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21 April 2020

CRIM 360

Paper Assignment

Juvenile Drug Courts: Built on Good Intention, yet Ineffective

Juvenile drug courts, a tiny subset of the court system in America, have begun to grow more and more popular over the last three decades. This may be obvious, as the amount of juvenile drug cases have also seen a sharp increase over the same past three decades. However, do juvenile drug courts truly serve the intended purpose they were designed and created to do? Any opposition to the creation of the juvenile drug court system would be considered deranged. Yet, with all of this support and positive intent, the courts seem to fall to the wayside. The juvenile drug court system, while created for good reason, is ineffective when attempting to spark positive change and rehabilitation in a troubled youth's life.

The juvenile drug court system first began in 1993 in Key West, Florida (National Institute of Justice [NIJ]). Juvenile drug courts were adapted from the drug court model initially designed to intervene effectively with recurrent adult offenders with substance abuse problems (Stein et al., 2015). To be placed on the juvenile drug court docket, the court program looks at offense type, criminal history, and substance abuse history. Very rarely does the juvenile drug court program allow previously or current violent offenders to be tried in its court. Following this strict selection process, the juvenile drug court program centers its attention “on providing

treatment to eligible, drug-involved juvenile offenders with the goal of reducing recidivism and substance abuse” (NIJ). One of the main differences between juvenile drug courts and adult courts is simply addressing the similar yet incompatible circumstances and requirements of youth offenders compared to adult offenders. For instance, youth offenders are rarely addicted to illegal substances or alcohol. However, in adult offenders, addiction is a serious influence on the offender and greatly impacts the course of action the court takes when sentencing. Furthermore, youths’ cognitive, emotional, and social skills are still developing and are heavily influenced by their family, friends, and community (NIJ).

A common juvenile drug court program consists of six stages (NIJ). The National Institute of Justice explains:

The stages include (1) screening and assessing of young people to identify alcohol or substance use problems, (2) coordinating services across agencies, (3) helping kids and families make an initial contact with services, (4) getting them actively engaged in services, (5) transitioning them out of services, and (6) transitioning into long-term supports, such as helping relationships and community resources. Other key elements include collaborative, interdisciplinary planning with youth, families, and drug court teams; frequent judicial reviews; drug testing; and incentives and sanctions designed to reinforce good behavior and modify bad behavior.

In theory, this six-step process seems flawless and enacts the perfect path for troubled youth offenders to redeem their previous transgressions and to slowly and peacefully transition into society as a productive and safe citizen. However, the effectiveness of this process for youth offenders hasn’t yielded the best results.

When comparing both adult drug courts and juvenile drug courts, it was “concluded that adult drug courts were more effective than juvenile drug courts” (Stein et al., 2015). However, after determining that youth offenders very rarely deal with addiction to these illegal substances, how is it possible that adult drug courts could be determined to be more effective than juvenile drug courts? Youth offenders face much less factors that would influence the repetition of such substance abuse and even receive far better treatment and rehabilitation services in the hopes of returning troubled youth offenders back to society than adult offenders. Furthermore, researchers looked at the graduation rates of youth offenders in their rehabilitation services and found, “This investigation showed that slightly more than half of all juveniles who initially enroll in drug treatment court end up "graduating" from the program. Taken at face value, this percentage is quite low” (Stein et al., 2015). If only half of a class passes its course, does a teacher not go under review to determine the cause behind this low success rate? The juvenile drug court program needs to be reviewed and evaluated to really determine if its existence is beneficial to the American people. In fact, these same researchers did perform a personal review of the juvenile drug court program itself and found that, “it is clear that substantial work needs to be done to find ways to improve retention and promote graduation rates in such programs” (Stein et al., 2015). Why has the United States government taken a closer look at the juvenile drug court program and revised how it is executed?

In addition to the blatant ineffectiveness of the juvenile drug court program, the economic burden that it places on the federal government is immense. It need not be said that this tab is also paid for by the American people themselves. Researchers decided to take a closer look at just how much money the federal government was spending on the juvenile drug court program.

Their findings read, “The average (mean) total annual cost of JDC/RF programs during the selected year for the analysis (years 3-4 of operations) was \$1,712,482” (McCollister et al., 2018). This large sum of money being spent on such a small and specific subset of the court system could be better-served funding other federal programs such as the rehabilitation services found in adult drug courts. If found to be much more effective than juvenile drug courts, why wouldn't we take the funding we use on the juvenile drug court program and put that towards the effective adult drug court program. This added funding could mean increased graduation rates in the rehabilitation services sanctioned by the adult drug court program, more therapeutic and treatment options for offenders, and more resources devoted to trying substance abuse cases and helping more offenders find sanctuary within the rehabilitation services assigned to them. Some of this increase in funding can be used to enhance the confidentiality issues that may arise in the communications between courtroom and rehabilitation services.

The federal government has imposed confidentiality requirements on substance user treatments. Providers must abide by these confidentiality agreements in drug-user treatment programs, specifically ones relating to minors. Issues regarding the lengths the court can go to on behalf of the confidentiality agreements arise when courts need to access necessary information about the offender to provide meaningful services to help participating youths. All agencies involved in the process must give a clear and written understanding as to what information may be used and who may access that information; all while protecting the minor. Therefore, “a youth's subsequent admission of drug use or other criminal activity or that of others while the youth is participating in the program” can not lead to the termination from the program, unless participants noncompliance with a program's conditions or procedures are not followed (Cooper,

2002). In other words, unless the enrolled offender violates the program's stipulated set of rules, then the offender will have the privilege of confidentiality regarding their previous drug use. However, with the lack of efficiency that the juvenile drug courts display, these strict confidentiality agreements regarding minors are oftentimes not exercised.

There has been a lot of controversy over the necessity of a separate juvenile drug court program within the juvenile justice system. A meta-analysis by Tanner-smith et al. (2016) was created to quantitatively synthesize findings based on evidence from juvenile drug court research. The study showed no clear evidence of a significant correlation between the use of juvenile drug courts and drug recidivism. Researchers also explored the relationships of various features within participants and the drug courts themselves; ultimately the goal of this analysis was to identify key characteristics of those specific drug courts that showed better outcomes than their comparison conditions in the respective studies. However, none of these characteristics reported a significant relationship with drug use and recidivism (Tanner-smith et al., 2016). Overall, this study showed no evidence of positive effects of juvenile drug courts, nor did it offer any guidance about specific aspects of the process being positive.

While the idea and creation of juvenile drug court programs nationwide gave hope to the resurrection of our nation's troubled youth offenders who had fallen victim to illegal substances, the once-glorified ideal with a great rationale proved ineffective and unnecessary when trying juvenile substance abuse offenders. Our nation's justice system should take the funding given to the juvenile drug court program and devote it to the adult drug court system, therefore improving an already effective system. In spite of the morality and rectitude of the basis for the juvenile drug court program, the unfortunate yet undeniable ineffectiveness of the program leaves the

American justice system with no choice other than to reengineer the already existent program or, if need be, terminate the juvenile drug court system.

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