

EVALUATION OF LANCASTER COUNTY EARLY ASSESSMENT PROCESS



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Executive Summary

In January 2009, Lancaster County implemented an early screening and assessment process. The goal of this pilot project was to ensure consistent processing of juvenile offenses, especially for very young offenders, and to ensure that youth were matched to the most appropriate early intervention. The Juvenile Justice Institute was invited to evaluate the effectiveness of this early intervention. Little is known about the effect this project has had on official juvenile court processing of youth, so another important question is how this early process has impacted the overall number of youth entering the Lancaster County juvenile justice system. To evaluate the overall effect of the early screening process, we examined: 1) the process itself, 2) data on youth referred to the early screening process, and 3) trends in Lancaster County's juvenile justice system.

We analyzed three aspects of the process itself including: how long it takes a case to progress through the early assessment program, the assessment instrument utilized, and legal aspects related to this intervention. One important finding is that this early intervention is not available to all Lancaster County youth. Another key finding is that often the prosecuting attorney's decision did not coincide with the Assessment Specialist's recommendation. Most importantly, we found that this early intervention did not increase the number of youth entering the juvenile justice system in Lancaster County; nor did it increase the number of younger children being brought into the system. Trend data indicate that as Lancaster County becomes more reliant on alternative programs like the early assessment program, the number of youth officially processed through the courts has declined. This trend has not been consistently downward, and has fluctuated from year to year, so Lancaster County should remain vigilant and reexamine this baseline data in a few years.

The Impact of Juvenile Justice Processing

Recent research on the juvenile justice system indicates that official processing of a juvenile law violation may be the least effective means of rehabilitating juvenile offenders. The Campbell Collaboration, an international research network, recently completed a meta-analysis of 29 juvenile justice studies. In this study they set out to compare outcomes for youth who were “officially processed” through juvenile court, versus those who were diverted from the system to other services or were released without any requirements (Campbell 2010). Official processing includes “charging” the case in juvenile court, adjudication and formal probation. The research question the Campbell Initiative sought to answer was whether formal processing of juvenile offenses reduces subsequent acts of delinquency. This massive research project examined 7,304 juvenile records and 29 different studies over a 35 year period. Although the results were not uniform across each of the 29 studies, the findings are startling: processing a juvenile through formal juvenile court proceedings appears to result in later acts of delinquency. “Rather than providing a public safety benefit, processing a juvenile through the system appears to have a negative or backfire effect” (Campbell 2010, pg 38).

In addition to research regarding effectiveness, alternatives to the formal juvenile justice system are almost always preferred for economic reasons, as long as community safety is maintained. While the Campbell Review supported alternatives to formal processing, it did not support a policy of diverting youth who would not otherwise have been processed. In other words, these researchers were not in favor of diverting *all* youth, but only youth who needed intervention. A critical question that must be addressed when evaluating a new diversionary technique must be whether juveniles are being brought into the system unnecessarily. According to the Annie E. Casey Foundation, “behavioral research has proven that children and adolescents

are far less able than adults to gauge risks and consequences, control impulses, handle stress, and resist peer pressure” (Annie Casey Foundation website). Developmental experts agree that most young offenders will cease any lawbreaking tendency as part of the normal maturation process. It is important therefore to clearly establish which youth require an intervention rather than intervening every time a youth acts out. The later approach ends up drawing youth into the system who might not have ever been filed on; a practical problem known as “net widening.” In light of limited resources and demonstrated research regarding negative outcomes, we start this report with the assumption that unnecessary formal processing of juveniles should be avoided at all cost.

Section I: Lancaster County’s Early Assessment Process

In January 2009, Lancaster County adopted a pre-diversion, early-assessment process designed to screen out low-risk, misdemeanor juvenile law offenders. Collaborative planning for this project included representatives from Juvenile Diversion, Juvenile Probation, the Public Defender’s Office, the City and County Attorneys’ Offices, private and non-profit providers and the Juvenile Detention facility. The goal of this collaborative undertaking was to identify, very early in the juvenile process, which youth require further intervention and which youth have sufficient community supports to be diverted away from official processing without further intervention. A unique aspect of this project is that it is a creative solution that required relatively few resources to implement. The project involves two staff who work closely with the prosecuting attorney to assess youth with minor law violations. One staff member collects information on the youth’s current offense and conducts a background check for prior offenses. The case is then sent to an Assessment Specialist who attempts to complete an interview with the youth and family. The Specialist interviews the family seeking more detailed information about

the stability of the youth and family in order to gauge his or her ability to refrain from future delinquent acts. Prior to examining data on youth that are diverted using this pre-diversion process, we address three important factors related to the process itself: 1) case processing time; 2) the assessment instrument utilized; and 3) legal issues related to this intervention.

Case Processing Time

In Lincoln/ Lancaster County, when a youth commits a law violation, data regarding that offense is entered into the Lincoln Police Department's data system by the Family Crimes Department. This process may take 3 days to 3 weeks because it is reliant on one individual. If that person takes a day off, the process is postponed. On average, a case is entered within ten days of the date the offense was committed. The case is then photocopied and sent to the County Attorney's office to be entered into their data system and so that a determination may be made on whether the youth is eligible for diversion. If the youth appears to be eligible, the case is then referred to the Assessment Specialist, who attempts to contact the family by calling the phone number listed on the packet of information or citation. The original planning documents for this early assessment process indicate that the Assessment Specialist should "pick-up tickets from the Justice Center and conduct the YLS Shortened Assessment on all non-lodged tickets for youth ages 12-17 within 24 hours or less, if possible" (assessment meeting notes). This quick of a response time has not been implemented as envisioned. On average, the Assessment Specialist currently makes first contact with the family 38.4 days from the date the youth committed the offense. Much of this delay occurs in the processing of the physical paperwork and police report.

A number of researchers have documented that timely processing of juvenile offenses is an important aspect of juvenile accountability. If weeks go by from the time a report by law enforcement is made, often the youth and family believe that the system has forgotten about the event, or that it is a minor offense that the community is not concerned about. Boyd, Huss and Myers (2008) found that lengthy case processing abates the degree to which a youth feels responsible for his or her behavior. Other researchers point out cognitive development as an explanation for why timely processing is so critical: “Juveniles are typically short sighted and do not make clear connections between actions at one particular point in time and consequences at another” (Schmidt, Reppucci & Woolard 2003). Despite technological advances, communication with the youth and family about a juvenile offense continues to take weeks or months to occur. The days when law enforcement would escort a child home to receive consequences within hours may no longer be feasible, but research indicates that a prompt response is an important part of juvenile accountability.

The Nebraska Youth Screen (NYS)

Another important aspect of this process is ensuring that the instrument used to screen youth is valid and reliable. The Assessment Specialist currently screens youth using the Nebraska Youth Screening (NYS) tool. This instrument is an adaptation of the Youth Level of Service (YLS) that was developed by Dr. Brad Bogue of Justice Systems Assessment and Training (J-SAT). The NYS is a shorter pre-screening tool used by agencies to quickly distinguish low-risk youth from high-risk youth; it is used in lieu of the full YLS assessment. This tool appears to be effective for quickly capturing a youth’s potential score on the full YLS. Researchers have demonstrated that youth who score between zero to six (low risk) in the NYS will most likely also score low in the YLS assessment (Bogue, Woodward & Joplin, 2005).

Although the YLS/CMI is fairly well established, comparatively little research has been conducted on the NYS to determine whether it is an effective tool for predicting future delinquency. Consequently, we examined the tool that it was adapted from to assess its validity. The NYS was adapted from the Youth Level of Service/Case Management Inventory (YLS/CMI), an assessment tool that gauges juvenile offenders' risks and needs and predicts the likelihood of their future delinquency. The YLS derived from the Level of Service Inventory Revised (LSI-R), a standardized risk assessment for adult offenders created by Andrews and Bonta (Thompson & Pope, 2005; Bechtel, Lowenkamp & Latessa, 2008). There are a handful of studies that demonstrate the predictive validity of the YLS/CMI. Bechtel, Lowenkamp and Latessa (2007) examined the relationship between recidivism and YLS/CMI scores by assessing 4,482 cases where juveniles were serving both community-based and institutional sentences. They chose these divergent settings to determine whether the tool was truly effective in identifying different risk levels. Their findings indicate that the YLS/CMI is effective at predicting juvenile recidivism for youth in both community settings and institutional settings.

A smaller study conducted in England also demonstrated the predictive validity of the YLS/CMI. Rennie and Dolan (2010) assessed a sample of 135 detained male juveniles with behavioral problems. They followed them for one year after their release. They found that the juveniles that scored high on the YLS were ten times more likely to recidivate, and that ninety four percent of the high-scoring youth re-offended within the first year of release. Several other studies also showed predictive validity and usefulness of identifying offenders' needs but the level of predictive validity was relatively moderate compared to the aforementioned studies (Onifade, Davidson, Livsey, Turke, Horton & Malinowsk et al., 2008; Onifade, Davidson &

Campbell, 2009). In sum, the NYS is likely a reliable predictor of future delinquency, but Lancaster County may wish to conduct future confirmatory research in this area.

Legal Aspects of the Process

In addition to the timing and the tool utilized, it is also important that an individual's legal rights are respected. For instance, if this program allows youth the opportunity to avoid formal processing, that opportunity should be afforded to all eligible youth within the jurisdiction. Conversely, if pre-screening increasing the likelihood that youth will be pulled into the juvenile justice system, we must be aware of that impact as well.

There are at least two groups of youth who do not appear to be part of the current assessment process: 1) youth whose citations go through the City Attorney and 2) youth who are state wards. This comparison group allows us to conduct at least an initial assessment of whether the process increases the likelihood that a juvenile will have charges filed in court. However, we first turn our attention to the process itself and the question of why some youth are not included in this early assessment process.

Youth who violate a municipal ordinance and are age 16 or older generally have their case handled by the Lincoln City Attorney. Although the City Attorney was involved in some of the planning meetings, at present their office does not utilize the early assessment process. The City Attorney's office makes the determination to 1) file; 2) dismiss or 3) refer a youth to diversion based upon the juvenile's current offense, type of violation, and prior history. One potential concern is that youth processed through the City Attorney are not afforded the same opportunity to informally address the law violation without using their opportunity to complete diversion. Since the early assessment has been in existence, 590 youth have been referred to juvenile diversion from the Lincoln City Attorney, so 590 youth were not allowed the

opportunity to go through this screening process. Although those youth were offered diversion, the juvenile justice community should consider whether the differential process is equitable. As discussed in Section III of this report, the City Attorney has also experienced an increase in referrals to juvenile diversion while the County Attorney has experienced dramatic decreases. One of the reasons for the decline in County Attorney referrals may be the use of the early assessment process.

Another group of youth excluded from the process includes youth who are state wards. Data collected by the Assessment Specialist indicates that in 4.3% of the cases referred to the early assessment program, or 54 cases, the youth who committed the offense was identified as a state ward. In each of those cases, assessments were not offered or conducted due to the youth's legal status of state ward. As we will see a little later in this report, data collected on the outcome of the case further indicates that those youth are more likely to have charges filed on the offense than other youth. When state wards are compared to non-state wards that did not complete the assessment process, state wards appear to be at least twice as likely to have the charge(s) filed in court. Although there are a number of factors influencing the determination of whether or not to file charges, the juvenile justice community may want to discuss the policy of excluding state wards, and decide whether early assessment should be available to all youth or whether it would be duplicative of services state wards already receive. Communication with youth who are state wards may require a policy change that the County Attorney acting alone cannot make, and may only be feasible if the Department of Health and Human Services agrees to such communication. In a very few cases, an assessment could not be completed because the Assessment Specialist could not determine what language was spoken in the home in order to obtain a translator. In three cases an assessment was not completed due to a language barrier.

These limited situations should be discussed to determine if there are other solutions, so that juveniles are never excluded from the process due to language.

This leads us to a final consideration and question regarding legal consequences. Is it in the best interests of the juvenile for prosecutors to have additional information prior to making the decision to charge the case? If the prosecuting attorney learns extra legal information, that is information outside the legal process; does it increase the odds that that offense will be filed in court? Does it draw youth further into the juvenile justice system? One perception is that it does. In some cases, members of the legal community appear to be advising parents against engaging in this process. One parent stated that he had “an attorney and was advised not to answer any questions or give any information.” Another lawyer indicated that “he would not allow contact with family or youth” (Screening notes). Consequently, the Assessment Specialist did not complete an interview and did not make recommendations. Another family would only allow the youth to complete an interview under the supervision of their lawyer. In yet another instance, the “father expressed hesitancy to answer questions partway through the interview but continued because he thought it would help his son.” According to the Specialist’s notes, the parent “asked where the information went (to county attorney, diversion, or probation).” Naturally, many parents are protective of their children and unsure of the legal implications of speaking with the Assessment Specialist. Some express concern over the placement of the Specialist, who is not an official employee of the county. One parent declined participation because the caller ID did not indicate it was a call from the county attorney. He expressed concern over whether the call was legitimate, but also echoed the concerns mentioned above about over getting his child into “more trouble” by sharing information. These are questions that have important legal implications for juveniles involved in the program. After addressing the

question of whether this process increases the likelihood that a case will be charged, we will address possible policy solutions under final recommendations.

Section II: Youth Referred for Early Assessment

The next section of this report contains an analysis of data collected by the Assessment Specialist during the first eighteen months of the program. In the first quarter of this project (January 15, 2009 to March 31, 2009), some data fields were not collected. Incomplete or missing data is noted in each section. Basic demographic data is available in each of the 1,254 cases referred during the first eighteen months of this project. This includes: the offense referred, the age of the youth, the gender, race and languages spoken at home. The Assessment Specialist also documented her attempts to contact the youth and family, the NYS score, the decision of the prosecuting attorney and other notes regarding the case.

Referrals Compared to Assessments Conducted

A total of 1,254 youth were referred to this program from January 15, 2009 to June 30, 2010. The NYS was completed on 906 of the youth referred, or 72% of the total cases. An assessment was not completed in 343 instances, or 27% of the time. The primary reason that an assessment is not completed is because the Assessment Specialist was unable to make contact with the youth and family. The most common reasons a youth was not contacted was due to inaccurate phone or contact information; the second most common reason was due to the youth/family not returning calls, despite multiple attempts by the Assessment Specialist. If a youth does not complete this process, does it count against them? Generally, the lack of assessment did not increase the likelihood that a petition would be filed: only 16% of the cases where no contact was made resulted in charges being filed by the County Attorney (n=55). Although it occurs in

only a small number of cases (n=5), when the County Attorney requests a case be returned to their office, charges were much more likely to be filed (charges were filed 80% of the time).

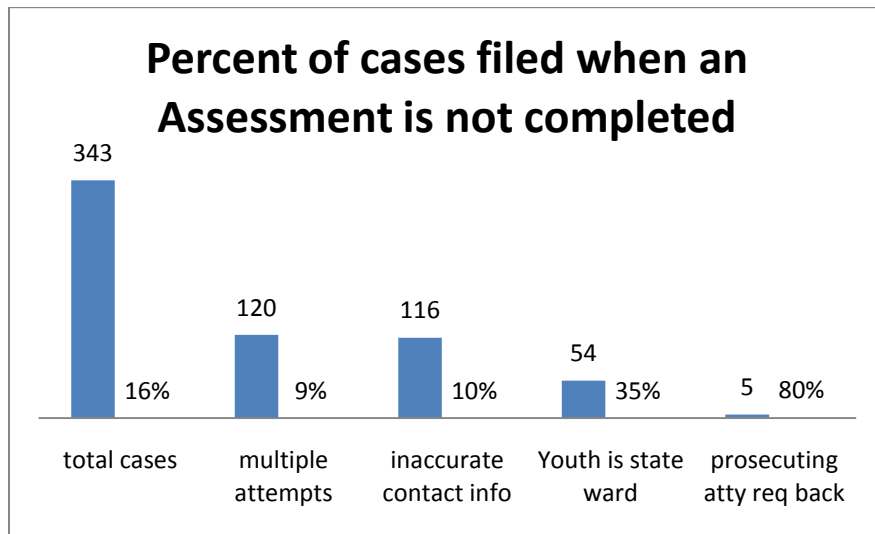


Table 1: Cases and Percent Filed

Demographics of Youth Served by this Program

While planning documents indicate that the program may have originally been intended for young offenders, the ages of youth referred to this program range from 7 to 18. The average age of youth referred to this program is 13.5. Prior to the implementation of this program, the Lincoln Police Department’s Youth Aid (YA) generally handled cases of youth ages 7-11 who had misdemeanor citations. The practice was to lecture and release. During early planning meetings, some felt that the lecture and release approach may not have a significant impact on deterring youth from future illegal endeavors, and there were concerns about consistency: “one officer may lecture and release while another one may chose to cite the youth” (8-15-08 planning notes). In addition to improving consistency, another goal of the assessment process was to identify youth who could benefit from early intervention that might help them avoid later delinquency.

Age

An important concern that juvenile justice researchers have with early identification is the unintended consequences. Beyond net-widening, some fear that early assessment will bring younger children into the formal system. Data collected during the first eighteen months of implementation indicates that this does not appear to be occurring in Lancaster County. In 2008, Youth Aid officials estimated that there were roughly twelve youth a month (under the age of 12) who could benefit from the early assessment process. Since the early assessment process began, 193 youth under the age of 12 have been referred to this program. Because this averages to roughly 11 youth per month, it does not appear that youth are being referred at younger ages. An important related question, however, is whether early assessment pushes youth deeper into the system by identifying them as “high risk.” Of the 193 youth under the age of twelve, 72%, or 139 youth, completed the NYS with scores ranging from 0 to 21. Youth in this age range had an average score of 5.2.

This is a relatively high score and significant when examined against scores of youth in the oldest age groups. NYS scores appear highest among the youngest offenders coming into the system, and diminish with increases in age. For example, a total of 483 youth ages 12 to 14 were referred through the early assessment process. Of the youth ages 12 to 14, 77%, or 370 youth, completed the NYS with scores ranging from 0 to 20, and an average score of 4.5. These scores are significantly higher than youth in the fifteen and older age group. A total of 229 youth older than 15 were referred to the Assessment Specialist. However, we must keep in mind that older youth are often processed through the City Attorney so this data may not accurately reflect citations for this age group. Of youth older than 15, 65%, or 148 completed the NYS, with scores ranging from 0 to 14, and an average score of 2.8. The available data informs us that

younger offenders are indeed being identified by the NYS as “higher risk.” The data thus far also indicate that fewer youth are coming into this system than before the start of the early assessment process. It appears therefore that the program is identifying younger age offenders in need of services, without increasing the number of youth ages 7 to 11 being brought into the system. The number and percent of cases charged for youth under 12 years of age will be addressed in more detail in Section III of this report.

Gender

Overall, male youth are slightly over-represented in the referrals to this program when compared to the population of Lancaster County youth (51% male), accounting for 63% of the youth referred, as well as 63% the youth assessed. Female youth account for 37% of referrals (and 37% assessments completed), compared to 49% of the juvenile population. Average scores on the NYS are also very similar for male and female youth, with males averaging 4.2 and females averaging 4.4 on the NYS. Youth who scored higher than a “10” on the NYS Assessment followed a similar gender breakdown: 59% are male compared to 41% female. Gender differences do appear, however, when younger offenders are examined: for instance, 80% of referrals for youth under age 12 are for males (n=154), and the percentages steadily climbs to 100% of all referrals for ages 8 and younger (n=7).

There are also some minor differences in scores when data is examined by race: 72% of youth who scored a “3” or lower on the YLS/CMI were white youth. This drops to 62% for youth who score between “4 and 10,” and remains at 62% for youth who score higher than a “10” on the NYS. Over all the types of offenses vary significantly and are not highly correlated to elevated NYS scores.

Youth Assessed vs. Prosecutorial Discretion

Once the Assessment Specialist makes a recommendation, the County Attorney reviews the information and makes a determination based upon all of the information available. We analyzed the recommendation of the Assessment Specialist and compared it to the decision rendered by the prosecuting attorney. Because the Specialist may recommend items that the prosecutor cannot feasibly implement, we compiled those recommendations to match the choices the prosecutor does have: 1) to “no charge” the case/ “no charge” with warning letter, 2) to refer the case to diversion, or 3) to “charge” the case. Of the 906 cases where an assessment was conducted, the prosecuting attorney had not issued a decision in 21 of the cases, and data was missing in 97 additional cases. Of the remaining 788 cases, the County Attorney’s final decision coincided with the Assessment Specialist’s recommendation in 281 of the 788 cases. In other words, the recommendation was followed only 35.7 % of the time.

The reasons for the discord between recommendation and decision are unclear, but likely relate to prosecutorial discretion. All cases filter through one County Attorney, so the difference cannot be an artifact of a splintered decision process or multi decision makers. Since April 2010, the County Attorney has been tracking whether the additional information gathered impacts her decision on whether to file charges, dismiss the case or refer it to Juvenile Diversion. As of June 2010, too few cases have been tracked to conduct a meaningful analysis, but this will be important data for future analysis. Although prosecutorial discretion is generally sacrosanct and not often disturbed territory, it is important to know whether the early assessment process increased or decreased the prosecutor’s decision to file charges in the case. While one certainly would not expect for the recommendation and decision to coincide in every instance, another important question is left unanswered. If data is collected and not utilized, one might wonder about the purpose of requesting youth and families participate in the early screening process. If it

is simply to have a timely response to the juvenile law violation, the older model of lecture and release may be just as effective.

Does Assessment Impact Case Determination

Although the extent to which the prosecuting attorney relies on the early assessment recommendation is unclear, data is available regarding charge determinations. Consequently, we were able to determine whether information gathered through the assessment increases the likelihood of charges being filed and compare it to how often charges are filed in cases where no assessment is conducted. As Table 3 illustrates, approximately 7.5% of youth who have an assessment completed have charges filed in court, compared to 16% of cases where no assessment was conducted. It appears that submitting to an assessment reduced the likelihood that charges would be filed. However, this does not hold true for youth who are wards of the state and who did not have an assessment completed. As discussed above, state wards were generally not contacted for an assessment. According to the Lancaster County Attorney’s office contact with state wards would require a change in policy. Although state wards are more likely to have charges filed, the reasons for this are varied and may not relate directly to the fact that they are not completing the early assessment process. Table 3 indicates the number of youth who did not complete as assessment and are not state wards, as well as the outcome of those cases.

906	<i>100% assessment completed</i>		343	<i>100% no assessment completed</i>	
118	13.02%	data not available	60	17.49%	data not available
68	7.51%	charges filed	55	16.03%	charges filed
339	37.42%	referred to diversion	114	33.24%	referred to JDS
371	40.95%	No charge	111	32.36%	No charge
10	1.10%	Child Guidance	3	0.87%	Child Guidance

Table 2: Case Outcome by Assessment

289	100%	<i>no assessment/ non state ward</i>
49	16.96%	data not available
36	12.46%	charges filed
109	37.72%	referred to diversion
92	31.83%	No charge
3	0.87%	Child Guidance

Table 3: Case Outcome When No Assessment is Conducted (non state ward youth)

Data (excluding state wards) indicate that youth who complete an assessment appear to be less likely to have charges filed in court. Only 68 of the 906 youth assessed had their charges officially processed, the majority were no charged (41%) or referred to juvenile diversion (37%). Although this does not reflect the ultimate outcome of a case, and a youth could be sent to diversion, fail to complete the program and ultimately have charges filed, it reflects the initial decision of the prosecuting attorney. This initial data indicates that the assessment process does not appear to be increasing the number of cases where charges are filed.

Referral for Services

Another evaluation question posed by Lancaster County is whether the early assessment process increases the likelihood that a youth will fail and end up in the formal system by increasing expectations and requirements for youth and families that are already struggling with day-to-day expectations. In the original planning process, community stakeholders anticipated a need for mental health services and sought funding for a set number of services. While this would explain the number of cases ultimately referred for mental health services, it should not impact the rate at which the Assessment Specialist recommends the service.

Of the youth 906 assessed, only 32, or 3.5%, received a recommendation for counseling through the Child Guidance Center (CGC). Each of these youth scored higher than 1 on the NYS with a range of 1- 21. Seventy-eight percent of the youth recommended to CGC scored above a

“5,” indicating that youth recommended for services at CGC demonstrated at least a mid-level need for mental health counseling. Of the 32 recommended, only ten were actually referred to Child Guidance for services according to the Specialist’s records. However, those records may not accurately capture all of the youth actually referred to Child Guidance. For instance, the Specialist’s records indicate a total of thirteen youth were referred to the Child Guidance Center between April 2009 and June 2010. The County Attorney’s records indicate that ten youth were referred from January to June 2010 alone.

The Assessment Specialist’s recommendations include a wide range of services beyond Child Guidance. The recommendation is very individualized and often includes a variety and combination of community-based services. In 20% of the cases, the specialist recommended that the juvenile not be charged but be required to complete an apology letter, restitution, mediation, therapy or some other service. The only official mechanism the prosecutor has to ensure a youth completes these recommendations is via juvenile diversion. The County Attorney’s system allows the prosecutor only four options: 1) not charging the case; 2) not charging the case, but sending a warning letter, 3) referring the case to juvenile diversion, or 4) filing the case in court. The juvenile diversion program generally receives the recommendation made during the early assessment process and includes the requirement in the diversion plan. However, for the 390 youth who were not referred to diversion, it does not appear that the family is informed of the recommendations by any other method.

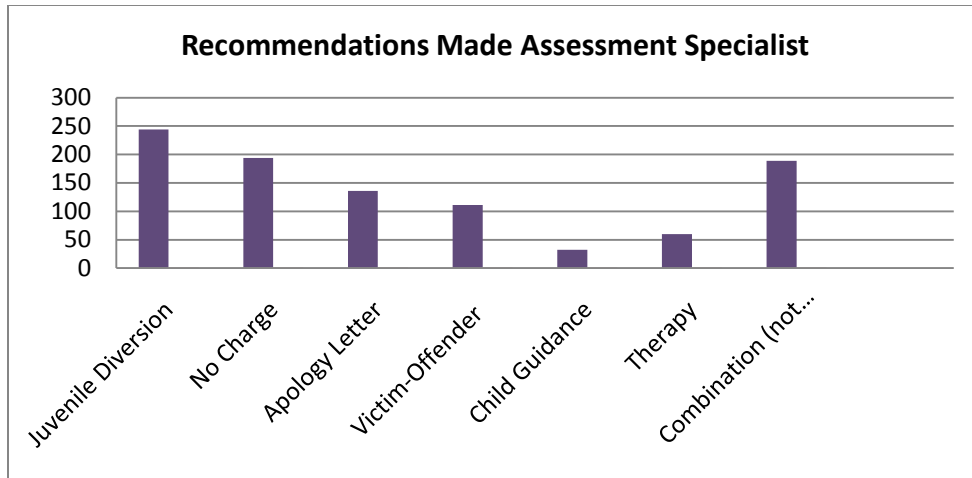


Table 4: Assessment Specialist Recommendations on Cases

Section III: Trends in Lancaster County’s Juvenile Justice System

Two final considerations in evaluating a new program are: 1) the environment in which the new program is implemented and 2) how it impacts the community once it is implemented. Changes in trends can account for rising overall numbers or influxes in certain demographics. If for example, there is a spike in young offenders, it could be that the new program has created an awareness of an actual problem and more referrals are made. It could also be that there has been an actual increase in young people breaking the law. It could equally relate to a combination of both. In order to see the impact this program may have had, a brief overview of the trends in juvenile justice in Lancaster County is considered in this final section. Data was collected on key juvenile justice points including the following:

- Lincoln Police Department (School-based calls)
- Lincoln Police Department Unit Statistics from Family Crimes (Annual Report)
- CEDARS Juvenile Diversion Services (Diversion Referral and Enrollment); and
- Lancaster County Attorney (Juvenile Processing data).

Lincoln Police Department data reflects calls made to schools within Lincoln/Lancaster County. The 2009/2010 data indicate a 12% decrease in school-related calls compared to 2005. However, 2005 was the highest point in a decade, so the decrease does not reflect the broader trend that occurred from 2000 to 2010. In 2005 over 550 citations were issued to youth in public and private schools. The number of juvenile contacts/ citations has remained at about 500 annually since 2005.

Data on youth referred to the Lancaster County Juvenile Diversion program indicates that 26% fewer cases are referred to juvenile diversion from the County Attorney than in FY 2005/06. This reflects a fairly consistent trend downward since 2005. In addition, fewer youth under the age of 10 are being referred through diversion. In fiscal year 2007/08, 16 youth ages 10 or younger were sent to diversion. In F2008/09, only 2 youth under ten were referred to diversion. In 2009/10, six youth ten or younger were referred to diversion. The diversion failure rate for youth under the age of ten ranges from 16% to 50%. Although the small numbers of youth referred in this age group skew the numbers, this may be an indication that younger age children are best served in a service other than diversion. It appears that the early assessment process may be meeting this need. Referrals from the City Attorney during the past five years have seen a 6% increase, although numbers have fluctuated from year to year.

The number of juvenile petitions filed in Lancaster County provides an additional picture of how the juvenile justice system may be operating, and how the early assessment process may be impacting juvenile justice as a whole. Petition data was provided by the Lancaster County Attorney's Office and includes cases filed in the Separate Juvenile Court of Lancaster County as well as the number of juvenile offense(s) that were "no charged." Although the data does not represent a one-to-one relationship with offenses committed, it does provide us with an overall

trend of case processing. Lancaster County experienced a 40% decrease in cases filed in Lancaster County’s Juvenile Court from 2005 to 2010 . While fewer cases were “no charged” in 2010 than in 2005, this reflects the overall trend of fewer juvenile offenses and fewer filings in 2010 than 2005. Data reported by the Lincoln Police Department shows that overall juvenile crime is down which may account for lower numbers throughout the system. Overall, the data indicate that the more the system relies on alternatives, the less it relies on official processing of a juvenile law violation. While this seems to be a straight forward concept, in some jurisdictions, alternatives are created and the “net widens” and more youth are caught in it and the numbers go up.

Trends in Juvenile Case Processing

	2005-06	2006- 07	2007-08	2008-09	2009-10	Change
LPD arrest for juveniles under 15 (felony)*	144	127	142	105	-	-27%
LPD arrest for juveniles under 15 (misdemeanor)*	1,951	1,951	1,838	1,794	-	- 8%
Number of juvenile charges where youth cited within a local school	562	461	479	496	497	-12%
Cases referred to juvenile diversion by the county attorney	715	654	629	530	452	-26%
Cases referred to juvenile diversion by city attorney	389	381	424	393	415	+ 6%
Number of youth sent through the early assessment process	-	-	-	483	765	+58%
Number of youth placed in detention alternatives	179	117	189	304	209	+17 %
Offense(s) filed by county attorney	1040	978	915	701	639	-39%
Charges filed on youth 12 or younger (percent of total petitions)	105 (10%)	148 (15%)	116 (13%)	88 (13%)	53 (8.3%)	-49.5%
Offense(s) no charged by county attorney (insufficient evidence)	65	33	34	46	27	-58%

Offense(s) no charged by county attorney (warning letter)	321	390	304	364	348	+8%
Offense(s) no charged by county attorney	219	129	60	144	83	-62%
Total cases no charged by county attorney	605	552	398	554	458	-24%
“no charge” incidents (on youth under 12)	115	138	126	176	92	-20%

Table 5: Trends in Lancaster County Juvenile Justice Processing

Conclusion and Recommendations

The early assessment process implemented in Lancaster County appears to be identifying younger age offenders in need of services, without increasing the number of youth being brought into the system. This is an important finding, but should be interpreted with some caveats. From 2005 to 2009, it appears that juvenile offenses declined by roughly 8%, but 2010 data is necessary to complete this picture. Assuming a continued decrease in juvenile crime, the data informs us that the decline in cases filed cannot be accounted for entirely for by a decrease in juvenile crime. Why? Juvenile Crime appears to be down roughly 30%, but juvenile petitions have decreased by almost 40%. Lancaster County appears to be utilizing alternatives, including the early assessment process, in lieu of formal court processing, which is creating a more rapid decline in court filings.

Although the program appears to be working as intended, procedural aspects of the process that Lancaster County may want to consider to further improve the program include:

1. Shortening the case processing time to make contact with the youth and family within two weeks (at most) of the law violation. Ideally, contact would be attempted almost immediately. A number of approaches could be taken to achieve this, or a combination thereof. Currently, sending reports and paperwork between offices is the most time-

consuming part of the process. Electronic record management and real-time data sharing between the Lincoln Police Department, the County Attorney and the Assessment Specialist would significantly reduce processing time. If feasible, cross-training staff would also assist with reducing case processing time, as two of these agencies are reliant on individually staffed positions.

2. Prosecuting attorneys who utilize this process should promulgate policy that indicates that the additional information will not be utilized to bring the youth deeper into the system. A short statement could be read to the family/ youth at the beginning of the assessment process, indicating that the assessment data could not be used in court. Although this may already be clear to attorneys who practice in juvenile court, it may not be clear to parents and guardians.
3. All juveniles within Lincoln/ Lancaster County should receive similar treatment by going through the early assessment process prior to referral to juvenile diversion. Although policies may need to be revised with regard to state wards, or youth cited under municipal code, if the assessment process deflects youth out of the system then this advantage should be available to all youth in Lincoln/ Lancaster County.
4. A longitudinal study should be conducted examining long term impact of this program comparing youth and families who completed an assessment to youth who do not.

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