other issues that may be affecting the student's attitude or behavior. These can include:

- **THE PHYSICAL ENVIRONMENT**, such as access to sufficient food and clothing, stable housing, and sufficient heat and cooling.
- **PSYCHOLOGICAL ISSUES** such as family conflicts; social or educational issues that may impact the student's life at school; or parental issues, like unemployment or legal problems.
- **HEALTH ISSUES** in the family such as illness or disability.

- ACADEMIC SUPPORT
- SOCIAL & EMOTIONAL COMPETENCY BUILDING
- MENTORING
- RECREATION
- WORK READY PROGRAMMING
- COMMUNITY SERVICE/ENGAGEMENT
- PARENTAL INVOLVEMENT

With this information, the social worker determines whether a referral for prevention services is appropriate. The social worker explains the terms and conditions of the Police School Diversion Program as well as its value to the student and parent/caregiver. Nonetheless, the program is voluntary. If either the student or the parent/caregiver chooses not to participate, the Philadelphia Police come out to explain the collateral consequences. However, nearly all students and parents/caregivers accept the services.

If the student and parent/caregiver agree to participate in the program, they are referred to an Intensive Prevention Services provider. The Intensive Prevention Service provider conducts a thorough intake to identify the specific services that are needed. The provider identifies the specific services that could help the student change his or her behavior.

The Intensive Prevention Services provider assigns a case manager to the youth and family and schedules services. Throughout the process, professionals work together to coordinate assessment and support, as well as follow-up.

Over the course of a family's participation, a social worker visits the home at least twice each month for up to a year and stays in contact with school officials.

**Choose 180  
Program**



**Family  
Intervention  
and  
Restorative  
Services**



**Peacemaking  
Circle**



**Theft 3 Mall  
Safety**



**Restorative  
Mediation**



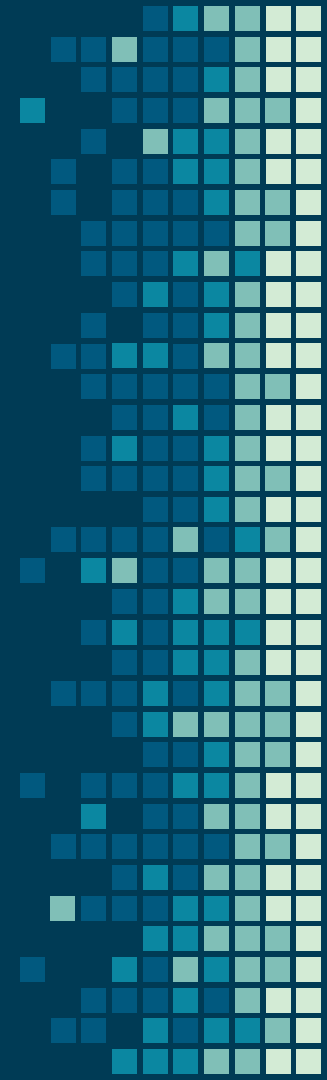
**Creative  
Justice**





# Diversion in Action

- **Disproportionate Minority Contact Diversion Initiative (DMC)**
- **Dayton Mediation Center**
- **Ten and Under**
- **Truancy Court**
- **Diversion Unit**
- **SBIRT**



# LORAIN COUNTY BEHAVIORAL HEALTH / JUVENILE JUSTICE INITIATIVE [ BHJJ ]

BHJJ is a diversion program for juvenile justice-involved youth ages 10-18 with mental health or substance abuse issues. In lieu of detention, youth are diverted into local, evidence-based behavioral health treatment.

101 youth enrolled in BHJJ

2013—  
present

16.4 years old—average age

51% were non-white

62% were male



## Mental health assessments revealed:

71% of females talked about **suicide** and 39% attempted suicide at least once.

The majority of youth had a history of mental health and substance use issues in their **families**.

Common DSM diagnoses included cannabis disorders, ADHD, mood disorders, alcohol disorders, and depressive disorders

## Treatment outcomes indicated:



60% of youth completed treatment successfully



Families reported high satisfaction with treatment services and staff



Treatment led to significant improvements in problem severity and functioning



Youth reported reductions in trauma symptoms



97% of youth were NOT sent to an ODYS institution following services

**“Juvenile Justice Systems will generally have greater success getting the most beneficial results from their intervention efforts by focusing the most effective and costly interventions on the most high-risk juveniles and providing less intensive and costly interventions to the lower risk cases.”**





Diversion of youth from formal involvement in the juvenile justice process serves to reduce the unintended negative impact of the system (trauma) and has contributed to reductions in recidivism, reduced overall costs, and an improved array of services to youth and their family.

# Contact Information

## Judge Anthony Capizzi

Montgomery County Juvenile Court

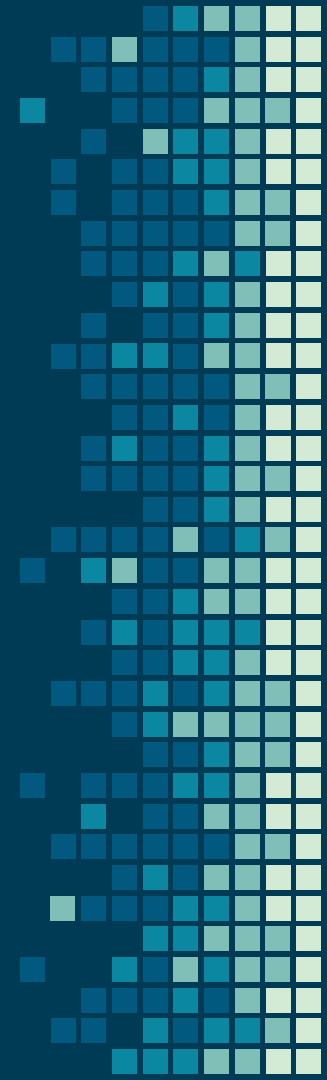
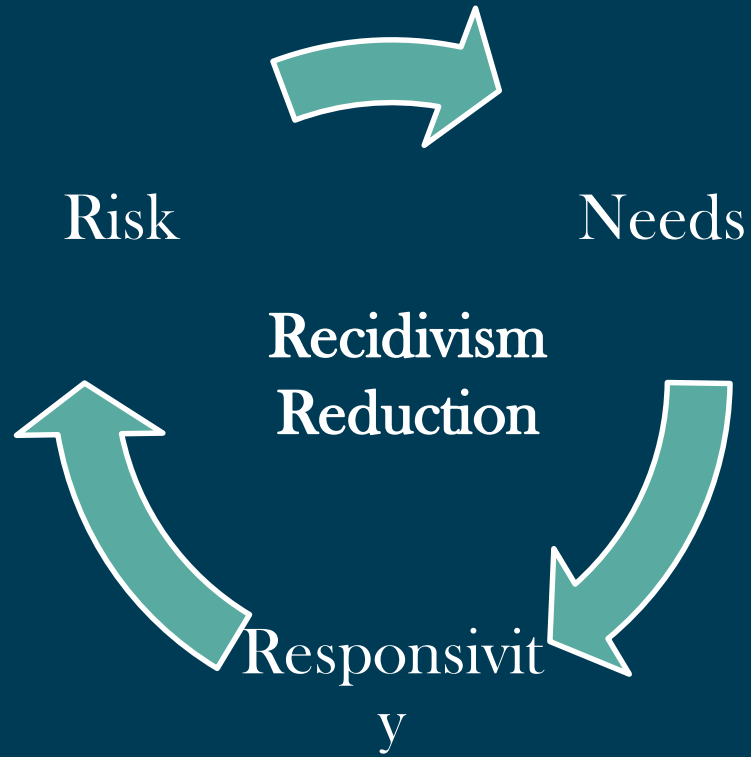
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Juvenile  
Treatment  
Court

**Began in 1998**



Averaged  
**25 youth**  
per year

**Expanded**



Now serves  
**100-125**  
youth  
per year

**Served**



**1500**  
youth  
since 2005

**Graduation Rate**

**64%**

Family  
Treatment  
Court

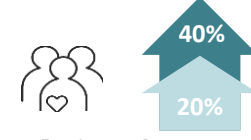
**Designed to improve the safety and well-being of children in the dependency system by providing parents access to drug and alcohol treatment, judicial monitoring of their sobriety and individualized services to support the entire family.**

Graduation Rate Increase



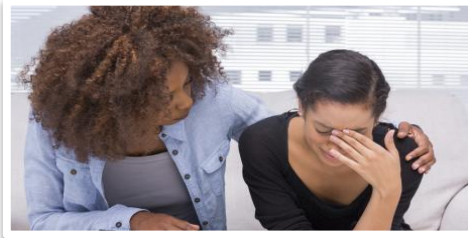
Graduation rates are 20-30% higher for FTC participants than for comparison participants

Reunification Rate Increase



Family reunification rates are approximately 20 - 40% higher for FTCs than for the comparison group

L.I.F.E.  
Court



**Protect the public while also preventing youth with mental illnesses from repeatedly cycling through a juvenile justice system that is not equipped to assist them**

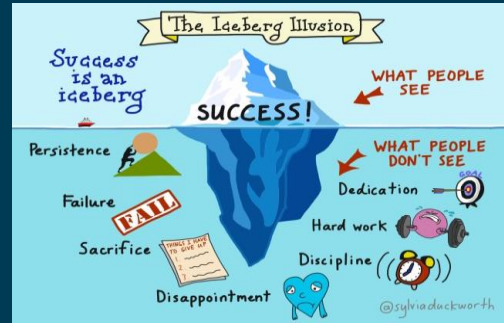


**Help identify the mental health needs of detained youth, provide more effective treatment and improved safety**

# JDAI Success

**2010-** 624 Youth Released  
27% of Youth to IC Released  
73% of Youth to IC Detained

**2009-** Youth of Color Annual Admission - 1478



**2017-** 1322 Youth Released  
56% of Youth Released  
44% of Youth Detained

**2017-** Youth of Color Annual Admission - 694

*55% decrease in total number of youth detained!  
53% decrease in youth of color annually detained!*