

**ASSESSMENT AND COMMUNITY SUPERVISION IN LINCOLN:
A REPORT TO STAKEHOLDERS
SUMMARY**

Juvenile justice stakeholders in Lincoln, Nebraska have been engaged for some time in a positive dialogue and emerging collaboration focused on better ways of addressing the needs of youth in trouble. Developing a formal, effective assessment process has been part of this discussion. Broad concerns surrounding this effort include address issues such as: 1) the “continuum” or relative intensity of intervention in response to youth crime at various levels of risk and need; 2) who or what entity should manage an assessment center and process; 3) the number and variety of assessment instruments needed (and duplication of assessment efforts); 4) who or what person or entity manages the assessment center. Most importantly, the discussion has focused on what array of interventions and community supports are needed to meet the diverse needs of Lincoln’s youth and keep the incidence youth crime in Lincoln to a minimum. Current priorities set by a group of key stakeholders during this consultant’s visit now offer great promise that the juvenile justice system will be able to accomplish its goals in the coming months.

INTRODUCTION

Since the mid-1990s, juvenile justice decisionmaking has been increasingly based on a more formal, legalistic, and adversarial processes. The first appearance of change with almost nationwide impact was in the response to serious offenders resulting in a dramatic increase in criminal court sentences for juveniles (Torbet et al., 1995). As this has occurred, juvenile justice began to lose its jurisdiction over serious offenders and came under increasing attack from policymakers (Butts et al., 2000). Ironically, at the same time juvenile justice professionals were required to give up jurisdiction over serious offenders, they were also asked (or forced) to again assume more responsibility for lower level misbehaviors and very minor crime once dealt with informally (Bazemore et al., 2003).

As this occurred, the once highly informal diversion process also become contested ground increasingly governed by formal criteria. In many jurisdictions diversion also became more intensive in its focus (Potter and Kaakar, 2002; Bazemore and Leip, 2006). For example, it appears that juvenile justice systems are again being asked to respond in a more formal way to status offenders, and of much concern, to increasingly accept referrals for often very minor conduct and disciplinary violations in schools as a result of zero tolerance policies (Stinchcomb, et al., 2004).

ASSESSMENT CENTERS: HISTORY AND CURRENT REALITY

The Assessment Center was an innovation that emerged in the mid-1990s as one component of an expansion of focus on these minor offenders. Yet, much about the concept of the Assessment Center is *not new*. Indeed, James Q. Wilson's now classic study of Eastern and Western City police departments in 1967, clearly illustrated the early beginning of a more formal juvenile justice process. What Wilson observed was the difference between the traditional informal street level process (in Eastern city) where police officers generally kept the vast majority of delinquents in the neighborhood after street level "counseling" or perhaps a visit to the young person's home or school, and a modern, more professionalized Western City approach. In contrast to the informal approach, Western City policymakers mandated that officers transport all suspected offenders to a downtown center (essentially an early version of a "assessment center") for formal evaluation and processing (Wilson, 1967). Ultimately, Wilson reported that the modern Western City approach resulted in a far greater proportion of youth ultimately receiving court records, an increase in youth crime, and an increase in use of probation and other formal sanctions.

The "new" big idea of the Assessment Center reemerged in the mid-1990s, and several of the first prototype centers were developed in Florida (see Dembo et al., 1995; Bilchik, 1998). With little if any evaluation, these centers came to be viewed almost immediately as a "best practice" that promised to help juvenile justice systems collect and assess data for decisionmaking. It was assumed that assessment centers would improve information about the nature of crimes by young people, and greatly improve efficiency by providing a centralized location for referral based on data on risks and needs (Bilchik, 1998). The Florida centers that began to emerge in other regions of the state were also presented to stakeholders as a more efficient way of processing cases, and assessing need and risk. Also, for police in particular, they were presented a way to avoid the typical (and at times effective) problem-solving about the most appropriate response to youth on the street (e.g., whether to caution or arrest and where to take them) juveniles by essentially providing a quick "one-stop" drop off.

Increased access to data and improved efficiency were, however, for most stakeholders the key selling points of assessment centers in the 1990s. However, those criminal justice stakeholders that assumed primary control of the centers were able ultimately to determine what priorities were most important and whose needs were primary. As this occurred, in some centers convenience seems to have trumped the main goal of assessment, and the more long term original goal of better intervention and prevention through rigorous assessment became a secondary objective in some centers. The question of the cart driving the horse, or even *which cart* was driving the horse at various phases of implementation, remain essential concerns.

PROBLEMS AND SOLUTIONS: RATIONAL DECISIONMAKING AND STAKEHOLDER CONCERNS

Against this back-drop, some assessment centers appear to have avoided, or at least minimized, some the most important concerns associated with dominant stakeholders with little real interest in the process of assessment and use of data in decisionmaking. Yet, such questions, even when such data are carefully compiled, should at least dissuade stakeholders from viewing assessment centers as a “miracle cure” for what ails juvenile justice (Bazemore et al., 2006). Specifically, the extent to which needs and risk assessments can be relevant to decisionmaking in the new legalistic climate of juvenile justice also remain problematic.

For example, the idea of a “continuum” of service and sanction intensity has been viewed as vital to a rational system juvenile justice system. It has also been a cornerstone of OJJDP’s original Comprehensive Strategy (Bilchik, 2000; Howell, 2004). The continuum framework suggests that: 1) services and sanctions should be geared to variation in risk and need; 2) “over-consequencing,” or intervention that is overly intensive is likely to increase reoffending (Andrews and Bonta, 1998); 3) too little supervision and/or services may increase reoffending. In the context of what appears to be and ever widening responsibility for juvenile justice on the “front end” of the system for cases of misbehavior and minor misdemeanors, the principle of over-consequencing is one of the most important concerns in juvenile justice today.

On the other hand, the *justice* concerns of prosecutors, defense attorneys, and court decision-makers are vital to a vision of a fair and effective juvenile justice. Indeed, these concerns prioritize many of those legal factors that were ignored in the first 70 years of the juvenile court’s history: due process, fairness, and so on have now become central to juvenile court decisionmaking. Therefore, the desire for expanded use of assessment data may (rightly) play a secondary role in adjudication and dispositional outcomes as a result of the predominance of legal and equity concerns. Or as researchers found in one assessment center discovered, assessment may play little or no role in court or even diversion decisionmaking (Bazemore and Leip, 2007). While this is not to say legal requirements do not allow for quality use of assessment data, such use of assessment has not been part of the training of legal decision-makers who may be challenged to “make room” for risk and need criteria once legal criteria have been addressed.

Once differences in the legal and needs and risk assessment are understood, these problems can be overcome. In Lincoln for example, both legal and service oriented decisionmakers appear strongly committed to good outcomes and respectful dialogue between stakeholders. For their part, legal stakeholders have taken a strong interest in assessment data and intervention issues—both as part of their responsibility, and because of their belief that this information should ultimately improve practice.

THE STRENGTH OF COLLABORATION

Differences between stakeholder interests are increasingly common in juvenile justice systems. These differences are in part a natural result of the two most significant changes in the 100 plus year history of juvenile justice: the Gault decision; and the movement in the 1990s in most states toward a more formal and generally more punitive system with expanded options for transfer to criminal court and adult corrections systems. While there is much consensus that the Gault decision, which recently passed its 40th anniversary, was a vital legal reform for juvenile justice, movement toward a more punitive and formal juvenile court has been more controversial.

Nonetheless, key decisionmakers retain the authority to seek a more rehabilitative approach that also maximizes true accountability and public safety. This latter path seems to be the one chosen by stakeholders in Lincoln despite strong personal investment in their respective roles. Despite issues of power imbalance between decision-makers that gave excessive power to police in control of the assessment process in other jurisdictions, Lincoln to its credit has not gone down this path.

Stakeholder Interests and Compromise. While some aspects of the assessment center and process have been points of contention, this consultant was surprised at how little fundamental disagreement about the assessment center and process actually exists in Lincoln. Indeed, the most important issues reported in individual interviews with almost all stakeholders was not concern with the assessment process, or even with the center itself. It was rather, *appropriately* focused on the quality of, and need for diversity in, the diversion process itself. Many of these important aspects of diversion were clearly addressed and a plan of action developed in the Friday meeting.

Regarding individual stakeholders, first, police seem interested in and supportive of assessment. But they do not at this point view the assessment center as a one-stop drop off point for all youth encountered on the street. Their valid concern is with complicated procedures for processing youth, and like other stakeholders, with the worry that they might not be allowed to in some cases carry out an informal resolution that does not require a trip to an assessment center.

Second, service providers seem on board with public safety concerns, and are hoping to improve decisionmaking regarding diversion and probation plans. They are appropriately more concerned with the quality of diversion practice than what instrument is used to assess risk and needs (current instruments seem appropriate and generally well suited to the youth population in Lincoln).

Third, the public defender's office is concerned that assessment does not contribute to increases in filing or in detention population, but is supportive of assessment because they believe it may contribute to more diversity in diversion, and perhaps a graduated system in which less serious offenders receive less intensive consequences and diversion plans. Overall, the defender's concern is also that use of probation may be increasing while diversion rates decline (Bazemore and Leip, 2007), though

this need not be the case, and defenders seem willing to support diversion that is based perhaps on varying levels of intervention.

Finally, the prosecutor (County Attorney) must of course be concerned primarily with public safety issues. The sometimes valid fear that for some youth too little supervision may result in time for offending is a valid concern shared by other stakeholders. On the other hand, all stakeholders now seem open to a less formal and less restrictive alternative “pre-diversion” process. The emerging consensus behind implementing this three step approach to minor offenses-- at least on a trial basis—is consistent with the well-known finding that most low risk youth do not reoffend (an estimated 40 percent of minor offenders)—and with the need to focus more intensive resources on higher risk youth.

Consensus Issues. **Overall, the most important “finding” of this consultation was the consensus result that emerged in the Friday meeting. Rather, when these differences are aired as they were in independent meetings with the consultant, and again in our Friday meeting with most stakeholders present, the most important issues were focused on the nature and quality of supervision in diversion and (to a lesser extent) probation.**

Hence, the juvenile justice system in Lincoln is fortunate not to have conflict around the issue of who is in charge of the Assessment Center and whose interests are primary. Moreover, a strong consensus now appears to be emerging around two contested issues. In addition, this consultant was impressed with the capacity of the group to discuss issues and compromise to ensure overall improvement in practice. Much of this willingness to make adjustments seems to be grounded in a new sense of the importance of assessment as a tool rather than an objective in itself.

ASSESSMENT IS NOT A PLACE

The idea of assessment centers has typically meant one, large, centrally located center that encompasses many diverse and multiple agencies and staff. It concentrates and centralizes resources, in theory, to make these more accessible to stakeholders. Unfortunately, this centralization may indeed make resources more accessible to system professionals, but *inaccessible* to youth, parents and other community stakeholders.

For these reasons the decision by the emerging Lincoln “Advisory Group” to continue to allow assessment to take place in more than one place seems in fact to be a sensible one. Indeed, Cook County and the city of Chicago is in fact beginning to experiment with assessment “outposts” (my term) with the goal of putting more assistance and service (see below) where needed in the neighborhoods.

Assessment and Data or Problem Solving and Good Outcomes: Multiple and Diverse Visions for Assessment Centers

Assessment processes and instruments can themselves become the object of months, even years of debate especially among psychologists. The cart driving the horse analogy fits well again here. On the one hand, as this consultant mentioned several times regarding the Florida experience, researchers in one Florida center found the assessment process and the data it generated were not being used at all in diversion or probation decisionmaking. On the other hand, in some centers practitioners seem to become obsessed both with number and variety of assessment instruments and may place too much emphasis on assessment.

Despite what appears to be good expertise and wise choices regarding assessment tools in Lincoln, stakeholders seem focused on the broader goal of all of this activity: good decisions regarding services, sanctions and youth development. Good outcomes for Lincoln's youth take precedence over what is often a fetish regarding assessment tools. While assessment is important, the results of most assessments (with the exception of some recent "strengths based" tools) are designed to find what is wrong with youth that usually demands some type of intervention. Something along the lines of a youth development approach (Butts et al., 2008; Bazemore and Terry, 1998) could result in a very different set of interventions for young people that would to find new positive roles for youth in the community rather than simply refer them to deficit based counseling programs.

Diversion is a Process Not a Program

Discussions in Lincoln have been quite healthy in this regard, with more concern being expressed about whether diversion is currently "too tough" and causing kids to fail or even become involved in more delinquent behavior than about assessment *per se*. The Assessment Center (or centers) has also been discussed in a good way as a kind of "problem solving" center where professionals and even skilled volunteers could offer quick solutions to parents, schools, and others in temporary crisis with young people. They could also offer the possibility of follow-up help for parents with youth engaged in troublesome behavior or in conflict with parents, youth and other adults. Chicago assessment decisionmakers have included restorative conferencing processes in their center (and will do so in the proposed outpost centers) and seek to provide staff who will seek to resolve conflict, find ways to repair harm and hold young offenders accountable, and/or meet victim and family needs.

The point of this is that assessment centers could be a place to truly solve problems (including emerging broader problems in some neighborhoods), rather than simply assess individual youth.

Rather than assessment, stakeholders interviewed by this consultant, were for the most part, concerned with the quality and quantity of diversion as an intervention. This is again as it should be: what value is assessment, if intervention is not effective. This is not to say that current intervention is ineffective, though some are concerned about: 1) the intensity of diversion intervention even for low level offenders; 2) the "two-strikes and out policy," and 3) the toughness of diversion relative to probation.

Bigger Issues and Problems Not Addressed

The steering committee is encouraged to consider options to emerging problems with runaways, truants, and other status offenders being housed currently in “staff secure” (and possibly secure) detention. While this does not seem to be a pressing issue at present, the potential for crowding, excessive length of stay, and (possibly) future law suits, should remain on the radar of the steering committed. The need for better screening and policy regarding home detention, shelters and other alternatives can derail positive reforms. The county may wish to visit the Anny E. Casey website for advice on how to control detention populations while ensuring public safety.

CONCLUSIONS OF THE MEETING AND THEIR IMPORTANCE

Future needs

At the top of the list of future needs are: monitoring the current plan; engaging new community, informal stakeholders in early “pre-diversion;” managing the political side; continued communication; “marketing” the informal early diversion aspect as “fast-track” accountability, rather than a perception of leniency in what is in fact a “tough but fair,” and effective, diversion process.

Stakeholders should continue to examine intensity of intervention (i.e., time in the program and number of obligations) as a possible cause of failure in diversion, and as the basis for the choice of youth and families to choose court and a possible formal record over diversion. Training in restorative family group conferencing processes for use in assessment and accountability-based sanctioning could help to decrease the length of supervision and to provide for neighborhood mentoring and guardianship. Technical assistance on restorative processes in various phases of diversion as a way to focus on, and expedite accountability, could also help to reduce overall time on diversion. Decisionmakers should also engage school and community resources in this process.

The components of the plan as developed throughout the week and fully articulated by the group of a dozen stakeholders on Friday morning are as follows:

- 1. Form a Steering Committee to look at assessments currently being completed at the Assessment Center and to better develop the Assessment Process. This Committee will include a representative from OJS, Region V and community citizens.**
- 2. The Service Point Case Management System will be explored to determine if this system would work in tracking a youth involved in the Juvenile Justice System**

through an array services and service providers. If this system would work, all contracted agencies will be required to enter data into it.

3. The new Case Manager position funded by Region V at the Assessment Center will be better defined prior to that person starting.

4. A graduated sanctions approach will be developed at the front end of the system. This will include a three tiered approach:

a. Develop a process for referrals from law enforcement to community resources;

b. Youth Accountability Programs with Oversight;

c. CEDARS Diversion Program-- informal sanctions;

5. The Douglas County Diversion brokerage system will be examined to see how they are able to use multiple programs and services at the lowest cost.

6. The Probation supervision level system (which is first rate) will be used as a research basis for developing variation in supervision levels in Diversion. Currently, most stakeholders—judges, defender, police, etc --agree that diversion may be overly restrictive and hope to change the mandatory policy of “two strikes and your out” for diversion youth who may “bomb out of” highly restrictive programs.

7. The process of getting youth into court faster will be examined (a major complaint of Lincoln’s judges). A committee will work with Theresa and the judges to determine where delays occur at each point in the system. The possibility of sending a letter to the family with the court date instead of the sheriff serving a summons will also be explored. In addition to concerns about delays, judges also strongly encouraged steps to expand the diversity of diversion programming especially for low level cases and encouraged less rigidity in program plans (these views were mirrored by the public defender). They also would like to see more information provided to families about the diversion process.

8. The idea of having a Juvenile Court “Host” and/or Problem Solver to assist families in navigating the Juvenile Justice System will be explored.

In essence, these are very positive and sensible recommendations when contrasted with assessment centers where partners obsess about instruments and argue about whose interests are dominant. This consultant supports these recommendations and also adds the following list of additional needs.

CONSULTANT RECOMMENDATIONS

- 1) Implement Levels (or a Continuum) of diversion by expanding informal diversion on the low end, and increasing use of the more intensive diversion on the high end (clearly other jurisdictions allow multiple chances at diversion as a cost effective measure that avoids involvement of the formal system);**
- 2) Implement Multiple Diversion Options vs. One-Size-Fits All (including Restorative Justice Options considering various conferencing models beyond simple victim-offender mediation);**
- 3) Coordinate assessment to avoid duplication;**
- 4) Address and monitor concerns regarding increases in use of probation vs. diversion, and monitor the failure rate in diversion (for both noncompliance and new offenses);**
- 5) Ensure appropriate use of secure and staff-secure detention (e.g., no status offenders or youth not meeting detention criteria or risk scores);**
- 6) Develop a problem solving focus at the assessment center to meet needs of parents in crisis;**
- 7) Encourage quality police diversion and restorative justice decisionmaking alternatives at all levels of the system;**
- 8) Monitor progress through steering committee and other input.**
- 9) Secure police support and add to advisory group. Engage school professionals and SROs on Steering Group.**
- 9) Conduct an independent evaluation to examine outcomes of diversion and probation and to monitor impact of changes in diversion policy.**