

Widening the Net in Juvenile Justice and the Dangers of Prevention and Early Intervention

Introduction

In recent years as concerns over youth violence and youth crime has increased, policy makers have devoted more resources to delinquency prevention programs. These prevention programs are generally based on the premise that early intervention reduces the likelihood that youths will later end up in the juvenile or criminal justice system. However, as prevention programs expand, policy makers are confronted with the issue of how to target precious resources in the most effective way. Many youth policy advocates assert that delinquency prevention resources should target youths who are experiencing early warnings signs of chronic problems. Absent early intervention these potential chronic problems will result in future delinquent behavior.

Prevention and early intervention policies are based on the notion that it is cheaper and more effective to intervene early into a child's life. In the case of youths arrested for the first time it is widely accepted that the imposition of immediate consequences deters later delinquency and reduces future justice system exposure. These assumptions have driven youth and juvenile justice policy for much of the past 30 years.

However, despite the promise of prevention and early intervention programs, research has shown that these policies rarely produce the expected results and more often have the opposite effect. Instead of reducing the number of youth formally processed through the juvenile justice system, these prevention and early intervention policies actually subject more youths to formal justice system intervention. Criminologists refer to this phenomenon as "net widening" and it is a growing trend. The implications of net widening are serious because the process results in the diversion of resources from youth most in need of intervention to youths who may require no intervention. This process depletes the system's resources and impairs its ability to properly intervene with appropriate youth. Instead of improving public safety, these early intervention and prevention strategies promote net widening by shifting resources from youth most in need to youth least in need.

Juvenile Justice Reform as Net Widening: The San Francisco Example

An recent example of netwidening occurred in San Francisco beginning in 1996 with an effort to reform the city's juvenile justice system. With an unprecedented infusion of over \$20 million in state and federal money, new prevention and intervention programs were funded. A primary element of these reforms was the establishment of a new centralized

intake system to assess and refer youths to community-based services and reduce unnecessary detention. Through the implementation of new services, San Francisco would drastically reduce its historical reliance on custodial detention.

The city's failure to develop and implement detention alternatives has been noted in at least six major reports in the past 25 years. At least two of these reports noted San Francisco's high detention booking rates and the custodial emphasis of the juvenile probation department. Since the juvenile detention rate reflects the system's priorities, the higher the detention rate the more custodial the system.

San Francisco's attempts to reform its juvenile justice system did not result in fewer youths processed into the juvenile justice system, despite millions of dollars in new programs, a shrinking youth population, and declining youth crime rates. Instead, to maintain a stable number of youth, a wider pool of lower risk youths were simply absorbed into the system in order to keep the juvenile hall and the rolls of new programs filled. The following chart shows the dramatic recent increase in San Francisco detention bookings (see figure 1). Essentially, in 1984, 37% of arrested youths were booked into the juvenile hall. By 1999, this figure increased to an unprecedented 85% of all arrested youths being booked into the juvenile hall. In addition to a higher detention booking rates, the average length of stay increased from 12 days to 14 days over the 5-year period (see table 1).

Figure 1: San Francisco Youth Guidance Center Annual Average Bookings vs. Juvenile Arrests, 1984-1999

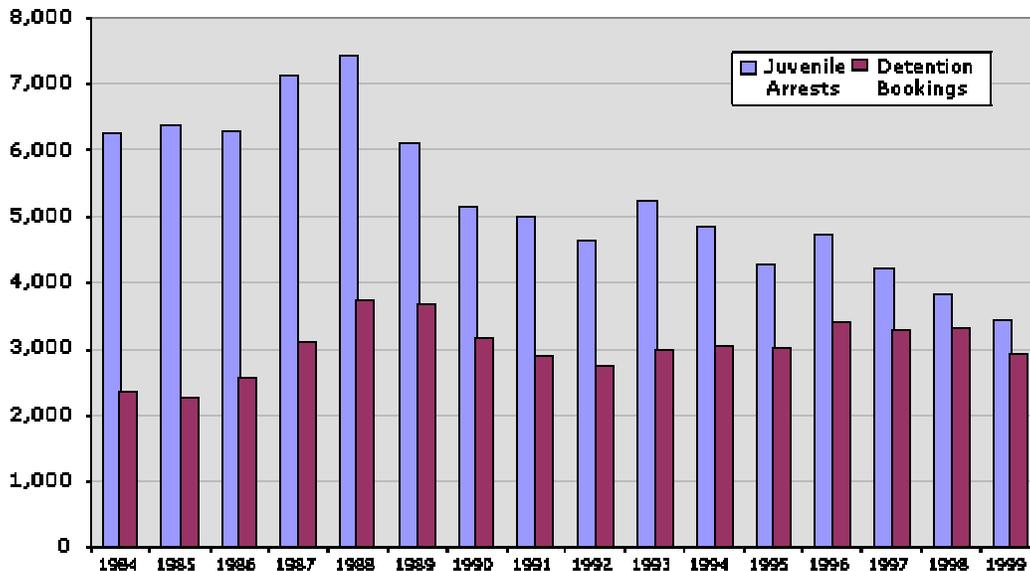


Table 1. San Francisco Youth Guidance Center, average annual detention bookings versus juvenile arrests, 1984-99

Year	Detention Bookings	Juvenile Arrests
1984	2334	6247
1985	2256	6363
1986	2553	6262
1987	3080	7109
1988	3715	7417
1989	3652	6079
1990	3128	5123
1991	2866	4976
1992	2707	4600
1993	2974	5214
1994	3035	4831
1995	3000	4271
1996	3400	4710
1997	3274	4185
1998	3285	3814
1999	2913	3405

Source for tables: Juvenile Probation Department [(1989), 1997-98, 1992, 1998, 1988], Annual Reports, City and County of San Francisco. Criminal Justice Statistics Center [(1999, 1992, 1990), California Criminal Justice Profile-San Francisco, California

Research on Net Widening

The issue of net widening was first recognized in the 1970s with the advent of diversion programs and other policies intended to reduce exposure to traditional justice system processing. Diversion programs resulted from a growing body of research showing the deleterious effects of justice system processing, and its association with increased antisocial behavior.

To reduce formal justice system exposure, diversion programs were widely instituted. Diversion typically involves five goals:

- Avoidance of negative labeling
- Reduction of unnecessary social control
- Reduction of recidivism
- Provision of service
- Reduction of justice system costs

By diverting youths at various points of entry, the goals outlined above would be realized. However, later research demonstrated that diversion advocates underestimated the capacity of established systems to adapt to new initiatives without changing established practices. A recent U.S. Department of Justice study described how net widening undermines diversion's goals:

A true diversion program takes youth who would ordinarily be processed within the juvenile justice system and places them, instead, into an alternative program. If 1,000 youth were normally processed within the system, a true diversion would take, for example, 300 of those youth and

place them in alternative programs. Net widening would occur, however, if the alternative programs served 300 additional youth who were not part of the original 1,000 that were normally processed. Therefore, instead of dealing with a total of 1,000 youth (i.e., 300 in diversion programs and 700 within the juvenile justice system), the system is processing 1,300 (1,000 plus 300). A "net gain" or a "net widening" of 300 youth has occurred (Shelden 1999).

Diversion programs are administered either by justice agencies or community-based organization. Common forms of diversion include police diversion, where youth are transported to a community-based service agency following arrest. At these agencies youths are typically required to complete certain requirements, such as engage in formal counseling or community service in exchange for no charges being filed.

One 1975 study of police diversion in Los Angeles by criminologist Malcolm Klein found that the youths referred to diversion were youths the police would have ignored or dismissed if the programs did not exist. California Youth Authority researcher Elaine Duxbury found a similar situation in her analysis of Youth Services Bureaus. Youth Service Bureaus (YSB) were first established during the Johnson and Nixon administrations as forms of police diversion. YSBs typically offered a variety of activities such as recreation, education, and counseling programs. Youths could be referred by justice and nonjustice agencies such as schools. According to Duxbury most referrals were from nonjustice agencies such as schools and child welfare organizations - the agencies that YSBs were supposed to mobilize to serve youth in lieu of formal processing.

Another evaluation of 11 California juvenile diversion programs found that half of all referrals were subjected to more intensive justice system interventions following diversion. The tendency of the diversion programs to escalate the likelihood of formal processing typically occurred when youths failed to complete their "voluntary" conditions. By failing to complete their diversion conditions, prosecutors often pursue formal charges. In other instances, conditions for diversion participation required the youth to admit guilt. Any subsequent program failure resulted in immediate violation without due process rights and harsher sanctions (Palmer, 1978).

Finally, by shifting resources and program emphasis to lower level offenders, diversion programs tend to "widen the net" by allowing justice systems to jettison their more difficult youth. Youth with serious mental health or personal issues who have multiple prior contacts with the system are now more often transferred to adult court, while the juvenile justice system expands its reach to a less serious and troublesome population.

Reducing Net Widening and Improving Investment

Many argue that the juvenile justice system should focus on first time or low level offenders who are more malleable to rehabilitation. Under this argument net widening is a good thing because it allows the system to target youths early before they become serious delinquents. However, this argument is not supported by research.

For the past 40 years criminal justice research repeatedly shows that almost 70 percent of youth who are arrested once, are never arrested again. In other words, by doing nothing the state can achieve a 70 percent success rate - meaning no subsequent arrests - with first time offenders (Wolfgang, Figlio, and Sellin, 1972). In fact, as Palmer and Lewis (1980) found, first time offenders subjected to diversion intervention showed no better results than a comparison group who received no intervention. According to Palmer and Lewis it was "...literally impossible to demonstrate improved performance on the part of clients who had no prior arrests: Obviously, such youths could not improve relative to their already 'perfect' past." In addition, following a second arrest, there is another fall off in the percentage of youth arrested again. As a result, only 6 to 8 percent of all youth born in a given year will be arrested three or more times. These youths are the ones who often have the most troublesome issues and are the most in need of intervention. By widening the net to intervene with low-level offenders, juvenile justice systems dilute precious resources and ensure that youths in need of comprehensive services go unserved.

By reducing net widening, research shows that systems can improve their effectiveness and better promote public safety. To shorten the net and improve public safety, juvenile justice systems and affiliated community-based agencies need to adopt a deep end strategy. Agencies that adopt a deep end strategy target their resources on youths with the most severe and troublesome issues. These "deep end" youths have the highest likelihood of continuing their delinquent careers absent comprehensive interventions. The current favored approach of intervention with first time offenders is counter to this strategy and a likely waste of the system's limited resources.

In the past decade, the Center on Juvenile and Criminal Justice (CJCJ) helped pioneer a "deep end" diversion strategy for youths in preadjudication detention. To avoid "net widening" CJCJ instituted advocacy and intensive case management models in San Francisco, Washington, DC, Baltimore, and Philadelphia. To ensure against net widening, CJCJ programs specifically targeted detained youths with high-risk scores and long involvement with the system. A recent study published by the U.S. Justice Department found that the recidivism rate for this intervention was half that of a less delinquent matched sample who remained in detention pending their adjudication.

Further, the comparison groups was more than three times more likely to have two or more subsequent referrals, and almost three times more likely to be referred for a violent crime, about four times more likely to have two more subsequent petitions, and slightly more likely to have subsequent placements (Shelden, p. 9,1999)...

Because of the inability to adequately predict which youths will become chronic offenders, prevention and early interventions run the risk of exposing nondelinquent youths to state intrusion and increasing their likelihood of prolonged justice system exposure. While programs need to be developed for youths experiencing personal crisis, these programs should operate on a voluntary basis and remain unaffiliated with the justice system. The preferred models for effective justice system intervention are programs that target high-end youths who have three or more justice system contacts. The

number of prior contacts remains the only reliable means of predicting the likelihood of future justice system involvement. Finally, research on intervention with high-risk offenders suggests that such strategies are more effective at reducing recidivism and promoting long-term public safety.