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### Cover Page Footnote

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# Demographic and Offense-Related Variables in Pennsylvania Court-Ordered Placements for Juveniles

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## Abstract

When making placement decisions for juvenile offenders, court officers often consider the types of charges listed against them. We examined the pattern of offenses charged to residents of 7 types of placements in 1 county in Pennsylvania over a period of 2 years. Consistent, predictable patterns were found across placements, with more restrictive placements assigned to juveniles with more severe offenses, although there remained a considerable degree of variation in offenses represented in each placement type. The pattern of placements was different between genders as well, with female offenders being placed in less restrictive care even more often than their lower felony and misdemeanor rates would predict.

Keywords: court-ordered placements, gender, juvenile disposition, juvenile offenders, juvenile offenses

Pennsylvania is among those states that have adopted the philosophy of balanced and restorative justice as a model for its juvenile justice system. The model and its implementation are described in the Juvenile Act and numerous publications, including the *Mission and Guiding Principles for Pennsylvania's Juvenile Justice System* (Pennsylvania Commission on Crime and Delinquency, 2003) and the *Pennsylvania Juvenile Delinquency Benchbook* (Pennsylvania Juvenile Court Judges' Commission, 2003). Reflecting the model, the juvenile justice system is required to provide balanced attention: to *community protection*, the right of all citizens to safe and secure communities; to *victim restoration*, the juvenile's obligation to the victim of a crime and to the community; and to *youth redemption*, the development of competencies that enable offenders to become responsible and productive members of their communities.

The balanced and restorative justice model governs all dispositional decisions and juvenile services, which must address the three prongs of community protection, accountability, and competency development. Moreover, in recognition that each case presents unique circumstances, the response of the system must be individualized and based upon an assessment of all relevant information and factors, as specified in the *Benchbook*

(Pennsylvania Juvenile Court Judges' Commission, 2003). The dispositional process is informed primarily by a social study report prepared by the juvenile probation department. The report contains comprehensive information about: the offense; the juvenile's behavior at home, in school, and in the community; the physical, intellectual, emotional, and social development of the juvenile; the attitudes of the juvenile's family, school, and community; psychological, psychiatric, and medical reports where needed; job history and prospects; the probation officer's overall evaluation of the juvenile's rehabilitative potential; and the officer's recommendation for a disposition. In addition, the social study includes victim impact and community impact information.

In dispositional hearings, the juvenile court judge can choose from a variety of options, including probation, restitution, community service, and commitment to a juvenile facility. Placement decisions are based on the principle of least restrictive alternative consistent with the needs of the offender, the victim, and the community. As indicated in the *Benchbook* (Pennsylvania Juvenile Court Judges' Commission, 2003), commitment is meant to be a *last resort* disposition that is warranted only in cases involving juveniles who have committed very serious offenses, who present a clear danger to themselves or others, who have histories of failure under community supervision, whose home lives render removal imperative, or whose treatment needs necessitate specialized institutional care. A court presiding over a delinquency case may also order any dispositions authorized for dependent juveniles, such as

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family support measures, temporary foster care, and other dispositions usually reserved for abused and neglected children.

The juvenile court judge has a great deal of flexibility in determining the plans or programs best suited to the juvenile's treatment, supervision, rehabilitation, and welfare. Pennsylvania has a broad range of public and private facilities for adjudicated youth that vary in level of restrictiveness, including: (a) day treatment programs that allow the youth to remain at home; (b) small group homes that afford residents a chance to remain in the community while working or attending school;

(c) larger and more remote residential facilities that provide restrictive access, education, and 24-hour direct supervision; and (d) locked, fenced facilities and secure treatment units.

In making dispositional decisions, juvenile court judges are also responsible for ensuring that juvenile offenders with mental health or substance abuse problems receive the assessment, treatment, and special services they need. In fact, the case for mental health services is compelling. Results of several studies have documented the high prevalence of mental disorders among youth in the juvenile justice system (Skowrya & Coccozza, 2007; Teplin, Abram, McClelland, Dulcan, & Mericle, 2002). As many as 65% of these juveniles have a diagnosable mental disorder (Desai, Goulet, Robbins, Chapman, Migdole, & Hoge, 2006). A majority of those who are diagnosed with a mental disorder also meet the criteria for one or more co-occurring mental or substance use disorders (Abram, Teplin, McClelland, & Dulcan, 2003). Additionally, the death rate from suicide appears to be significantly higher among juvenile offenders than among nonoffenders (Ryan & Redding, 2004; Sheras, 2000).

An expanding literature provides evidence of the relative effectiveness of various placements for juvenile offenders. A recent study found little evidence that expensive institutional placement offers an advantage in reducing rates of rearrest or self-reported offending, nor does the length of institutional stay appear to make a difference (MacArthur Foundation, 2009). Other researchers (e.g., Hughes, 2002; Lin, 2007) have also questioned the value of institutional placement. As Skowrya and Coccozza (2007) have discussed, multiple reviews of evidence-based treatments have provided the strongest empirical support for interventions that are individualized, community-based, family-oriented, and multisystemic. For example, evaluations of Multisystemic Therapy, Functional Family Therapy, and Multidimensional Treatment Foster Care have consistently found positive outcomes associated with their use, including decreased psychiatric symptomatology and reduced long-term rates of rearrest.

Although these research findings provide some decision-making guidance when planning for juvenile offenders, it is important to consider the unique characteristics of specific community-based services. For instance, programs that offer mental health services can vary considerably in their interventions and outcomes. A collaborative project with a Pennsylvania county juvenile probation program offered an opportunity to evaluate the relative effectiveness of specific placements for juvenile offenders. The long-term goal of the study is to develop a foundation for evidence-based placement decisions that can maximize outcomes for the diverse juvenile justice population. This initial study examined the pattern of demographic

and offense-related variables in different court-ordered placements for juvenile offenders.

Given the importance and complexity of judicial decision making, further research is needed to identify the variables that influence dispositional decisions and to increase decision-making accuracy and equity in juvenile justice settings (Schwalbe, Fraser, & Day, 2007). Lin (2007) has identified several characteristics of youth that are predictive of placement recommendations, including offense severity, legal history, school engagement, family functioning, community involvement, peer influences, mental health, and substance use patterns. He notes that youth who get placed look substantially different from those who receive probation. For example, youths who are court-ordered to placement have different demographic statistics, more serious legal records, and more social problems. As Lin has observed, these characteristics not only influence placement decisions, but may also affect the response of juvenile offenders to placement, as well as their propensity to recidivate.

In an effort to further elucidate the dispositional process, we examined the pattern of offenses in different court-ordered placements, as well as relationships among felony, misdemeanor, summary, and status offenses. We hypothesized that residents placed in more restrictive settings would be characterized by more frequent and more severe delinquent offenses.

## Method

### Sample and Participants Selection

Our analysis included records of juvenile placements from January 1, 2004, to November 20, 2006, that were provided by the county juvenile probation office. These records included all referrals to the probation system and all court-ordered placements during that period. If an ongoing placement had occurred before the start of the data file, that information was not available to us. The records identified the adolescents only by anonymous juvenile ID number. Each record included: demographic information about the youth and his or her family, a record of the number of times the youth had been referred to the system, the charges brought against the youth at the current referral, and the date and name of placement where the youth was assigned.

There were three exclusion criteria. First, all participants were under 18 years of age; the few older juveniles were excluded from the analysis. Second, records were not included in the analysis if placements did not occur within two months of a referral. Finally, 11 records were excluded because of insufficient information to categorize the placement.

### Procedure

When data regarding multiple referrals and multiple placements were available, only the first instance of a referral and subsequent placement was used for the analysis. Placements were categorized as follows: secure residential facilities; residential facilities; day treatment, alternative treatment, group home; counseling; and foster care.

Each time individuals were referred to the county juvenile probation office, they were charged with one or more offenses. For each valid record, we recorded whether or not the youth had been charged with one of four types of offenses. These of-fense categories were: (a) felony offenses, such as murder, rape, aggravated assault and/or battery, arson, burglary, grand theft, robbery, embezzlement, treason, espionage, racketeering, kidnapping, cannabis cultivation, and fraud; (b) misdemeanor offenses, such as simple assault, theft under \$2,000, terroristic threats, weapons in school, false reports to police officers, and all drug charges except selling or intent to sell; (c) summary of-fenses, such as retail theft (shoplifting), criminal mischief, un-derage drinking, harassment, disorderly conduct, possession of tobacco on school property, and traffic offenses; and (d) status offenses, such as truancy, incorrigibility in school, and incorri-gibility in the home.

## Results

### Demographics of the Sample

The final sample included 374 youths, of which 251 (67.1%) were males and 123 (32.9%) were females. The age of juveniles at their date of offense ranged from 11 to 17 years, with a mean age of 15.61 years. With regard to socioeconomic status, data were incomplete for 27 records. For the remaining 347 records, the household income level was generally very low; 66.6% came from households that made less than \$24,000 a year. Finally, only 19.3% of the youths came from house-holds with two biological parents. The most frequent living ar-rangement was the mother-only household (41.4%), followed by the two types of stepparent families (father and stepmother or mother and stepfather) (15.5%), father-only (8.3%), other

relative (7.5%), foster care (3.2%), guardian (0.8%), and other (4.0%).

The population of juveniles placed in the county varies greatly in ethnic composition from the general population statistics of the county. According to the U.S. Census Bureau (2007), only 4.2% of the population of the county was not White/Non-Hispanic in 2005, whereas our sample consisted of 21.4% minorities. The largest minority was Black (15.2%), with Hispanic, biracial, Indian, and other making up the re-maining 6.2%. One reason for the discrepancy in racial compo-sition was the county's occasional placement of juveniles from an urban area that has a much larger minority population. This cannot account for the entire difference in minority representa-tion, however, because juveniles from the urban area made up a very small part of our sample.

### Analysis of Placement Category by Offense Charges

Our first goal was to examine the relationship between of-fense type and placement category. We calculated the percent-age of juveniles attending each placement type who had been charged with each of the four types of offenses. Each youth could be charged with any or all of the four offense types. As indicated in Table 1, placements varied greatly in their patterns of offenses. Although the overall felony offense rate in this population was relatively low (14%), secure residential facili-ties had a high proportion of juveniles who had been charged with a felony (41%). Nonsecure residential placements, alter-native treatments, and group home assignments had similar proportions of felony offenders (15% to 20%). Finally, coun-seling, foster care, and day treatment placements had very low rates of felony offenders (1% to 3%). A Chi-Square analysis indicated that the number of felony offenses varied significant-

ly by placement type,  $\chi^2(54, N = 374) = 102.486, p < .001$ .

Table 1.

*Percentages of Juvenile Offenders with Felony, Misdemeanor, Summary, and Status Offenses in Different Court-Ordered Placements*

Placement	<i>n</i>	<i>Felony</i>	<i>Misdemeanor</i>	<i>Summary</i>	<i>Status</i>
Secure residential	17	41.2	82.4	41.2	5.9
Residential	143	21.0	47.6	10.5	44.1
Alternative treatment	50	16.0	30.0	12.0	58.0
Group home	27	14.8	22.2	0.0	70.4
Counseling	271	3.7	29.6	0.0	74.1
Foster care	29	3.4	6.9	0.0	93.1
Day treatment	81	1.2	4.9	7.4	91.4
Total	374	13.9	31.3	9.1	62.3

The pattern of misdemeanors in placements was very sim-ilar to that of felony offenses. Secure residential facilities again had the highest proportion of juveniles charged with misde-meanors (82%). Residential placements, alternative treatments, and group homes also had significant proportions of juveniles with misdemeanors (22% to 47%). Those assigned to counsel-ing had a surprisingly high proportion of misdemeanor offend-

ers (30%), given their low felony offender rate. Again, the placements varied significantly in the number of misdemeanor offenses committed by each resident,  $\chi^2(48, N = 374) = 157.571, p < .001$ .

Although summary offenses were not as common as felo-nies in this sample, the pattern of placement of juveniles charged with summary offenses was very similar to that of the

felony offenses. Secure residential had the highest proportion (41%); residential and alternative treatment had lower levels (7% to 12%); and counseling and foster care had no juveniles who were charged with summary offenses. There were two deviations from the felony pattern. Namely, group homes had some juveniles with felonies, but none with summary charges, and day treatment had almost no juveniles with felonies, but some with summary charges (7%). Placements varied significantly in the number of summary charges as well,  $\chi^2(30, N = 374) = 52.590, p < .01$ .

Finally, a high proportion (44% to 93%) of juveniles charged with status offenses were found in all placements except secure residential facilities, which only had status offense

charges in 6% of their population. The pattern of offenses also varied significantly across placements,  $\chi^2(12, N = 374) = 100.929, p < .001$ .

#### Analysis of Placements by Offense Charges and Gender

Regarding the pattern of offenses, males and females had different profiles. As seen in Tables 2 and 3, females were charged with fewer and less severe offenses than males. Nearly 18% of males were charged with a felony, whereas only 6% of females had felony charges at the time of referral. In contrast, status offenses were charged to only 52% of the males and to a large majority (83%) of females.

Table 2.

*Percentages of Male Juvenile Offenders with Felony, Misdemeanor, Summary, and Status Offenses in Different Court-Ordered Placements*

Placement	<i>n</i>	<i>Felony</i>	<i>Misdemeanor</i>	<i>Summary</i>	<i>Status</i>
Secure residential	16	37.5	81.2	37.5	6.2
Residential	103	25.2	55.3	10.7	35.9
Alternative treatment	44	18.2	34.1	13.6	52.3
Group home	14	28.6	35.7	0.0	50.0
Counseling	17	5.9	29.4	0.0	70.6
Foster care	14	0.0	0.0	0.0	100.0
Day treatment	43	0.0	7.0	11.6	86.0
Total	251	17.9	39.0	11.2	52.2

Table 3.

*Percentages of Female Juvenile Offenders with Felony, Misdemeanor, Summary, and Status Offenses in Different Court-Ordered Placements*

Placement	<i>n</i>	<i>Felony</i>	<i>Misdemeanor</i>	<i>Summary</i>	<i>Status</i>
Secure residential	1	100.0	100.0	100.0	0.0
Residential	40	10.0	27.5	10.0	65.0
Alternative treatment	6	0.0	0.0	0.0	100.0
Group home	13	0.0	7.7	0.0	92.3
Counseling	10	0.0	30.3	0.0	80.0
Foster care	15	6.7	13.3	0.0	86.7
Day treatment	38	2.6	2.6	2.6	97.4
Total	123	5.7	15.4	4.9	82.9

We then examined each placement category to see how gender affected the pattern of offenses charged to juveniles at that type of placement. The general pattern of offenses remained the same, but there were a few differences. The only juveniles with felony charges who were placed in nonrestrictive foster care or day treatment were females. Similarly, among those charged with misdemeanors, foster care placements were only given to females. Alternative treatment and group homes displayed an unusual pattern, with the males having a wide variety of charges against them, but the females

having only misdemeanor or status charges against them. In general, while females had fewer felony and misdemeanor charges, they were placed in less restrictive facilities, even if they had committed more severe offenses.

#### Intercorrelations of Offense Types

Because the pattern of offenses and placements had such consistent patterns, we also examined the consistencies between the types of offense at each youth's time of referral. We

calculated Pearson correlations between the numbers of offenses of each type that were charged to a youth. The number of felony, misdemeanor, and summary charges were all significantly positively correlated with each other, as seen in Table 4.

Table 4.

*Intercorrelations between Types of Offenses (N = 374)*

Placement	Felony	Misdemeanor	Summary	Status
Felony	--	.426**	.273**	-.246**
Misdemeanor		--	.159**	-.409**
Summary			--	-.240

\* $p < .05$ , \*\* $p < .01$

### Discussion

Our results highlight the diversity among juvenile offenders who receive different court-ordered placements, a finding that is consistent with the differences between offenders who are given probation and those who are placed (Lin, 2007). Namely, the pattern of offenses differed significantly across placements. Not surprisingly, juveniles in some more restrictive facilities, such as secure residential placements, had committed relatively more felony, misdemeanor, and summary offenses, and fewer status offenses. Likewise, some less restrictive placements, such as foster care, were associated with fewer felony, misdemeanor, and summary offenses, and with more status offenses. However, a mixture of delinquent and status offenses characterized most placements.

Intercorrelations among offense categories pointed to significant positive relationships among felony, misdemeanor, and summary offenses, which were all negatively related to status offenses. This pattern of intercorrelations suggests that juvenile offenders who commit one type of delinquent offense are likely to commit other delinquent offenses. In contrast, juveniles who commit status offenses, which are often linked to abuse and neglect, are less likely to commit delinquent offenses at the same referral time. The distinction between delinquency and dependency is formalized in the adjudication process, although juveniles can be adjudicated both delinquent and dependent.

Given the diversity among juvenile offenders, the pattern of offenses offers a poor general guide for placement decisions. For example, although counseling is a less restrictive placement and is associated with a relatively high level of status offenses, this placement type was characterized by delinquent offenses in our sample. Similarly, juveniles who were placed in more restrictive group homes and alternative treatments had a relatively high level of both delinquent and status offenses. In these cases, variables other than offense pattern, such as the presence of mental health problems or of abuse and neglect, may play an important role in dispositional decisions.

It appears that dispositional decisions in our sample differ for male and female juvenile offenders. Namely, although females were charged with fewer and less severe offenses, they were placed in less restrictive placements even more often than their lower felony and misdemeanor rates would predict. Gender differences, if reliable, have important implications for the

In addition, the number of status offenses charged at the time of referral was negatively correlated with the number of felony offenses ( $r = -.247$ ,  $p < .01$ ), misdemeanor offenses ( $r = -.407$ ,  $p < .01$ ), and summary offenses ( $r = -.242$ ,  $p < .01$ ).

juvenile justice system, which has witnessed a substantial increase in the female proportion of juvenile arrests between 1980 and 2000 (Snyder & Sickmund, 2006). Many studies of juvenile adjudication and placement have examined the role of gender, and the results have been mixed. Javdani, Sadeh, and Verona's (2011) recent review of the literature found many recent studies where females were given more severe punishments and were more often removed from homes. Other researchers found that gender had little effect on placement decisions, and if anything, females were treated more leniently (Espinosa, Belshaw, & Osho, 2008). Others have found varying treatment, depending on the severity of the offenses committed (Kruttschnitt, 1996, as cited in Javdani, et al.), or the perceived need to place females with only status offenses into protective custody (Feld, 2009). Societal views of females also have an influence. As early as 1979, differing treatment based on gender was found in Memphis, TN, but not found in Denver, CO (Cohen & Kluegel, 1979). Thus, future research might productively examine gender-related differences in the dispositional process in our population, as well as the variables in our local county that influence placement decisions for males and females.

Given the many personal, family, and community variables that are considered in dispositional hearings, as well as the need for balanced consideration of the community, the victim, and the offender, a certain amount of subjectivity is unavoidable in judicial decision making. Nevertheless, there are several strategies that have the potential to reduce judicial discretion and increase accuracy in dispositional decision making.

First, standardized risk and needs assessment can increase the consistency and objectivity of dispositional decisions. Risk assessment is designed to identify youth who are at high risk for recidivism and other adverse outcomes. As Roberts and Bender (2006) have noted, no single scale or instrument can predict future criminality with certainty, and deviant behavior patterns often change with age and experience. Even so, researchers have found that numerous variables are related to recidivism (Cottle, Lee, & Heilbrun, 2001; Kingree, Phan, & Thompson, 2003; Lin, 2007; Roberts & Bender, 2006; Stoolmiller & Blechman, 2005). These include gender, race/ethnicity, offense history, age at first conviction, length of first incarceration, alcohol and substance abuse, family problems, school engagement, and peer group associations.

Efforts are currently under way to develop risk assessment instruments that reliably identify high-risk juveniles and demonstrate acceptable levels of predictive validity for the diverse populations served by juvenile courts (Krysiak & Lecroy, 2002; Risler, Sutphen, & Shields, 2000; Schwalbe, Fraser, & Day, 2007; Schwalbe, Fraser, Day, & Cooley, 2006). As Grisso and Underwood (2004) have discussed, assessment instruments should: be reliable (yield consistently similar results) and valid (measure what they claim to measure); be appropriate for use with the juvenile justice population; be suitable for use with youth of diverse ethnic, cultural, and linguistic backgrounds; and offer relevant age- and gender-based norms.

Needs assessment, which is undertaken to identify the current needs of juveniles, can assist staff to provide an optimal service match for individual offenders. Needs assessment generally includes a wide range of psychosocial variables, such as mental health status. There is general agreement that mental health screening should be provided within the first 24 hours of a youth's arrival at a facility (Wasserman et al., 2003). Screening is a relatively brief process designed to identify youth who are at increased risk of having disorders or conditions that warrant immediate attention, who are at risk for suicide or harm to others, who are currently on any type of psychotropic medication, or who require further evaluation or assessment. Youth who have been identified during the initial screening should be referred for assessment, which involves a more comprehensive and individualized examination of the psychosocial needs and problems identified during the initial screening. The resulting report usually provides recommendations for intervention.

Second, it is essential to formulate well-defined, specific, and measurable short- and long-term outcomes for juvenile justice services, as well as standardized procedures for evaluating these outcomes. In turn, research findings regarding the relative effectiveness of services in achieving these outcomes can be used to improve programs and enhance judicial decision making. Recidivism is frequently used as a measure of the success of juvenile justice outcomes. As Snyder and Sickmund (2006) have pointed out, efforts to evaluate recidivism face several challenges. Due to the fact that juvenile justice systems vary across states, there is no national recidivism rate for juveniles, although most states can provide a recidivism rate for a 12-month follow-up period.

Comparisons are problematic, however, because researchers sometimes use different measures of recidivism, such as rearrest, court referral, conviction, correctional commitment, and correctional status changes within a given period of time. Moreover, the official records of these system events are generally the only available statistical indicators of delinquent behavior. As these measures of recidivism include only offending that comes to the attention of the system, virtually all measures are underestimates. In light of the challenges that accompany recidivism research, Snyder and Sickmund (2006) have suggested other measures of success, such as restitution, community service, competency development, and successful program completion.

Third, a wide range of evidence-based services is required to meet the diverse needs of juvenile offenders. In fact, numerous evidence-based services are now available for this population. In their meta-analysis of 200 experimental or quasi-exper-

imental studies of interventions for both noninstitutionalized and institutionalized serious offenders, Lipsey, Wilson, and Cothorn (2000) reported an overall decrease of 12% in recidivism for serious juvenile offenders who received treatment. Using control group results from the available studies, the researchers estimated that the recidivism rate for these juveniles would be approximately 50% without treatment and that the most effective treatments would reduce recidivism by 30% to 35%.

Redding (2000) has underscored the importance of an integrated response, with the juvenile justice, mental health, child welfare, educational, and law enforcement systems working together. He maintains that best programs are based on: (a) empirically demonstrated effective treatments; (b) simultaneously addressed multiple risk factors contributing to the delinquency (e.g., youth, family, school, and neighborhood factors); (c) are tailored to each adolescent by considering the personal and environmental risk and protective factors; (d) are of sufficient duration; and (e) maintain high program quality in terms of staff recruitment and training, supervision, accountability for outcomes, and ongoing program monitoring and evaluation.

Finally, evidence-based alternatives to placement should be more readily available. As Lin (2007) has discussed, adult imprisonment has received far more attention than juvenile incarceration. He notes that the common wisdom assumes imprisonment deters offenders from committing subsequent crime through incapacitation and by making the consequences of illegal activities tangible. In contrast, critics of incarceration argue that offending is more a product of social background and life circumstances than rational calculation, that incarceration holds little promise to prevent future crime and may actually increase likelihood of reoffending, and that offenders in placement may develop delinquent identities, acquire friendships with negative peers, and learn more sophisticated criminal techniques.

Hughes (2002) has noted that there is evidence to support the value of comprehensive community-based alternative-to-detention programs. She points out that it costs more than \$89,000 per year to house a youth in a New York State secure detention facility, whereas the cost of a model community-based alternative-to-detention program, in New York City, is approximately \$1,800 per year. Moreover, the community-based program has significantly lower recidivism rates for comparable offenders. In explaining the different recidivism rates, Hughes cites the difficult transitions from highly artificial and structured residential placements to standard community supervision, the inability of residential programs to deal with community characteristics, an important predictor of recidivism, and the exposure to deviant peers and inappropriate therapies in placement.

In conclusion, although dispositional hearings for juvenile offenders can never be perfectly objective, the appropriateness and consistency of judicial decisions can be increased by the use of standardized risk and needs assessment, the formulation of more precise and measurable program outcomes, and the availability of an array of evidence-based services for juvenile offenders. Fortunately, there is progress on all of these fronts, which increases the likelihood that the juvenile justice system will be able to fulfill its mission of addressing the diverse needs of juvenile offenders, enhancing their prospects for a sat-



isfying and productive future, reducing recidivism rates, and promoting community safety.

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12 ASPLIN, MARSH, & BEIGHLEY