

Louisiana District Attorneys Association

Graduated Sanctions Paper

by the Institute for Public Health and Justice in collaboration with
the Louisiana District Attorneys Association



Acknowledgements

The authors of this report would like to thank its Models for Change partners, the Louisiana State University Health Sciences Center Institute for Public Health and Justice, which served as the Louisiana Lead Entity, the Georgetown Center for Juvenile Justice Reform, and the VERA Institute for their contributions and support with this project. We also express our gratitude to Louisiana's elected District Attorneys and the Louisiana District Attorneys Association Juvenile Justice Task Force for their dedication to juvenile justice reform and the development of juvenile diversion guidelines and programs.

The preparation of this document was supported by the John D. and Catherine T. MacArthur Foundation.

Anyone may use the content of this publication as is for educational purposes as often and for as many people as wished. All we ask is that you identify the material as being the property of the Institute for Public Health and Justice. If you want to use this publication for commercial purposes in print, electronic, or any other medium, you need our permission. If you want to alter the content or form for any purposes, educational or not, you will also need to request our permission.

January 2012

Louisiana District Attorney Association

Graduated Sanctions Paper

Table of Contents

Executive Summary	4
Introduction and Background	6
Adolescent Development	7
Graduated Sanctions: A National Perspective	8
Graduated Sanctions: Why a Continuum?	9
Graduated Sanctions: Why Community Based?	10
Components of Effective Interventions	11
Evidence Based Programs or Practices	11
Meta-analysis	11
Risk Focused Decision Making	11
The Risk Principle	11
The Need Principle	12
The Treatment Principle (Responsivity)	12
Applying These Principles to Intermediate Sanctions	13
Cost Savings	14
Examples of Community Alternatives to Secure Care	15
Home Detention	15
Employment Projects	15
Evening Reporting Centers	15
Electronic Monitoring	15
Intensive Supervision	15
Treatment Options	17
Multisystemic Therapy	17
Functional Family Therapy	17
Cognitive Behavioral Therapy	17
Current Use of Graduated Sanctions in Louisiana	18
Recommendations for Secure Care Alternatives for Adjudicated Youth in La.	19
Screening and Assessment	19
Importance of Risk-Based Decision Making	19
Importance of Risk-Based Responses	19
Use of Evidence Based or Outcome Based Programs or Practices	19
Conclusion	20
Appendix A	21
Appendix B	22
Appendix C	23
Appendix D	24
Appendix E	28
Endnotes	29

The LDAA and Juvenile Justice Reform in Louisiana: Graduated Community-Based Alternatives to Secure Care

(Approved by the LDAA Board of Directors and Elected District Attorneys, March 17, 2011)

Executive Summary

This LDAA Graduated Sanctions paper focuses on juveniles who have been adjudicated delinquent. The paper addresses those youth who have been adjudicated, but may benefit from community based services in lieu of secure care. In the past, the charges drove the system. Each subsequent offense typically took the juvenile offender to the next level in the system. There was not much focus on the risk level of the individual offender. Recent research suggests that the risk level should play an important role in determining appropriate sanctions and treatment. Further, if an offender is extremely low risk, research indicates that contact with the system in any form may actually increase the risk of reoffending.

It has become increasingly important to provide programs for this intermediate group to prevent them from moving deeper into the system. The graduated sanctions approach should form something of a pyramid. If a youth continues to offend or violate probation, he moves up the pyramid with increased sanctions. If his behavior improves, he can move down the pyramid with rewards and incentives. The ultimate goal is to prevent juveniles from being incarcerated in secure care facilities. Research shows that incarceration has lasting negative effects on juveniles, resulting in higher recidivism. This stems from negative peer influence, poor mental health treatment, disruption of education (most youth in secure custody do not reintegrate with the schools on their release) and separation from protective factors, such as family, community and school.

Risk focused decision making acknowledges that there is no clear path to delinquency, but there are “risk” and “needs” factors that may increase chances of delinquency. The best programs identify the risk and needs and attempt to match these to appropriate responses. Risk refers to the risk of reoffending, not the seriousness of the offense. Some factors that should be considered are a history of antisocial behavior, temperamental and antisocial behavior conducive to criminal activity, pro-criminal attitudes and pro-criminal associations. Other factors are family, education, low level of pro-social activities and substance abuse. The most effective responses address “criminogenic” needs. Examples are anti-social attitudes, anti-social friends, substance abuse, lack of empathy and substance abuse. Focusing on problems other than these, while well-meaning, may actually increase recidivism.

The following are the LDAA’s recommendations for secure care alternatives for adjudicated youth in Louisiana:

1. Screening and Assessment

Screening and assessing youth is crucial. Through validated instruments, communities can identify these risk factors and classify youth as low, moderate or high risk of re-offense. These classifications can assist to determine if the youth will be formally processed, as well as which sanctions and types of programs are most appropriate for each case that is processed. Assessments must target criminogenic needs – those which can be changed and have effect on recidivism. It is also recommended that all findings be used to tailor services to the individual needs of the child. It is also vital that when selecting a validated screening or assessment tool, it is actually administered at the correct point in the juvenile justice process. We support the Louisiana Office of Juvenile Justice’s adoption and implementation of the SAVRY (Structured Assessment of Violence Risk in Youth) as the tool used to assess all youth placed in OJJ custody and recommend its continued use statewide to determine appropriate placement of juvenile offenders based upon level of risk.

2. Importance of Risk-Based Decision Making

We further recommend that programming interventions target those youth with higher probability of recidivism based on the risk factors, provide most intensive treatment to higher risk youth, and avoid Intensive treatment for lower risk youth as it can increase recidivism. High risk offenders should be targeted for more intensive treatment, as they have the highest rate of recidivism (200+ hours). Intensive treatments should not be used for low-risk youth as it may increase recidivism.

3. Importance of Risk-Based Responses

The most effective interventions are behavioral. These focus on the current risk factors which are influencing behavior, are action-oriented and where positive behavior is appropriately enforced. Many effective behavioral models are family focused and involve cognitive behavioral approaches (recognizing that thinking affects behavior).

The LDAA and Juvenile Justice Reform in Louisiana: Graduated Community-Based Alternatives to Secure Care

4. Use of Evidence Based or Outcome Based Programs or Practices

We further recommend that preference be given to programs that are evidence based. However, we recognize that currently in Louisiana there are limited numbers of EBPs. In 2010, Evidence Based Practices for Juvenile Justice Reform in Louisiana was released by the Louisiana Models for Change in Juvenile Justice and the Louisiana Mental Health and Juvenile Justice Action Network. The report included the following recommendations toward adoption and utilization of EBPs:

- Prioritize funding for the implementation of the best evidenced based programs;
- Include an required evaluation component if continuing to fund unproven programs;
- Discontinue funding support for programs evaluated and found ineffective;
- Sustain and build capacity for evidence based programs with mainstream funding (e.g. Medicaid, state contracts, etc.);
- Develop a workforce prepared to deliver evidence-based practices; and
- Assist smaller providers and rural areas in moving providers towards research informed practices (e.g. motivational engagement, cognitive-behavioral treatment, social-ecological approaches) where staffing patterns and/or budget restraints won't allow for the larger evidence-based programs (e.g. Functional Family Therapy, Multisystemic Therapy, etc.)

The LDAA supports these recommendations and acknowledges the progress made by the Louisiana Office of Juvenile Justice in implementing new quality control measures for its providers.

Introduction and Background

This Louisiana District Attorneys Association (LDAA) is a non-profit corporation whose mission is to improve Louisiana's justice system and the office of the District Attorneys by enhancing the effectiveness and professionalism of Louisiana's district attorneys and their staffs through education, legislative involvement, liaison and information sharing.

During the last two decades, juvenile justice reform has been an area of critical importance in Louisiana. In April 2001, former Louisiana Supreme Court Chief Justice, Pascal Calogero Jr., called for reform in the juvenile justice system in his joint address to the Louisiana Legislature. This address set in motion a series of events leading Louisiana on a path toward statutory reform. In 2002, the Juvenile Justice Implementation Commission was formed to oversee reform efforts. The call for reform has centered on various issues, including the state's over-reliance on secure care, high recidivism numbers, and the fact that Louisiana had the highest juvenile incarceration rate in the country.¹ Act 1225 of the 2003 Regular Legislative Session laid the statutory foundation for juvenile justice reform in Louisiana and brought sweeping changes to the state.

By law, Louisiana's District Attorneys handle the prosecution of juvenile delinquency cases and the LDAA has been and continues to be a willing partner in juvenile justice reform throughout the state. The LDAA's initial public statement on reform was issued as a position paper in response to the Recommendations of the Juvenile Justice Commission Advisory Board, and was adopted by the LDAA Board of Directors on January 22, 2003. It observed as follows:

"The information gathered by the JJC Advisory Board has shown that there are significant differences from parish to parish, in terms of options available to juvenile judges. Some parishes have locally-funded detention centers; others have locally-funded probation officers, with manageable caseloads, who have ready access to locally-funded services. Many other parishes, and particularly rural parishes, are entirely dependent upon state-funded services. Judges in such parishes often view their choice as a limited one—secure-care custody or the 'functional equivalent of unsupervised probation'."

Even before the passage of Act 1225 of the 2003 Regular Legislative Session, several District Attorneys, along with legislators, judges and other Louisiana officials, visited the State of Missouri, toured their facilities and received briefings on "the Missouri model." Those in attendance were impressed with the Missouri program and with their facilities, and became advocates of reform.² We were advised by Mark Steward, the architect of the Missouri model that the biggest mistake that could be made was to reduce the number of youth in secure care, without first implementing the entire reform program which included intermediate sanctions. Unfortunately, Louisiana ignored the warnings of our Missouri counterparts, and while we have reduced the numbers of youth in secure care from a high of over 2,000 in 2000 to between 400 and 500 this reduction has not been accompanied by the implementation of a system of graduated sanctions such as we were shown in Missouri.

Since that time, the LDAA has collaborated with stakeholder agencies to support juvenile justice reform. In keeping with this dedication to reform, LDAA accepted a Models for Change grant in 2008. This grant enabled LDAA to further enhance its role in the reform process. The primary goals of the grant include:

- Evaluate the current availability and use of diversion and community based graduated sanctions in Louisiana.
- Educate District Attorneys and other juvenile justice professionals on best practices in diversion and graduated sanctions
- Develop juvenile DA diversion guidelines and recommendations on graduated sanctions in Louisiana.

In order to effectively achieve these goals, LDAA developed a ten member Juvenile Justice Task Force consisting of four elected District Attorneys and six Assistant District Attorneys. The Task Force has been working with consultants and experts from across the country to examine and identify effective and innovative strategies of reform, including those relating to graduated sanctions. Recognizing that "graduated sanctions" is a broad term addressing many areas of the system, the LDAA Juvenile Justice Task Force narrowed the focus for purposes of this grant. Specifically, we will be looking at the portion of the graduated sanction continuum dealing with post-adjudication community based options for juveniles.

Today, our member District Attorneys believe that Louisiana's juvenile justice system is still in dire need of additional community-based services for juvenile offenders who do not require long-term secure care or other out-of-home placement. This paper will address what we have learned about effective interventions for youth and set forth our recommendations for community based alternatives for adjudicated youth.

Adolescent Development

In order to fully evaluate a youthful offender in the justice system, it is helpful to have an understanding of adolescent development and its impact on behavior. Specifically, how youth develop their cognitive skills, moral framework, social relations, and identity, and how the various factors, including brain development, affect their behavior and decision making. Further, a basic understanding of the adolescent brain helps one understand why the fundamental concepts of juvenile justice are rehabilitation and reform, not punitive sanctions.

Cognitive Development – By age 16, adolescents reasoning and understanding skills approach adult levels; however, various factors can undermine the thought process and lead to poor decision making. Examples include a propensity of risk taking, sensation seeking, present-oriented thinking, egocentrism, perceived invulnerability and magical thinking. Teenagers thought processes may also be impacted by stress and fear,³

Moral Development – Although adolescent’s moral development progresses through their teen years, the youth are not consistently principled thinkers, nor are totally morally confused or selfish. While adolescents’ beliefs become more founded in principle and ideology, the research suggests that there is still much variance in the moral thinking of adolescents.⁴

Identity and Social Development – During adolescence teenagers attempt to establish a stable individual identity. They often “try on” difference personalities and identities. Ideally this would occur with the family setting, but that is not always the case. Those youth who do not have a safe family environment in which to test their personalities, may have issues with self confidence. This often leads to using these trial personalities in settings where undesirable outcomes may arise. Peer groups, both pro-social and anti-social become increasingly important during this time. However, the family still plays a powerful role in forming basic values and goals.⁵

Brain Development – Recent advances in medical technology have given researchers new insights into the structure and function of the adolescent brain. The adolescent brain changes rapidly and is not fully developed until adulthood. Incomplete development of the frontal lobes of the brain may account for teenagers’ propensity toward risk taking behaviors, impulsivity and poor decision making.⁶

Graduated Sanctions: A National Perspective

Under the “Balanced Approach”, the juvenile justice system focuses on three distinct, yet often overlapping goals: community safety, competency development and offender accountability. Balancing each of these goals while managing limited financial resources is often a challenge. This approach recognizes that balance is truly the key – and that overemphasis on any one aspect has severe repercussions in other areas. For example, a policy which focuses solely on public safety by increasing the number of youth in secure care will at least temporarily reduce crime rates, but the consequences to offenders and financial costs to communities will rise. On the other hand, focusing solely on rehabilitation of offenders by substituting community services for secure care may decrease costs but may also compromise public safety.

In 1995, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) introduced a “Comprehensive Strategy” to assist communities in dealing with juvenile offending that included both prevention strategies and graduated sanctions. This Strategy recognizes that prevention efforts are a key component in any community and outlines important provisions relating to prevention efforts nationwide. The Guide also recognizes that there is a need to effectively respond to offending and graduated sanctions is the structured continuum of responses that are utilized by communities to effectively promote community safety, competency development and offender accountability through sanctions and services.

This graduated sanctions continuum broadly consists of the following categories:

Immediate (Diversion) – The majority of youth who are assessed to be low risk, many of them first-time offenders, are typically assigned to a diversion program where they often receive some form of counseling that keeps youth from formally entering the justice system. These youth are sanctioned for their behavior, usually through community service or restitution, and, if compliant, do not have charges filed against them. Youth who are assessed to have service needs are referred to services within the community.

Intermediate Sanctions – The majority of youth who are assessed to be medium risk are assigned to a variety of community-based corrections programs. These youth are usually those who have either continued to offend following diversion, or those who, based on the nature of their offense, pose a more serious risk to the community. Intermediate, community-based programs include: home detention, intensive supervision, day and evening reporting centers, electronic-monitoring, and residential programs. Many of these programs also include a treatment aspect that utilizes a variety of intervention protocols such as Multisystemic therapy (MST), Functional Family Therapy (FFT), and others, to address the youth’s underlying issues and reduce the chance of future offending.

Secure Care – Although community-based alternatives have been demonstrated in many instances to be just as effective at reducing recidivism as secure care programs, when a juvenile offender is assessed to pose a high risk to the community, secure care may be the only reasonable option.

Reentry – Reentry programs are provided during the planned period of supervision following release from secure care to prepare the youth to assimilate into the community.

Graduated Sanctions: Why a Continuum?

Research overwhelmingly supports an approach that utilizes a spectrum of judicial system responses depending on both the offense severity and the needs of the youth. Graduated sanctions provide this systemic way for jurisdictions to avoid a one-size-fits-all response to juvenile offending. This graduated 'ladder' of responses is a system design where failure at one level results in increasing sanctions and interventions, while success results in stepping down to less strict monitoring. By creating a "pyramid" of levels of intervention, youth are better able to understand the consequences for misbehavior along with incentives for compliance. Additionally, research in criminology strongly suggests that the deterrence effect of sanctions is most effective when the sanctions are swift and sure – when the offender knows that certain misbehavior will result in a certain negative outcome and that outcome is relatively certain.⁷

Graduated Sanctions: Why Community Based?

Research conducted since the 1980s has suggested that incarceration has lasting negative effects on youth, resulting in higher recidivism rates upon their release. The negative impact that secure care has on youth has been suggested to be a result of negative peer influence, worsening of mental disorders, interruption of education, and separation from the stabilizing aspects of home and community.

Negative Peer Influence

A number of studies have found negative outcomes for therapies delivered to delinquent youth in group settings^{8,9} since negative peer influence is hypothesized to be one of the most salient causes of delinquency, placing youth in secure care centers or group residences that are populated exclusively with delinquent youth may exacerbate youth deviance.

Poor Mental Health Treatment

Youth in the Juvenile Justice system have substantially higher rates of mental health disorders than do youth in the general population. According to one study, more than two-thirds of youth in secure care could meet the criteria for having a mental disorder.¹⁰ However, youth are unlikely to receive adequate treatment in secure care and some studies have demonstrated that the experience of secure care itself seems to spur the onset of depression and other mental disorders.¹¹

Disruption of Education

Structured education opportunities available in secure care centers are typically poor, and the transition from any secure care education centers back to community schools is typically rocky. A Department of Education study found that 43 percent of youth receiving education services in secure care did not reintegrate into community schools, and an additional 16% had dropped out after five months.¹² Another study concluded that 2/3-3/4 of ninth graders who have been incarcerated drop out within a year of returning to the community.¹³

Separation from Protective Factors

Researchers have identified a number of 'protective factors' that, when present, tend to decrease the likelihood of chronic delinquency. Many of these criteria are measures of the youth's involvement with family, community and school.¹⁴ By disrupting the youth's natural engagement with these protective features, secure care may increase the likelihood of delinquency.

Components of Effective Interventions

Evidence Based Programs or Practices

Throughout the discussion of graduated sanctions or interventions we repeatedly refer to treatment interventions and programs. The use of programs and treatment, with or without incarceration is critical. Research has also shown that criminal sanctions alone, without treatment or intervention, do little to reduce recidivism (see Appendix A). It is important to note that not all interventions or programs are the same. Evidence based programs or practices (EBP) are standardized, replicable practices that are implemented with fidelity, have been researched, and demonstrate positive outcome in repeated studies.¹⁵ Essentially these programs have been proven to do what they say they will do. For example, if a program claims to reduce recidivism, it is only considered an EBP if the data supports the claim. Studies on juvenile justice programs nationally continue to emerge and results consistently show that EBPs are more effective than traditional intervention methods.¹⁶ It is critical, especially in our current fiscal environment of harsh budgetary reductions, that we use what dollars are available to effectively address our juvenile justice needs.

Meta-Analysis

The most thorough analysis of the effectiveness of intervention programs is a meta-analysis conducted by Mark Lipsey et. al (2009). He analyzed results from 548 study samples and compared program effectiveness across a broad spectrum of different kinds of youth intervention programs. He found that there was more variation among programs within a given intervention model than there were between different models. All types of intervention programs he looked at were equally effective in reducing recidivism. His broad conclusions were:

- ‘Therapeutic’ interventions, counseling, mentoring etc, were generally more effective than punitive ones, such as surveillance and discipline.
- Interventions applied to high-risk youth were more effective than those applied to low risk youth.
- Implementation quality of the program, measured as whether the staff was well trained, whether there was high staff turnover, or high rates of youth dropout from the program, was a substantial factor contributing to the program’s effectiveness.¹⁷

Risk Focused Decision Making

The Risk Principle

Inherent in the concept of providing a range of sanctions and services is the recognition that while there is no clear path to delinquency, there are certain “risk” and “needs” factors that may increase the chances of delinquency. The best and most effective interventions utilize some type of assessment to identify individual risks and needs and along with the most appropriate responses.

Risk refers to risk of reoffending and not the seriousness of the offense. In theory, a youth can be a low risk felon or a high risk felon, a low risk misdemeanor or a high risk misdemeanor.¹⁸ With regard to the risk principle, it is crucial to assess and identify high-risk youth. This is done through by examining the “big four” risk factors of delinquency:

- History of antisocial behavior:
- Temperamental & anti social personality pattern conducive to criminal activity including:
- Antisocial/pro-criminal attitudes, values, beliefs and cognitive-emotional states
- Pro-criminal associates and isolation from pro-social others¹⁹

Other risk factors of delinquency include family factors, low educational achievement, low vocational and financial achievement, low level of involvement in pro-social activities, and substance abuse. While all of the above may increase chances of delinquency, studies indicate that the first four listed have the greatest impact on at risk youth. There are three primary elements of the risk theory:

- Target those youth with higher probability of recidivism based on the risk factors,
- Provide most intensive treatment to higher risk youth, and
- Avoid Intensive treatment for lower risk youth as it can increase recidivism (see Appendix B).²⁰

It is important to note that high risk offenders will require much higher “dosage” of treatment than lower risk offenders. As a general rule, a high risk youth needs a minimum of 200 treatment hours, while moderate risk youth requires approximately 100 treatment hours. These hours do not include work, school, or other activities that are not directly addressing criminogenic risk factors.²¹

Components of Effective Interventions

Risk Focused Decision Making

The Need Principle

The most effective responses also assess and target “criminogenic” needs for change in order to reduce the probability of recidivism. What is crucial to this principle is the identification of criminogenic needs, not “every” need a youth may possess. Examples of criminogenic needs include anti-social attitudes, anti-social friends, substance abuse, lack of empathy, and impulsive behavior. Examples of non-criminogenic needs include anxiety, low self esteem, creative abilities, medical needs, and physical conditioning.²²

Criminogenic needs also include static and dynamic risk factors. Static Factors are those factors that are related to risk and do not change over time. Examples include number of prior offenses, and whether an offender has had a drug/alcohol problem in the past. Dynamic factors relate to risk and can change. Some examples are whether an offender is currently unemployed or currently has a drug/alcohol problem. Targeting the factors that can actually be changed is vital to reduce the probability of recidivism and provides the basis for developing an appropriate treatment plan. Targeting non-criminogenic needs, while well intended, may have a negative impact on recidivism.

The Treatment Principle (Responsivity)

This principle emphasizes that the most effective interventions are behavioral – teaching youth pro-social ways to act. Through cognitive behavioral treatment these successful interventions focus on current factors that influence a youth’s behavior, are action oriented, and appropriately reinforce offender behavior. The most effective behavioral models use structured social learning where new skills and behaviors are modeled, family based approaches that train family on appropriate techniques, and cognitive behavioral approaches that target criminogenic risk factors.²³

Applying These Principles to Intermediate Sanctions

For those youth who are being formally processed, the risk analysis is not only instrumental in making placement decisions, but also is helpful with the corresponding service plans. By identifying those high-risk youth who need more resources, risk assessments allow for a more effective expenditure of resources. Perhaps more importantly, it also allows communities to identify those youth who are not in the need of services. This is important because research has shown that providing low-risk youth with high-risk interventions produces negative consequences and can actually increase recidivism.

A study conducted at the University of Cincinnati looking at residential placement of low to high-risk offenders clearly demonstrates this phenomenon. While high supervision/service facilities have a significant positive impact on those youth offenders assessed to be high risk, the same facilities have little positive impact and frequently negatively impact the likelihood of recidivism for youth assessed to be low risk.²⁴ Numerous other studies have demonstrated that for some youth, a severe justice system response may not put them back on the right track, instead it may actually increase their likelihood of committing future offenses.²⁵

Many of the best probation programs use a matrix that has the seriousness of the violation on one axis and the risk assessment for the youth on the other axis. By guiding the decision-making process, jurisdictions ensure that minor violations of probation incur fewer consequences than major violations. Matrices also guide regular decision making about the intensity of supervision a youth receives. For example, a youth who has performed well through 60 days of high-intensity supervision can be stepped down to a lower level of supervision, and youth who are unsuccessful with lower levels of supervision can be stepped up to higher levels.

Cost Savings

Secure care is also expensive and researchers frequently cite the cost savings of these programs as an important benefit. While intermediate sanctions programs still require significant resources due to their intensive nature, their per-youth cost tends to be far less than secure care. However, there are a number of important things to consider when assessing what kind of financial impact these programs may have. Cost-savings are typically estimated by looking at the difference between the costs of intermediate sanctions programs versus secure care. However, this assumes that the youth participating in these programs would otherwise have been placed in secure care and research suggests that this is often not the case. Youth in intermediate sanctions programs typically include those who would otherwise be in secure care as well as those who would have been in probation or other less intense programs. Observers attribute this to the reticence of judges to place youth who would otherwise be in secure care into community-based programs where they theoretically may pose more of a risk to the community. Additionally, youth whose offense does not justify secure care and would have therefore been placed on probation or given another minor sanction, may now be deemed to be more appropriately placed in an intermediate sanction program. This results in higher costs for those youth moving up to intermediate sanctions and lower costs for those moving down, where the ratio of these groups substantially effects whether intermediate sanctions programs provide any cost savings. One approach that some jurisdictions have applied in order to make sure these programs reach their target population is to designate placement authority to corrections officials, ensuring that only those youth who would otherwise have been detained are placed in intermediate sanctions programs.

A second consideration in estimating the cost savings these programs are likely to provide are policies on technical violations and program failure. As intermediate sanctions programs all watch offenders closely, they are much more likely to catch technical violations such as drug use, curfew violations and violations of other probationary conditions. Studies comparing intermediate sanctions to traditional probation programs found that participants in intermediate sanctions were no more likely to be arrested, but were substantially more likely to be returned to secure care on technical violations. Programs typically take the position that in order to protect the credibility of the program; offenders who violate terms of their agreement must face some punitive sanctions. However, such a response greatly decreases the potential cost-savings of intermediate sanctions programs. There is also evidence that there may be minimal benefit to such a zero-tolerance approach. In 1988, the State of Washington reformed their laws to limit probation conditions to those directly related to the offense, and limit the use of prison as a response to technical violations. They found that technical violations decreased while arrest rates for new crimes stayed roughly the same.²⁶ Another study using self-report data also suggested that the intensity of probation conditions and the degree of sanctions for technical violations had no effect on future criminal offenses.²⁷ This evidence supports the conclusion that technical violations are not a proxy for future criminal activity and suggests that compliance with technical conditions might be deemphasized with minimal effect on recidivism. A further concern is that if youth who would otherwise have received less severe sanctions are placed in the intermediate program and violate a technical condition which leads to secure care; the program may result in substantially more judicial control over youth than is intended.

With these caveats, it is clear that if designed correctly, intermediate sanctions programs can provide significant cost savings. The American Correctional Association reported that Louisiana pays on average \$387.12 per day to detain youth in residential facilities.²⁸

Examples of Community Alternatives to Secure Care

Home Detention

Home incarceration programs mandate that the youth be at home unless they are at school/work, or other approved location. Usually they require daily in-person check-ins at an office and other regular check-ins via phone every day. Random home visits further verify that the youth is following home secure care procedures. No friends or other associates are allowed at the youth's residence.

Employment Projects

Programs of this nature use program funds to support the employment of at-risk youth in local businesses. A key component of this type of program is the use a mentor. Employment sites must agree to assign a mentor to the at-risk youth to guide them on the job and in the community.

Evening Reporting Centers

Evening reporting centers generally operate afterschool and into the early evening and provide a place for troubled youth to go after school and participate in structured classes designed to address mental health issues and help the youth gain practical skills. This intensive supervision allows youth to stay in their homes, while getting the support they need, and keeping them out of trouble in the community.

One example is the Evening Reporting Centers of Cook County Chicago. The Evening Reporting Centers operate from 3:00 p.m. to 9:00 p.m. Monday through Friday. While the target population is youth awaiting adjudication, the model has potential to be modified to suit post-adjudication, low risk youth. The Evening Reporting Center program keeps the youth involved in positive experiences while ensuring they are occupied during the times they are most likely to recidivate. Home Confinement officers maintain weekend supervision.

While attending the program, youth are engaged in educational activities, recreational programming and life development workshops. A dinner is also provided. The meal serves an incentive for the youth to attend. Minors are transported to and from the Center by program staff. This ensures that every youth is accounted for and arrives home by a specific time. On site security provisions are made by each provider.

Another example of an evening reporting center is the Center for Hope in Orange County, New York. This center is focused on providing / after care services for at-risk children in the City of Newburgh, but also serves as an Evening Reporting Center. During and following completion of enrollment in any one of the delinquency prevention services, children are enrolled in programming offered through the Center for Hope. Programming focuses on: cultural activities, social activities, athletics, life skills, parenting supports, after-school and early evening activities. The Center for Hope also focuses on Gang Intervention and Prevention and uses "Life Coaches" to provide outreach services as a means of encouraging at-risk off the streets and into the program. The Center for Hope develops and strengthens protective factors against gang involvement and other problem behaviors.

Electronic Monitoring

Electronic Monitoring is typically used for youth that are considered high risk and used in conjunction with some form of house arrest. A transmitter is attached to the youth's ankle 24 hours a day that wirelessly transmits the youth's location. Electronic monitoring allows for close supervision of youth without subjecting them to secure care conditions and allowing them to continue attending school or working. Home arrest with electronic monitoring is considered the last step in community-based supervision before the youth is placed in secure care.

Intensive Supervision

Historically, probation has been used as the preferred alternative to secure care for youth. While we are not opposed to probation/supervision, it should ideally be tailored to conform to emerging research and best practices in juvenile justice. One intensive supervision model is Effective Practices in Community Supervision (EPICS)²⁹ This model focuses on the importance of training probation officers in effective behaviors for working with youth in the criminal justice system. A meta-analytic review of approximately 25 studies indicated that traditional probation is no more effective than other community-based sanctions such as fines, community service, etc.³⁰

The EPICS models focuses on the most current research which is suggesting that the relationship with officer and what is discussed is the most important indicator of success³¹ The model also incorporates both the risk and need principles of effective interventions into its training. In regard to the risk model, the training teaches officers to assess and identify higher risk offenders and target higher them for more intensive treatment, services, and supervision.

Low risk youth are excluded from this intensive supervision as their inclusion may increase their risk and failure rates³² The need principle component of the EPICS model is essentially the inclusion of training relating to the criminogenic needs of the youth. Officers are taught to target criminogenic needs, particularly teaching the thought-behavior link and social skills.

The EPICS model is not intended to replace more intense cognitive-behavioral treatments to address specific domains, but rather it is an attempt to more fully utilize community supervision officers as agents of change by providing structure and purpose to face-to-face interactions with clients.

The key components of the training are: requires spending more time with higher risk offenders (need to realign workloads); officers need to learn and practice new skills (requires training and coaching); and supervisors must be part of the process (trained on model and as “coaches”).

The EPICS model is not intended to replace more intense cognitive-behavioral treatments to address specific domains, but rather it is an attempt to more fully utilize community supervision officers as agents of change by providing structure and purpose to face-to-face interactions with clients.³³

Treatment Options

Along with participation in the above programs, assessments may indicate that additional treatment services are also needed. Below are examples of the proven options for youth:

Multisystemic Therapy (MST)

MST targets chronic, violent, and substance abusing delinquents age 12-18 at high risk for out of home placement. It focuses on the entire ecology of the youth including family, school, peer, and community relations and strives for behavior change in the youth's natural environment, using the strengths of each system (e.g. family peers, school, neighborhood, etc.) to facilitate change.³⁴

Functional Family Therapy (FFT)

Functional Family Therapy targets youth ages 11-18 at risk for and/or manifesting delinquency violence, substance use, Oppositional Defiant Disorder, or Conduct Disorders and their families. FFT focuses on family relations and communication; builds on strengths as motivation for change. It is flexibly delivered to clients in-home, clinic, school, juvenile court, or other community settings.³⁵

Cognitive Behavioral Therapy (CBT)

CBT works to reduce behavioral and emotional problems, while increasing positive, adaptive behaviors. Interventions typically come in the form of challenging thinking patterns, teaching skills, and establishing a system of reinforcement for desired behavior. It is successful in intervening and changing one targeted behavior is then generalized to assist in targeting other problems and issues.³⁶

Current Use of Graduated Sanctions in Louisiana

As part of our research into the use of graduated sanctions in Louisiana, we surveyed each judicial district. As previously stated, graduated sanctions for the purposes of this survey were defined as programs that are used post adjudication, pre out of home placement and are community based. Of the twenty-six respondents, forty-six percent of the programs (n = 12) indicated that they had a system of graduated sanctions, twenty-seven percent (n= 7) indicated they did not, and twenty-seven percent (n = 7) did not provide a response. The parishes who indicated that they used graduated sanctions had a number of options available the most popular being substance abuse programs, probation, and home incarceration. Other highlighted programs included mentoring, MST, and intensive supervision (see Appendix C and Appendix D).

This survey provided the LDAA with an overview of the current availability and use of diversion programs as well as the availability of graduated sanctions for district attorneys in Louisiana. The survey results indicated that while graduated sanctions are available in some areas, they are not readily available statewide. Further, the interventions are not all targeting the highest risk factors as determined by current studies.

Recommendations for Secure Care Alternatives for Adjudicated Youth in Louisiana

Screening and Assessment

Screening and assessing youth is crucial. Through validated instruments, communities can identify these risk factors and classify youth as low, moderate or high risk of re-offense. These classifications can assist to determine if the youth will be formally processed, as well as which sanctions and types of programs are most appropriate for each case that is processed. Assessments must target criminogenic needs – those which can be changed and have effect on recidivism. It is also recommended that all findings be used to tailor services to the individual needs of the child. It is also vital that when selecting a validated screening or assessment tool, it is actually administered at the correct point in the juvenile justice process. We support the Louisiana Office of Juvenile Justice's adoption and implementation of the SAVRY (Structured Assessment of Violence Risk in Youth) as the tool used to assess all youth placed in OJJ custody and recommend its continued use statewide to determine appropriate placement of juvenile offenders based upon level of risk.

Importance of Risk-Based Decision Making

We further recommend that programming interventions target those youth with higher probability of recidivism based on the risk factors, provide most intensive treatment to higher risk youth, and avoid intensive treatment for lower risk youth as it can increase recidivism. High risk offenders should be targeted for more intensive treatment, as they have the highest rate of recidivism (200+ hours). Intensive treatments should not be used for low-risk youth as it may increase recidivism.

Importance of Risk-Based Responses

The most effective interventions are behavioral. These focus on the current risk factors which are influencing behavior, are action-oriented and where positive behavior is appropriately enforced. Many effective behavioral models are family focused and involve cognitive behavioral approaches (recognizing that thinking affects behavior).

Use of Evidence Based or Outcome Based Programs or Practices

We further recommend that preference be given to programs that are evidence based. However, we recognize that currently in Louisiana there are limited numbers of EBPs. In 2010, Evidence Based Practices for Juvenile Justice Reform in Louisiana was released by the Louisiana Models for Change in Juvenile Justice and the Louisiana Mental Health and Juvenile Justice Action Network. The report included the following recommendations toward adoption and utilization of EBPs:

- Prioritize funding for the implementation of the best evidenced based programs
- Include an required evaluation component if continuing to fund unproven programs
- Discontinue funding support for programs evaluated and found ineffective
- Sustain and build capacity for evidence based programs with mainstream funding (e.g. Medicaid, state contracts, etc.)
- Develop a workforce prepared to deliver evidence-based practices
- Assist smaller providers and rural areas in moving providers towards research informed practices (e.g. motivational engagement, cognitive-behavioral treatment, social-ecological approaches) where staffing patterns and/or budget restraints won't allow for the larger evidence-based programs (e.g. Functional Family Therapy, Multisystemic Therapy, etc.)³⁷

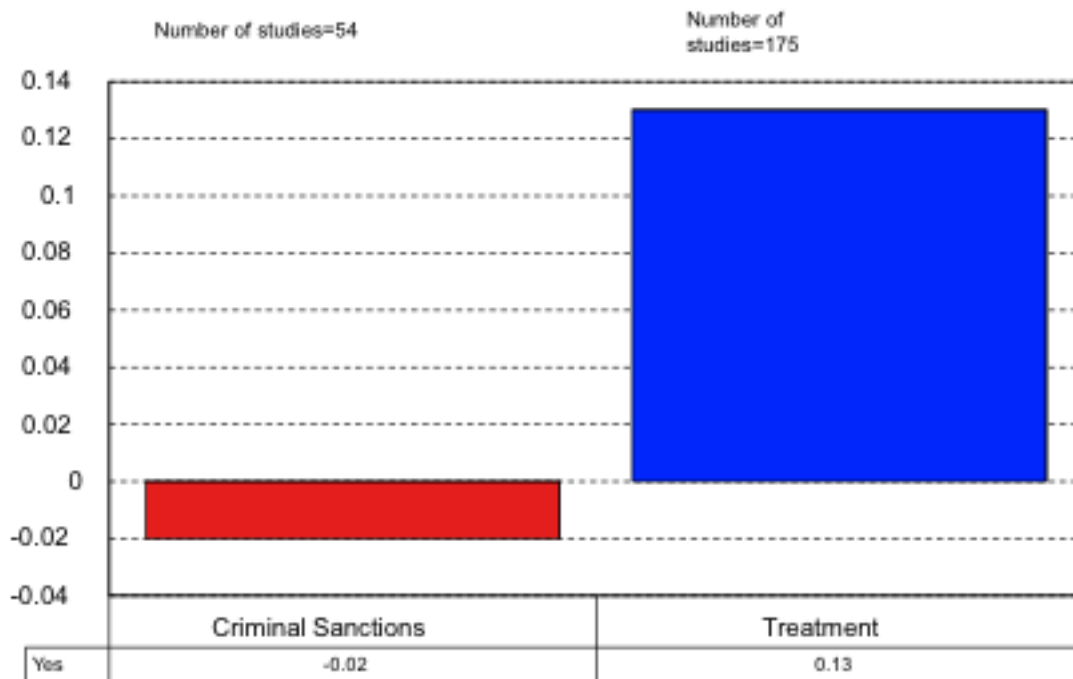
The LDAA supports these recommendations and acknowledges the progress made by the Louisiana Office of Juvenile Justice in implementing new quality control measures for its providers.

Conclusion

We are currently at a critical juncture of in the field of juvenile justice and are fortunate to have increased knowledge of what works and what does not with juvenile offenders. However, the absence of a comprehensive system of graduated sanctions makes it impossible to adequately address the many needs of youthful offenders, who formerly would have been placed in secure care or other out-of-home placement. The inability to adequately address their needs while they remain in our communities increases the likelihood of continued aberrant behavior, recidivism and represents a clear cut threat to public safety. Research has given us the tools to help make the right decisions for these offenders and has clearly proven that the one size fits all approach is ineffective on many different levels and can have severe negative consequences to the youth and their futures. Making charging and/or placement decision based solely on the offense has proven to be ineffective and even damaging to offenders. We need to make decisions that not only consider the risk posed to society, but also consideration the individual risks posed by and needs of the offenders. By focusing on the offender and their individual risks and needs, we can work towards better long-term outcomes and be “smart on crime” without being “soft on crime.”

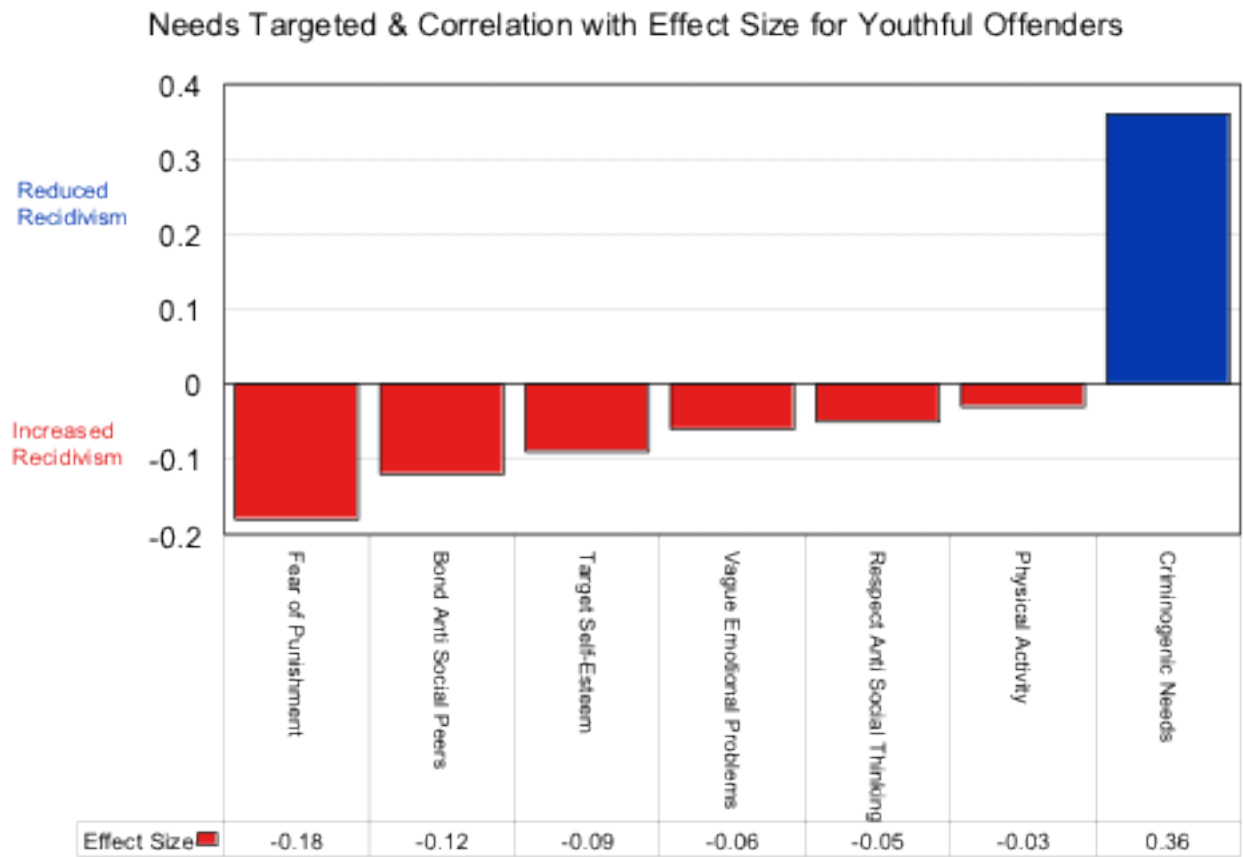
Appendix A

Criminal Sanctions vs Treatment for Youthful Offenders



Source: Dowden and Andrews (1998), What Works in Young Offender Treatment: A Meta Analysis. Forum on Correctional Research.

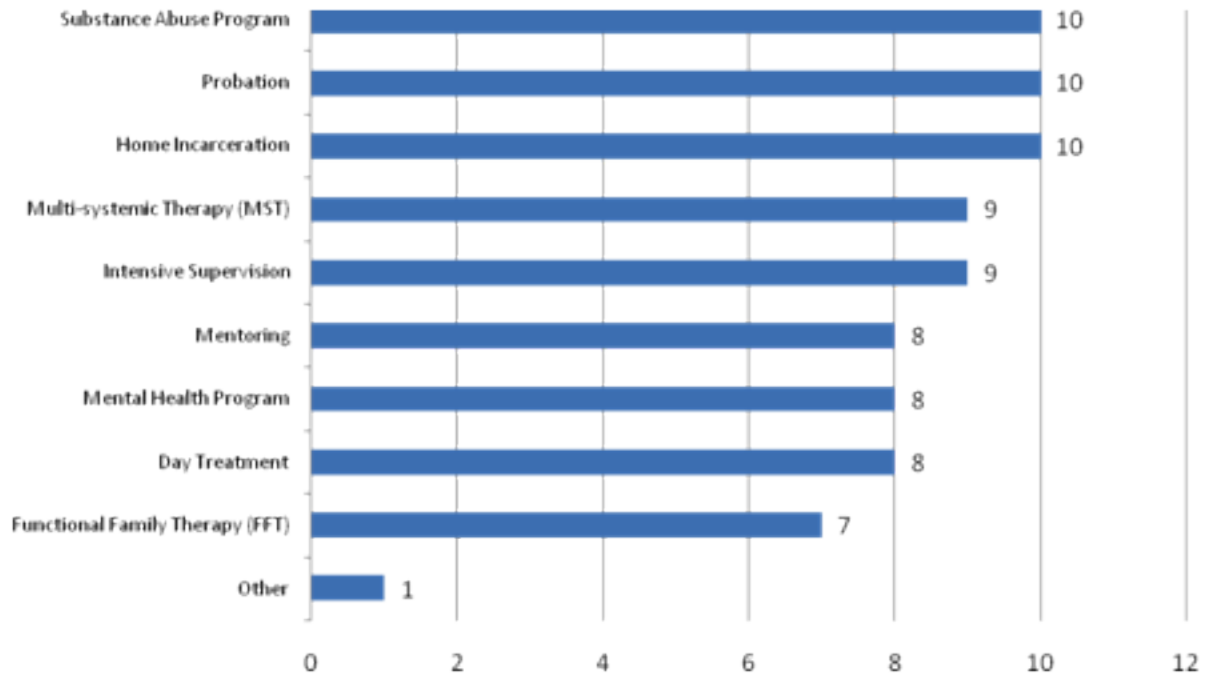
Appendix B



Source: Dowden and Andrews, (1999). What Works in Young Offender Treatment: A Meta Analysis. Forum on Correctional Research, Correctional Services of Canada

Appendix C

Graduated sanctions available across districts



Appendix D

233 Broadway, 12th Floor
New York, NY 10279

Tel: (212) 334-1300
Fax: (212) 941-9407
www.vera.org



Date: October 8, 2010

To: Kristi Garcia Spinosa, Juvenile Justice Project Coordinator, Louisiana District Attorneys Association

Subj: LDAA District Attorney Survey Results

From: Tarika Kapur

District Attorney's across the state of Louisiana have attempted implement diversion services and graduated sanctions for youth. Typically, these diverted youth need additional resources from community agencies that provide mental health, substance abuse, and other treatment services. These services are often unavailable to these youth and their families, leaving the District Attorneys minimal options. Given this, the Louisiana District Attorneys Association (LDAA) through a grant from the MacArthur Foundation set out to conduct a survey of District Attorneys in Louisiana to (1) evaluate the current availability and use of diversion programs; (2) evaluate the availability of graduated sanctions; and (3) assess unmet needs of the District Attorneys related to diversion and graduated sanctions. The Center on Youth Justice (CJY) at the Vera Institute as a part of the MacArthur Foundation Models for Change National Resource Bank provided technical and research assistance to the LDAA during this process.

The Survey

The survey consisted of three sections. Section one aimed to obtain basic information about the district including number of parishes, size, the composition with respect to urban and rural areas, and the number of parishes in the district. For multi-parish districts the respondent was asked to respond to the survey separately for each parish. Section two consisted of questions related to the diversion process (alternatives to formal processing that are post-arrest/summon, pre-adjudication) and section three related to graduated sanctions available (programs that occur post adjudication, pre out of home placement and are community based). Questions were related to the population served, types of programs available, the intake, screening, and assessment process, and the agency providing the services.

The Respondents

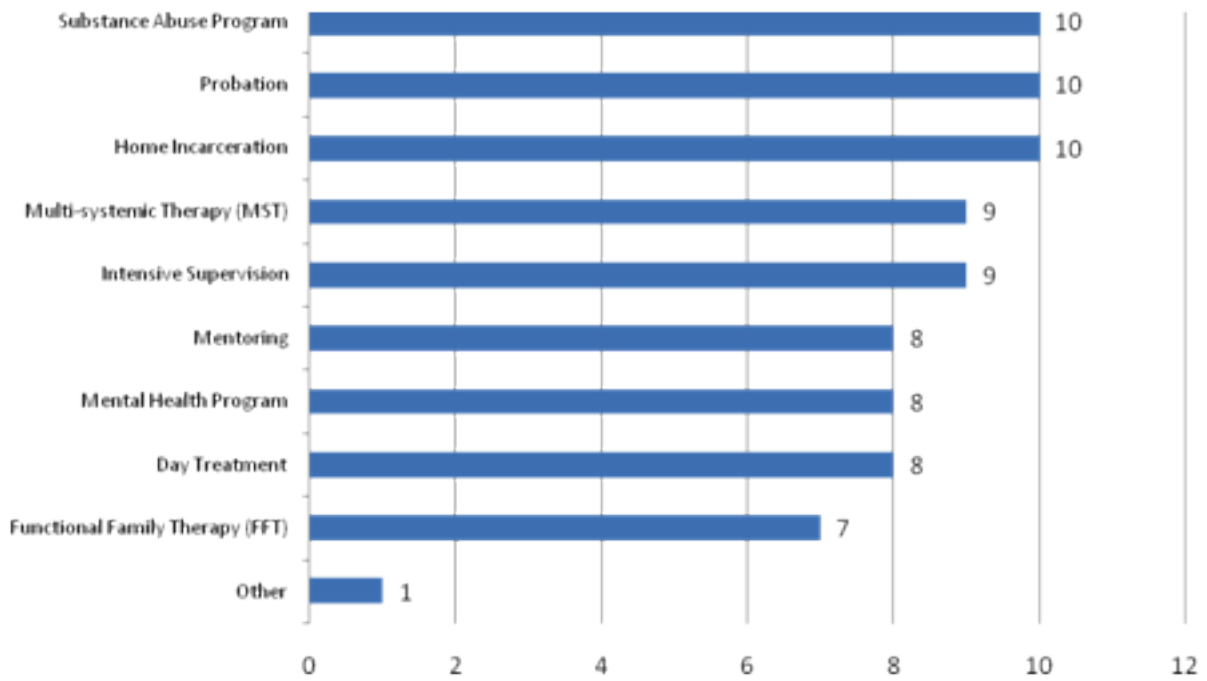
The survey was sent to forty-two contacts in District Attorney's offices around the State. Of these forty-two, participants from twenty-six offices responded—a response rate of 62%. Of those who responded, fifty-seven percent were single parish districts and twenty-seven percent were multi-parish districts, i.e. they indicated that they had differences in the juvenile services provided between parishes. Overall forty-four percent of the respondents classified their district as rural, forty-four percent classified them as a combination of rural and urban, and twelve percent classified them as urban only.

Graduated Sanctions

Graduated sanctions for the purposes of this survey were defined as programs that occur post adjudication, pre out of home placement and are community based. Of the twenty-six respondents, forty-six percent of the programs (n = 12) indicated that they had a system of graduated sanctions, twenty-seven percent (n= 7) indicated they didn't, and twenty-seven percent (n = 7) did not provide a response. The parishes who indicated that they used graduated sanctions had a number of options available the most popular being substance abuse programs, probation, and home incarceration. Other highlighted programs included mentoring, MST, and intensive supervision (See Figure 6).

Figure 6: Graduated sanctions available across districts

Figure 6: Graduated sanctions available across districts



With regard to screening of youth, the majority of those who conducted screenings (note only 4 parishes conducted screenings) used validated tools such as the SAVRY and the MAYSI (See Figure 7 and Figure 8).

Figure 7. Number of parishes that conduct screenings on youth.

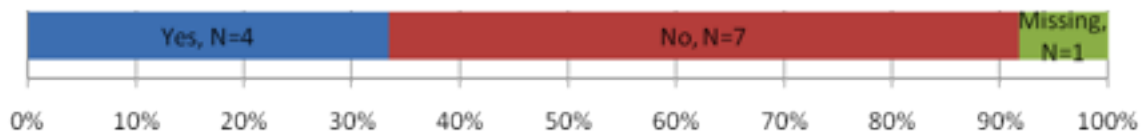
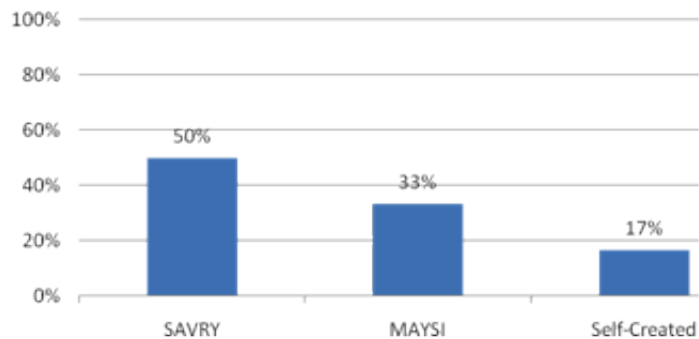


Figure 8. Tools used in the screening process by districts with graduated sanctions



Similar to the results with the intake process, only 4 parishes conduct assessments on youth and the majority of them use validated instruments (See Figure 9 and 10).

Figure 8. Tools used in the screening process by districts with graduated sanctions

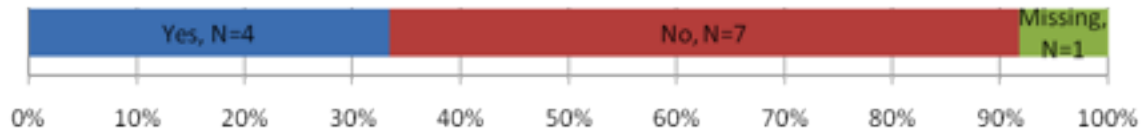
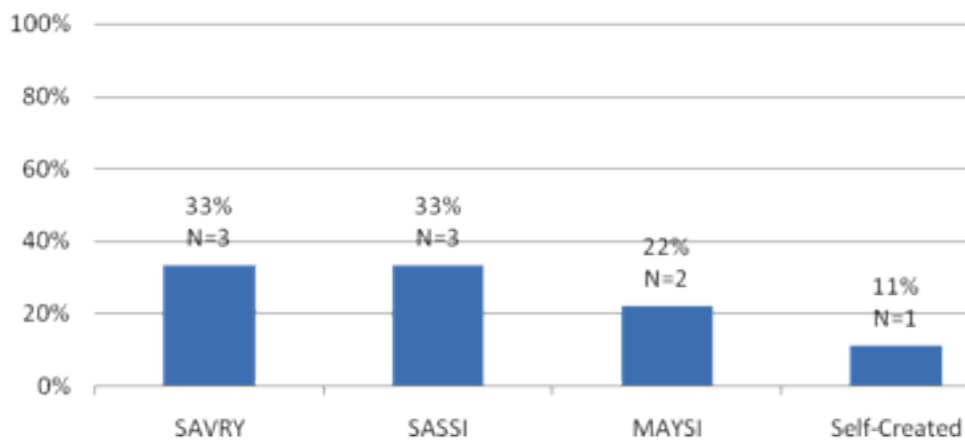
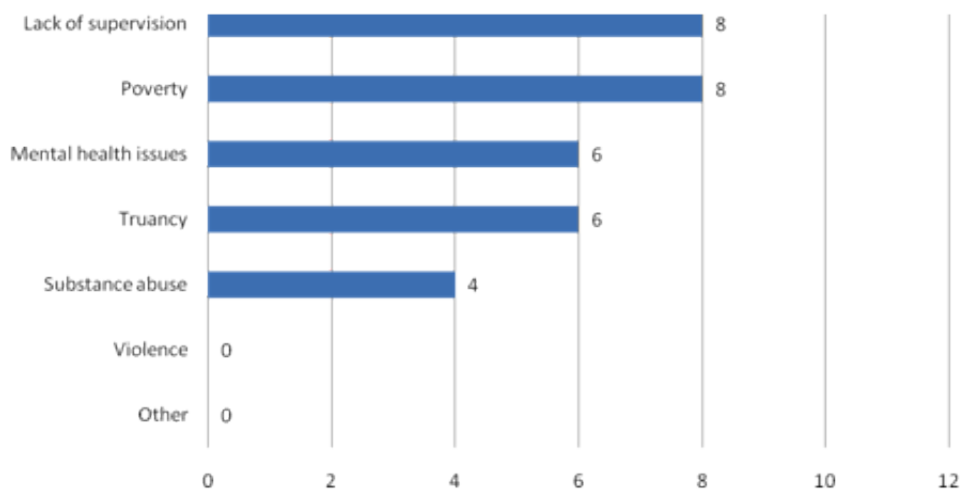


Figure 10. Tools used in the screening process by districts with graduated sanctions



Finally, respondents were asked to indicate the top five issues presented by youth in their programs. The most common problems cited were lack of supervision and poverty, followed by mental health issues and truancy (See Figure 11).

Figure 11. Top presenting issues for youth in graduated sanctions programs.



Appendix E

LDAА Graduated Sanctions Day Presentation

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
Edward J. Latessa, Ph.D.

***What Works and What Doesn't in Reducing
Recidivism with Youthful Offenders:
Designing More Effective Community Based
Programs by Following the Principles of
Effective Intervention***

Presented by:

Edward J. Latessa, Ph.D.

Center for Criminal Justice Research

School of Criminal Justice

University of Cincinnati

www.uc.edu/criminaljustice

**Two Basic
Approaches to
Evidence Based
Practices**

Model Programs Approach

- **Programs or curriculums are developed and implemented (real world and pilots)**
- **Programs are subjected to rigorous evaluation and peer review**
- **If effective program is designated as “Model Program” and others try to replicate**

Examples

- **Multi-Systemic Therapy**
- **Functional Family Therapy**
- **Blue Print Programs**
- **Aggression Replacement Training**

Pros and Cons

- **Advantages**
 - Model or program has been shown to work
 - Canned program – development costs minimum
 - Research based
- **Disadvantages**
 - Replication difficult
 - Don't always know why program worked
 - Usually designed for specific population or setting
 - Often proprietary
 - Quality assurance important

Principles Approach

- **Based on reviews of research (meta analysis, individual evaluations, literature reviews, etc.) to identify principles to guide programs**

Pros and Cons

Advantages

- Can design programs locally and tailor to needs
- Cuts across program settings, types of programs, and populations (easier to see if effects hold)
- Research based
- Easier to teach and monitor
- More likely to know why program works (or doesn't work)

Disadvantages

- More development time/costs
- Quality assurance important

Evidence Based – What does it mean?

There are different forms of evidence:

- The lowest form is anecdotal evidence; stories, opinions, testimonials, case studies, etc - but it often makes us feel good
- The highest form is empirical evidence – research, data, results from controlled studies, etc. - but sometimes it doesn't make us feel good

Evidence Based Practice is:

- 1. Easier to think of as Evidence Based Decision Making**
- 2. Involves several steps and encourages the use of validated tools and treatments.**
- 3. Not just about the tools you have but also *how* you use them**

Evidence Based Decision Making Requires

- 1. Assessment information**
- 2. Relevant research**
- 3. Available programming**
- 4. Evaluation**
- 5. Professionalism and knowledge from staff**

What does the Research tell us?

***There is often a Misapplication of Research:
"XXX Study Says"***

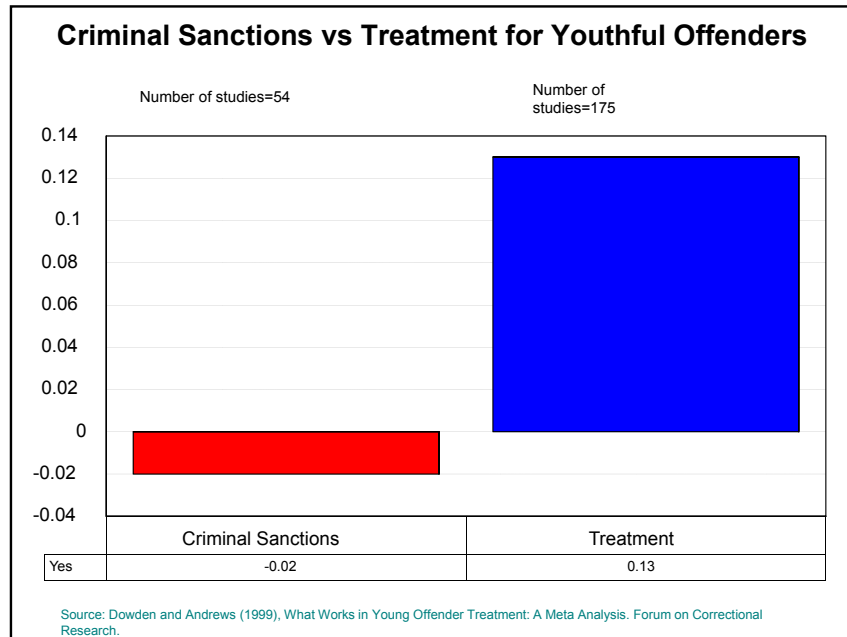
***- the problem is if you believe every study we
wouldn't eat anything (but we would drink a
lot of red wine!)***

- Looking at one study can be a mistake
- Need to examine a body of research
- So, what does the body of knowledge about correctional interventions tell us?

FROM THE EARLIEST REVIEWS:

- Not a single reviewer of studies of the effects of official punishment alone (custody, mandatory arrests, increased surveillance, etc.) has found consistent evidence of reduced recidivism.
- At least 40% and up to 60% of the studies of correctional treatment services reported reduced recidivism rates relative to various comparison conditions, in every published review.

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
Edward J. Latessa, Ph.D.



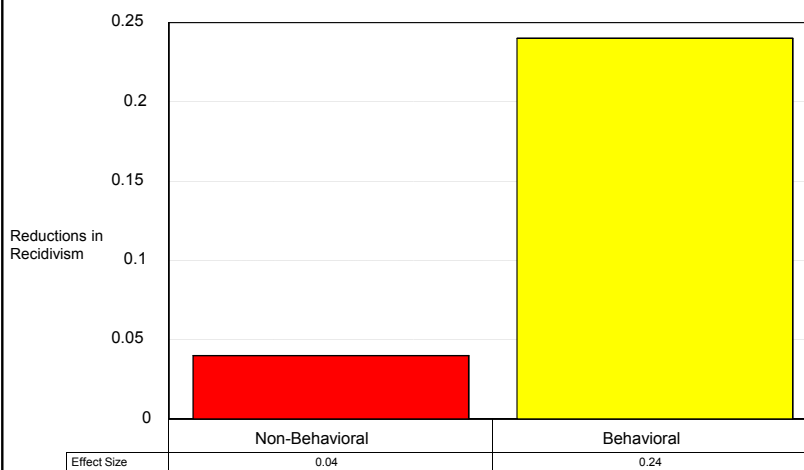
People Who Appear to be Resistant to Punishment

- Psychopathic risk takers
- Those under the influence of a substance
- Those with a history of being punished

**Most researchers who study
correctional interventions have
concluded:**

- **Without some form of human intervention or services there is unlikely to be much effect on recidivism from punishment alone**
- **The evidence also indicates that while treatment is more effective in reducing recidivism than punishment – Not all treatment programs are equally effective**

Type of Treatment and Effect Sizes for Youthful Offenders



Source: Dowden and Andrews (1999), What Works in Young Offender Treatment: A Meta Analysis. Forum on Correctional Research.

Another important body of knowledge to understand is the research on risk factors

What are the risk factors correlated with criminal conduct?

Major Set of Risk/Need Factors

- 1. Antisocial/procriminal attitudes, values, beliefs and cognitive-emotional states**

Cognitive Emotional States

- **Rage**
- **Anger**
- **Defiance**
- **Criminal Identity**

Identifying Procriminal Attitudes, Values & Beliefs

Procriminal sentiments are what people think, not how people think; they comprise the content of thought, not the skills of thinking.

What to listen for:

- **Negative expression about the law**
- **Negative expression about conventional institutions, values, rules, & procedures; including authority**
- **Negative expressions about self-management of behavior; including problem solving ability**
- **Negative attitudes toward self and one's ability to achieve through conventional means**
- **Lack of empathy and sensitivity toward others**

Neutralization & Minimizations

Offenders often neutralize their behavior. Neutralizations are a set of verbalizations which function to say that in particular situations, it is "OK" to violate the law

Neutralization Techniques include:

- **Denial of Responsibility:** Criminal acts are due to factors beyond the control of the individual, thus, the individual is guilt free to act.
- **Denial of Injury:** Admits responsibility for the act, but minimizes the extent of harm or denies any harm
- **Denial of the Victim:** Reverses the role of offender & victim & blames the victim
- **"System Bashing":** Those who disapprove of the offender's acts are defined as immoral, hypocritical, or criminal themselves.
- **Appeal to Higher Loyalties:** "Live by a different code" – the demands of larger society are sacrificed for the demands of more immediate loyalties.

[Sykes and Maltz, 1957]

Major set Risk/needs continued:

2. Procriminal associates and isolation from prosocial others

Major set Risk/Needs continued:

3. Temperamental & anti social personality pattern conducive to criminal activity including:

- Weak Socialization
- Impulsivity
- Adventurous
- Pleasure seeking
- Restless Aggressive
- Egocentrism
- Below Average Verbal intelligence
- A Taste For Risk
- Weak Problem-Solving/lack of Coping & Self-Regulation Skills

Major set of Risk/Need factors continued:

4. A history of antisocial behavior:

- Evident from a young age
- In a variety of settings
- Involving a number and variety of different acts

**Major set of Risk/Need factors
continued:**

**5. Family factors that include criminality
and a variety of psychological problems
in the family of origin including:**

- Low levels of affection, caring and cohesiveness
- Poor parental supervision and discipline practices
- Out right neglect and abuse

**Major set of Risk/Need factors
continued:**

**6. Low levels of personal educational,
vocational or financial achievement**

Leisure and/or recreation

7. Low levels of involvement in prosocial leisure activities

- Allows for interaction with antisocial peers**
- Allows for offenders to have idle time**
- Offenders replace prosocial behavior with antisocial behavior**

Substance Abuse

8. Abuse of alcohol and/or drugs

- It is illegal itself (drugs)**
- Engages with antisocial others**
- Impacts social skills**

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.

Major Risk and/or Need Factor and Promising Intermediate Targets for Reduced Recidivism

Factor	Risk	Dynamic Need
History of Antisocial Behavior	Early & continued involvement in a number antisocial acts	Build noncriminal alternative behaviors in risky situations
Antisocial personality	Adventurous, pleasure seeking, weak self control, restlessly aggressive	Build problem-solving, self-management, anger mgt & coping skills
Antisocial cognition	Attitudes, values, beliefs & rationalizations supportive of crime, cognitive emotional states of anger, resentment, & defiance	Reduce antisocial cognition, recognize risky thinking & feelings, build up alternative less risky thinking & feelings Adopt a reform and/or anticriminal identity
Antisocial associates	Close association with criminals & relative isolation from prosocial people	Reduce association w/ criminals, enhance association w/ prosocial people

Adopted from Andrews, D.A. et al, (2006). The Recent Past and Near Future of Risk and/or Need Assessment. Crime and Delinquency, 52 (1).

Major Risk and/or Need Factor and Promising Intermediate Targets for Reduced Recidivism

Factor	Risk	Dynamic Need
Family and/or marital	Two key elements are nurturance and/or caring better monitoring and/or supervision	Reduce conflict, build positive relationships, communication, enhance monitoring & supervision
School and/or work	Low levels of performance & satisfaction	Enhance performance, rewards, & satisfaction
Leisure and/or recreation	Low levels of involvement & satisfaction in anti-criminal leisure activities	Enhancement involvement & satisfaction in prosocial activities
Substance Abuse	Abuse of alcohol and/or drugs	Reduce SA, reduce the personal & interpersonal supports for SA behavior, enhance alternatives to SA

Adopted from Andrews, D.A. et al, (2006). The Recent Past and Near Future of Risk and/or Need Assessment. Crime and Delinquency, 52 (1).

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
Edward J. Latessa, Ph.D.

**This research has led to the
identification of some principles**

Principles of Effective Intervention

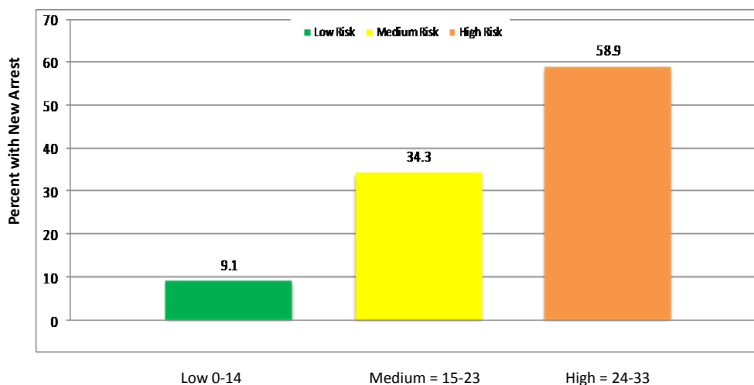
- **Risk Principle – target higher risk offenders (WHO)**
- **Need Principle – target criminogenic risk/need factors (WHAT)**
- **Treatment Principle – use behavioral approaches (HOW)**
- **Fidelity Principle – implement program as designed (HOW WELL)**

Let's Start with the Risk Principle

Risk refers to risk of reoffending and not the seriousness of the offense.

You can be a low risk felon or a high risk felon, a low risk misdemeanor or a high risk misdemeanor.

Example of Risk Levels by Recidivism for a Community Supervision Sample



There are Three Elements to the Risk Principle

- 1. Target those youth with higher probability of recidivism**
- 2. Provide most intensive treatment to higher risk youth**
- 3. Intensive treatment for lower risk youth can increase recidivism**

#1: Targeting Higher Risk Offenders

- It is important to understand that even with EBP there will be failures.**
- Even if you reduce recidivism rates you will still have high percentage of failures**

Example of Targeting Higher Risk Offenders

- If you have 100 High risk youthful offenders about 60% will fail
- If you put them in well designed EBP for sufficient duration you may reduce failure rate to 40%
- If you have 100 low risk youthful offenders about 10% will fail
- If you put them in same program failure rate will be 20%

Targeting Higher Risk Offenders continued:

- In the end, who had the lower recidivism rate?
- Mistake we make is comparing high risk to low risk rather than look for treatment effects

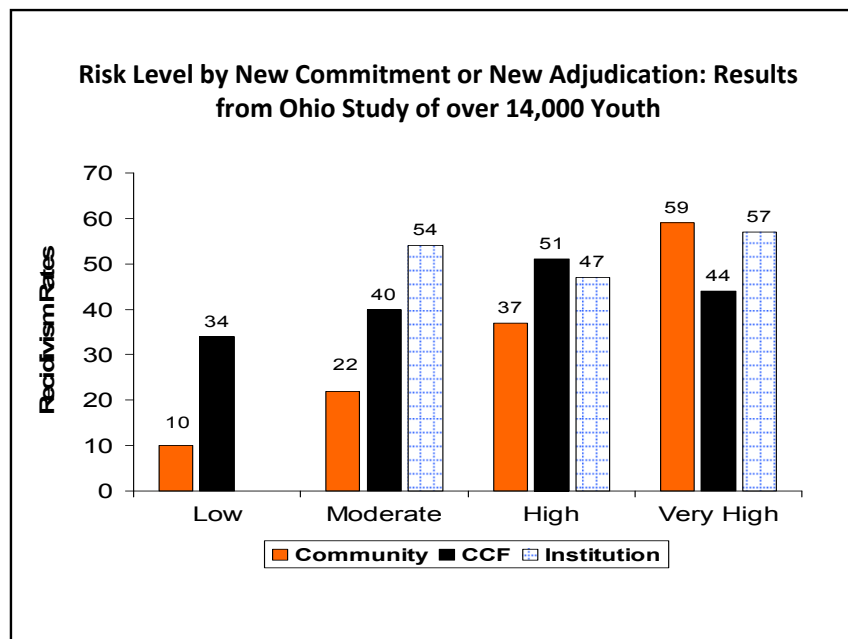
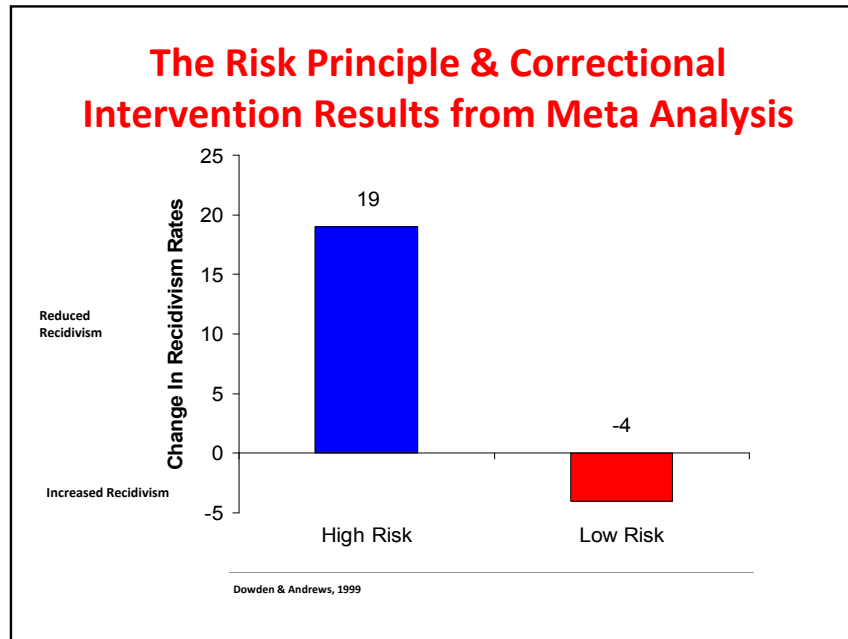
#2: Provide Most Intensive Interventions to Higher Risk Offenders

- **Higher risk offenders will require much higher dosage of treatment**
 - Rule of thumb: 100 hours for moderate risk
 - 200+ hours for high risk
 - 100 hours for high risk will have no effect
 - Does not include work/school and other activities that are not directly addressing criminogenic risk factors

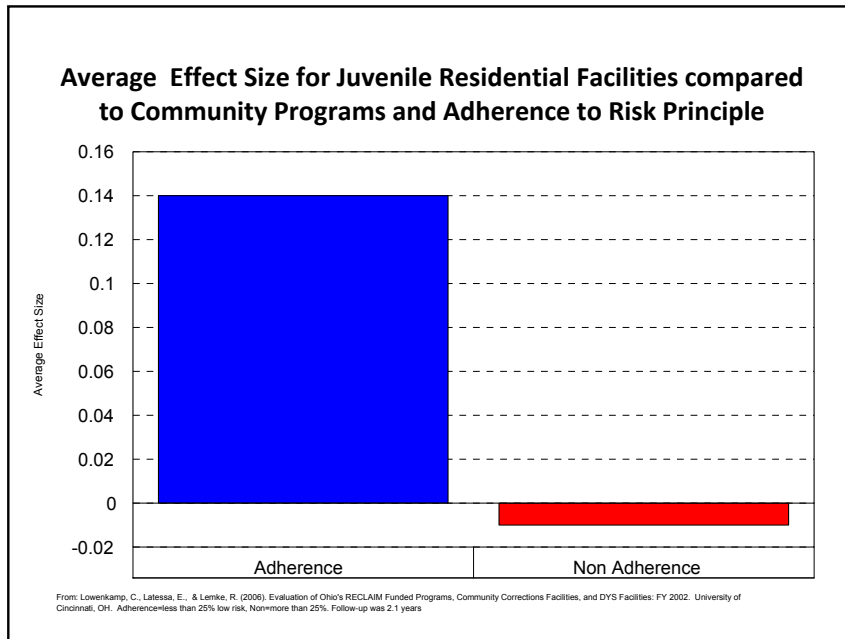
#3: Intensive Treatment for Low Risk Youth will Often Increase Failure Rates

- **Low risk youth will learn anti social behavior from higher risk**
- **Disrupts prosocial networks**

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.



What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.

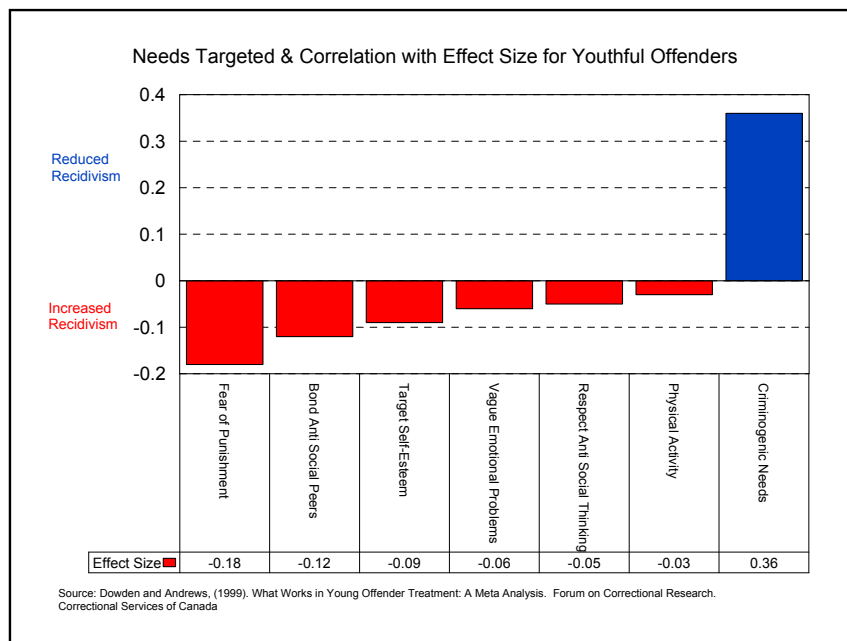
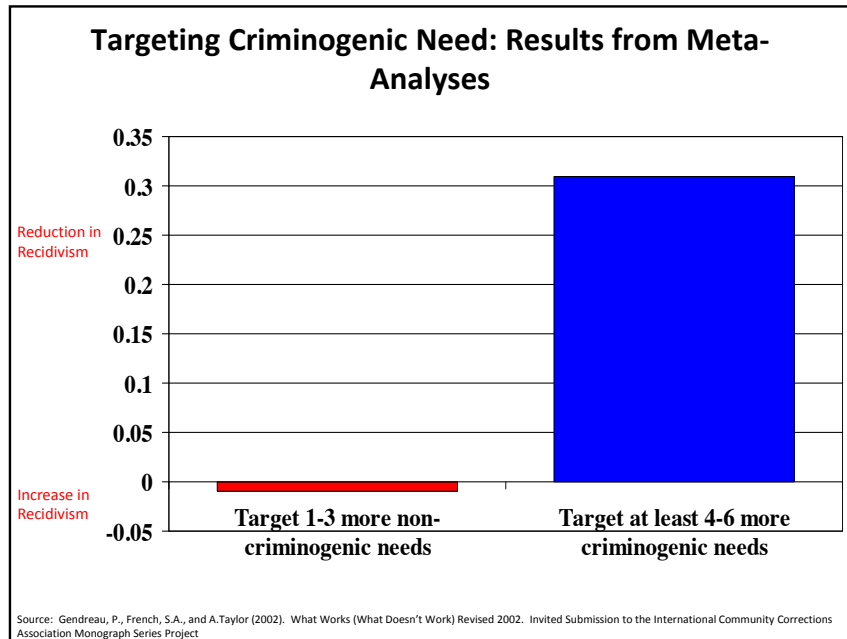


Need Principle

By assessing and targeting criminogenic needs for change, agencies can reduce the probability of recidivism

Criminogenic	Non-Criminogenic
<ul style="list-style-type: none"> • Anti social attitudes • Anti social friends • Substance abuse • Lack of empathy • Impulsive behavior 	<ul style="list-style-type: none"> • Anxiety • Low self esteem • Creative abilities • Medical needs • Physical conditioning

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.



Assessment is the engine that drives effective correctional programs

- **Need to meet the risk and need principle**
- **Reduces bias**
- **Aids decision making**
- **Allows you to target dynamic risk factors and measure change**

Dynamic and Static Factors

- **Static Factors are those factors that are related to risk and do not change. Some examples might be number of prior offenses, whether an offender has ever had a drug/alcohol problem.**
- **Dynamic factors relate to risk and *can change*. Some examples are whether an offender is currently unemployed or currently has a drug/alcohol problem.**

Dynamic Risk Factors and Their Importance

- Also called *criminogenic needs*
- Changing these factors changes the probability of recidivism
- Provide the basis for developing a treatment plan
- Address factors that will reduce risk
- Lead to public safety

There are two types of dynamic risk factors

- Acute – Can change quickly
- Stable – Take longer to change

According to the American Heart Association, there are a number of risk factors that increase your chances of a first heart attack

- ✓ **Family history of heart attacks**
- ✓ **Gender (males)**
- ✓ **Age (over 50)**
- ✓ **Inactive lifestyle**
- ✓ **Over weight**
- ✓ **High blood pressure**
- ✓ **Smoking**
- ✓ **High Cholesterol level**

Some Common Problems with Offender Assessment

- **Assess offenders but process ignores important factors**
- **Assess offenders but don't distinguish levels (high, moderate, low)**
- **Assess offenders then don't use it – everyone gets the same treatment**
- **Make errors and don't correct**
- **Don't assess offenders at all**
- **Do not adequately train staff in use or interpretation**
- **Assessment instruments are not validated or normed**

Treatment Principle

The most effective interventions are behavioral:

- **Focus on current factors that influence behavior**
- **Action oriented**
- **Offender behavior is appropriately reinforced**

Most Effective Behavioral Models

- **Structured social learning where new skills and behaviors are modeled**
- **Family based approaches that train family on appropriate techniques**
- **Cognitive behavioral approaches that target criminogenic risk factors**



Social Learning

Refers to several processes through which individuals acquire attitudes, behavior, or knowledge from the persons around them. Both modeling and instrumental conditioning appear to play a role in such learning

Family Based Interventions

- **Designed to train family on behavioral approaches**
 - **Functional Family Therapy**
 - **Multi-Systemic Therapy**
 - **Teaching Family Model**
 - **Strengthening Families Program (Office of Juvenile Justice and Delinquency Prevention)**

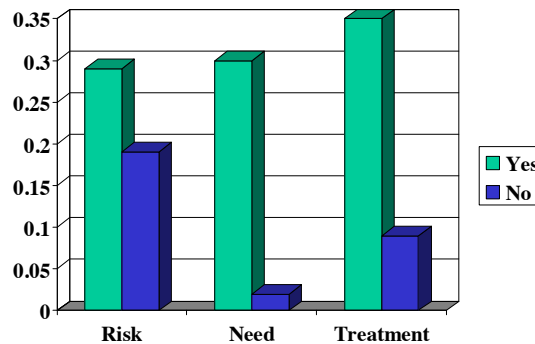
Effectiveness of Family Based Intervention: Results from Meta Analysis

- **38 primary studies with 53 effect tests**
- **Average reduction in recidivism= 21%**

**However, much variability was present
(-0.17 - +0.83)**

Dowden & Andrews, 2003

Mean Effect Sizes: Whether or not the family intervention adheres to the principles



The Four Principles of Cognitive Intervention

- 1. Thinking affects behavior**
- 2. Antisocial, distorted, unproductive irrational thinking can lead to antisocial and unproductive behavior**
- 3. Thinking can be influenced**
- 4. We can change how we feel and behave by changing what we think**

Reasons that CBT can be Effective in Reducing Recidivism

- 1. Based on scientific evidence (cognitive & behavioral theories)**
- 2. Based on active learning (not talk therapy)**
- 3. Focus on the *present* (how offenders currently think and behave)**
- 4. Based on learning (most crime is learned)**
- 5. Target major criminogenic needs (e.g. attitudes, values, beliefs)**
- 6. Provides structure to groups and programs (manualized treatment)**

Reasons that CBT is Popular in Corrections

- **Can be done in any setting**
- **Existing staff can be trained on CBT**
- **Relatively cheap to deliver**
- **Wide range of curriculums are available**

Recent Meta-Analysis of Cognitive Behavioral Treatment for Offenders by Landenberger & Lipsey (2005)*

- **Reviewed 58 studies:**
 - 19 random samples**
 - 23 matched samples**
 - 16 convenience samples**
- **Found that on average CBT reduced recidivism by 25%, but the most effective configurations found more than 50% reductions**

Factors Not significant:

- **Setting – institution (generally closer to end of sentence) versus community**
- **Juvenile versus adult**
- **Minorities or females**
- **Brand name of curriculum**

Significant Findings (effects were stronger if):

- **Sessions per week (2 or more) - RISK**
- **Implementation monitored - FIDELITY**
- **Staff trained on CBT - FIDELITY**
- **Higher proportion of treatment completers - RESPONSIVITY**
- **Higher risk offenders - RISK**
- **Higher if CBT is combined with other services - NEED**

What Doesn't Work with Offenders?

Ineffective Approaches

- Programs that cannot maintain fidelity
- Drug prevention classes focused on fear and other emotional appeals
- Shaming offenders
- Drug education programs
- Non-directive, client centered approaches
- Bibliotherapy
- Freudian approaches
- Talking cures
- Self-Help programs
- Vague unstructured rehabilitation programs
- Medical model
- Fostering self-regard (self-esteem)
- "Punishing smarter" (boot camps, scared straight, etc.)

**The question is how do we
teach probation officers how to
become agents of change using
behavioral techniques?**

**We are currently testing and
piloting a new model of
officer/offender interaction**

**Effective Practices in
Community Supervision
(EPICS)**

68

Rationale for EPICS

A recent study of parole by the Urban Institute indicated that the “no parole” group performed about as well as the “mandatory and discretionary parole” group.

69

Rationale for EPICS

A meta-analytic review of approximately 25 studies indicated that probation is no more effective than other community-based sanctions such as fines, community service, etc.

70

Traditional Officer-Offender Interactions are often not Effective because:

- They are too brief to have an impact
- Conversations focus almost exclusively on monitoring compliance conditions (and therefore emphasize external controls on behavior rather than developing an internal rationale for pro-social behavior)
- Relationship is often more confrontational and authoritarian in nature than helpful

71

Rationale for EPICS

The most current research is suggesting that the **relationship** with officer and **what is discussed** is important.

72

Rationale for EPICS

A study on case management practices in Manitoba probation found that the development of supervision plans was based more on what the court mandated than what the assessments indicated.

↑ in number of topics discussed, ↑ in recidivism

Bonta, Ruggie, Seto and Coles (2004)

73

Rationale for EPICS

The work of Chris Trotter (2006) has also underscored the importance of **role clarification and the use of **problem solving** (as well as other core correctional practices) in working with involuntary clients.**

74

Rationale for EPICS

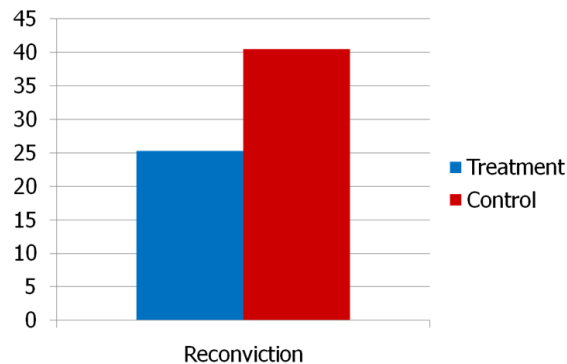
Bonta et al. (forthcoming) have been collecting data in Canada after implementation of the Strategic Training Initiative in Community Supervision (STICS).

Trained officers had 12% higher retention rates in comparison with untrained officers at six months.

Also found reductions in recidivism

75

Two year Recidivism Results from Canadian Study



Bonta, et al, (2010) The Strategic Training Initiative in Community Supervision: Risk-Need-Responsivity in the Real World. Public Safety Canada.

Structure of EPICS Meeting

SESSION OVERVIEW

Officers are trained to structured sessions in the following way:

1. Check-In
2. Review
3. Intervention
4. Homework and Behavioral Rehearsal

77

Structure of EPICS Meeting

CHECK-IN

1. To determine if the offender has any crises/acute needs
2. Build rapport
3. Discuss compliance issues

78

Structure of EPICS Meeting

REVIEW

- 1. The skills discussed in prior meeting**
- 2. The application of those skills**
- 3. Troubleshooting any continued problems in the use of those skills**

79

Structure of EPICS Meeting

INTERVENTION

- 1. Identify continued areas of need**
- 2. Identify trends in problems that the offender experiences**
- 3. Teach relevant skills**
- 4. Target problematic thinking**

Structure of EPICS Meeting

HOMEWORK AND REHEARSAL

1. Give the offender an opportunity to see the model the officer is talking about
2. Provide the offender with the opportunity to role play the new skill BEFORE leaving the office with feedback
3. Assign the offender homework that focuses on applying the new skill
4. Give instructions that the offender should follow before the next visit

81

Differential Supervision by Risk/Need

TRANSLATING THE RISK PRINCIPLE

More services should be delivered to higher-risk clients:

1. Treatment dosage and supervision
2. Meet with offender more frequently
3. Use focused interventions
4. Use family and community resources

82

Differential Supervision by Risk/Need

TRANSLATING THE NEED PRINCIPLE

Focus on identified criminogenic needs, but:

- 1. Work through acute/crisis, noncrimogenic, and criminogenic**
- 2. Translate risk and needs assessment into need priorities but always focus on thoughts, attitudes, values, and beliefs**

83

In Closing:

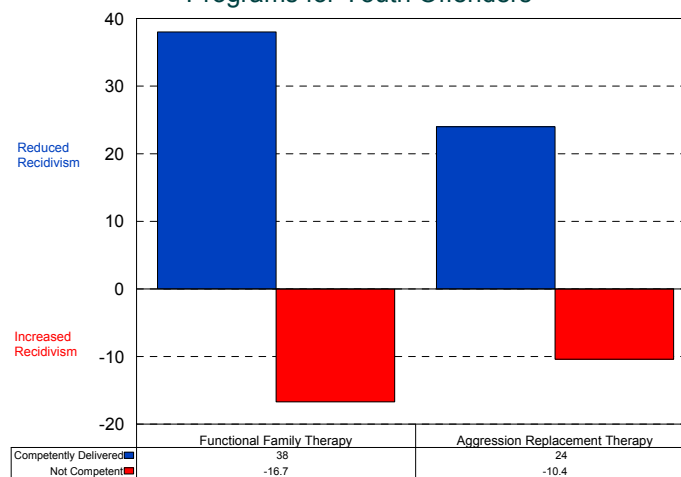
- The EPICS model is not intended to replace more intense cognitive-behavioral treatments to address specific domains, but rather it represents an attempt to more fully utilize the POs as agents of change and to integrate all pieces of the puzzle in order to deliver a consistent intervention to offenders**

84

Fidelity Principle

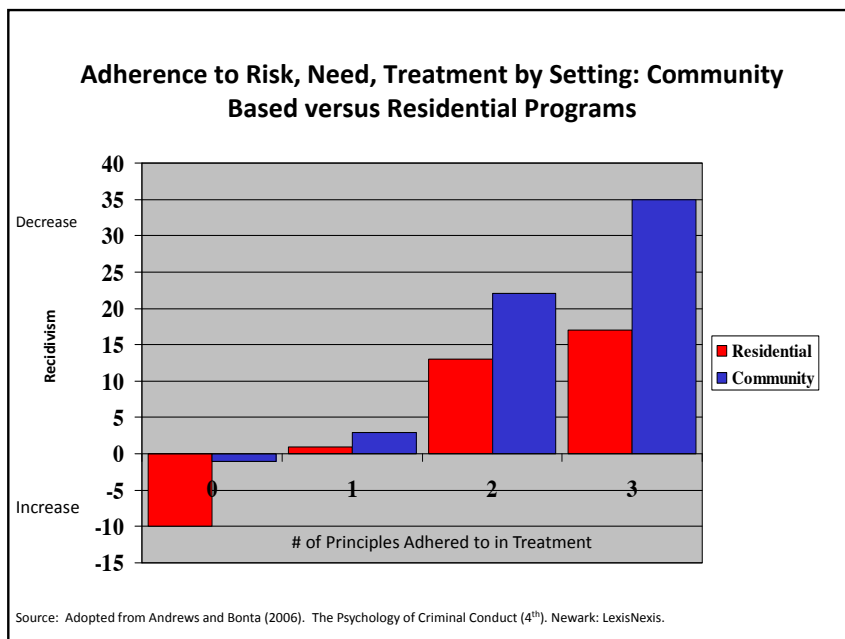
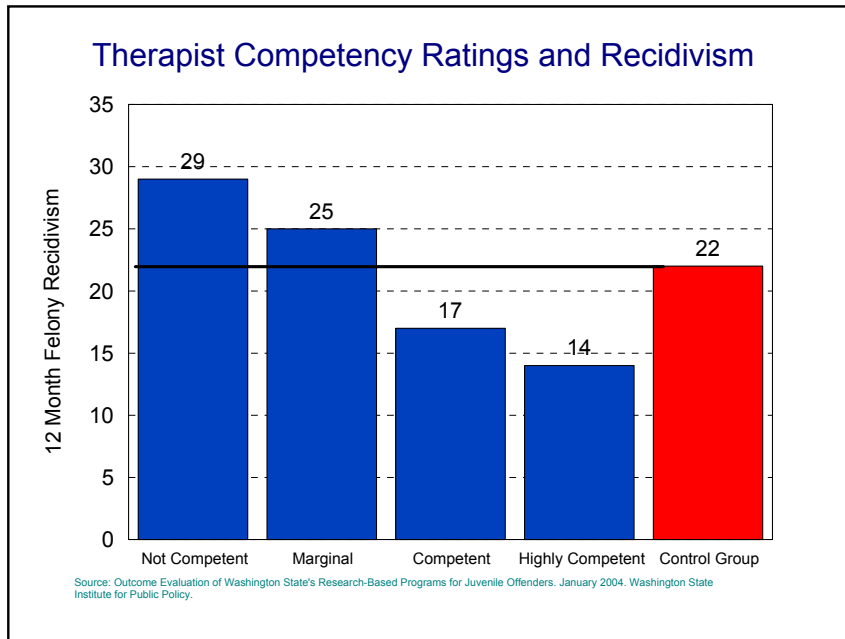
- Make sure evidence based programs are implemented as designed

Effects of Quality Programs Delivery for Evidenced Based Programs for Youth Offenders

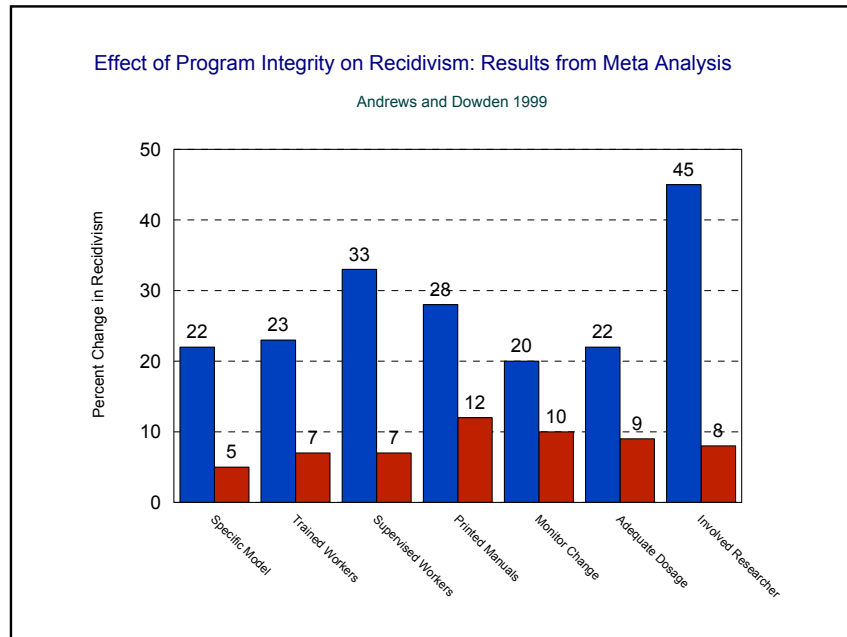


Source: Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders. January 2004. Washington State Institute for Public Policy.

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.



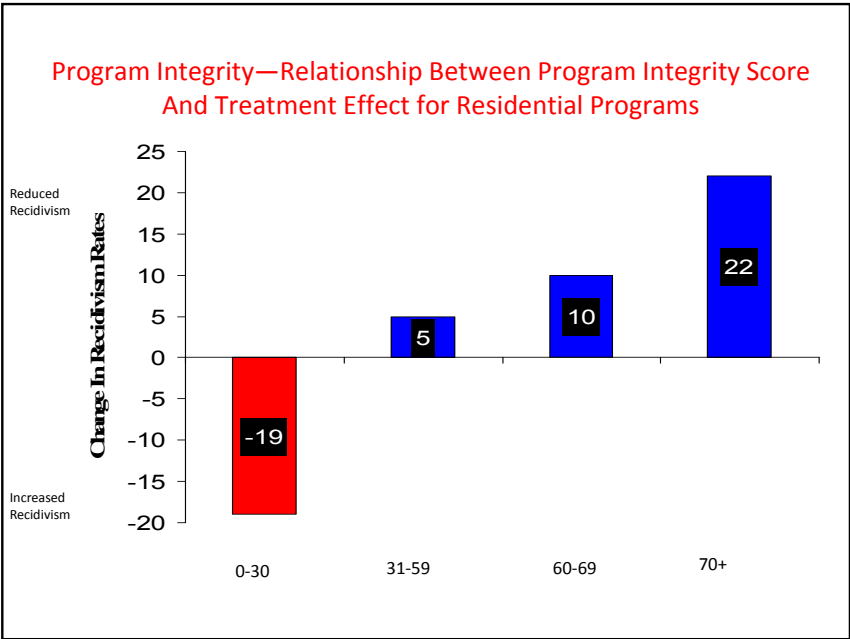
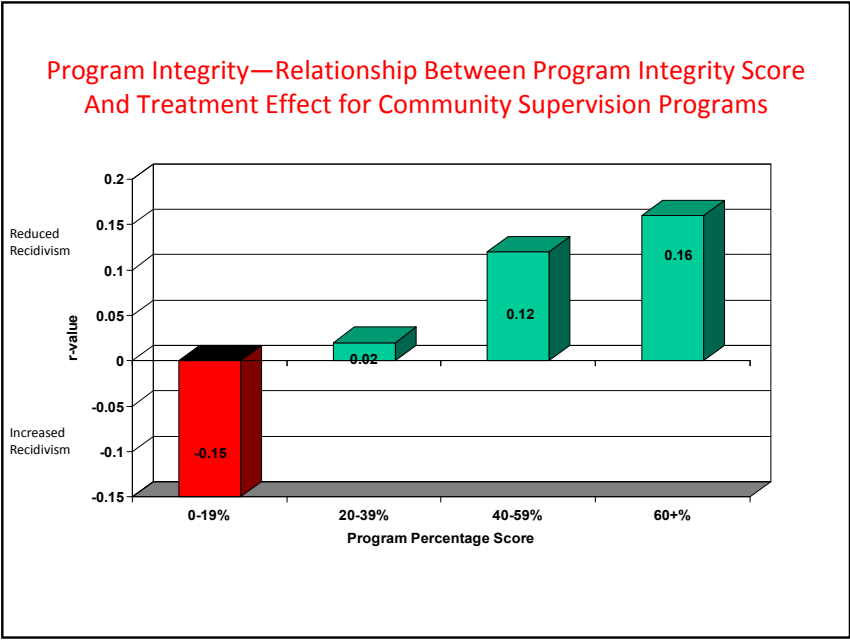
What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
Edward J. Latessa, Ph.D.



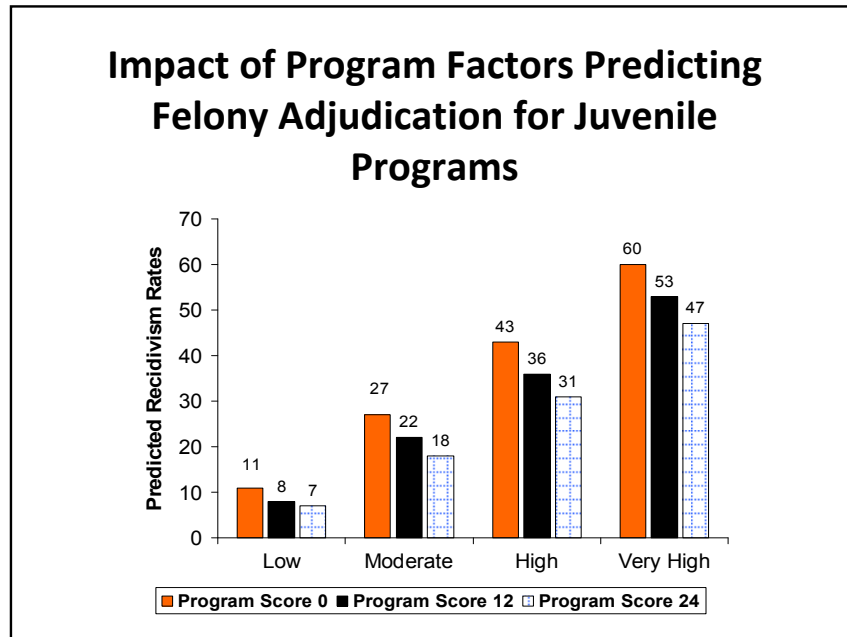
Program Integrity and Recidivism

- Every major study we have done has found a strong relationship between program integrity and recidivism
- Higher integrity score – greater the reductions in recidivism

What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
 Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
 Edward J. Latessa, Ph.D.



What Works and What Doesn't in Reducing Recidivism with Youthful Offenders:
Designing More Effective Community Based Programs by Following the Principles of Effective Intervention
Edward J. Latessa, Ph.D.



Lessons Learned from the Research

- Who you put in a program is important – pay attention to risk
- What you target is important – pay attention to criminogenic needs
- How you target offender for change is important – use behavioral approaches

Important Considerations

- **Offender assessment is the engine that drives effective programs**
helps you know who & what to target
- **Design programs around empirical research**
helps you know how to target offenders
- **Program Integrity make a difference**
Service delivery, disruption of criminal networks, training/supervision of staff, support for program, QA, evaluation

Conclusion

This survey provided the LDAA with an overview of the current availability and use of diversion programs as well as the availability of graduated sanctions for district attorneys in Louisiana. Based on these findings the LDAA can develop strategies for providing additional resources to District Attorney's based on the needs identified through this survey.

Endnotes

- ¹ History of Juvenile Justice in Louisiana, <http://ojj.la.gov/index.php?page=sub&id=229>
- ² LDAA Position Papers on Juvenile Justice Reform dated January 22, 2003, and March 20, 2003, marked Exhibit “A” and Exhibit “B” respectively.
- ³ Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009). Adolescent Development (p. 9). Woolard, Jennifer.
- ⁴ Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009). Adolescent Development (p. 11). Woolard, Jennifer.
- ⁵ Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009). Adolescent Development (p. 16). Woolard, Jennifer.
- ⁶ Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009). Adolescent Development (p. 20). Woolard, Jennifer.
- ⁷ Bynum, J. E., & Thompson, W. E. (2005). Juvenile Delinquency: A Sociological Approach (6 ed.). New York: Pearson.
- ⁸ Dishion, T. J., McCord, J., & Poulin, F. (1999). When interventions harm: Peer groups and problem behavior. *American Psychologist*, 54, 755–764.
- ⁹ Feldman, R. A. (1992). The St. Louis experiment: Effective treatment of antisocial youths in prosocial peer groups. In J. McCord & R. E. Tremblay (Eds.), *Preventing antisocial behavior: Interventions from birth to adolescents* (pp. 233–252). New York: Guilford.
- ¹⁰ Abram, K., Teplin, L., McClelland, G., Dulcan, M. (2003) Comorbid Psychiatric Disorders in Youth in Juvenile Detention. *Arch Gen Psychiatry*. 60,1097-1108.
- ¹¹ Kashani JH, Manning GW, McKnew DH, Cytryn L, Simonds JF, Wooderson PC. (1980) Depression among incarcerated delinquents. *Psychiatry Res.* 3,185–191.
- ¹² Tashjian, M. D., LeBlanc, L. A., & Pfannenstiel, J. C. (1991). Descriptive study findings: National Study of the Chapter 1 Neglected or Delinquent Program. *Unlocking Learning: Chapter 1 in Correctional Facilities*. US Department of Education. Rockville, MD: Westat, Inc.
- ¹³ Balfanz, R., Spiridakis, K., Neild, R. & Legters, N. (2003), “High-poverty secondary schools and the juvenile justice system: How neither helps the other and how that could change.” *New Directions for Youth Development*. Volume 2003, Issue 99, pages 71–89, Autumn (Fall) 2003
- ¹⁴ Arthur, M. W., Hawkins, J. D., Pollard, J. A., Catalano, R. F., & Baglioni, A. J. (2002). Measuring risk and protective factors for substance use, delinquency, and other adolescent problem behaviors: The Communities That Care Youth Survey. *Evaluation Review*, 26, 575–603.
- ¹⁵ Phillippi, Stephen, *Evidence Based Practices for Juvenile Justice Reform in Louisiana* (2010).
- ¹⁶ Phillippi, Stephen, *Evidence Based Practices for Juvenile Justice Reform in Louisiana* (2010).
- ¹⁷ Lipsey, M. (2008). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. *Victims and Offenders*, 4,124–147.
- ¹⁸ Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn’t in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.

- 19 Adopted from Andrews, D.A. et al, (2006). The Recent Past and Near Future of Risk and/or Need Assessment. *Crime and Delinquency*, 52 (1).
- 20 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 21 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 22 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 23 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 24 Lowenkamp, C. T., & Latessa, E. J. (2005b). Increasing the effectiveness of correctional programming through the risk principle: Identifying offenders for residential placement. *Criminology and Public Policy*,4(2), 263-290.
- 25 Lowenkamp, C. T. (2004) A Program Level Analysis of the Relationship Between Correctional Program Integrity and Treatment Effectiveness. Unpublished doctoral dissertation, University of Cincinnati, Ohio.
- 26 Greene, Richard. (1988) "Who's Punishing Whom?" *Forbes* 121(6):132-33.
- 27 MacKenzie, D.L., K. Browning, S.B. Skroban, and D.A. Smith. (1999) The impact of probation on the criminal activities of offenders. *Journal of Research in Crime and Delinquency*. 36:(4) 423-453.
- 28 American Correctional Association. (2008) 2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities. Alexandria, VA: American Correctional Association.
- 29 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 30 Bonta, J., Ruge, T., Sedo, B., & Coles, R. (2004). Case management in Manitoba probation (User Report 2004-01). Ottawa: Public Safety and Emergency Preparedness Canada.
- 31 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 32 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.
- 33 Latessa, Edward J. Ph.D. (2010, October). What Works and What Doesn't in Reducing Recidivism with Youthful Offenders: Designing More Effective Community Based Programs by Following the Principles of Effective Intervention. Presented at LDAA Graduated Sanctions Day, Baton Rouge, Louisiana.

³⁴ Descriptions adapted from Phillippi & Schroeder, 2006, Phillippi & DePrato, 2009, and information at <http://www.colorado.edu/cspv/blueprints/index.html>; and <http://www.nrEBP.samhsa.gov>)

³⁵ Descriptions adapted from Phillippi & Schroeder, 2006, Phillippi & DePrato, 2009, and information at <http://www.colorado.edu/cspv/blueprints/index.html>; and <http://www.nrEBP.samhsa.gov>)

³⁶ Descriptions adapted from Phillippi & Schroeder, 2006, Phillippi & DePrato, 2009, and information at <http://www.colorado.edu/cspv/blueprints/index.html>; and <http://www.nrEBP.samhsa.gov>)

³⁷ Phillippi, Stephen, Evidence Based Practices for Juvenile Justice Reform in Louisiana (2010)

The Institute for Public Health and Justice (IPHJ) is the Lead Entity for the John D. and Catherine T. MacArthur Foundation's Louisiana Models for Change Initiative. IPHJ is a research, education and outreach institute within the LSU Health Sciences Center in New Orleans. Its mission includes disseminating and sustaining the successful outcomes of the Initiative.

For more information, contact:
Institute for Public Health and Justice
S59-LSU Law Center
Baton Rouge, LA 70803-1000
Phone: 225-578-7646