

**AN EVALUATION
OF THE SOUTH CAROLINA
JUVENILE ARBITRATION PROGRAM**

**PREPARED FOR THE SOUTH CAROLINA
DEPARTMENT OF JUVENILE JUSTICE
BY
SYSTEM WIDE SOLUTIONS, INC.**

**George W. Appenzeller, MSW
Malia Nelson
Sarah Meadows, MSW
Tiffany Powell**

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Ouida Dest
Patricia Ferreira
Jim Fisher
Robert Floyd
April Green
Felicia Hipp Harris
Charlie Hawkins
Bob Holzell
Tony Howard
Valerie Ingram
James Jordan
Christine Kinney
Patricia Klatt
Adam Kraemer
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Kim Ling
Victoria Mayfield
Noah Moore
Lt. Kimberly Myers
Whitney Payne
Captain Joseph Pellicci
Eugene Pitts
Ann Seymour
Michael Smith
Ashley Standifer
Carolyn Warwick

EXECUTIVE SUMMARY

The purpose of this evaluation is to examine and report on the process and outcomes of the South Carolina Arbitration program, as well as compare the program to other programs elsewhere. This evaluation uses a mixed qualitative, quantitative and literature review methodology. The methodology is designed to provide as comprehensive an examination of the South Carolina Juvenile Arbitration program as rapidly as possible, with a particular emphasis on recidivism and implementation.

At 12 months after referral to DJJ, there is no significant difference in recidivism between offenders referred to Arbitration and the Comparison group (which does not include court convictions). However, the Arbitration subgroup is significantly less likely to recidivate during this period than the behavior contract subgroup. Offenders charged with Disturbing Schools and referred to Arbitration are significantly less likely to recidivate than offenders charged with Disturbing Schools not referred to Arbitration. By 36 months after original referral, all significant differences in recidivism in all subgroups, including Arbitration, have disappeared

Offenders referred to Arbitration are significantly less likely to be convicted of an offense during the 12 months after referral than the Comparison group, as are offenders charged with Disturbing Schools and referred to Arbitration. These differences disappear after 36 months.

South Carolina's Arbitration program compares well to the programs in other states on both recidivism and on cost. Costs as far as they can be ascertained are about 80% of similar programs elsewhere. The lowest 12 month recidivism rate reported elsewhere was 19.8%, while the South Carolina rate is 16.8%. The policy and procedure guidelines are followed, and Arbitration is supported strongly in most circuits. There is a wide range of costs and results across the state, however, with state costs ranging from \$714 per offender to \$54 per offender and 12 month recidivism rates from 24.8% to 11.4%.

The South Carolina Juvenile Arbitration Program is an integral part of a juvenile justice system based on restorative justice principles. This is not immediately clear until the data available about first offenders and the actions taken by the juvenile justice system when they offend are viewed in total. It then becomes obvious that no matter what intervention is made (with the exception of prosecution), the recidivism rates and future conviction rates are about the same. So, for example, whether a case is not processed or an offender is diverted to Arbitration, 12 or 36 months later, the likelihood of recidivism is about the same, although the severity of the subsequent offense is likely to be lower for the offender sent to Arbitration. It appears that the decisions are made based on the offenses committed, the offender as an individual and the previous contacts with the system to the extent possible. It is apparent that the personnel in the juvenile justice system, including the solicitors and law enforcement, are, therefore, making the correct decisions and it is also apparent that a jurisdiction without an Arbitration program is incomplete.

Viewing recidivism as a method for determining the relative value of interventions in the juvenile justice system, therefore, may be meaningless, and simply divert attention from a delicate balance of appropriate screening, referrals and follow-ups. A more useful approach may be examining methods for more efficient use of the existing interventions and incorporating what has evolved in the state into all jurisdictions.

A very large amount of data were produced and analyzed during the 14 weeks available to conduct this study. That data and analyses are reported herein. In such a brief time, however, it was not possible to fully study, comprehend and report the meaning of the data and analyses. The evaluators strongly recommend that the data and analyses be given as much attention as possible in the future.

The evaluators further recommend that:

- The SC Juvenile Arbitration Program guidelines be reviewed and rewritten as necessary.
- A standardized curriculum for the training of arbitrators be developed which includes a large section for local input.
- An online information system for the Arbitration Program be developed and provided to the programs.
- The responses provided by the respondents to the surveys found in this report be examined and appropriate actions taken.
- A new satisfaction survey for arbitration hearing participants be developed and implemented.
- The circuits/counties not fully participating in Arbitration be further encouraged to do so.
- A study be done of the financial savings to jurisdictions which integrate their diversion programs more fully and take advantage of economies of scale.
- Efforts be made to include victims in arbitration hearing more often.

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INTRODUCTION

History of Juvenile Arbitration

Juvenile arbitration (more commonly referred to in most jurisdictions as victim-offender conferencing or victim-offender mediation) grew out of the restorative justice movement (Coats and Vos, 2000). The first documented program was in Kitchener, Ontario in 1974. This is the oldest and most widely distributed form of juvenile restorative justice (Bazemore and Umbreit, 1995; VanNess and Heetderks, 2002; Zehr, 1990, 2002), with thirty years of operations and more than fifty empirical studies (Umbreit, Coates, and Vos, 2001b, 2002).

Restorative justice attempts to repair the harm done by crime through restoring the victim, the offender and the community to healthy, positive connections, if at all possible. It is believed that these connections will also prevent the juvenile from committing further criminal acts in the future. Juvenile arbitration attempts to achieve these ends by bringing together the juvenile offender, victim, and community directly or indirectly under the guidance of a trained volunteer to determine what actions the offender must take to restore and enhance justice. Matters of guilt and innocence are not in dispute, since the offender admits to the crime on entering the process.

As Umbreit, Coats and Vos stated in their introduction to *Victim-Offender Mediation: Three Decades of Practice and Research* (2004) “Crime victims meeting face-to-face with the offender stretches the very concept of mediation, yet it has strong empirical grounding and is being widely practiced in courts and communities throughout the world. Its focus on promotion of offender accountability, victim assistance, and making of amends appears to address many unmet needs of individuals, families, and communities affected by criminal behavior.”

Early legislation establishing arbitration programs was passed in Florida in 1977. (This law was most recently amended in 2008 and may be found in Appendix One.) Twenty-nine states have similar or more comprehensive programs in their statutes. (A study of these laws is found at http://www.cehd.umn.edu/ssw/RJP/Resources/Program_Development/Legislative_Statutes_VO_M_National_Review.pdf.) The Center for Restorative Justice at the University of Minnesota reports that there are at least 1,300 such programs in the North America and Europe with at least 300 operating in the United States. The most recent state to revamp its arbitration-like laws is Colorado, in legislation which takes effect in October, 2011. A copy of that legislation may also be found in Appendix One.

The first Juvenile Arbitration program in South Carolina was begun in 1983 by the 11th Judicial Circuit Solicitor following a recommendation of the Grand Jury. This program was modeled after the Florida program mentioned above. The South Carolina Department of Juvenile Justice (SC DJJ), then the South Carolina Department of Youth Services, supported the concept of youth arbitration and restorative justice. Other solicitors and family court judges took an interest in establishing their own programs and the South Carolina General Assembly appropriated funds to provide each Solicitor’s Office with such a program.

Purpose and Contents of the Evaluation

The purpose of the evaluation is to examine the process and outcomes of the South Carolina Arbitration program, as well as compare the program to other programs elsewhere.

Process

The process of implementation of the program will be examined in the evaluation. Five areas in particular will be examined. These are

- Offender Demographics
- Volunteer Administration
- Geographic Area Served
- Adherence to Guidelines
- Target Offences

Outcome

The outcomes of the program will examine recidivism among participants.

Comparison

The comparison study will compare South Carolina to other similar programs on cost efficiency and outcomes utilizing previous studies conducted in other jurisdictions in the nation.

METHODOLOGY

Introduction

This evaluation uses a mixed qualitative, quantitative and literature review methodology. The purpose of the methodology is to provide as comprehensive an examination of the South Carolina Juvenile Arbitration program as rapidly as possible, with a particular emphasis on recidivism and implementation.

Instrumentation

An existing instrument developed by the SC DJJ (as modified by local Arbitration programs) was utilized for the study. This is the Arbitrator Evaluation, completed by offenders, victims, parents, and law enforcement who participate in hearings. SWS developed online and hard copy surveys for law enforcement, arbitrators and solicitors. Interview schedules were developed for group interviews with all of the arbitration coordinators and for meetings with the stakeholders in individual jurisdictions. Copies of the instruments may be found in Appendix Two.

Literature Search

An extensive search of the literature was conducted for four purposes. The first purpose was to develop background knowledge on the theory and practice of juvenile arbitration. The second purpose was to determine the findings of recidivism studies of similar programs, and the third to determine the findings of cost comparison studies of similar programs. The final reason was to determine the extent and administrative and legal context of similar programs elsewhere in the country.

The review began by conducting a search of the resources available on the OJJDP web site. This was followed by a search of the information on the extensive holdings of the University of Minnesota's Center for Restorative Justice and Peacemaking. A snowball method was used to then search the journals and authors cited by the Center to further explore the literature. A total of 78 articles were accessed and reviewed.

A list of articles referenced in *Victim-Offender Mediation: Three Decades of Practice and Research* (Umbreit, Coates and Vos , 2004) may be found in Appendix Three.

Process Evaluation

Six methods were used to gather the data for the process evaluation. These were: a meeting which included all of the arbitration coordinators or a designated representative from all sixteen circuits in the state; in-depth site visits to five arbitration programs; surveys of law enforcement personnel, arbitrators and solicitors; two interviews with state level arbitration personnel; and a review of the Arbitration Evaluation instruments collected by all local Arbitration Programs.

The meeting with the arbitration coordinators took place at the state DJJ office on July 25, 2011. After receiving a briefing on the evaluation process, the coordinators, were broken into three groups. Each group was interviewed by an SWS team member using an interview schedule developed for the meeting. The notes from the interviews were written up by the three team members.

The three team members met the day after the meeting and utilized the information derived from the meeting to support the development of interview schedules for site visits to selected arbitration programs and the surveys of law enforcement personnel, arbitrators and solicitors. The team members met subsequently as the report was developed to discuss the responses of the attendees at the meeting and the impact of those responses on findings.

Site visits began on July 29th with the 9th Judicial Circuit in Charleston. This was followed by the 13th Circuit in Pickens on July 29th, the 1st Circuit in Dorchester and 5th Circuit in Richland Counties on August 4th, and the 16th Circuit in Rock Hill on August 5th. At each of these sites, interviews were held with the coordinator, assistant solicitor, arbitrators, office staff, law enforcement, and DJJ staff. In one case, there was the opportunity to observe an arbitration hearing. These visits were conducted independently by two team members. Following the visits, the team held three meetings to discuss the visits and reach consensus on findings. Subsequent ad hoc meetings were held as the report was developed to discuss the findings from the visits and the findings of the report.

The law enforcement and arbitrator surveys were placed on a web site on July 29, 2011 and an email message sent out to coordinators notifying them of this fact and how law enforcement and arbitrators could fill out the surveys online. Coordinators were asked to notify potential participants of this opportunity to have their say. A reminder email was sent to coordinators on August 9, 2011. Law enforcement surveys were completed by one officer from the 2nd Circuit, 23 officers from the 11th Circuit, and 13 officers from the 16th Circuit, for a total of 37 completed surveys. Arbitrator surveys were completed by 17 arbitrators in the 2nd Circuit, six arbitrators in the 8th Circuit, 28 arbitrators in the 9th Circuit, 34 arbitrators in the 11th Circuit, 11 arbitrators in the 12th Circuit, two arbitrators in the 13th Circuit, five arbitrators in the 15th Circuit, and five arbitrators in the 16th Circuit, for a total of 108 completed surveys. There were no surveys received from arbitrators in the 1st, 3rd, 4th, 5th, 6th, 7th, 10th, or 14th Circuits. The data from the law enforcement and arbitrator surveys was imported from the online website to the Statistical Package for the Social Sciences (SPSS) for analysis.

The solicitor survey was mailed to solicitors along with a postage-paid return envelope on August 2, 2011. Of the 16 surveys mailed to solicitors, nine were returned (a response rate of 56%).

A total of 990 Arbitration Evaluation forms were entered into a Microsoft Excel database. The responses to the surveys were in a dichotomous (yes-no) format. There were no negative responses to the questions in the 990 records. Since the survey responses are dichotomous and there are no differences among records, there is nothing to analyze, and they are not used in the evaluation.

The data from all sources were used to answer the following questions.

1. What generally is a description of the SC Juvenile Arbitration program?
2. Demographically who are the offenders served by the Program and what are their offenses?
3. How satisfied are the different stakeholders with the program?
4. What geographic areas of the state are covered by the Program and to what extent are offenders served in the different parts of the state?
5. Are the Arbitration Programs adhering to State guidelines? Are the guidelines effective as viewed by the Arbitration Programs and state staff?
6. What is a description and general quality of the administration of the Arbitration Program volunteers, including training, recruitment, retention, and recognition?

The findings of the analysis of the process data are presented in charts, tables, and a written form that is understandable and usable.

Outcome Evaluation

Compilation of the Data Set

The data for the outcome evaluation was prepared in three phases. In the first phase, SC DJJ provided a file of the raw data from the Juvenile Justice Management System (JJMS) to the evaluation team on July 11, 2011. The file included the entire history of records for youth who were referred to DJJ and for whom the solicitor decision was made during FY 2007, 2008 and 2009. The data set included information on the juvenile's race, gender, date of birth, offense date, offense charge, offense severity, jurisdiction (county), referral date, solicitor decision, and disposition. A second file that included case closure information for juveniles who participated in the arbitration program was also provided. The evaluation team compiled the raw data in the following steps:

1. For each solicitor decision date and result, a tiebreaker query was used on the offense severity to identify the most serious criminal offense for which the juvenile was referred. In those cases where the solicitor or the court modified the charge, the new charge was used. The query resulted in one record for each solicitor decision.
2. For each juvenile, a tiebreaker query was used on the solicitor decision date and offense date for the most serious criminal offense to identify the date and charge of the juvenile's first adjudicated offense. The query resulted in one record for each juvenile.
3. For each juvenile, a tiebreaker query was used to identify the first time that the juvenile was referred to the Arbitration program during the three year period and if they successfully completed the program. The query resulted in one record for each juvenile who was referred to arbitration during the three year period. Only those juveniles who were referred for criminal offenses are included.
4. The fourth query tied the juveniles' first offense record to the arbitration record. If the juvenile was referred to arbitration during the three year period, the most serious

- criminal charge for which they were referred was used as the “study offense”. If the juvenile was not referred to arbitration, the first criminal offense was used as the “study offense.” This resulted in one record for each juvenile and information on the study offense, including the date, age at offense, charge, severity, and solicitor decision. Each juvenile was then classified as being part of one of the following study groups based on the solicitor decision: Arbitration, Other Diversion Programs, Prosecuted, Probation, Dismissed, Nol Prossed, Committed to Juvenile Facility, and Alternative Placement.
5. The query in number four was then tied back to the original dataset to determine the number of criminal and status offenses for which the juvenile was charged, the number of criminal and status offenses which were adjudicated, and the criminal severity index for adjudicated charges. These variables were calculated for the 12 months prior to the study offense, the entire period prior to the study offense, 12 months after the solicitor decision on the study offense, and the entire period after the solicitor decision on the study offense. Counts were also made for the number of times the juvenile had been placed on probation, prosecuted, referred to diversion or arbitration programs, committed to a juvenile facility, placed in an alternative placement, received an evaluation, and transferred to adult court.

In the second phase, the compiled data file was reviewed by the SC DJJ and provided to the South Carolina Budget and Control Board, Office of Research and Statistics (ORS) on August 2, 2011. ORS ran the file through their unique linking process to identify re-arrests in the adult criminal system. They provided the final de-identified file to SWS on August 18, 2011. Included in the data set from ORS was:

1. The original compiled data file containing the JJMS data with a recoded identifier and all identifying information removed.
2. A second data file containing all SLED arrests for juveniles in the study file including the offense date, offense code, and recoded identifier.
3. A third data file containing all Judicial records for SLED arrests including the disposition date, disposition result, disposition offense, class and code, and the recoded identifier.

In the third phase, the JJMS Study File was combined with the SLED arrests and judicial records. SLED arrest offenses and judicial offenses were coded to match the severity index and categories used in the JJMS data file in order to standardize the way the various offenses are reported and to provide a more accurate view of change in the severity of crimes being committed. The final data file included one record per juvenile with information on the study offense (first offense or the offense for which the juvenile was referred to arbitration), counts of the number of juvenile charges, adjudications and severity index prior to the study offense, the number of juvenile charges, adjudications and severity index after the study offense decision date, and the number of adult charges, adjudications and severity index after the study offense decision date.

The study file was divided into an Arbitration Group and a Comparison Group. The Comparison Group was further subdivided into those whose cases were dismissed, those cases that were nol

prossed, those whose cases were diverted to a program other than Arbitration, and those whose cases were prosecuted and disposed in the Family Courts of South Carolina. Further subdivisions were made within these subgroups for Disturbing School charges. Comparisons were made among all subgroups, but for purposes of answering the research questions, the Arbitration subgroup was compared to the other diversion subgroup.

The Average Severity Index (ASI)

The Average Severity Index (ASI) is a standardized measure by which to determine if the types of crimes being committed are becoming more numerous or more severe in nature. The ASI is calculated by averaging the juvenile severity index for all juveniles in the study group. The juvenile severity index was calculated by totaling the severity weight of each offense committed for each juvenile for the following events:

1. all prior offenses
2. all offenses for which the study decision was made
3. all offenses for which the juvenile was arrested or referred to DJJ within 12 months of the study decision date
4. all adjudicated offenses for which the juvenile was referred to DJJ within 12 months of the study decision date
5. all offenses for which the juvenile was arrested or referred to DJJ during the entire study period following the study decision date
6. all adjudicated offenses for which the juvenile was referred to DJJ during the entire study period following the study decision date
7. all offenses for which the juvenile was arrested and referred to the adult court within 12 months of the study decision date
8. all adjudicated offenses for which the juvenile was referred to the adult court within 12 months of the study decision date
9. all offenses for which the juvenile was arrested and referred to the adult court during the entire study period following the study decision date
10. all adjudicated offenses for which the juvenile was referred to the adult court during the entire study period following the study decision date

Research Questions

SWS analyzed this data to answer the following questions.

1. Is the rate of recidivism for the Arbitration participants within 12 months of their participation significantly different from the Comparison Group?
2. Is the rate of recidivism for the Arbitration participants charged with Disturbing Schools within 12 months of their participation significantly different from the rate for members of the Comparison Group with the same charge?
3. Is the rate of re-arrest or re-referral over the entire period of time for which data is available for the Arbitration participants significantly different from the Comparison Group?

4. Is the rate of re-arrest or re-referral within 12 months of Arbitration participation for youth charged with Disturbing Schools significantly different from members of the Comparison Group with the same charge?

The findings of the analysis of the data are presented in charts, tables, and a written form that is understandable and usable.

Comparison Study

The proposal by SWS for the evaluation stated that: “Comparison studies across states are often difficult to complete accurately, given the differences in systems, statutes, funding methods and interpretations of terms. To attempt to overcome these difficulties, SWS will begin with the National Center for Juvenile Justice (NCJJ) State Profiles. From among the State Profiles, SWS will choose ten states which appear to have an Arbitration Program similar to that in South Carolina. Representatives from those ten states will then be contacted and interviewed by telephone and by online meetings. Five states will be chosen as the final comparison states. Additional information will be gathered from these states both directly and through the NCJJ on their costs and their outcomes. This information will then be compared to South Carolina’s costs and outcomes.”

However, since there are only 69 working days in the purchase order to conduct the evaluation, there was simply not enough time to identify other programs, contact them and ask them to develop and provide data comparable to that being identified and provided for the South Carolina program. Moreover, a review of the NCJJ State Profiles revealed incomplete information regarding programs and a dissimilarity in nomenclature that makes it difficult to determine if programs are similar or not.

To meet the need for comparison information, an extensive search of the literature was made for evaluations and studies that examined recidivism and costs for similar programs. A search was also made of literature on the background of this type of programming, of state legislation regarding similar programs and of the current state of affairs nationally and at the state and local level with this type of programming.

The results of appropriate recidivism and cost evaluations and studies were then compared to the findings for South Carolina’s program. Other information developed is also presented in the evaluation to aid the state in continuing to develop the South Carolina Youth Arbitration program.

The Comparison Evaluation answers the following questions.

1. How cost efficient is the South Carolina’s Arbitration program in comparison to similar programs in other states?
2. How effective in terms of outcomes is South Carolina’s Arbitration Program in comparison to similar programs in other states?
3. How does the South Carolina Arbitration program compare to other states in its organization and lines of authority?

The findings of the analysis of the data are presented in charts, tables, and a written form that is understandable and usable.

Limitations of the Evaluation

The greatest limitation of the evaluation was the short period of time available to complete it, a total of 69 working days. This time limitation was complicated by the time needed to prepare the data file for the analyses for recidivism. The final data was not received until 21 working days before the deadline for the evaluation.

The condition of the data in the JJMS was also a limitation. Much of the time required to prepare the data file was spent determining which of the offense records to use as the study offense. In cases where the charge was amended prior to the decision, the study file was to utilize the amended charge. Some of the circuits record this action differently in the JJMS than others. Therefore, three different methods to identify the amended charge were identified and implemented. Furthermore, five records were eliminated from the analysis where the severity index was 25 (criminal violent – severe) as these offenses are not appropriate referrals for arbitration; 37 records were eliminated from the analysis where the juvenile was younger than six years old at the time of the offense; nine records were eliminated where the juvenile was 18 years or older and the charge was not an aftercare violation; 203 records were eliminated where the difference between the offense date and the decision date was greater than seven years; 67 cases where the offense date was entered as the date of birth or a date in the early 1900's were altered so that the offense date was changed to the referral date; 12 cases where the youth was diverted to arbitration and then later prosecuted for the same offense and offense date were removed from the arbitration group since they did not complete the arbitration process; and 1,158 records were altered from having a severity code of 0 where the charge was obsolete to the severity code of that charge when it was in effect (this information was pulled from an archive record).

In connecting the original data file with the case closure file, several limitations were discovered. Of the 23,862 records in the closure file, 155 closure records were eliminated that were exact duplications of other records; 152 closure records were eliminated that were within three months of a later closure record for the same juvenile (the eliminated records were mostly unsuccessful while the more recent record was a successful closure); and 107 closure records were eliminated that were within one year of an earlier closure record for the same juvenile where there was only one referral to arbitration. Furthermore, of the 11,473 juveniles included in the Arbitration study group, 8,359 (72.9%) were successfully linked to a case closure record. As a result, the study file may not accurately depict whether or not the youth successfully completed the arbitration program.

Once the data file had been compiled, three of the study groups were excluded from the outcome evaluation. These three groups were youth who were committed to a detention facility (n=3), youth who were sentenced to a detention facility, which was suspended for alternative placement (n=3), and youth who were sentenced to probation (n=6). These three groups of youth were excluded because they did not fit with any of the other study groups and the number of youth in

these three groups was too small to be meaningful. The majority of the 12 youth who were excluded had prior status offenses and had been involved in the juvenile justice system previously.

Discussion, Conclusions and Recommendations

Much more information was produced in conducting the evaluation than was expected. The evaluation scope was relatively broad, but the time and resources relatively narrow. Therefore, the evaluators developed a substantive discussion section to explicate as much of the information as possible. Conclusions and recommendations were then presented based on the findings and the discussion.

Organization of the Evaluation

The evaluation is organized into seven parts.

- The introduction
- The methodology
- The process findings
- The outcome findings
- The comparison findings
- Discussion
- Conclusions and recommendations

FINDINGS PART I: PROCESS EVALUATION

Description of the Program and Those Affected by It

Juvenile Arbitration-Like Programs

While there are few programs in the country, outside of South Carolina and Florida, that describe themselves as Juvenile Arbitration programs, there are many that fit the description promulgated by OJJDP and found in the South Carolina Guidelines for Juvenile Arbitration Programs. These programs are usually referred to as victim-offender mediation or victim-offender conferencing.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been supportive of programs like Juvenile Arbitration since the early 1980's. It is worth quoting extensively from the OJJDP description of such programs found on its website (retrieved July 27, 2011).

Victim-offender mediation is a process that provides victims the opportunity to meet their offenders in a safe and structured setting for dialog, negotiation, and problem solving (Umbreit and Greenwood 2000). The goal of this process is twofold. The first is to hold the offenders directly accountable for their behavior, learn the full impact of their actions, and develop plans for making amends to the person or persons they violated. The second goal is to foster a sense of empowerment for the victim. Overall, this process is designed to develop empathy in the offender (which can help prevent future criminal behavior) and address the emotional and informational needs of the victim.

Mediation programs have been used for more than 20 years for various conflict situations. Today there are more than 300 victim-offender mediation programs throughout the United States and more than 700 in Europe (Umbreit et al. 2000). Although these programs vary substantially, all victim-offender mediation programs share one unique feature: the purpose of victim-offender mediation is not to determine guilt (generally, guilt has already been determined in another forum), rather it is to teach the offender to accept responsibility and repair harm. The mediation session or sessions involve a dialog between the victim and the offender, facilitated by a professional mediator. The purpose of dialog is to actively involve the victim and the offender in repairing (to the degree possible) the emotional and material harm caused by the crime. It also provides an opportunity for both victims and offenders to discuss offenses and express their feelings and for victims to get answers to their questions. Finally, the dialog presents an opportunity for victims and offenders to develop mutually acceptable restitution plans that address the harm caused by the crime. More than 95 percent of victim-offender mediation sessions result in a signed restitution agreement (Umbreit and Greenwood 2000). However, research has consistently found that the restitution agreement is less important to crime victims than the opportunity to express their feelings about the offense directly to the offenders (Umbreit and Greenwood 2000).

A considerable amount of research demonstrates that the victim-offender mediation process produces several positive effects for both victims and offenders. In general, victims who meet their offenders tend to be more satisfied with the process than victims

whose cases are handled in the formal justice system (Umbreit, 1994a and 1994b) and are less fearful of being revictimized (Umbreit and Roberts 1996; Umbreit and Coates 1993; Umbreit 1994a, 1994b). Similarly, offenders who meet their victims through mediation are far more likely to be held directly accountable for their behavior (Umbreit 1994a, 1994b; Marshall and Merry 1990), successfully complete their restitution obligations (Umbreit and Coates 1992), subsequently commit fewer and less serious crimes (Pate 1990; Nugent and Paddock 1995; Schneider 1986; Umbreit 1994a, 1994b), and are satisfied with both the process and outcome of victim-offender mediation (Coates and Gehm 1989; Marshall and Merry 1990; Umbreit and Coates 1993).

The South Carolina Program

The funding for the South Carolina Arbitration program mentioned in the Introduction is specified in the Appropriation Act each year. The current year's Appropriations Act states:

53.8. (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing juvenile arbitration services through the sixteen (16) Judicial Circuit Solicitors' offices in the state and used to fund necessary administrative and personnel costs for the programs.

The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The programs are operated through a contract between the S.C. Department of Juvenile Justice (DJJ) and the Solicitor's Offices, or, in one case, the Sheriff's Office. The program operates in all 16 Judicial Circuits and in 39 of the 46 counties. The purpose of the program, according to the guidelines that are part of the contract, is "To provide a model for community-based conferencing programs that successfully divert non-violent first-time juvenile offenders from the juvenile justice system, while promoting offender accountability, victim reparation, and protection of the public."

The guidelines describe the requirements for arbitration programs in South Carolina. (The guidelines in their entirety may be found in Appendix Four.) The salient points of the program description are:

- The Juvenile Arbitration Program of each Judicial Circuit Solicitor's Office is a diversionary program aimed at first time juvenile offenders charged with committing non-violent criminal offenses.
- The program is built around community volunteers who, after being trained and approved by the Court, act as Arbitrators in the mediation of juvenile cases.
- As an Arbitrator, citizen volunteers conduct hearings to determine the facts of the case and, in appropriate cases, establish sanctions for the juvenile offender to complete.
- The Arbitrator seeks input from all hearing participants, including the juvenile.

- Sanctions may include an educational component (victim impact panels, attendance at General Sessions Court, attendance at substance abuse seminars, visits to correction institutions, etc.), restitution to the victim(s), or community service work.
- Following the Arbitration hearing, the volunteer Arbitrator monitors the juvenile's progress towards completing the assigned sanctions and reports back both satisfactory and unsatisfactory progress to the Program Director/Coordinator.
- If the juvenile successfully completes his/her assigned sanctions, the charges against the juvenile are not prosecuted. If the juvenile does not successfully complete his/her assigned sanctions, or in any way fails to cooperate, he/she is referred to the Intake Section of the Department of Juvenile Justice.

Eligibility for the program is limited to “First time juvenile offenders charged with committing non-violent criminal offenses...” The guidelines further state that “The juvenile's decision to enroll in the Arbitration Program must be voluntary” and that status offenders are not eligible for the program. No fees are to be charged for the program.

The guidelines make clear that solicitors have considerable discretion in who is allowed into the program. “A juvenile shall not be considered for Arbitration if he or she has previously been accepted into an arbitration, diversion, or other first-time offenders program, nor shall arbitration be considered for those juveniles charged with violent offenses. However, this section shall not apply if the solicitor determines that an informal adjustment or intervention, such as a behavioral contract, should not preclude participation in Arbitration, or if the elements of the crime do not fit the charge. Final determination of case acceptance remains at the discretion of the Solicitor.” Referrals can be made by any law enforcement agency, local DJJ office and the Solicitor’s Office.

Victims are encouraged, but not required, to attend arbitration hearings. The juvenile and parents are required to attend. A maximum of 100 community service hours and a maximum of \$500 of restitution may be imposed.

The Juvenile Offenders

The study file includes 11,473 juveniles who were referred to Arbitration programs in all 16 circuits during the State Fiscal Years 2007, 2008, and 2009. In all three fiscal years, more than 50% of the youth referred to Arbitration were black females and males, with a total of 2,445 black females (21.3%) and 3,814 black males (33.2%) referred. The remainder of the youth were white females and males (42.9%), Hispanic females and males (1.7%), and youth of other races (0.7%). The percentage of youth in each category remained fairly consistent across all three years.

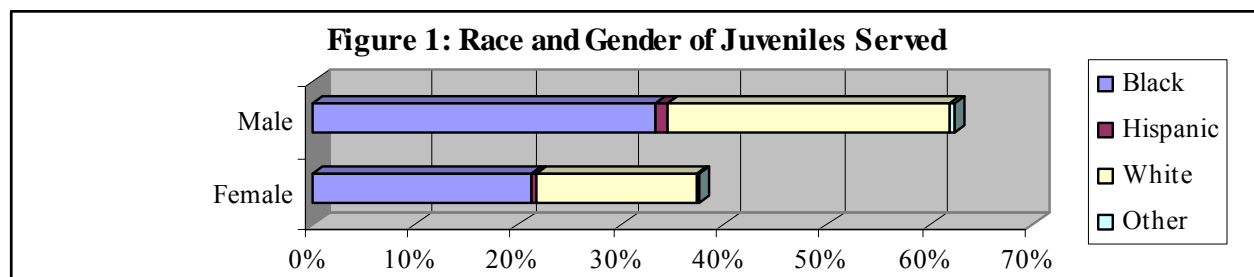
In SFY 2007, 55.5% were black (black females accounted for 810, 21% of youth and black males accounted for 1,328, 34.5% of youth), 42.2% were white (white females accounted for 528, 13.7% of youth served and white males accounted for 1,097, 28.5% of youth served), and 2.3% were youth of other races.

In SFY 2008, 54.6% were black (black females accounted for 776, 20.7% of youth and black males accounted for 1,274, 33.9% of youth), 42.8% were white (white females accounted for 575, 15.3% of youth served and white males accounted for 1,034, 27.5% of youth served), and 2.6% were youth of other races.

In SFY 2009, 53.5% were black (black females accounted for 859, 22.2% of youth and black males accounted for 1,212, 31.3% of youth), 43.7% were white (white females accounted for 666, 17.2% of youth served and white males accounted for 1,025, 26.5% of youth served), and 2.8% were youth of other races. (See Table 1 and Figure 1.)

The number and percent of youth in each demographic category is described for each circuit in Appendix 5. It is important to note that in the 1st, 3rd, and 12th Circuits, the percentage of black youth referred to Arbitration is greater than 70%; whereas in the 13th Circuit, the percentage of white youth referred to Arbitration is greater than 70%.

	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	810	21.0%	776	20.7%	859	22.2%	2,445	21.3%
Black Male	1,328	34.5%	1,274	33.9%	1,212	31.3%	3,814	33.2%
Hispanic Female	13	0.3%	12	0.3%	37	1.0%	62	0.5%
Hispanic Male	43	1.1%	52	1.4%	45	1.2%	140	1.2%
White Female	528	13.7%	575	15.3%	666	17.2%	1,769	15.4%
White Male	1,097	28.5%	1,034	27.5%	1,025	26.5%	3,156	27.5%
Other Female	12	0.3%	7	0.2%	8	0.2%	27	0.2%
Other Male	21	0.5%	24	0.6%	15	0.4%	60	0.5%
Total	3,852	100%	3,754	100%	3,867	100%	11,473	100%

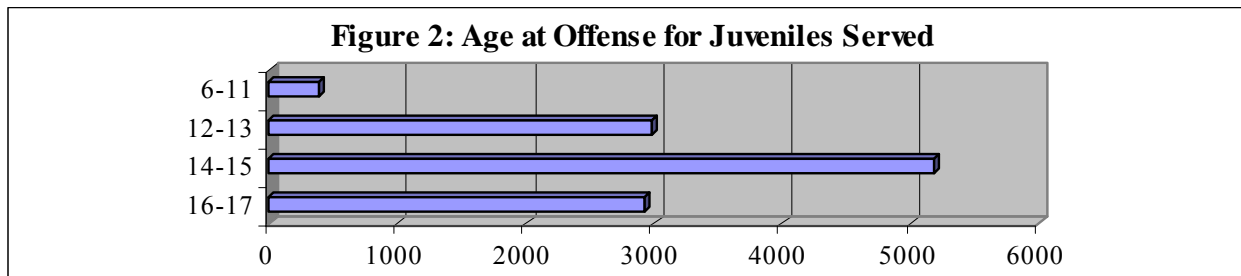


In all three fiscal years, almost 50% of youth served were 14 to 15 years old, one fourth were between 12 to 13 years old, one fourth were 16 to 17 years old, and three to four percent were 11 years old or younger. (See Table 1 and Figure 1.)

The number and percent of youth in each age category is described for each circuit in Appendix 5. It is important to note that in general, the individual districts follow approximately the same pattern of age at study offense as is described below, with one exception. In the 16th Circuit,

more than one third of juveniles served were 16 to 17 years old and more than one third were 14 to 15 years old.

	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11 years	132	3.4%	132	3.5%	132	3.4%	396	3.5%
12 to 13 years	1045	27.1%	1002	26.7%	934	24.2%	2,981	26.0%
14 to 15 years	1742	45.2%	1675	44.6%	1,761	45.5%	5,178	45.1%
16 to 17 years	933	24.2%	945	25.2%	1,040	26.9%	2,918	25.4%
Total	3,852	100%	3,754	100%	3867	100%	11,473	100%



The most common type of most serious offense for which youth were referred into Arbitration during all three fiscal years was for a misdemeanor offense (3,222 youth (84%) in SFY 2007, 3,123 youth (83%) in SFY 2008, and 3,303 youth (85%) in SFY 2009). Within this category, the most common types of offenses are assault and battery (2,044, 21% of all youth referred for a misdemeanor), disturbing school (1,865, 19% of all youth referred for a misdemeanor), and shoplifting (1,590, 16% of all youth referred for a misdemeanor). Over the three fiscal years, 725 youth (6%) were referred for property or other felonies, and 233 (2%) were referred for other delinquency offenses. Eight percent of youth (n=867) were referred for felony offenses against persons, which are considered to be violent offenses. These include attempted murder or manslaughter (n=61, 7%), criminal sexual conduct or other sex offenses (n=20, 2%), armed or other robbery (n=7, 1%), aggravated assault and battery (n=256, 30%), obstruction of justice with violence (n=11, 1%), felony weapon or firearm offenses (n=477, 55%), detonation or threat of a bomb (n=18, 2%), and other crimes against persons (n=17, 2%). (See Table 3.)

The number and percent of youth in each broad category of offense is described for each circuit in Appendix 5. In three circuits, more than 90% of the youth are referred for misdemeanor offenses. These are the 1st Circuit (344 youth, 92.2%), the 3rd Circuit (507 youth, 91.5%), and the 8th Circuit (654 youth, 92.6%). Violent Felony offenses accounted for less than four percent of referrals in the 1st Circuit (10 youth, 3%), 8th Circuit (eight youth, 1%), and 13th Circuit (seven youth, 2%). On the other hand, violent felonies accounted for more than 10% of referral offenses in the 6th Circuit (42 youth, 11%) and the 7th Circuit (132 youth, 14%).

Table 3: Most Serious Offense for Which Juveniles were Referred by Fiscal Year of Solicitor Decision

		FY 2007		FY 2008		FY 2009		Total	
		#	%	#	%	#	%	#	%
Felony Against Person	Attempted Murder/Manslaughter	24	8%	22	7%	15	6%	61	7%
	Criminal Sexual Conduct/Sex Offenses	11	3%	4	1%	5	2%	20	2%
	Robbery	2	1%	3	1%	2	1%	7	1%
	Aggravated Assault/Battery	96	30%	94	31%	66	27%	256	30%
	Obstruction of Justice with Violence	5	2%	3	1%	3	1%	11	1%
	Weapon or Firearm Offenses	172	54%	159	53%	146	59%	477	55%
	Detonation or Threat of Bomb	6	2%	7	2%	5	2%	18	2%
	Other Crimes Against Persons	0	0%	10	3%	7	3%	17	2%
Total		316	8%	302	8%	249	6%	867	8%
Property Felony	Arson	12	7%	24	12%	2	1%	38	7%
	Burglary	50	30%	77	40%	93	47%	220	39%
	Grand Larceny	36	22%	29	15%	32	16%	97	17%
	Forgery and Counterfeiting	6	4%	6	3%	12	6%	24	4%
	Felony Vandalism	15	9%	10	5%	11	6%	36	6%
	Stolen Property	10	6%	7	4%	12	6%	29	5%
	Malicious Injury to Property/Animals	37	22%	35	18%	33	17%	105	19%
	Other Property Crimes	0	0%	5	3%	3	2%	8	1%
Total		166	4%	193	5%	198	5%	557	5%
Other Felony	Felony Drug Laws	38	68%	47	82%	38	69%	123	73%
	Accessory to a Felony	6	11%	3	5%	2	4%	11	7%
	Other Felony	12	21%	7	12%	15	27%	34	20%
Total		56	1%	57	2%	55	1%	168	1%
Misdemeanor	Assault/Battery	749	23%	680	22%	615	19%	2044	21%
	Petit Larceny	210	7%	153	5%	174	5%	537	6%
	Misd. Weapon/Firearm Offense	6	0%	10	0%	2	0%	18	0%
	Misd. Obstruction of Justice	7	0%	25	1%	22	1%	54	1%
	Misd. Violation of Drug Laws	290	9%	269	9%	287	9%	846	9%
	Trespassing	72	2%	91	3%	83	3%	246	3%
	Disorderly Conduct	247	8%	322	10%	372	11%	941	10%
	Misd. Alcohol Offenses	171	5%	134	4%	162	5%	467	5%
	Interfering with an Officer	25	1%	36	1%	30	1%	91	1%
	Misd. Injury to Property or Animals	229	7%	195	6%	197	6%	621	6%
	Disturbing Schools	678	21%	636	20%	551	17%	1,865	19%
	Shoplifting	410	13%	476	15%	704	21%	1,590	16%
	Other Misdemeanor	128	4%	96	3%	104	3%	328	3%
Total		3,222	84%	3,123	83%	3,303	85%	9,648	84%
Other Delinquency	Interfering with School Bus	47	51%	35	44%	38	61%	120	52%
	Non-Felony Traffic Offense	37	40%	37	47%	21	34%	95	41%
	Other	8	9%	7	9%	3	5%	18	8%
	Total		92	2%	79	2%	62	2%	233
Total		3,852	100%	3,754	100%	3,867	100%	11,473	100%

The Other Stakeholders

The other stakeholders in the program, besides the public, include the solicitors and assistant solicitors, the program coordinators, the parents of offenders, the victims, law enforcement officers, the arbitrators, state and local DJJ staff and other arbitration staff.

Satisfaction with the Program

Victims, Parents and Offenders Arbitration Evaluations

There were no negative responses to any of the questions in the 990 Arbitration Evaluation forms provided to SWS. Since the survey responses are dichotomous (in a yes-no format) and there are no differences among records, there is nothing to analyze, and there are no data to be reported from these evaluation forms.

Solicitor Surveys

The nine responses received on the solicitor's survey are generally very positive. All nine solicitors agreed or strongly agreed that the Arbitration Program is effective in diverting juveniles from the justice system, that the procedures for referring juveniles into the Arbitration Program are simple and easy, and that the staff of the Arbitration Program are effective in coordinating the program. The 4th Circuit solicitor survey stated that they are not sure or have no opinion of whether or not the youth who successfully completed the program have improved their behavior and are not sure or have no opinion of whether or not they support an expansion of the Arbitration Program to more geographic areas of South Carolina. The 6th Circuit solicitor survey stated that they are not sure or have no opinion of whether or not the Arbitration Program is effective in preventing youth from re-offending and they are not sure or have no opinion of whether or not youth who have successfully completed the Arbitration Program have improved their behavior.

Only one solicitor responded to the question that asked, "How would you make referral procedures better?" The solicitor stated, "More interaction with juvenile court judges and counselors and school officials." In addition, the 8th Circuit solicitor stated that the Arbitration Program "... is the strongest and most successful intervention program that we have."

Law Enforcement Surveys

Of the 37 law enforcement officers who responded to the survey, one works in the 2nd Circuit, 23 work in the 11th Circuit, and 13 work in the 16th Circuit. A break out of responses by circuit is provided in Appendix Six.

Of the 37 respondents, seven (18.9%) are not sure or have no opinion about whether or not the Arbitration Program is effective in diverting juveniles from the justice system. The average response from the remaining 30 respondents was 3.33 (SD=0.48), which is between agree and strongly agree.

Twelve respondents (32.4%) are not sure or have no opinion about whether or not the Arbitration Program is effective in preventing youth from re-offending. The average response from the remaining 25 respondents was 2.96 (SD=0.89), which is slightly less than agree. It is important to note that respondents who work in the 11th Circuit had an average response of agree (mean=3.24, SD=0.83), whereas respondents who work in the 16th Circuit had an average response of disagree (mean=2.29, SD=0.76).

Three respondents (8.1%) are not sure or have no opinion about whether or not the procedures for referring juveniles into the Arbitration Program are simple and easy. The average response from the remaining 34 respondents was 3.18 (SD=0.46), which is slightly more than agree.

Six respondents (16.2%) are not sure or have no opinion about whether or not the staff of the Arbitration Program are effective in coordinating the program. The average response from the remaining 31 respondents was 3.45 (SD=0.51), which is between agree and strongly agree.

The average response from all 37 respondents in relation to whether or not communication with law enforcement from the Arbitration office about cases is satisfactory was vastly different between the two circuits where more than one officer responded. The average response from officers who work in the 11th Circuit was between agree and strongly agree (mean=3.48, n=23, SD=0.59), whereas the average response from officers who work in the 16th Circuit was between disagree and agree (mean=2.54, n=13, SD=0.66). In particular, five (38.5%) of the officers from the 16th Circuit believe that communication is not satisfactory.

Seven respondents (18.9%) are not sure or have no opinion about whether or not they participate in Arbitration hearings frequently. The average response from the remaining 30 respondents was vastly different between the two circuits where more than one officer responded. The average response from officers who work in the 11th Circuit was slightly more than agree (mean=3.28, n=18, SD=0.83), whereas the average response from officers who work in the 16th Circuit was disagree (mean=1.92, n=12, SD=0.67). In particular, ten (83.3%) of the officers from the 16th Circuit do not participate in hearings frequently.

Sixteen respondents (43.2%) are not sure or have no opinion about whether or not their presence in the Arbitration hearing has an impact. The average response from the remaining 21 respondents was vastly different between the two circuits where more than one officer responded. The average response from officers who work in the 11th Circuit was between agree and strongly agree (mean=3.4, n=15, SD=0.74), whereas the average response from officers who work in the 16th Circuit was disagree (mean=2.33, n=6, SD=1.03). In particular, four (66.7%) of the officers from the 16th Circuit reported that their presence does not have an impact.

Ten respondents (27%) are not sure or have no opinion about whether or not the arbitrator volunteers are effective in conducting hearings. The average response from the remaining 27 respondents was 3.15 (SD=0.46), which is slightly more than agree. It must be noted that 22 of these respondents (81%) work in the 11th Circuit.

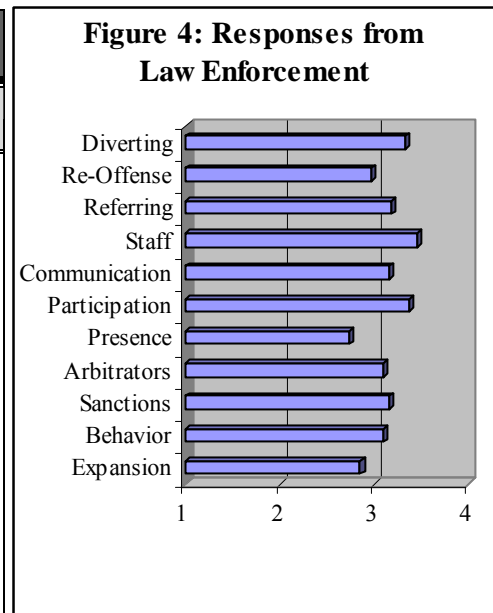
Eight respondents (21.6%) are not sure or have no opinion about whether or not the arbitrator volunteers assign appropriate sanctions to the youth. The average response from the remaining

29 respondents was 3.1 (SD=0.67), which is slightly more than agree. It must be noted that 22 of these respondents (76.9%) work in the 11th Circuit.

Eleven respondents (29.7%) are not sure or have no opinion about whether or not the youth they know who have successfully completed the Arbitration Program have improved their behavior. The average response from the remaining 26 respondents was 2.85 (SD=0.54), which is slightly less than agree. In particular, three of the respondents from the 11th Circuit (16.7%) and three of the respondents from the 16th Circuit (42.9%) disagreed with the statement that youth have improved their behavior.

Ten respondents (27%) are not sure or have no opinion about whether or not they support an expansion of the Arbitration Program to more geographic areas of South Carolina. The average response from the remaining 27 respondents was 3.37 (SD=0.49), which is slightly more than agree. (See Table 4 and Figure 4.)

	No Opinion #	%	Average Response
Effective in Diverting Juveniles	7	18.9%	3.33
Effective in Preventing Re-Offense	12	32.4%	2.96
Referring is Simple and Easy	3	8.1%	3.18
Staff is Effective in Coordinating	6	16.2%	3.45
Communication is Satisfactory	0	0.0%	3.16
I Participate in Hearings	7	18.9%	3.37
My Presence has an Impact	16	43.2%	2.73
Arbitrators are Effective	10	27.0%	3.10
Assign Appropriate Sanctions	8	21.6%	3.15
Youth Improve Behavior	11	29.7%	3.10
Support Expansion	10	27.0%	2.85



Three of the officers provided suggestions on how to make the referral procedures better. These are “do not have the three strikes before you can send one from the school,” “Officers need to be sent a written notification stating that the juvenile has completed the program,” and “Electronic Transmission of Referrals.”

Officers stated that the most helpful sanctions are Community Service (n=14, 37.8%), Jail Visits or DJJ Tours (n=13, 35.1%), Letters of Apology (n=5, 13.5%), and Restitution (n=5, 13.5%). Officers also mentioned tours of a hospital or morgue (n=1, 2.7%), anger management training (n=1, 2.7%), life skills training (n=1, 2.7%), counseling (n=1, 2.7%), research papers (n=2, 5.4%), chores (n=1, 2.7%), grades (n=1, 2.7%), participating in extracurricular activities (n=1, 2.7%), drug testing (n=1, 2.7%), and “any action requiring accountability” (n=1, 2.7%).

Officers stated that the least helpful sanctions are the apology letter (n=9, 24.3%), writing assignments (n=4, 10.8%), book reports (n=1, 2.7%), cooking at home (n=1, 2.7%), and

community service (n=1, 2.7%). One officer also stated that the least helpful sanction is “when the arbitrator is not involved as much as they should be.”

Several officers made additional comments. These are provided in Appendix Six.

Arbitrator Surveys

Arbitrator surveys were completed by 17 arbitrators in the 2nd Circuit, six arbitrators in the 8th Circuit, 28 arbitrators in the 9th Circuit, 34 arbitrators in the 11th Circuit, 11 arbitrators in the 12th Circuit, two arbitrators in the 13th Circuit, five arbitrators in the 15th Circuit, and five arbitrators in the 16th Circuit, for a total of 108 completed surveys. A break out of responses by circuit is provided in Appendix Seven.

Of the 108 respondents, three (2.8%) are not sure or have no opinion about whether or not the Arbitration Program is effective in diverting juveniles from the justice system. The average response from the remaining 105 respondents was 3.75 (SD=0.43), which is slightly less than strongly agree.

Seven respondents (6.5%) are not sure or have no opinion about whether or not the Arbitration Program is effective in preventing participating youth from re-offending. The average response from the remaining 101 respondents was 3.62 (SD=0.53), which is between agree and strongly agree.

One respondent (0.9%) is not sure or has no opinion about whether or not they were adequately prepared to conduct hearings after the initial training. The average response from the remaining 107 respondents was 3.54 (SD=0.5), which is between agree and strongly agree.

The average response from all 108 respondents on the question as to whether or not staff of the Arbitration Program are effective in coordinating the program was 3.89 (SD=0.32), which is slightly less than strongly agree.

The average response from all 108 respondents on the question as to whether or not communication from the Arbitration office about cases is satisfactory was 3.80 (SD=0.47), which is slightly less than strongly agree.

Fourteen respondents (13%) are not sure or have no opinion about whether or not there are enough community service sites in the area. The average response from the remaining 94 respondents was 2.91 (SD=0.8), which is slightly less than agree. In particular, ten arbitrators in the 2nd Circuit (62.5%) and three arbitrators in the 16th Circuit (75%) reported that there are not enough community service sites in the area.

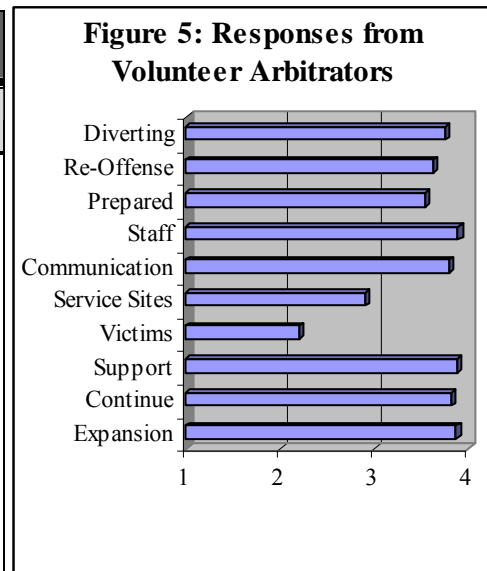
Six respondents (5.6%) are not sure or have no opinion about whether or not victims attend hearings most of the time. The average response from the remaining 102 respondents was 2.20 (SD=0.85), which is slightly more than disagree. In only two Circuits (the 15th and 16th Circuits) do the arbitrators state that the victims attend the hearings most of the time.

One respondent (0.9%) is not sure or has no opinion about whether or not they receive adequate support from the Arbitration office to do their job as an arbitrator. The average response from the remaining 107 respondents was 3.88 (SD=0.33), which is slightly less than strongly agree.

Ten respondents (9.3%) are not sure or have no opinion about whether or not they plan to continue to be a volunteer arbitrator. The average response from the remaining 98 respondents was 3.81 (SD=0.4), which is slightly less than strongly agree.

Four respondents (3.7%) are not sure or have no opinion about whether or not they support an expansion of the Arbitration Program to more geographic areas of South Carolina. The average response from the remaining 104 respondents was 3.87 (SD=0.34), which is slightly less than strongly agree.

	No Opinion #	%	Average Response
Effective in Diverting Juveniles	3	2.8%	3.75
Effective in Preventing Re-Offense	7	6.5%	3.62
Training Prepared Me	1	0.9%	3.54
Staff is Effective in Coordinating	0	0%	3.89
Communication is Satisfactory	0	0%	3.80
Sufficient Service Sites	14	13.0%	2.91
Victims Attend Hearings	6	5.6%	2.20
Receive Adequate Support	1	0.9%	3.88
Plan to Continue	10	9.3%	3.81
Support Expansion	4	3.7%	3.87



Arbitrators provided several suggestions on how to improve training or preparation. The most common are to require that new arbitrators observe a few hearings prior to conducting their own (n=17, 15.7%) and to assign new arbitrators a mentor (veteran arbitrator) or have periodic meetings with groups of arbitrators to discuss common problems and how to assign the sanctions (n=13, 12%). Eight arbitrators (7.4%) stated that mock hearings would be helpful, five arbitrators (4.6%) stated that ongoing trainings or refresher courses would improve the training, and three arbitrators (2.8%) stated that additional training on understanding the child and dealing with parents would help in preparing them for the hearings. Other suggestions included doing observations of sanctions, receiving critique from experienced arbitrators, receiving training in mediation and counseling, getting more involvement and feedback from the community, getting more training on the available sanctions and how to assign them, receiving a list of community service sites and helping the juvenile select their site, receiving more information on services that are available to help youth, having less paperwork, and scheduling trainings for after 5:00 PM.

Arbitrators stated that the most helpful sanctions are the Jail or DJJ Tour (n=59, 54.6%), community service (n=51, 47.2%), classes or groups that are related to the offense (i.e. shoplifting, drug/violence prevention, Alcohol 101, anger management, conflict resolution, and

life skills) (n=29, 26.9%), writing letters of apology (n=27, 25%), writing an essay about their offense or the sanction (n=22, 20.1%), the Insiders Program (n=10, 9.3%), Restitution (n=10, 9.3%), court observation (n=7, 6.5%), victim impact panels (n=4, 4.6%), and book reports or posters (n=4, 4.6%). Other helpful sanctions listed are a tour of the technical school, a class to learn a skill, mentoring, Ropes Course, curfew, taking away the juvenile's cell phone and/or contact with adverse influences, getting the family involved, and counseling. Two arbitrators stated that they didn't know which were the most helpful since they do not receive feedback about each juvenile who goes through the program.

Arbitrators stated that the least helpful sanctions are writing assignments (n=17, 15.7%), book reports or reading assignments (n=7, 6.5%), curfews or other restrictions or punishments to be carried out by the parent (n=7, 6.5%), fines or donations to charity (n=6, 5.6%), apology letters (n=4, 4.6%), a jail tour (n=4, 4.6%), and community service (n=4, 4.6%). Other sanctions mentioned that arbitrators believe are not helpful were Encare, sanctions that are costly, GET SMART program, Victim Impact Panels, restitution without community service, and sanctions that do not make the juvenile responsible for their actions.

Several arbitrators made additional comments. These are provided in Appendix Seven.

Program Coordinators and Other Staff Interviews

Interviews with program coordinators and other staff provided a number of observations. Prominent among these are the following.

1. Funding is insufficient to provide all necessary services.
2. A uniform, web-based information system that could provide uniform reports would be very helpful.
3. Information systems that have uniform standards across agencies would make referrals and helping youth much easier.
4. Better access to school records would be helpful.
5. An automatic expungement of records at age 18 would much simplify administration.
6. The intrusion of the military into juvenile records should be controlled more closely.

State and Local DJJ Staff

Local DJJ staff were interviewed from each of the five site visits made around the state. The local staff were supportive of the Arbitration program, but also are peripheral to the operation of the program. They interact administratively with referrals, database maintenance and similar matters, but the purpose of the program is to divert offenders from the regular system, thereby assuring that DJJ is peripheral to the results of these offenders' actions.

In the words of the former state restorative justice coordinator, "a full-time coordinator and part-time helper" for the program. The state administers the funding provided by the legislature as well as the guidelines which go with that funding. The approach of the state DJJ is to view arbitration as being dependent on the solicitors willingness to support the program. The state therefore must support the solicitors.

A primary way in which the state does this is through training and technical assistance. The two tie closely together. By providing part of the on-site training for new volunteers, the state personnel can informally provide technical assistance at the same time. The state office holds quarterly meetings for arbitration coordinators which include training. There is also a restorative justice section at the annual Solicitor's Conference for program directors and others. A stand alone conference is planned to do two trainings for volunteers and staff this year.

While many states have implemented arbitration through legislation, SC has largely done so through policy. This leaves the implementation of arbitration up to the solicitors across the state, and most have implemented the program strongly. A few, however, have not, and these tend to be in the larger, more populous districts.

Program Implementation

Geographic Implementation

During FY 2011, thirty-nine of 46 counties in the state had at least one referral to juvenile arbitration through March. The counties with no referrals are Lee (3rd Circuit) Kershaw (5th Circuit), Edgefield (11th Circuit), McCormick (11th Circuit), Saluda (11th Circuit), Greenville (13th Circuit) and Georgetown (15th Circuit). Another two counties had ten or fewer referrals. These are Oconee (10th Circuit) and Union (16th Circuit).

Putting it in public health terms, the degree of penetration varies greatly across the state. The evaluators examined penetration rates from two aspects, the proportion of all DJJ referrals referred to arbitration for SFY 2010 and the number of first offenders referred to arbitration during SFY's 2007-2009. By using these two methods, different arrest patterns and other local conditions can be examined. This information should be viewed with caution, however. There are many variables that enter into exactly who is referred to DJJ and why they are referred. In one county or circuit, a high proportion of referrals may be appropriate for arbitration, while in another county or circuit a low proportion of referrals are appropriate for arbitration. As can be seen in Tables 6 and 7, there is wide variation across the state. For the state as a whole, the ratio of arbitration referrals to DJJ referrals is 23.4%. Nine circuits exceed that average and seven do not. About 1/3 of circuits refer about 1/3 of DJJ referrals to arbitration. The differences are even more striking when one looks at individual counties, with the range running from 0% to 53%.

For first offender referrals to arbitration, the rate for the state as a whole is 41.1%. Most circuits (10 of 16) refer about 50% or more first offenders to arbitration. Four circuits (1st, 4th, 13th and 15th) are much lower than the other circuits. Since 2007-2009, the situation has changed dramatically in the 5th circuit in that there is now a very active Arbitration program has been created. The 11th circuit has by far the highest referral rate at 69.3%.

Geographically, it appears that, observing just the DJJ referrals data, there is a less likely possibility of referral to arbitration along the I-95 Corridor, the Upper and Lower Savannah regions and certain parts of the Upstate. There are exceptions in these areas. These differences are much less stark, however, when one observes the first offense data. This data would indicate

that arrest patterns are different in these counties and/or districts, that there were additional outreach efforts in 2007-2009 (as was the case in the Edgefield and McCormick) or there is some other factor that interacts with referral to DJJ and first offenses.

Table 6: Proportion Of DJJ Referrals Referred To Arbitration in SFY 2010				
Circuit	County	Referrals To DJJ	Referrals To Arbitration	% Referred
1st	Calhoun	26	7	26.9%
	Dorchester	837	65	7.8%
	Orangeburg	495	62	12.5%
	Total	1,358	134	9.9%
2nd	Aiken	710	248	34.9%
	Bamberg	84	17	20.2%
	Barnwell	204	73	35.8%
	Total	998	338	33.9%
3rd	Clarendon	84	24	28.6%
	Lee	45	0	0.0%
	Sumter	322	160	49.7%
	Williamsburg	177	23	13.0%
	Total	628	207	33.0%
4th	Chesterfield	166	74	44.6%
	Darlington	303	70	23.1%
	Dillon	234	58	24.8%
	Marlboro	160	18	11.3%
	Total	863	220	25.5%
5th	Kershaw	216	0	0.0%
	Richland	1,095	194	17.7%
	Total	1,311	194	14.8%
6th	Chester	150	66	44.0%
	Fairfield	58	24	41.4%
	Lancaster	348	61	17.5%
	Total	556	151	27.2%
7th	Cherokee	206	82	39.8%
	Spartanburg	802	224	27.9%
	Total	1,008	306	30.4%
8th	Abbeville	34	13	38.2%
	Greenwood	366	62	16.9%
	Laurens	193	32	16.6%
	Newberry	185	36	19.5%
	Total	778	143	18.4%
9th	Berkeley	1,264	371	29.4%
	Charleston	2,249	728	32.4%
	Total	3,513	1099	31.3%

Table 6 continued				
Circuit	County	Referrals To DJJ	Referrals To Arbitration	% Referred
10th	Anderson	612	143	23.4%
	Oconee	131	2	1.5%
	Total	743	145	19.5%
11th	Edgefield	105	0	0.0%
	Lexington	1,078	568	52.7%
	McCormick	66	0	0.0%
	Saluda	57	0	0.0%
	Total	1,306	568	43.5%
12th	Florence	713	307	43.1%
	Marion	383	108	28.2%
	Total	1,096	415	37.9%
13th	Pickens	382	84	22.0%
	Greenville	1,369	0	0.0%
	Total	1,751	84	4.8%
14th	Allendale	71	6	8.5%
	Beaufort	736	51	6.9%
	Colleton	200	52	26.0%
	Hampton	121	28	23.1%
	Jasper	106	23	21.7%
	Total	1,234	160	13.0 %
15th	Georgetown	317	0	0.0%
	Horry	1,418	127	9.0%
	Total	1,735	127	7.3%
16th	Union	260	27	10.4%
	York	1,256	451	35.9%
	Total	1,516	478	31.5%
GRAND TOTAL		20,394	4,769	23.4%

While it is important to know the overall penetration rate, it is also important to know the rate of penetration from among those referrals that are appropriate for arbitration. These are the first time offenders who were referred to arbitration or whose cases were nol prossed, dismissed, prosecuted in the family court, and diverted to other programs. The most recent data available to determine these rates are from SFY 2007 through SFY 2009.

Table 7: Proportion Of First Offenders Referred To Arbitration in SFYs 2007-2009				
Circuit	County	First Offenders	Referrals To Arbitration	% Referred
1st	Calhoun	36	13	36.1%
	Dorchester	872	204	23.4%
	Orangeburg	418	156	37.3%
	Total	1,326	373	28.1%

Table 7 continued

Circuit	County	First Offenders	Referrals To Arbitration	% Referred
2nd	Aiken	897	486	54.2%
	Bamberg	63	34	54.0%
	Barnwell	217	123	56.7%
	Total	1,177	743	54.6%
3rd	Clarendon	120	71	59.2%
	Lee	108	21	19.4%
	Sumter	516	351	68.0%
	Williamsburg	256	111	43.4%
	Total	1,000	554	55.4%
4th	Chesterfield	270	161	59.6%
	Darlington	458	229	50.0%
	Dillon	258	115	44.6%
	Marlboro	145	64	44.1%
	Total	1,131	569	50.3%
5th	Kershaw	213	0	0.0%
	Richland	708	38	5.4%
	Total	921	38	4.1%
6th	Chester	307	159	51.8%
	Fairfield	164	69	42.1%
	Lancaster	456	170	37.3%
	Total	927	398	42.9%
7th	Cherokee	294	139	47.3%
	Spartanburg	1,368	816	59.6%
	Total	1,662	955	57.5%
8th	Abbeville	74	43	58.1%
	Greenwood	672	335	49.9%
	Laurens	324	181	55.9%
	Newberry	291	147	50.5%
	Total	1,361	706	51.9%
9th	Berkeley	1,661	742	44.7%
	Charleston	2,859	1,513	52.9%
	Total	4,520	2,255	49.9%
10th	Anderson	622	336	54.0%
	Oconee	187	33	17.6%
	Total	809	369	45.6%
11th	Edgefield	123	78	63.4%
	Lexington	1,548	1,083	70.0%
	McCormick	63	42	66.7%
	Saluda	120	82	68.3%
	Total	1,854	1,285	69.3%

Table 7 continued				
Circuit	County	First Offenders	Referrals To Arbitration	% Referred
12th	Florence	1,256	741	59.0%
	Marion	425	167	39.3%
	Total	1,681	908	54.0%
13th	Pickens	533	285	53.5%
	Greenville	2,257	14	0.6%
	Total	2,790	299	10.7%
14th	Allendale	95	24	25.3%
	Beaufort	1,109	396	35.7%
	Colleton	250	116	46.4%
	Hampton	278	167	60.1%
	Jasper	157	62	39.5%
	Total	1,889	765	40.5%
15th	Georgetown	436	8	1.8%
	Horry	2,510	385	15.3%
	Total	2,946	393	13.3%
16th	Union	249	37	14.9%
	York	1,679	920	54.8%
	Total	1,928	957	49.6%
GRAND TOTAL		27,922	11,467	41.1%

Adherence to State Guidelines

Some portions of Section I of the Guidelines are archaic and no longer are in agreement with the body of the guidelines. This is a minor issue and easily remedied. A possible rewording may be found in the recommendations.

The programs visited by the evaluators are all following the Guidelines for Arbitration Programs. A written survey of the programs to which all but the 8th and 13th Circuits responded also indicates adherence to the guidelines. Discussion with programs in the general meeting held in Columbia indicated this to be the case also.

This in no way means that programs are all uniform. They are not. Programs adapt to local conditions, which is necessary and appropriate, and programs develop individual methods for administering themselves. There appears to be two key factors that determine how programs adapt and how they are administered. These factors are: the degree of decision making discretion allowed by the solicitor's office to the other actors in the local arbitration process; and the knowledge level, management abilities and inventiveness of the leadership of the arbitration program.

For example, there is wide variation in how programs interpret Section III: Referrals of the Guidelines. Some circuits accept weapons charges, some do not. Some accept first degree

assault and battery not involving sexual charges or domestic violence, some won't accept any degree of assault and battery. Some accept drug and alcohol charges, some do not. A few place a good deal of weight on the discretion of the law enforcement officer. In the case of Richland County, law enforcement directly operates the program. A few circuits control any input from law enforcement. Yet all of this is within the Guidelines.

Wherever the Guidelines are specifically prescriptive, such as in the amount and content of training for arbitrators, the Guidelines are followed very closely. The 14 arbitrators interviewed all described the same training subjects and content when asked of what the training they received consisted. When asked how they conducted their hearings, there was also a remarkable consistency across the arbitrators. Part of that consistency is that the arbitrators did not feel confined to the list of sanctions provided to them by the program, but were quite willing to develop sanctions of their own they think will meet the needs of the victim, community, and particularly the offender.

All of the coordinators interviewed in depth spoke of the importance of two particular individuals who have presented the restorative justice/hands on arbitration portion of the training to arbitrators. This consistency has allowed for a long-term institutional memory in the program statewide.

While the programs are idiosyncratic, there appear to be three distinct models of implementing the Guidelines. The underlying philosophy of the first model is for the highest authority (the solicitor or Sheriff in the case of Richland County) to actively support the program yet delegate most of the authority and resources to the coordinator and others with the idea of maximizing the number of offenders entering and successfully completing arbitration. The second model is for the solicitor to maintain relatively tight control over the authority and resources given to the program. The third model is a laissez faire model, neither strongly supportive, nor tightly controlling. What is unusual about these models is that they do not necessarily extend across entire circuits, but often only apply to certain counties within the circuits, usually those with a larger population and greater resources.

In summary, the Guidelines are being followed both in the prescriptive sense and in the sense of the authority that they allow to the solicitors.

Effectiveness of Guidelines

According to the proviso under which the Juvenile Arbitration program is funded, "The amount payable to Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance." The effectiveness of the Guidelines is therefore of some importance.

Generally, the coordinators measure their effectiveness against the Guidelines and don't think in the opposite terms. When asked to do so, they do have suggestions. First among these is for the training of arbitrators to be explicitly standardized and materials made available with the training. While the coordinators who are interested in a standard training curriculum believe there should be room for local conditions, they also believe that the portion of the training which

deals with arbitration and restorative justice particularly needs to be standardized while the people now teaching it are available to do so.

Another area which local staff are interested in seeing strengthened is information management. Programs use a variety of methods to manage information, from purely paper systems to the fairly sophisticated automated system developed in Charleston. Standards for information management would be welcomed by some programs.

On the whole, it is clear that the programs are solicitor's programs and ultimately the program guidelines are part of an annual contract between solicitors and the SC DJJ. This is a temporary arrangement, and could be ended at any time by legislative action.

Administration of the Arbitration Program Volunteers

All of the programs depend upon word of mouth to some extent to help recruit arbitrators. Beyond that, there are a wide variety of methods used by the programs. One of the most comprehensive is that of the Richland County program, which uses billboards, community events, speaking engagements by different parts of the Sheriff's Office, a website, newsletters and the Citizen's Academy, which is a method for the Sheriff's Office to recruit volunteers for several civic projects. The 9th Circuit also has a comprehensive approach including telethons and private industry recruitment. Most programs use news stories and presentations to help recruit. Sources of volunteers include civic clubs, churches, and professional organizations.

The overall retention rate during FY 2011 for arbitrators in the state is high at 83%. Considering the age of many of the arbitrators and the difficulty of the work, this is a remarkable percentage. To acknowledge volunteers, most programs have an annual luncheon or dinner to honor and thank their arbitrators, or insert articles with photos in local newspapers. Several present them with small gifts or send notes of thanks.

The support given to arbitrators varies according to the resources available in the programs. In the well resourced programs, follow through on items such as making appointments for sanctions and physical movement of records are completed by office staff. In other less well resourced programs, arbitrators have to do some of this themselves. It appears that in the well resourced programs, the arbitrators use the time to spend more supervisory time with the offender, such as having the offender check in with them regularly.

All of the coordinators interviewed and observed had strong, realistic and appropriate relationships with their arbitrators. Coordinators are not afraid to screen out potential arbitrators as necessary. In at least some programs, potential arbitrators were required to shadow existing arbitrators after completing training and a few were eliminated during this period. On the other hand, arbitrators were treated as professionals and as the most important members of the team by coordinators and others.

The effectiveness and beliefs about the training of the arbitrators is treated elsewhere in this section of the evaluation.

FINDINGS PART II: OUTCOME EVALUATION

Description of Study Groups

There are nine study groups of youth included in the analysis of recidivism. The first group includes 11,473 youth who were referred to Arbitration during State Fiscal Years 2007 – 2009. The average age for these youth at the time that they committed the referral offense was 14.29 years (SD=1.46). The Average Severity Index (ASI) for the most serious offense committed at the time of the referral is 2.71 (SD=1.98) and the ASI for all offenses for which the youth was referred at the time of the study event is 3.23 (SD=3.23). Four hundred and thirty five youth (3.8%) had a prior referral to DJJ which was not adjudicated. The ASI for these referrals is 4.92 (SD=8.94). Within the arbitration study group, there are two subgroups.

The first subgroup of Arbitration participants is the group of successful participants. As noted in the methodology section of this report, closure data was received for only 8,359 (72.9%) of the 11,473 arbitration participants. Of those 8,359 youth, 7,885 were reported as having successfully completed the program. The average age for these 7,885 youth at the time that they committed the referral offense was 14.31 years (SD= 1.44). The Average Severity Index (ASI) for the most serious offense committed at the time of the referral is 2.7 (SD=2.0) and the ASI for all offenses for which the youth was referred at the time of the study event is 3.22 (SD=3.27). One hundred and eighty five youth (2.3%) had a prior referral to DJJ which was not adjudicated. The ASI for these referrals is 4.59 (SD=8.9).

The subgroup of successful Arbitration participants will be compared to the subgroup of offenders who successfully completed a behavior contract. The average age for these 738 youth at the time that they committed the referral offense was 14.37 years (SD=1.63). The Average Severity Index (ASI) for the most serious offense committed at the time of the referral is 2.87 (SD=2.25) and the ASI for all offenses for which the youth was referred at the time of the study event is 3.61 (SD=6.96). Twenty six youth (3.5%) had a prior referral to DJJ which was not adjudicated. The ASI for these referrals is 2.73 (SD=1.54).

The subgroups of successful Arbitration participants and successful behavior contracts are similar in age at the time of offense (mean difference=-0.06, $t=-1.01$, $df=848.1$, $p=0.312$), severity of the most serious referral charge (mean difference=-0.17, $t=-1.95$, $df=850.4$, $p=0.051$), and ASI of all charges for the referral event (mean difference=-0.39, $t=-1.49$, $df=767.7$, $p=0.136$). There is a larger difference in the ASI for all prior offenses (mean difference=1.86); however, this difference is not statistically significant ($t=1.06$, $df=209$, $p=0.290$). Therefore, the youth in these two groups are comparable. (See Table 8.)

The second subgroup of Arbitration participants is the group of youth who were referred for Disturbing Schools as the most serious referral offense (severity weight of 2.0). The average age for these 1,865 youth at the time that they committed the referral offense was 14.11 years (SD=1.37). The Average Severity Index (ASI) for all offenses for which the youth was referred at the time of the study event is 2.38 (SD=1.06). Fifty seven youth (3.1%) had a prior referral to DJJ which was not adjudicated. The ASI for these referrals is 3.7 (SD=3.35).

The subgroup of Disturbing Schools Arbitration participants will be compared to the subgroup of juveniles whose most serious referral offense was disturbing schools but who were diverted to other programs besides arbitration or who were found guilty in the family court (Non-Arbitration Disturbing Schools). The average age for these 1,279 youth at the time that they committed the referral offense was 13.97 years (SD=1.47). The Average Severity Index (ASI) for all offenses for which the youth was referred at the time of the study event is 2.52 (SD=1.27). Ninety two youth (7.2%) had a prior referral to DJJ which was not adjudicated. The ASI for these referrals is 2.58 (SD=1.3).

The subgroups of Disturbing Schools Arbitration participants and Non-Arbitration Disturbing Schools youth are significantly different in the age at the time of offense (mean difference=0.14, $t=2.7$, $df=2615.3$, $p=0.007$), ASI of all charges for the referral event (mean difference=-0.14, $t=-3.28$, $df=2410.9$, $p=0.001$), and ASI for all prior offenses (mean difference=1.13, $t=2.42$, $df=66.6$, $p=0.018$). Upon further examination of this subgroup, it can be seen that the youth who were charged with disturbing schools and who were diverted to programs other than arbitration are more similar to youth who participated in arbitration on the ASI referral event measure (mean difference=-0.25, $t=-0.64$, $df=2950$, $p=0.52$) than those who were charged with disturbing schools and who were found guilty in the family court (mean difference=-0.80, $t=-4.8$, $df=199.5$, $p=0.000$). Therefore, the youth in the Arbitration Disturbing Schools subgroup will be primarily compared to the youth in the Non-Arbitration Disturbing Schools subgroup who were diverted to other programs. (See Table 8.)

The entire group of Arbitration participants will be compared to the entire group of youth referred to other diversion programs ($n=6,492$). These two groups are significantly different on all four measures of age at referral offense (mean difference=0.22, $t=8.52$, $df=11675.2$, $p=0.000$), ASI of the most serious referral (mean difference=-0.33, $t=-8.96$, $df=10920.2$, $p=0.000$), ASI of all charges for the referral event (mean difference=-0.57, $t=-8.56$, $df=9940.9$, $p=0.000$), and ASI of all prior offenses (mean difference=1.88, $t=4.2$, $df=513.7$, $p=0.000$). Upon closer examination of the differences, it can be determined that the main differences lie between the Arbitration participants and youth who were referred to the Juvenile Diversion Program for Youth, Juvenile Justice Program at DMH, Pre-Trial Diversion, Restitution Only, and Youth Court Diversion. The ASI for the most serious offense and the ASI for all offenses during the referral event for Arbitration participants are significantly less severe than the ASI for the referral event for participants in the Juvenile Diversion Program for Youth, Juvenile Justice Program at DMH, Pre-Trial Diversion, and Restitution Only, and are significantly more severe than the ASI for the referral event for participants in Youth Court Diversion. These differences will be taken into consideration in the comparison of these two groups. (See Table 8.)

The entire group of Arbitration participants will also be compared to the entire group of youth who were prosecuted and found guilty in the family court ($n=1,665$). These two groups are similar in age (mean difference=0.05, $t=1.33$, $df=2269.5$, $p=0.184$) and ASI of prior referrals to DJJ which were not adjudicated (mean difference=0.004, $t=0.006$, $df=657$, $p=0.995$). The youth who participated in Arbitration had a significantly lower ASI for the most serious offense (mean difference=-1.7, $t=-19.5$, $df=1825.5$, $p=0.000$) and for all charges in the referral event (mean difference=-4.7, $t=20.0$, $df=1719.9$, $p=0.000$). Because the youth who were prosecuted and found guilty in the family court committed, on average, more serious offenses than youth who

participated in Arbitration, these two groups are not comparable in determining differences in recidivism rates. (See Table 8.)

The final two comparison groups are youth whose charges were dismissed or nol prossed. On average, both of these groups are significantly younger, have a higher ASI for the most severe referral offense, and have a higher ASI for all offenses the youth was charged with during the referral event than youth who participated in Arbitration. For both of these groups, the youth is not found guilty nor are they required to admit guilt; whereas, the Arbitration program requires that youth admit guilt in order to participate. Therefore, the groups are qualitatively not comparable to youth who participated in Arbitration since it cannot be determined whether or not the youth actually committed the offense. Furthermore, the differences in the severity of the offenses may impact any differences in recidivism rates. These groups will be included in the comparison; however, any differences found must be viewed with caution. (See Table 8.)

Table 8: Description of the Study Groups						
	#	Age at Referral	ASI Most Serious at Referral	ASI Referral Event	% w/Prior Criminal Referrals	ASI Prior Referrals
Arbitration Participants	11,473	14.29	2.71	3.23	3.8%	4.92
<i>Successful Participants</i>	7,885	14.31	2.70	3.22	2.3%	4.59
<i>Charged w/Disturbing Schools</i>	1,865	14.11	2.00	2.38	3.1%	3.70
Other Diversion Programs	6,492	14.07	3.04	3.80	4.4%	3.03
<i>Successful Behavior Contracts</i>	738	14.37	2.87	3.61	3.5%	2.73
Non-Arbitration Disturbing Schools	1,279	13.97	2.00	2.52	7.2%	2.58
<i>Diverted to Other Programs</i>	1,087	13.95	2.00	2.40	8.5%	2.61
<i>Found Guilty in Family Court</i>	192	14.04	2.00	3.18	17.2%	2.52
Prosecuted and Found Guilty	1,665	14.22	4.50	8.04	13.7%	4.82
Dismissed	5,546	14.06	3.27	4.01	0.5%	4.71
Nol Prossed	2,494	14.13	4.13	5.39	1.6%	4.03

Twelve Month Re-Arrest or Referral Recidivism

Twelve month recidivism is calculated as the percentage of youth in each group who were re-referred to DJJ or who were arrested within 12 months following the solicitor decision. The Average Severity Index (ASI) for those offenses is calculated for only those who offended. Total recidivism is the number of youth who were re-referred to DJJ or arrested as an adult and the ASI for all offenses. Some youth may have been re-referred to DJJ and arrested as an adult; therefore, the total recidivism is a distinct count of all youth who re-offended.

The 12 month DJJ Referral Recidivism Rate for Arbitration participants is 14.1% (n=1,615) compared to 14.5% (n=940) for other diversion programs, 51.8% (n=863) for youth who were prosecuted and found guilty, 12.3% (n=682) for youth whose charges were dismissed, and 16.8% (n=419) for youth whose cases were nol prossed. Youth who participated in Arbitration, were

diverted to other programs, or whose charges were dismissed are significantly less likely to re-offend than youth whose cases were not processed or who were prosecuted and found guilty in the family court ($\chi^2=1661.1$, $df=4$, $p=0.000$). Among the groups of youth who participated in Arbitration, were diverted to other programs, and whose charges were dismissed, youth whose cases were dismissed are the least likely to re-offend within 12 months ($\chi^2=13.8$, $df=2$, $p=0.001$). It must be noted that this group of youth was, on average, younger and had fewer prior referrals to DJJ that were not adjudicated. (See Table 9 and Figure 9.)

The 12 month DJJ Referral ASI for Arbitration Participants who re-offended is 3.23 (SD=2.58) compared to 3.13 (SD=2.55) for other diversion programs, 3.66 (SD=2.87) for youth who were prosecuted and found guilty, 3.62 (SD=3.1) for youth whose charges were dismissed, and 3.61 (SD=3.03) for youth whose cases were not processed. In particular, youth who participated in Arbitration were re-referred for offenses that were significantly less severe than youth whose cases were dismissed ($p=0.015$) and youth who were prosecuted and found guilty in the family court ($p=0.002$). (See Table 9.)

The 12 month SLED Arrest Recidivism Rate for Arbitration participants is 3.2% ($n=363$) compared to 3.7% ($n=240$) for other diversion programs, 4.6% ($n=77$) for youth who were prosecuted and found guilty, 4.3% ($n=240$) for youth whose charges were dismissed, and 6.7% ($n=166$) for youth whose cases were not processed. Youth who participated in Arbitration or were diverted to other programs are significantly less likely to re-offend than youth whose cases were dismissed, not processed or who were prosecuted and found guilty in the family court ($\chi^2=72.4$, $df=4$, $p=0.000$). There is no significant difference in the re-arrest rate for youth who participated in Arbitration and youth who were diverted to other programs ($\chi^2=0.55$, $df=1$, $p=0.458$). (See Table 9 and Figure 9.)

The 12 month SLED Arrest ASI for Arbitration Participants who re-offended is 4.87 (SD=5.29) compared to 4.13 (SD=4.3) for other diversion programs, 4.88 (SD=5.42) for youth who were prosecuted and found guilty, 4.55 (SD=4.44) for youth whose charges were dismissed, and 4.52 (SD=5.19) for youth whose cases were not processed. The differences among these groups is not statistically significant ($F=0.905$, $df=4$, $p=0.460$). (See Table 9.)

The total 12 month recidivism (adult and juvenile referrals and re-arrests) for Arbitration participants is 16.8% ($n=1,923$) compared to 17.7% ($n=1,152$) for other diversion programs, 54.3% ($n=904$) for youth who were prosecuted and found guilty, 16.3% ($n=905$) for youth whose cases were dismissed, and 22.9% ($n=571$) for youth whose cases were not processed. Youth who participated in Arbitration, were diverted to other programs, or whose charges were dismissed are significantly less likely to re-offend than youth whose cases were not processed or who were prosecuted and found guilty in the family court ($\chi^2=1393.4$, $df=4$, $p=0.000$). There are no differences in total recidivism among the groups of youth who participated in Arbitration, were diverted to other programs, and whose charges were dismissed ($\chi^2=4.8$, $df=2$, $p=0.092$). (See Table 9 and Figure 9.)

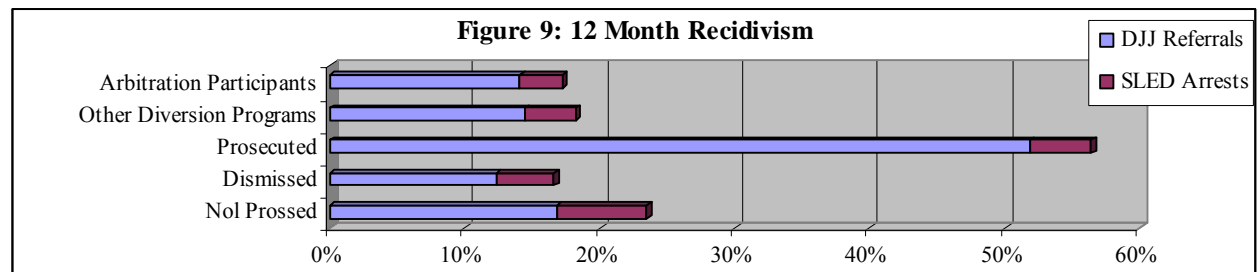
The total 12 month Recidivism ASI for Arbitration Participants who re-offended is 3.23 (SD=2.82) compared to 3.19 (SD=2.69) for other diversion programs, 3.81 (SD=2.94) for youth who were prosecuted and found guilty, 3.69 (SD=3.32) for youth whose charges were dismissed, and 3.71 (SD=3.28) for youth whose cases were not processed. In particular, youth who

participated in Arbitration were re-referred for offenses that were significantly less severe than youth whose cases were dismissed ($p=0.002$), youth whose cases were nol prossed ($p=0.012$), and youth who were prosecuted and found guilty in the family court ($p=0.000$). (See Table 9.)

As reported previously in the description of the study groups, significant differences were found in the severity of offenses committed within the group of youth diverted to other programs. No significant differences were found within this group when compared to the group of Arbitration participants in the rate of recidivism within 12 months.

Table 9: 12 Month Recidivism

	#	DJJ Referrals		SLED Arrests		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	11,473	14.1%	3.23	3.2%	4.87	16.8%	3.33
Other Diversion Programs	6,492	14.5%	3.13	3.7%	4.13	17.7%	3.19
Prosecuted – Found Guilty	1,665	51.8%	3.66	4.6%	4.88	54.3%	3.81
Dismissed	5,546	12.3%	3.62	4.3%	4.55	16.3%	3.69
Nol Prossed	2,494	16.8%	3.61	6.7%	4.52	22.9%	3.71



The 12 month DJJ Referral Recidivism Rate for successful Arbitration participants is 12.1% ($n=953$) compared to 13.1% ($n=97$) for youth who successfully completed a behavior contract. There is no significant difference in the rate of re-offense for these two groups ($\chi^2=0.71$, $df=1$, $p=0.401$). (See Table 10 and Figure 10.)

The 12 month DJJ Referral ASI for Arbitration Participants who successfully completed the program and re-offended is 3.14 ($SD=2.56$) compared to 2.95 ($SD=2.33$) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant ($t=0.702$, $df=1048$, $p=0.483$). (See Table 10.)

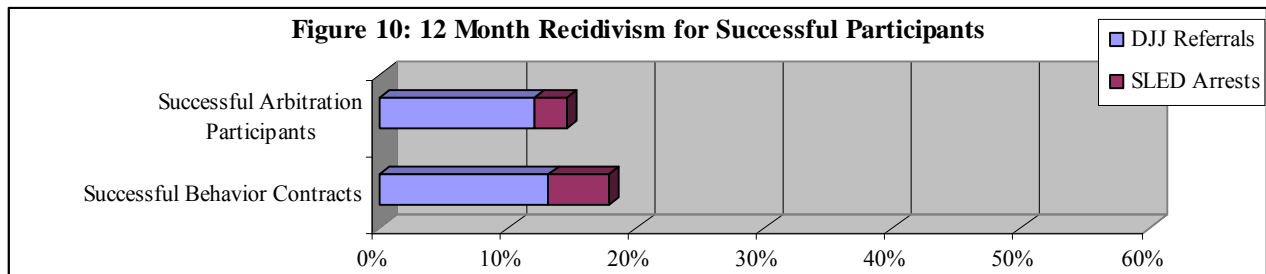
The 12 month SLED Arrest Recidivism Rate for successful Arbitration participants is 2.5% ($n=197$) compared to 4.7% ($n=35$) for youth who successfully completed a behavior contract. Youth who participated in Arbitration are significantly less likely to be re-arrested than youth who successfully completed a behavior contract ($\chi^2=12.98$, $df=1$, $p=0.000$). (See Table 10 and Figure 10.)

The 12 month SLED Arrest ASI for Arbitration Participants who successfully completed the program and re-offended is 4.3 ($SD=4.74$) compared to 4.24 ($SD=4.19$) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant ($t=0.077$, $df=247$, $p=0.939$). (See Table 10.)

The total 12 month Recidivism Rate for successful Arbitration participants is 14.3% (n=1127) compared to 17.8% (n=131) for youth who successfully completed a behavior contract. Youth who successfully completed the Arbitration program are significantly less likely to re-offend than youth who successfully completed a behavior contract ($\chi^2=6.48$, df=1, p=0.011). (See Table 10 and Figure 10.)

The total 12 month Recidivism ASI for Arbitration Participants who successfully completed the program and re-offended is 3.13 (SD=2.61) compared to 3.04 (SD=2.46) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant (t=0.466, df=2267, p=0.641). (See Table 10.)

Table 10: 12 Month Recidivism for Successful Subgroups								
	#	DJJ Referrals		SLED Arrests		Total Recidivism		
		%	ASI	%	ASI	%	ASI	
Successful Arbitration Participants	7885	12.1%	3.14	2.5%	4.30	14.3%	3.13	
Successful Behavior Contracts	738	13.1%	2.95	4.7%	4.24	17.8%	3.04	



Twelve Month Re-Arrest or Referral Recidivism For Disturbing School Charges

The 12 month DJJ Referral Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 15.4% (n=287) compared to 20.3% (n=221) for youth who were charged with disturbing schools and who were referred to other diversion programs. Between these two groups, youth who participated in the Arbitration program are significantly less likely to re-offend ($\chi^2=11.78$, df=1, p=0.001). (See Table 11 and Figure 11.)

The 12 month DJJ Referral ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 3.19 (SD=2.77) compared to 3.14 (SD=2.4) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant (t=0.18, df=506, p=0.857). (See Table 11.)

The 12 month SLED Arrest Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 2.4% (n=45) compared to 3.2% (n=35) for youth who were charged with disturbing schools and who were referred to other diversion

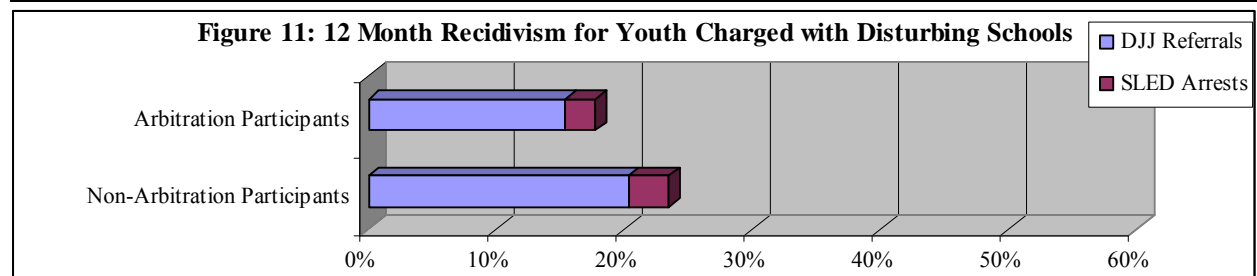
programs. There is no significant difference in the 12 month SLED arrest recidivism rate between these two groups ($\chi^2=1.7$, $df=1$, $p=0.193$). (See Table 11 and Figure 11.)

The 12 month SLED Arrest ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 5.87 (SD=6.62) compared to 5.69 (SD=5.47) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant ($t=0.139$, $df=83$, $p=0.890$). (See Table 11.)

The total 12 month Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 17.6% (n=328) compared to 23% (n=250) for youth who were charged with disturbing schools and who were referred to other diversion programs. Between these two groups, youth who participated in the Arbitration program are significantly less likely to re-offend ($\chi^2=12.8$, $df=1$, $p=0.000$). (See Table 11 and Figure 11.)

The total 12 month Recidivism ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 3.59 (SD=3.66) compared to 3.62 (SD=3.35) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant ($t=-0.08$, $df=479$, $p=0.938$). (See Table 11.)

	#	DJJ Referrals		SLED Arrests		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	1,865	15.4%	3.19	2.4%	5.87	17.6%	3.59
Non-Arbitration Participants	1,087	20.3%	3.14	3.2%	5.69	23.0%	3.62



Thirty-Six Month Re-Arrest or Referral Recidivism

Thirty six month recidivism is calculated as the percentage of youth in each group who were re-referred to DJJ or who were arrested within 36 months following the solicitor decision and for whom at least 36 months of data is available. The Average Severity Index (ASI) for those offenses is calculated for only those who offended. Total recidivism is the number of youth who were re-referred to DJJ or arrested as an adult and the ASI for all offenses within 36 months. Some youth may have been re-referred to DJJ and arrested as an adult; therefore, the total recidivism is a distinct count of all youth who re-offended.

The 36 month DJJ Referral Recidivism Rate for Arbitration participants is 28.3% (n=1,220) compared to 28.6% (n=699) for other diversion programs, 70.6% (n=563) for youth who were prosecuted and found guilty, 21.4% (n=451) for youth whose charges were dismissed, and 24.8% (n=239) for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, whose charges were dismissed, or whose cases were nol prossed are significantly less likely to re-offend than youth who were prosecuted and found guilty in the family court ($\chi^2=721.7$, $df=4$, $p=0.000$). Among the groups of youth who participated in Arbitration, were diverted to other programs, whose charges were dismissed, and whose cases were nol prossed, youth whose cases were dismissed or nol prossed are the least likely to re-offend within 36 months ($\chi^2=42.77$, $df=3$, $p=0.000$). It must be noted that this group of youth was, on average, younger and had fewer prior referrals to DJJ that were not adjudicated. (See Table 12 and Figure 12.)

The 36 month DJJ Referral ASI for Arbitration Participants who re-offended is 3.33 (SD=2.5) compared to 3.4 (SD=2.99) for other diversion programs, 3.97 (SD=2.88) for youth who were prosecuted and found guilty, 3.98 (SD=3.46) for youth whose charges were dismissed, and 3.38 (SD=2.15) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were re-referred for offenses that were significantly less severe than youth whose cases were dismissed ($p=0.003$) and youth who were prosecuted and found guilty in the family court ($p=0.001$). (See Table 12.)

The 36 month SLED Arrest Recidivism Rate for Arbitration participants is 20.4% (n=881) compared to 21.1% (n=516) for other diversion programs, 37.1% (n=296) for youth who were prosecuted and found guilty, 18% (n=379) for youth whose charges were dismissed, and 26.7% (n=257) for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, or whose cases were dismissed are significantly less likely to re-offend than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=145.7$, $df=4$, $p=0.000$). Among the groups of youth who participated in Arbitration, were diverted to other programs, and youth whose charges were dismissed, youth whose cases were dismissed are the least likely to re-offend within 36 months ($\chi^2=7.97$, $df=2$, $p=0.019$). It must be noted that this group of youth was, on average, younger and had fewer prior referrals to DJJ that were not adjudicated. (See Table 12 and Figure 12.)

The 36 month SLED Arrest ASI for Arbitration Participants who re-offended is 4.18 (SD=4.31) compared to 4.04 (SD=3.95) for other diversion programs, 4.92 (SD=4.89) for youth who were prosecuted and found guilty, 4.25 (SD=3.94) for youth whose charges were dismissed, and 4.41 (SD=4.24) for youth whose cases were nol prossed. The differences between these groups is not statistically significant ($F=2.285$, $df=4$, $p=0.058$). (See Table 12.)

The total 36 month Recidivism Rate for Arbitration participants is 42% (n=1,809) compared to 43.5% (n=1,061) for other diversion programs, 80.2% (n=640) for youth who were prosecuted and found guilty, 35.3% (n=744) for youth whose charges were dismissed, and 43.6% (n=420) for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, whose charges were dismissed, or whose cases were nol prossed are significantly less likely to re-offend than youth who were prosecuted and found guilty in the family court ($\chi^2=497.3$, $df=4$, $p=0.000$). Among the groups of youth who participated in

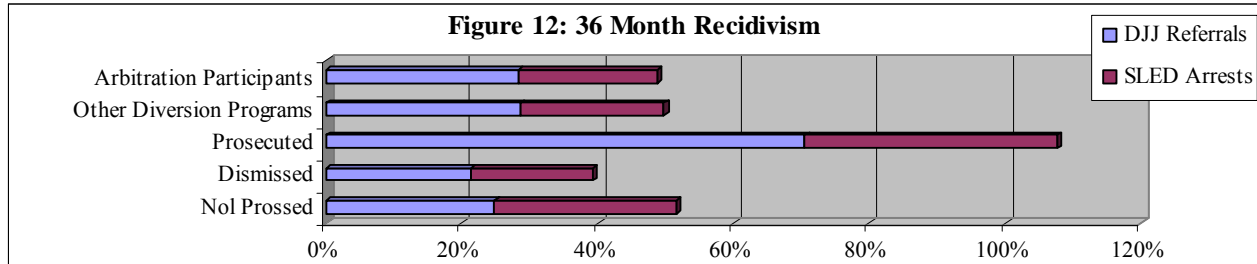
Arbitration or were diverted to other programs, there is no statistical difference ($\chi^2=0.08$, $df=1$, $p=0.777$). (See Table 12 and Figure 12.)

The total 36 month Recidivism ASI for Arbitration Participants who re-offended is 3.56 (SD=3.08) compared to 3.53 (SD=3.4) for other diversion programs, 4.11 (SD=4.89) for youth who were prosecuted and found guilty, 3.9 (SD=3.31) for youth whose charges were dismissed, and 3.82 (SD=3.09) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were re-referred for offenses that were significantly less severe than youth who were prosecuted and found guilty in the family court ($p=0.002$). (See Table 12.)

As reported previously in the description of the study groups, significant differences were found in the severity of offenses committed within the group of youth diverted to other programs. No significant differences were found within this group when compared to the group of Arbitration participants in the rate of recidivism within 36 months.

Table 12: 36 Month Recidivism

	#	DJJ Referrals		SLED Arrests		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	4,309	28.3%	3.33	20.4%	4.19	42.0%	3.56
Other Diversion Programs	2,441	28.6%	3.40	21.1%	4.04	43.5%	3.53
Prosecuted – Found Guilty	798	70.6%	3.97	37.1%	4.92	80.2%	4.11
Dismissed	2,110	21.4%	3.98	18.0%	4.25	35.3%	3.90
Nol Prossed	963	24.8%	3.38	26.7%	4.41	43.6%	3.81



The 36 month DJJ Referral Recidivism Rate for successful Arbitration participants is 26.3% (n=790) compared to 19.9% (n=39) for youth who successfully completed a behavior contract. Youth who successfully complete the Arbitration program are significantly more likely than youth who successfully completed a behavior contract to be re-referred to DJJ within 36 months ($\chi^2=3.9$, $df=1$, $p=0.048$). (See Table 13 and Figure 13.)

The 36 month DJJ Referral ASI for Arbitration Participants who successfully completed the program and re-offended is 3.23 (SD=2.54) compared to 2.62 (SD=1.44) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant ($t=1.36$, $df=655$, $p=0.174$). (See Table 13.)

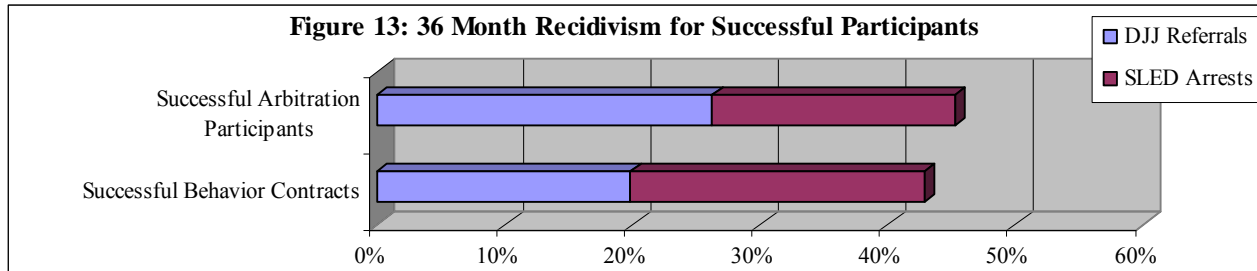
The 36 month SLED Arrest Recidivism Rate for successful Arbitration participants is 19% (n=571) compared to 23% (n=45) for youth who successfully completed a behavior contract. There is no significant difference in the re-referral rate for these two groups ($\chi^2=1.87$, $df=1$, $p=0.172$). (See Table 13 and Figure 13.)

The 36 month SLED Arrest ASI for Arbitration Participants who successfully completed the program and re-offended is 4.08 (SD=4.25) compared to 4.6 (SD=4.32) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant ($t=-0.8$, $df=614$, $p=0.423$). (See Table 13.)

The total 36 month Recidivism Rate for successful Arbitration participants is 39.7% (n=1195) compared to 38.8% (n=76) for youth who successfully completed a behavior contract. There is no significant difference in the 36 month recidivism rate between these two groups ($\chi^2=0.07$, $df=1$, $p=0.789$). (See Table 13 and Figure 13.)

The total 36 month Recidivism ASI for Arbitration Participants who successfully completed the program and re-offended is 3.44 (SD=3.04) compared to 3.85 (SD=3.44) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant ($t=-1.13$, $df=1269$, $p=0.259$). (See Table 13.)

Table 13: 36 Month Recidivism for Successful Subgroups							
	#	DJJ Referrals		SLED Arrests		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Successful Arbitration Participants	3,007	26.3%	3.23	19.0%	4.08	39.7%	3.44
Successful Behavior Contracts	196	19.9%	2.62	23.0%	4.60	38.8%	3.85



Thirty-Six Month Re-Arrest Or Referral Recidivism For Disturbing School Charges

The 36 month DJJ Referral Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 30.7% (n=217) compared to 32.5% (n=150) for youth who were charged with disturbing schools and who were referred to other diversion programs. There is no significant difference in the 36 month DJJ referral recidivism rate between these two groups ($\chi^2=0.44$, $df=1$, $p=0.507$). (See Table 14 and Figure 14.)

The 36 month DJJ Referral ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 3.15 (SD=2.72) compared to 3.29 (SD=2.77) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant ($t=-0.42$, $df=294$, $p=0.677$). (See Table 14.)

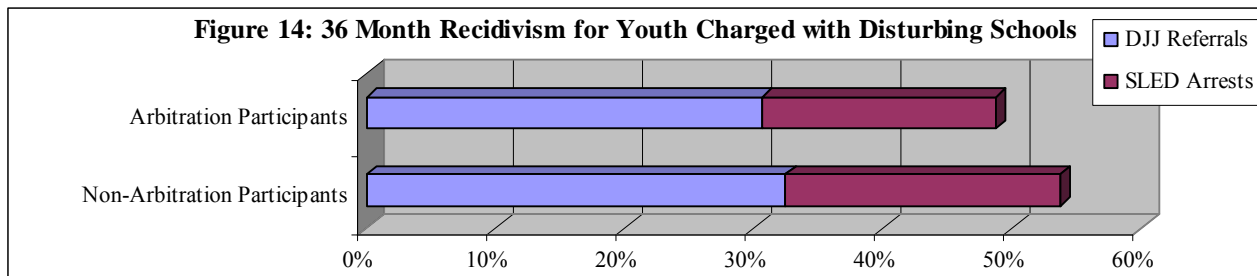
The 36 month SLED Arrest Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 18.1% (n=128) compared to 21.3% (n=98) for youth who were charged with disturbing schools and who were referred to other diversion programs. There is no significant difference in the 36 month SLED arrest recidivism rate between these two groups ($\chi^2=1.78$, $df=1$, $p=0.182$). (See Table 14 and Figure 14.)

The 36 month SLED Arrest ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 4.54 (SD=5.2) compared to 4.73 (SD=4.77) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant ($t=-0.29$, $df=225$, $p=0.769$). (See Table 14.)

The total 36 month Recidivism Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 42.3% (n=299) compared to 46.2% (n=213) for youth who were charged with disturbing schools and who were referred to other diversion programs. There is no significant difference in the 36 month recidivism rate between these two groups ($\chi^2=1.74$, $df=1$, $p=0.188$). (See Table 14 and Figure 14.)

The total 36 month Recidivism ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense and who re-offended is 3.6 (SD=3.68) compared to 3.63 (SD=3.1) for youth who were charged with disturbing schools and referred to other diversion programs and who re-offended. The difference is not statistically significant ($t=-0.095$, $df=510$, $p=0.924$). (See Table 14.)

Table 14: 36 Month Recidivism for Youth Charged with Disturbing Schools							
	#	DJJ Referrals		SLED Arrests		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	707	30.7%	3.15	18.1%	4.54	42.3%	3.60
Non-Arbitration Participants	461	32.5%	3.29	21.3%	4.73	46.2%	3.10



Conviction for Subsequent Offenses Over Twelve Month Period

Twelve month conviction for subsequent offenses is calculated as the percentage of youth in each group re-offended within 12 months following the solicitor decision and that offense was adjudicated guilty. The Average Severity Index (ASI) for those offenses is calculated for only those who were convicted. Total recidivism is the number of youth who were adjudicated guilty as a juvenile or adult and the ASI for all offenses. Some youth may have been adjudicated guilty as a juvenile and as an adult; therefore, the total recidivism is a distinct count of all youth who were convicted of subsequent offenses.

The 12 month Juvenile Conviction Rate for Arbitration participants is 10.6% (n=1,211) compared to 11.6% (n=753) for other diversion programs, 40.8% (n=680) for youth who were prosecuted and found guilty, 8% (n=443) for youth whose charges were dismissed, and 13.1% (n=327) for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, or whose charges were dismissed are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=1386.03$, $df=4$, $p=0.000$). Among the groups of youth who participated in Arbitration, were diverted to other programs, and whose charges were dismissed, youth whose cases were dismissed are the least likely to have subsequent convictions within 12 months ($\chi^2=44.9$, $df=2$, $p=0.000$). Youth who participated in Arbitration are less likely to have subsequent convictions than youth who participated in other diversion programs ($\chi^2=4.64$, $df=1$, $p=0.031$). (See Table 15 and Figure 15.)

The 12 month Juvenile Conviction ASI for Arbitration Participants is 3.3 (SD=2.74) compared to 3.14 (SD=2.55) for other diversion programs, 3.65 (SD=2.76) for youth who were prosecuted and found guilty, 3.91 (SD=3.41) for youth whose charges were dismissed, and 3.81 (SD=3.39) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were convicted of subsequent offenses that were significantly less severe than youth whose cases were dismissed ($p=0.001$) and youth whose cases were nol prossed ($p=0.038$). (See Table 15.)

The 12 month Adult Conviction Rate for Arbitration participants is 0.7% (n=75) compared to 0.7% (n=47) for other diversion programs, 1% (n=16) for youth who were prosecuted and found guilty, 1.4% (n=80) for youth whose charges were dismissed, and 2.1% (n=53) for youth whose cases were nol prossed. Youth who participated in Arbitration or were diverted to other programs are significantly less likely to have subsequent convictions than youth whose cases were dismissed, nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=62.9$, $df=4$, $p=0.000$). There is no significant difference in the subsequent conviction rate for youth who participated in Arbitration and youth who were diverted to other programs ($\chi^2=0.303$, $df=1$, $p=0.582$). (See Table 15 and Figure 15.)

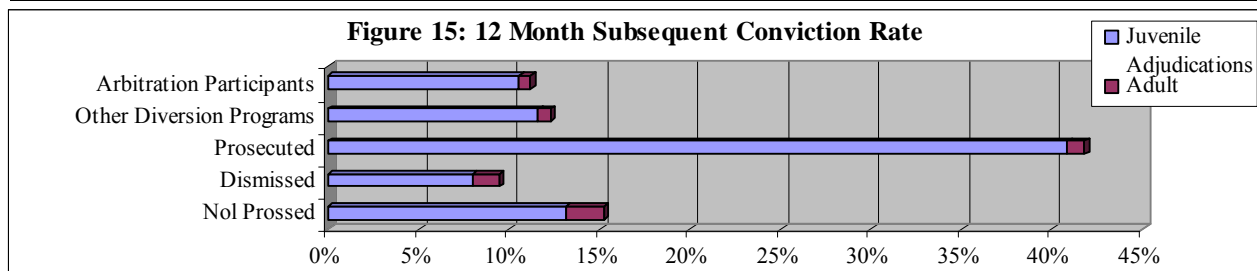
The 12 month Adult Conviction ASI for Arbitration Participants is 3.34 (SD=2.8) compared to 3.28 (SD=1.74) for other diversion programs, 2.98 (SD=1.46) for youth who were prosecuted and found guilty, 4.17 (SD=3.59) for youth whose charges were dismissed, and 3.89 (SD=2.4) for youth whose cases were nol prossed. The differences among these groups is not statistically significant ($F=1.47$, $df=4$, $p=0.211$). (See Table 15.)

The total 12 month Conviction Rate for Arbitration participants is 11.2% (n=1,282) compared to 12.3% (n=799) for other diversion programs, 41.4% (n=690) for youth who were prosecuted and found guilty, 9.4% (n=519) for youth whose charges were dismissed, and 15.2% (n=379) for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, or whose charges were dismissed are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=1279.8$, $df=4$, $p=0.000$). Youth whose cases were dismissed are the least likely to have subsequent convictions within 12 months ($\chi^2=26.8$, $df=2$, $p=0.000$), and youth who participated in Arbitration are less likely to have subsequent convictions than youth who participated in other diversion programs ($\chi^2=5.2$, $df=1$, $p=0.023$). (See Table 15 and Figure 15.)

The total 12 month Recidivism ASI for Arbitration Participants is 3.3 (SD=2.74) compared to 3.15 (SD=2.51) for other diversion programs, 3.64 (SD=2.74) for youth who were prosecuted and found guilty, 3.97 (SD=3.45) for youth whose charges were dismissed, and 3.82 (SD=3.27) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were convicted of subsequent offenses that were significantly less severe than youth whose cases were dismissed ($p=0.000$) and youth whose cases were nol prossed ($p=0.017$). (See Table 15.)

As reported previously in the description of the study groups, significant differences were found in the severity of prior offenses committed within the group of youth diverted to other programs. No significant differences were found within this group when compared to the group of Arbitration participants in the rate of recidivism within 12 months.

	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	11,473	10.6%	3.30	0.7%	3.34	11.2%	3.30
Other Diversion Programs	6,492	11.6%	3.14	0.7%	3.28	12.3%	3.15
Prosecuted – Found Guilty	1,665	40.8%	3.65	1.0%	2.98	41.4%	3.64
Dismissed	5,546	8.0%	3.91	1.4%	4.17	9.4%	3.97
Nol Prossed	2,494	13.1%	3.81	2.1%	3.89	15.2%	3.82



The 12 month Juvenile Subsequent Conviction Rate for successful Arbitration participants is 12.1% (n=710) compared to 13.1% (n=73) for youth who successfully completed a behavior contract. There is no significant difference in the rate of subsequent offenses for these two groups ($\chi^2=0.71$, $df=1$, $p=0.401$). (See Table 16 and Figure 16.)

The 12 month Juvenile Conviction ASI for Arbitration Participants who successfully completed the program and were convicted of a subsequent offense is 3.24 (SD=2.69) compared to 2.8 (SD=1.64) for youth who successfully completed a behavior contract and were convicted of a subsequent offense. The Average Severity Index for youth who successfully completed a behavior contract is significantly lower than that for youth who successfully completed the Arbitration program ($t=2.04$, $df=116.1$, $p=0.043$). (See Table 16.)

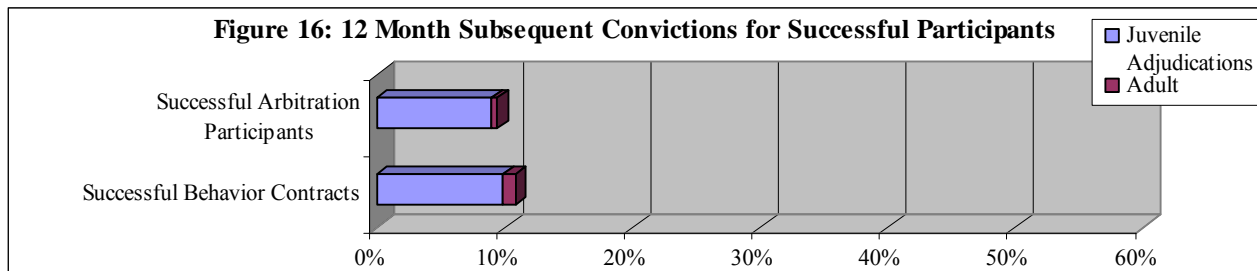
The 12 month Adult Subsequent Conviction Rate for successful Arbitration participants who were convicted of a subsequent offense is 0.4% (n=33) compared to 0.9% (n=7) for youth who successfully completed a behavior contract and were convicted of a subsequent offense. Youth who participated in Arbitration are significantly less likely to have subsequent convictions than youth who successfully completed a behavior contract ($\chi^2=4.11$, $df=1$, $p=0.043$). (See Table 16 and Figure 16.)

The 12 month Juvenile Conviction ASI for Arbitration Participants who successfully completed the program and were convicted of a subsequent offense is 3.03 (SD=2.36) compared to 3.12 (SD=1.22) for youth who successfully completed a behavior contract and were convicted of a subsequent offense. The difference is not statistically significant ($t=-0.093$, $df=38$, $p=0.926$). (See Table 16.)

The total 12 month Conviction Rate for successful Arbitration participants is 9.4% (n=742) compared to 13.1% (n=80) for youth who successfully completed a behavior contract. There is no significant difference in the rate of subsequent offenses for these two groups ($\chi^2=1.6$, $df=1$, $p=0.206$). (See Table 16 and Figure 16.)

The total 12 month Conviction ASI for Arbitration Participants who successfully completed the program and were convicted of a subsequent offense is 3.23 (SD=2.67) compared to 2.82 (SD=1.61) for youth who successfully completed a behavior contract and were convicted of a subsequent offense. The Average Severity Index for youth who successfully completed a behavior contract is significantly lower than that for youth who successfully completed the Arbitration program ($t=1.98$, $df=131.8$, $p=0.050$). (See Table 16.)

Table 16: 12 Month Subsequent Convictions for Successful Subgroups							
	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Successful Arbitration Participants	7,885	9.0%	3.24	0.4%	3.03	9.4%	3.23
Successful Behavior Contracts	738	9.9%	2.80	0.9%	3.12	10.8%	2.82



Conviction for Subsequent Offenses over Twelve Month Period when Original Offense was Disturbing School

The 12 month Juvenile Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 12% (n=223) compared to 16.9% (n=184) for youth who were charged with disturbing schools and who were referred to other diversion programs. Between these two groups, youth who participated in the Arbitration program are significantly less likely to have subsequent convictions ($\chi^2=14.27$, $df=1$, $p=0.000$). (See Table 17 and Figure 17.)

The 12 month Juvenile Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 3.18 (SD=2.69) compared to 3.21 (SD=2.53) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant ($t=-0.124$, $df=405$, $p=0.902$). (See Table 17.)

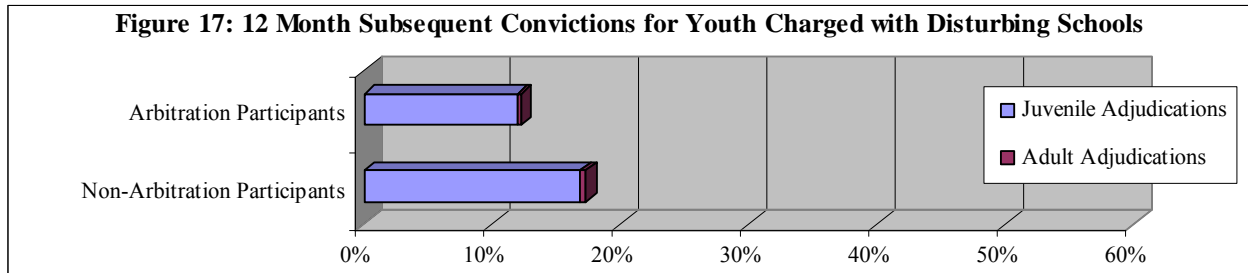
The 12 month Adult Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 0.3% (n=5) compared to 0.4% (n=4) for youth who were charged with disturbing schools and who were referred to other diversion programs. There is no significant difference in the 12 month adult subsequent conviction rate between these two groups ($\chi^2=0.23$, $df=1$, $p=0.635$). (See Table 17 and Figure 17.)

The 12 month Adult Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 2.8 (SD=1.3) compared to 3.0 (SD=1.41) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant ($t=-0.61$, $df=8$, $p=0.561$). (See Table 17.)

The total 12 month Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 12.2% (n=228) compared to 17.3% (n=188) for youth who were charged with disturbing schools and who were referred to other diversion programs. Between these two groups, youth who participated in the Arbitration program are significantly less likely to have subsequent convictions ($\chi^2=14.58$, $df=1$, $p=0.000$). (See Table 17 and Figure 17.)

The 12 month Juvenile Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 3.17 (SD=2.67) compared to 3.21 (SD=2.51) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant ($t=-0.141$, $df=414$, $p=0.888$). (See Table 17.)

	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	1,865	12.0%	3.18	0.3%	2.80	12.2%	3.17
Non-Arbitration Participants	1,087	16.9%	3.21	0.4%	3.00	17.3%	3.21



Conviction for Subsequent Offenses over Thirty-Six Month Period for Subsequent Offenses

Thirty six month conviction for subsequent offenses is calculated as the percentage of youth in each group who re-offended within 36 months following the solicitor decision and that offense was adjudicated guilty. The Average Severity Index (ASI) for those offenses is calculated for only those who were convicted. Total recidivism is the number of youth who were adjudicated guilty as a juvenile or adult and the ASI for all offenses. Some youth may have been adjudicated guilty as a juvenile and as an adult; therefore, the total recidivism is a distinct count of all youth who were convicted of subsequent offenses.

The 36 month Juvenile Conviction Rate for Arbitration participants is 22.7% (n=976) compared to 23.8% (n=582) for other diversion programs, 56.5% (n=451) for youth who were prosecuted and found guilty, 15.4% (n=324) for youth whose charges were dismissed, and 20.2% (n=195) for youth whose cases were nol prossed. Youth who participated in Arbitration or whose charges were dismissed are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=563.8$, df=4, p=0.000). (See Table 18 and Figure 18.)

The 36 month Juvenile Conviction ASI for Arbitration Participants is 3.3 (SD=2.74) compared to 3.4 (SD=2.99) for other diversion programs, 3.97 (SD=2.88) for youth who were prosecuted and found guilty, 3.98 (SD=3.46) for youth whose charges were dismissed, and 3.38 (SD=2.15) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were convicted of subsequent offenses that were significantly less severe than youth whose cases were dismissed (p=0.003) and youth who were prosecuted and found guilty in the family court (p=0.001). (See Table 18.)

The 36 month Adult Conviction Rate for Arbitration participants is 6% (n=259) compared to 6% (n=147) for other diversion programs, 11.2% (n=89) for youth who were prosecuted and found guilty, 6.4% (n=135) for youth whose charges were dismissed, and 9% (n=87) for youth whose cases were nol prossed. Youth who participated in Arbitration, whose cases were dismissed, or were diverted to other programs are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=38.77$, df=4, p=0.000). There is no significant difference in the subsequent conviction rate for youth who participated in Arbitration, youth whose cases were dismissed, and youth who were diverted to other programs ($\chi^2=0.412$, df=2, p=0.814). (See Table 18 and Figure 18.)

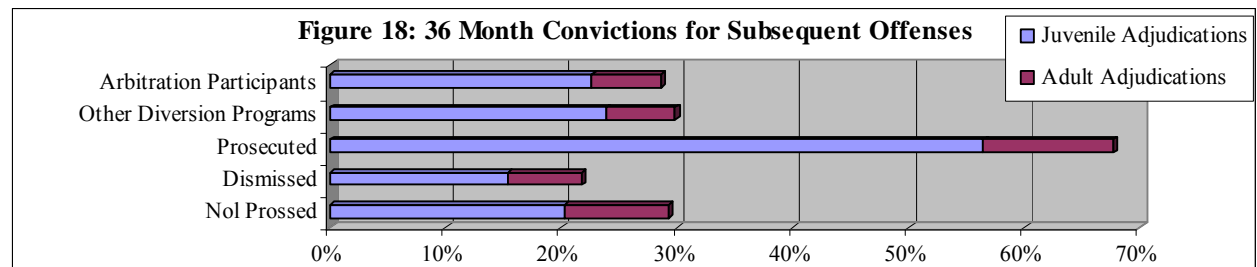
The 36 month Adult Conviction ASI for Arbitration Participants is 4.19 (SD=4.31) compared to 4.04 (SD=3.95) for other diversion programs, 4.92 (SD=4.89) for youth who were prosecuted and found guilty, 4.25 (SD=3.94) for youth whose charges were dismissed, and 4.41 (SD=4.24) for youth whose cases were nol prossed. The differences among these groups is not statistically significant (F=2.29, df=4, p=0.058). (See Table 18.)

The total 36 month Conviction Rate for Arbitration participants is 27.3% (n=1,175) compared to 28.6% (n=697) for other diversion programs, 61.9% (n=494) for youth who were prosecuted and found guilty, 20.7% (n=437) for youth whose charges were dismissed, and 28.1% (n=271) for youth whose cases were nol prossed. Youth who participated in Arbitration or whose charges were dismissed are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court ($\chi^2=497.5$, df=4, p=0.000). There is no significant difference among youth who participated in Arbitration and youth who were diverted to other programs ($\chi^2=1.29$, df=4, p=0.257). (See Table 18 and Figure 18.)

The total 36 month Conviction ASI for Arbitration Participants is 3.37 (SD=2.59) compared to 3.4 (SD=2.87) for other diversion programs, 3.92 (SD=2.93) for youth who were prosecuted and found guilty, 3.94 (SD=3.2) for youth whose charges were dismissed, and 3.53 (SD=2.42) for youth whose cases were nol prossed. In particular, youth who participated in Arbitration were convicted of subsequent offenses that were significantly less severe than youth whose cases were dismissed (p=0.003) and youth who were prosecuted and found guilty in the family court (p=0.002). (See Table 18.)

As reported previously in the description of the study groups, significant differences were found in the severity of prior offenses committed within the group of youth diverted to other programs. No significant differences were found within this group when compared to the group of Arbitration participants in the rate of recidivism within 36 months.

Table 18: 36 Month Convictions for Subsequent Offenses							
	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	4,309	22.7%	3.33	6.0%	4.19	27.3%	3.37
Other Diversion Programs	2,441	23.8%	3.40	6.0%	4.04	28.6%	3.40
Prosecuted – Found Guilty	798	56.5%	3.97	11.2%	4.92	61.9%	3.92
Dismissed	2,110	15.4%	3.98	6.4%	4.25	20.7%	3.94
Nol Prossed	963	20.2%	3.38	9.0%	4.41	28.1%	3.53



The 36 month Juvenile Subsequent Conviction Rate for successful Arbitration participants is 20.8% (n=624) compared to 16.8% (n=33) for youth who successfully completed a behavior contract. There is no significant difference in the rate of subsequent conviction for these two groups ($\chi^2=1.73$, df=1, p=0.188). (See Table 19 and Figure 19.)

The 36 month Juvenile Conviction ASI for Arbitration Participants who successfully completed the program is 3.23 (SD=2.54) compared to 2.62 (SD=1.44) for youth who successfully completed a behavior contract. The severity of subsequent offenses for which youth who successfully completed a behavior contract were convicted is significantly lower than that of youth who successfully completed the Arbitration program (t=2.25, df=43.4, p=0.029). (See Table 19.)

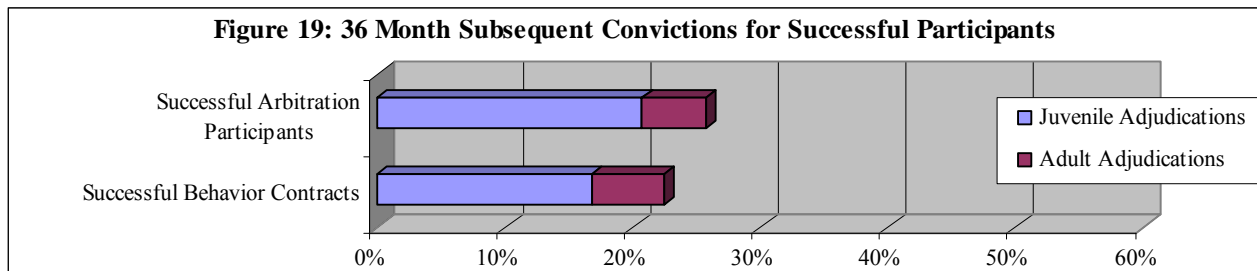
The 36 month Adult Subsequent Conviction Rate for successful Arbitration participants is 5% (n=151) compared to 5.6% (n=11) for youth who successfully completed a behavior contract. There is no significant difference in the rate of subsequent conviction for these two groups ($\chi^2=0.13$, df=1, p=0.715). (See Table 19 and Figure 19.)

The 36 month Juvenile Conviction ASI for Arbitration Participants who successfully completed the program and re-offended is 3.45 (SD=2.61) compared to 4.53 (SD=2.22) for youth who successfully completed a behavior contract and re-offended. The difference is not statistically significant (t=-1.34, df=160, p=0.183). (See Table 19.)

The total 36 month Conviction Rate for successful Arbitration participants is 24.7% (n=744) compared to 21.4% (n=42) for youth who successfully completed a behavior contract. There is no significant difference in the rate of subsequent conviction for these two groups ($\chi^2=1.09$, df=1, p=0.296). (See Table 19 and Figure 19.)

The total 36 month Conviction ASI for Arbitration Participants who successfully completed the program is 3.28 (SD=2.58) compared to 3.13 (SD=1.87) for youth who successfully completed a behavior contract. The difference is not significant (t=0.37, df=784, p=0.711). (See Table 19.)

Table 19: 36 Month Subsequent Convictions for Successful Subgroups								
	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism		
		%	ASI	%	ASI	%	ASI	
Successful Arbitration Participants	3007	20.8%	3.23	5.0%	3.45	24.7%	3.28	
Successful Behavior Contracts	196	16.8%	2.62	5.6%	4.53	21.4%	3.13	



Conviction for Subsequent Offenses over Thirty-six Month Period when Original Offense was Disturbing School

The 36 month Juvenile Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 23.8% (n=168) compared to 27.8% (n=128) for youth who were charged with disturbing schools and who were referred to other diversion programs. The difference between these two groups is not statistically significant ($\chi^2=2.36$, df=1, p=0.124). (See Table 20 and Figure 20.)

The 36 month Juvenile Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 3.15 (SD=2.72) compared to 3.29 (SD=2.77) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant (t=-0.42, df=294, p=0.677). (See Table 20.)

The 36 month Adult Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 5% (n=35) compared to 5.6% (n=26) for youth who were charged with disturbing schools and who were referred to other diversion programs. There is no significant difference in the 36 month adult subsequent conviction rate between these two groups ($\chi^2=0.27$, df=1, p=0.605). (See Table 20 and Figure 20.)

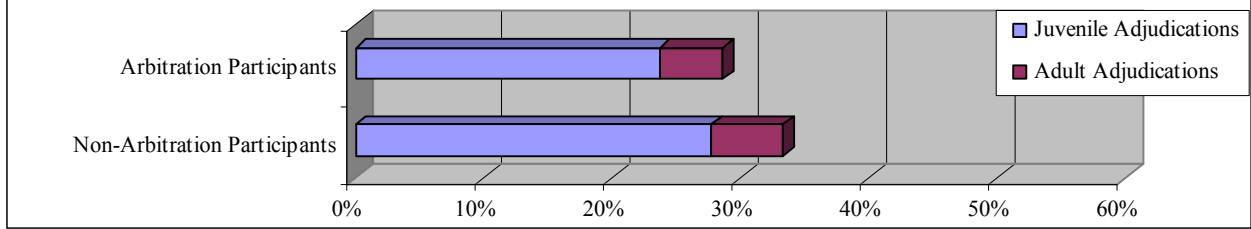
The 36 month Adult Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 3.63 (SD=3.48) compared to 4.18 (SD=3.85) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant (t=-0.583, df=59, p=0.562). (See Table 20.)

The total 36 month Conviction Rate for Arbitration participants who were charged with disturbing schools as their most serious offense is 27.4% (n=194) compared to 31.2% (n=144) for youth who were charged with disturbing schools and who were referred to other diversion programs. The difference between these two groups is not statistically significant ($\chi^2=1.96$, df=1, p=0.162). (See Table 20 and Figure 20.)

The total 36 month Conviction ASI for Arbitration Participants who were charged with disturbing schools as their most serious offense is 3.25 (SD=2.89) compared to 3.45 (SD=3.06) for youth who were charged with disturbing schools and referred to other diversion programs. The difference is not statistically significant (t=-0.6, df=336, p=0.548). (See Table 20.)

	#	Juvenile Adjudications		Adult Adjudications		Total Recidivism	
		%	ASI	%	ASI	%	ASI
Arbitration Participants	707	23.8%	3.15	5.0%	3.63	27.4%	3.25
Non-Arbitration Participants	461	27.8%	3.29	5.6%	4.18	31.2%	3.45

Figure 20: 36 Month Subsequent Convictions for Youth Charged with Disturbing Schools



FINDINGS PART III: COMPARISON STUDY

Introduction

Given the short period of time available to conduct the evaluation, as stated in the methodology, the evaluators chose to examine the literature for previous studies and compare the findings of these studies to the findings of the present evaluation. This approach is believed to be more efficacious, in that other programs would be asked to, in effect, conduct similar studies to provide the data necessary to make a comparison, which is an unreasonable request. However, studies and evaluations already completed require no additional work for programs in other states.

Since the two areas which SC DJJ was interested in comparing are recidivism and costs, studies in these areas of other programs were sought for comparison to South Carolina. SWS identified 14 individual recidivism studies and two meta analyses of recidivism studies for similar programs. Four evaluations were identified which included cost analysis. These studies and evaluations are listed and briefly summarized in this section and are then compared to the South Carolina findings.

Recidivism Studies and Evaluations

In general, studies and evaluation find that arbitration like programs reduce recidivism and, when recidivism does occur, the crimes committed are less severe than one would expect. Of great interest in supporting this finding are two meta analyses which have examined recidivism in Victim-Offender Mediation (VOM) programs

Nugent, Umbreit, Wiinamaki and Paddock (2001) reanalyzed recidivism data reported in four previous studies involving a total sample of 1,298 juvenile offenders, 619 who participated in Victim-Offender Mediation (VOM) and 679 who did not. Using ordinal logistical regression procedures the authors determined that VOM youth recidivated at a statistically significant 32% lower rate than non- VOM youth and when they did reoffend, they committed less serious offenses than the non- VOM youth.

Nugent, Williams and Umbreit expanded this data base in 2003 to include fourteen studies. Their analysis included a sample of 9,037 juveniles and found VOM youth recidivated at a statistically significant 26% lower rate than non-VOM youth and when they did reoffend, they committed less serious offenses than their counterparts.

Thus, the meta analyses indicate a recidivism rate for juveniles who receive this type of service to be between 26% and 32% lower than the recidivism rate of comparison groups. Many, but not all, individual studies and evaluations support these findings. The studies described in this section are those most often cited in the literature as being significant in the study of this area. On the whole, these studies support the 26% to 32% reduction in recidivism.

1. Nelson, S. (2000). Evaluation of the Restorative Justice Program. Eugene, OR: Lane County Department of Youth Services.

This evaluation followed 150 youth referred to the Restorative Justice Program between July, 1996 and November, 1998 for one year after their referral to a Victim Offender Mediation program and compared their rate of offense activity during that time to their rate for the year preceding the referral. An offense was defined as "the number of misdemeanors and felonies for which a juvenile has been referred." Excluded from this sample were juveniles who were over the age of sixteen at the time of referral, juveniles with incomplete or missing records, and juveniles from outside the county. Among the findings were: of all the juveniles referred to RJP, there were 64.6% fewer referrals than in the preceding year; among the juveniles referred but who refused to participate, there were 32.3% fewer referrals; among juveniles who met without their victim, there were 65.3% fewer referrals; among juveniles who did not complete any part of their agreement, there were 54% fewer referrals; among juveniles who met with their victims, there were 80.8% fewer referrals than the year prior (significant when compared to juveniles who met without their victim); among juveniles who fully completed their agreements, there were 76.4% fewer referrals (significant when compared to juveniles who did not complete any part of their agreements).

2. Rodriguez, Nancy (2007). *Restorative Justice at Work: Examining the Impact of Restorative Justice Resolutions on Juvenile Recidivism*. *Crime & Delinquency*. 53(3):355-379.

This study addresses the incorporation of victims and community members in the juvenile justice system through restorative justice programming. It addresses the increasing popularity of programs that include victims and community members.

This study found that juveniles who participated in a restorative justice program were less likely to recidivate than juveniles in a comparison group. Also, gender and prior offenses indirectly influence recidivism in important ways. Girls and offenders with minimal criminal history records exhibit the most success from participating in such programs.

3. Stone, S., W. Helms and P. Edgeworth (1998). Cobb County Juvenile Court Mediation Program Evaluation. Carrolton, GA: State University of West Georgia.

Seven hundred and ninety-nine youth who went through mediation between April, 1993 and June, 1996 were compared with a similar control group gathered from 1990-92.

There was no difference in return rates to court for the two groups. The average return rate for mediated youth was 34.2%; for the non-mediated, it was 36.7%. Three-quarters of the mediated youth return to court were returned for violation of the conditions of the mediation agreement. Youth processed by experience mediators tended to do better than those who were handled by less experienced mediators.

4. Niemeyer, M. and D. Shichor (1996). "A Preliminary Study of a Large Victim/Offender Reconciliation Program," Federal Probation 60(3):30-34.

This study reports data on a large Victim Offender Reconciliation Program in Orange County California.

Recidivism results were mixed. A sub-sample of 131 youth who went through mediation were matched with 150 youth who were referred but did not participate in the VORP. The mediation group had a slightly higher rate of reoffending: 28% compared to 23%. The authors note that the non-mediation group was less stable and may have moved out of the catchment area before reoffending.

5. Schneider, A. (1986). "Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies." Criminology Vol. 24, pp. 533-552.

One site in Washington D.C., implemented a victim offender mediation project as their restitution program. Youth had to have had at least one felony conviction in order to be eligible. Those eligible were randomly assigned to the Victim Offender Mediation restitution program or to probation.

Fewer youth referred to VOM had a subsequent offense (53%) resulting in referral to adult or juvenile court during a 31 or 32 month follow-up period than youth in the probation group (63%), a statistically significant difference. Given random assignment, these differences could not be explained by background. Lower recidivism rates were also found for youth participating in VOM compared with those on probation. Participants did better than those referred who chose not to participate. These numbers however, were only marginally significant.

6. Winnamaki, L. (1997). "Victim-Offender Reconciliation Programs: Juvenile property offender recidivism and severity of reoffense in three Tennessee counties." Doctoral dissertation, School of Social Work, University of Tennessee, Knoxville, TN.

This was a retrospective, using case records to track offenses. The study drew a random sample of 203 VORP cases in Anderson, Putnam and Cumberland Counties, Tennessee and then developed a matched sample of 217 cases from a previous time period. All cases had pled guilty to property offenses.

Victim-Offender Reconciliation Program (VORP) offenders were less likely to offend than non-VORP participants. There was a 38.4% reduction in recidivism association with VORP participation. Results of a logistic regression indicated that VORP had a significant main effect ($p < .008$) on one year recidivism when controlling for age, gender, number of prior offenses, household composition, and last grade completed. "Priors" also had a significant main effect on recidivism ($p < .0039$).

7. Evje, A. and R. Cushman, (2000). A Summary of the Evaluations of Six California Victim Offender Rehabilitation Programs. San Francisco, CA: Judicial Council of California, Administrative Office of the Courts.

This report summarizes the findings of the evaluations of six juvenile victim offender rehabilitation programs (VORP) in Los Angeles, Mendocino, Orange, Santa Barbara, Santa Clara and Sonoma Counties. Each site had a comparison group of juveniles who did not go

through VORP. In three of the counties, the comparison group was composed of youth who were referred to VORP but for some reason did not go through VORP. In Santa Barbara and Santa Clara counties, VORP youth were matched with a comparison group on key characteristics.

In five of the six sites, recidivism rates were 21% to 105% lower for the VORP group than for the comparison group. In one site the VORP group had a 46% higher rate of recidivism. The authors indicate that, "owing to the small sample, that result was not considered to be statistically significant." Follow-up periods varied across the sites from six months to eighteen months.

8. Nugent, W. M. and J. Paddock (1995). "The Effect of Victim-Offender Mediation on Severity of Reoffense." Mediation Quarterly 12:353-367.

This study compared a group of 125 youth referred to a rural, county-based victim offender mediation program (VORP) in Anderson County TN to a group of 150 who had pled guilty to similar offenses for the 41 month period prior to the implementation of the program.

Of the VORP youth, 19.8% reoffended compared to 33.1% of the non-VORP youth. The re-offenses of the VORP youth was less severe than for the non-VORP youth

9. Stone, K. (2000). An Evaluation of Recidivism Rates for Resolutions Northwest's Victim-Offender Mediation Program. Masters Thesis, Portland State University, Portland, OR.

This study compared 251 juveniles who had completed victim-offender mediation to 4,442 offenders who had not. The authors note that the distribution of offenses between the two groups. The RNW group has a higher proportion of felonies (83.7%) than does the comparison group (31.5%).

Both groups were followed for a year following mediation or referral to the justice system. Status offenses and traffic violations were excluded from the analysis. Seventy-nine point seven percent (79.7%) of youth successfully completing mediation did not re-offend within one year as compared to 58.4% of comparison group not reoffending within one year following intervention.

Cost Studies and Evaluations

It is difficult to determine the relative costs of juvenile correction programs. A few studies have examined costs, but the manner in which they have examined these costs vary. There are four approaches which have been taken. First, costs may be reported as the amount spent per case, which may or may not include an equivalent labor cost for the mediator/arbitrator volunteers. In addition, it often does not include the administrative overhead, which is covered by the court, police or other sponsoring organization. Second, one can examine the returned value to the community in terms of community services provided by offenders and restitution to the victim of the crime. Third, the broader system impact of the program can be monetized, including reduced incarceration time, reduction in trials and so on. Finally, the amount of time saved by all the system parties concerned such as police, prosecutors, judges, probation workers and so on can be tallied and monetized.

In their 2004 overview of the first 25 years of victim-offender mediation programs, Umbreit, Coates and Vos reviewed all four types of cost studies. These are their findings::

The results of a detailed cost analysis in a Scottish study were mixed (Warner, 1992). In some instances, mediation was less costly than other options and in others more. The author notes that given the “marginal scope” of these programs, it remains difficult to evaluate their cost if implemented on a scale large enough to have an impact on overall program administration. Evaluation of a large-scale VOM program in California led the authors to conclude that the cost per case was reduced dramatically as the program went from being a fledgling to being a viable option (Niemeyer and Shichor, 1996). The cost per case was \$250.”

Reduction of incarceration time served can yield considerable savings to a state or county (Coates and Gehm, 1985). Reduction of trials, such as in Henderson County, North Carolina, where trials were reduced by two-thirds, would have tremendous impact at the county level (Clarke, Valente, and Mace (1992). And researchers evaluating a VOM program in Cobb County, Georgia, point out that although they did not do a cost analysis, time is money (Stone, Helms, and Edgeworth, 1998). The time required to process mediated cases was only a third of that needed for nonmediated cases. The potential cost savings of VOM programs when they are truly employed as alternatives rather than as showcase add-ons is significant.

Comparison of Recidivism and Costs for South Carolina

The studies and evaluations described above found differences in recidivism of 26% to 32% between arbitration and comparison groups. Where actual recidivism rates were reported, they ranged from 19.8% to 53% over a 12 month period. The recidivism rate over 12 months (DJJ referrals and SLED reported arrests) for the successful SC Arbitration participants was 12.3% and for all participants was 16.8%. Over 36 months, for successful participants, it was 39.7% and for all participants it was 42%. For participants whose offense was disturbing schools, the recidivism rate over 12 months (DJJ referrals and SLED reported arrests) was 17.6%. Over 36 months it was 42.3%.

SWS used several different comparison groups and did not find these differences except between arbitration and offenders who were prosecuted and found guilty and ones who were nol processed. This is true at the 12 month and 36 month intervals and using both the broad definition of referral/arrest and the narrow definition of conviction. Using the conviction method, the 12 month conviction rate for arbitration participants is 11.2% compared to 12.3% for other diversion programs, 41.4% for youth who were prosecuted and found guilty, 9.4% for youth whose charges were dismissed, and 15.2% for youth whose cases were nol prossed. At 36 months, the conviction rate for arbitration participants is 27.3% compared to 28.6% for other diversion programs, 61.9% for youth who were prosecuted and found guilty, 20.7% for youth whose charges were dismissed, and 28.1% for youth whose cases were nol prossed. Youth who participated in Arbitration, were diverted to other programs, or whose charges were dismissed

are significantly less likely to have subsequent convictions than youth whose cases were nol prossed or who were prosecuted and found guilty in the family court

The severity of subsequent offenses was less for offenders who received arbitration, but this also tends to be true for offenders who receive other diversion programs and behavior contracts in comparison to ones whose cases are dismissed, nol prossed or who are tried and found guilty. The same patterns hold true for offenders whose initial charge was disturbing schools.

While the overall 12 month recidivism rate for arbitration in the state is 16.8%, there is a wide difference from circuit to circuit. The range is 10.5% to 24.8% (see Table 21). There is also a wide range of recidivism among counties.

Table 21: Cost Per Offender and 12 Month Total Recidivism Per Circuit				
Circuit	County	SFY 2010 Referrals to Arbitration	State Cost Per Offender	SFY 2007-2009 Total 12 mo Recidivism
1st	Calhoun	7		15.4%
	Dorchester	65		25.0%
	Orangeburg	62		10.9%
	Total	134	\$447.76	18.8%
2nd	Aiken	248		10.1%
	Bamberg	17		14.7%
	Barnwell	73		15.4%
	Total	338	\$177.51	11.4%
3rd	Clarendon	24		16.9%
	Lee	0		19.0%
	Sumter	160		12.8%
	Williamsburg	23		20.7%
	Total	207	\$289.86	15.2%
4th	Chesterfield	74		14.3%
	Darlington	70		18.3%
	Dillon	58		30.4%
	Marlboro	18		15.6%
	Total	220	\$272.73	19.3%
5th	Kershaw	0		0.0%
	Richland	194		10.5%
	Total	194	\$309.28	10.5%
6th	Chester	66		18.2%
	Fairfield	24		29.0%
	Lancaster	61		15.3%
	Total	151	\$397.35	18.8%
7th	Cherokee	82		16.5%
	Spartanburg	224		22.7%
	Total	306	\$196.08	21.8%

Table 21: continued

Circuit	County	SFY 2010 Referrals to Arbitration	State Cost Per Offender	SFY 2007-2009 Total 12 mo Recidivism
8th	Abbeville	13		2.3%
	Greenwood	62		15.2%
	Laurens	32		14.9%
	Newberry	36		12.2%
	Total	143	\$419.58	13.7%
9th	Berkeley	371		16.6%
	Charleston	728		14.7%
	Total	1,099	\$54.60	15.3%
10th	Anderson	143		12.8%
	Oconee	2		24.2%
	Total	145	\$413.79	13.8%
11th	Edgefield	0		12.8%
	Lexington	568		11.5%
	McCormick	0		21.4%
	Saluda	0		8.5%
	Total	568	\$105.63	11.8%
12th	Florence	307		22.0%
	Marion	108		37.1%
	Total	415	\$144.58	24.8%
13th	Pickens	84		20.9%
	Greenville	0		7.1%
	Total	84	\$714.29	20.2%
14th	Allendale	6		9.3%
	Beaufort	51		21.2%
	Colleton	52		17.2%
	Hampton	28		9.0%
	Jasper	23		19.4%
	Total	160	\$375.00	17.2%
15th	Georgetown	0		37.5%
	Horry	127		23.1%
	Total	127	\$472.44	23.4%
16th	Union	27		16.2%
	York	451		15.3%
	Total	478	\$125.52	15.4%
GRAND TOTAL		4,769	\$201.30	16.8%

The precise costs of Juvenile Diversion programs in South Carolina are, as in the cases cited in the literature, difficult to determine. This is in large part because much of the program cost is provided by in-kind, rather than cash contributions. Arbitration pffices are usually located in a

facility owned or leased by the county or state. Virtually everyone interviewed or who completed a survey stated that their office supplies and other materials were provided by the solicitor's office or county government. Travel and miscellaneous expenses are also often usually covered by the same sources.

The South Carolina programs receive a widely varying quantity of support. All circuits receive the \$60,000, which is intended by SC DJJ to be used for a coordinator and part time office help. In some cases, coordinators do nothing but Juvenile Arbitration. In other, they have numerous duties in addition to arbitration. In some cases, there are one or more assistants, in other cases none. The support for arbitration appears to break down into four broad categories.

One category, an example of which is the 9th Circuit, is that the arbitration program is strongly integrated into the solicitor's office and that office emphasizes diverting as many juveniles as is prudent and possible. All diversion programs are combined under a single office with multiple possible diversion methods, with arbitration being the most often used. These programs have strong support and are heavily resourced in comparison to other programs in the state.

A second category, an example of which is the 1st Circuit, is that the arbitration program is not strongly integrated into the solicitor's office and that office combines all diversion programs into a single office. These programs have weak support and fewer resources when compared to other programs in the state.

A third category, an example of which is the 11th Circuit, is that the arbitration program is strongly integrated into the solicitor's office and that office emphasizes diverting as many juveniles as is prudent and possible. The arbitration program is independent of any other diversion programs. These programs have strong support and are heavily resourced in comparison to other programs in the state.

A fourth category are solicitor's offices which do not have an arbitration program in their most populous county, for example Greenville in the 13th Circuit and Richland in the 5th Circuit. In the case of the 5th circuit, there is no support provided to arbitration by the solicitor's office, but there is heavy support from the Sheriff's office, which receives and administers the arbitration funding for the area. In the case of the 13th circuit, there is an arbitration program in Pickens County, the other county in the circuit besides Greenville County. However, the number of arbitration cases for that circuit is small compared to other circuits in the state.

The financial costs of arbitration in South Carolina can, therefore, be discussed in very broad terms and broken into categories for further analysis. Without a detailed study of each individual circuit's costs, a precise figure cannot be determined, but cost per offender and, to a degree, cost benefits for the state portion can be determined. These are provided in Table 21. The costs per offender range from \$54.60 in the 9th Circuit to \$714.29 in the 13th Circuit, with a mean cost of \$201.30 across the state. As would be expected, circuits with smaller populations and circuits with lower referral rates have higher costs per offender served.

Based on the responses to questionnaires and interviews with coordinators, support staff and arbitrators, the evaluators conservatively estimate that volunteer arbitrators spend at least four

hours on each case. That comes to about 20,000 hours per year of donated time. The charge for this type of work in non-profit settings is generally about \$75 per hour. The value of the work provided by the arbitrators is therefore at least \$1,500,000 per year.

Undoubtedly, the Arbitration program saves a great deal of resource. From a fiscal point of view, the offender does not take up the time of the DJJ worker, the assistant solicitor, the law enforcement officer, the court officials, and others that would be involved if the juvenile went through the regular juvenile justice process. The approximately 5,000 offenders served each year by the Arbitration Program if they went through the regular court system would be using up the valuable time of these individuals which would either require additional personnel or the slowing down of the justice system.

DISCUSSION

Process Evaluation

Offender Demographics

Over the three fiscal years available for comparison (SFY 07-09), almost 50% of youth served were 14 to 15 years old, one fourth were between 12 to 13 years old, one fourth were 16 to 17 years old, and three to four percent were 11 years old or younger. There was a small shift towards more white youth served (from 42.2% to 43.7%). The gender served was predominantly male (62.6%), with 37.4% being female.

Generally, then, the population served by the program are mid-teens, more minority, male youth charged with misdemeanor offenses. This is what one would expect, given the arrest patterns in South Carolina and what the program is designed to do.

Volunteer Administration

With the exception of law enforcement in one circuit (the 16th), all of the stakeholders surveyed or interviewed by SWS were supportive of the program and had a number of cogent suggestions for program improvements. They also had recommendations about methods being used by the program now that should be continued and strengthened. Again with the exception of some law enforcement in the 16th circuit, all felt the program is well administered in their districts.

Unfortunately, the surveys of consumers (offenders, parents and victims) provided by SCDJJ were unusable for evaluation purposes. These surveys are designed in such a manner that respondents cannot provide nuanced, scaled answers. The answers allowed are in a forced choice (that is, yes-no) format, and everyone gave the same answer to the questions.

The evaluators were surprised at the high participation rate by solicitors in the survey sent to them. Almost 60% of solicitors responded and all who answered were supportive and positive about the program and its administration.

Site visits supported the views of stakeholders about the positive administration of the program.

Geographic Area Served

Arbitration services are distributed evenly across the state with a few exceptions. Using first offender versus arbitration referral data from SFY 2007-2009 as the measure, with four exceptions, rates of referral in judicial circuits range from 40.5% to 69.3%. The four exceptions are the 1st Circuit (28.1%), the 5th Circuit (4.1%), the 13th Circuit (10.7% and the 5th Circuit (13.3%). The 5th Circuit now has a very active program, and is no longer running a low rate. Unfortunately, the three circuits remaining with low participation rates are all large circuits with one-quarter of the state's first offender population. There is also a slight tendency for the more

lightly populated counties to have a lower referral rate than the more heavily populated counties. If these low-referring circuits were to refer in the same average proportion as the state as a whole, the number of offenders receiving arbitration would increase by about 2,500, or 22%.

Adherence to Guidelines

Adherence to state guidelines was measured in several ways. These included interviews with local staff, arbitrators, assistant solicitor, surveys, observations on site, and review of forms and data. While programs vary greatly across the state in their outreach efforts, recruitment of volunteers, interactions with the community and so on, they overwhelmingly follow the guidelines wherever the guidelines are specific. The programs also follow the guidelines in spirit, in that the programs reflect the philosophies of the solicitors, are community and volunteer-based and serve the concepts of restorative justice.

Target Offences

The overwhelming majority of the most serious offense with which participants were charged were misdemeanor offenses, constituting 84% of the total. Five percent of charges were felony charges against persons, five percent felony charges against property, and the remaining six percent miscellaneous charges.

There appears to be an assumption that that Disturbing Schools is a very large proportion of the offenses with which arbitration participants are charged. Disturbing Schools is the second largest category of charges, at 16.3% of all charges. It is exceeded by assault, at 17.8%, and followed closely by shoplifting at 13.9%. These three charges constitute almost 50% of the charges against the offenders referred to the program.

Outcome Evaluation

South Carolina has a variety of diversionary programs in most localities to which offenders may be referred. Relatively few offenders actually are sent to the family court after referral to SCDJJ. Arbitration is the largest of these alternatives. This evaluation examines the recidivism for arbitration, other diversion programs, and behavior contracts at both 12 months and 36 months, for both referrals to DJJ and arrests. But it also examines these areas for youth and youth who have reached adulthood whose cases were dismissed, nol prossed, who were tried and convicted, and who were placed on behavior contracts. For purposes of this discussion, all of these different groups will be called referral groups.

Except for offenders prosecuted and found guilty, there is not a great deal of difference in recidivism among the different referral groups. What this data indicates is that the South Carolina system, outside a few geographic areas, is sophisticated in discriminating about what decisions should be made about offenders. As a result, there are relatively uniform re-offense results, with a few exceptions, across the state and across referral groups. This includes the referral groups of nol prossed and dismissed. The big exception is prosecuted and found guilty, which has a re-offense rate over twice that of the other groups.

In response to the specific questions posed regarding recidivism, the answers are as follows.

1. Is the rate of recidivism for the Arbitration participants within 12 months of their participation significantly different from the Comparison Group?

There is no statistically significant difference in the rate of recidivism between Arbitration participants and the comparison group (other diversion). However, there is a statistically significant difference in a positive direction between Arbitration participants and participants with behavior contracts.

2. Is the rate of recidivism for the Arbitration participants charged with Disturbing Schools within 12 months of their participation significantly different from the rate for members of the Comparison Group with the same charge?

Arbitration participants charged with Disturbing Schools are significantly less likely to recidivate than other first offenders charged with disturbing schools.

3. Is the rate of re-arrest or re-referral over the entire period of time for which data is available for the Arbitration participants significantly different from the Comparison Group?

Over 36 months, there are no statistically significant differences between Arbitration participants and the comparison group.

4. Is the rate of re-arrest or re-referral within 12 months of Arbitration participation for youth charged with Disturbing Schools significantly different from members of the Comparison Group with the same charge?

Over 36 months, there are no statistically significant differences between the Disturbing Schools offenders referred to Arbitration and other first offender Disturbing Schools offenders.

Comparison Study

Recidivism in the Arbitration program in South Carolina is lower or equal to that reported in existing studies and evaluations. The costs of the program are quite low when compared to the costs of the alternatives, except for those geographic areas which remain inefficient. Cost comparisons to programs outside of South Carolina are very difficult to make, and the only solid figure obtained was one for \$250 per offender. This compares favorably to the \$201 in South Carolina, but a better study that looks at all aspects of costs and benefits would be very useful, and the information to begin that process may be found in the Comparison section of this report.

The variety of approaches to juvenile offenders used in South Carolina, including Arbitration as a cornerstone, gives the system flexibility that many jurisdictions in other parts of the country do not have. Therefore, an appropriate choice can be made for the individual offender. The fact

that there are no significant differences in recidivism, on the whole, among the different alternative choices made, other than for those offenders prosecuted and found guilty, indicates that the right choices are being made. The South Carolina system is relatively sophisticated, is based on restorative justice principles, but is not implemented everywhere in the state.

CONCLUSIONS

At 12 months after referral to DJJ, there is no significant difference in recidivism between offenders referred to Arbitration and the Comparison group (which does not include court convictions). However, the Arbitration subgroup is significantly less likely to recidivate during this period than the behavior contract subgroup. Offenders charged with Disturbing Schools and referred to Arbitration are significantly less likely to recidivate than other first offenders charged with Disturbing Schools. By 36 months after original referral, all significant differences in recidivisms in all subgroups have disappeared

Offenders referred to Arbitration are significantly less likely to be convicted of an offense during the 12 months after referral than the Comparison group, as are offenders charged with Distrubing Schools and referred to Arbitration. These differences disappear after 36 months.

South Carolina's Arbitration program compares well to the programs in other states on both recidivism and on cost. Costs as far as they can be ascertained are about 80% of similar programs elsewhere. The lowest 12 month recidivism rate reported elsewhere was 19.8%, while the South Carolina rate is 16.8%. The policy and procedure guidelines are followed, and Arbitration is supported strongly in most circuits. There is a wide range of costs and results across the state, however, with costs ranging from \$714 per offender to \$54 per offender and 12 month recidivism rates from 24.8% to 11.4%.

The South Carolina Juvenile Arbitration Program is an integral part of a juvenile justice system based on restorative justice principles. This is not immediately clear until the data available about first offenders and the actions taken by the juvenile justice system when they offend are viewed in toto. It then becomes obvious that no matter what intervention is made (with the exception of prosecution), the recidivism rates and future conviction rates are about the same. So, for example, whether a case is nol prossed or an offender is diverted to Arbitration, 12 or 36 months later, the likelihood of recidivism is about the same, although the severity of the subsequent offense is likely to be lower for the offender sent to Arbitration. It appears that the decisions are made based on the offenses committed, the offender as an individual and the previous contacts with the system to the extent possible. It is apparent that the personnel in the juvenile justice system, including the solicitors and law enforcement, are, therefore, making the correct decisions and it is also apparent that a jurisdiction without an Arbitration program is incomplete.

Viewing recidivism as a method for determining the relative value of interventions in the juvenile justice system, therefore, may be meaningless, and simply divert attention from a delicate balance of appropriate screening, referrals and follow-ups. A more useful approach may be examining methods for more efficient use of the existing interventions and incorporating what has evolved in the state into all jurisdictions.

RECOMMENDATIONS

A very large amount of data were produced and analyzed during the 14 weeks available to conduct this study. That data and analyses are reported herein. In such a brief time, it was not possible to fully study, comprehend and report the meaning of the data and analyses, however. The evaluators strongly recommend that the data and analyses be given as much attention as possible in the future.

The evaluators recommend that:

1. The SC Juvenile Arbitration Program guidelines be reviewed and rewritten as necessary.
2. A standardized curriculum for the training of arbitrators be developed which includes a large section for local input.
3. An online information system for the Arbitration Program be developed and provided to the programs.
4. The responses provided by the respondents to the surveys found in this report be examined and appropriate actions taken.
5. A new satisfaction survey for arbitration hearing participants be developed and implemented.
6. The circuits/counties not fully participating in Arbitration be further encouraged to do so.
7. A study be done of the financial savings to jurisdictions which integrate their diversion programs more fully and take advantage of economies of scale.
8. Efforts be made to include victims in arbitration more often.

**APPENDIX ONE:
FLORIDA AND COLORADO ARBITRATION STATUTES**

Section 985.304^{1[1]}, Florida Statutes, authorizes the establishment of Community Arbitration Programs in order to provide a system by which children who are involved in alleged violations of local ordinances, misdemeanors, and certain third degree felonies may avoid a juvenile court record and be handled in an informal manner at the community or neighborhood level.

985.16 Community arbitration.—

(1) PURPOSE.—The purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.

(2) PROGRAMS.—

(a) Each county may establish community arbitration programs designed to complement the department's intake process provided in this chapter. Community arbitration programs shall provide one or more community arbitrators or community arbitration panels to hear informally cases which involve alleged commissions of certain delinquent acts by children.

(b) Cases which may be referred to a community arbitrator or community arbitration panel are limited to those which involve violations of local ordinances, those which involve misdemeanors, and those which involve third degree felonies, exclusive of third degree felonies involving personal violence, grand theft auto, or the use of a weapon.

(c) A child who has been the subject of at least one prior adjudication or adjudication withheld for any first or second degree felony offense, any third degree felony offense involving personal violence, grand theft auto, or the use of a weapon, or any other offense not eligible for arbitration, shall not be eligible for resolution of any current offense through community arbitration.

(d) Cases resolved through community arbitration shall be limited pursuant to this subsection.

1. For each child referred to community arbitration, the primary offense shall be assigned a point value.

a. Misdemeanor offenses shall be assigned two points for a misdemeanor of the second degree, four points for a nonviolent misdemeanor of the first degree, and six points for a misdemeanor of the first degree involving violence.

b. Eligible third degree felony offenses shall be assigned eight points.

2. There is not a restriction on the limit of separate incidents for which a law enforcement officer may refer a child to community arbitration, but a child who has accrued a point value of 12 or more points through community arbitration prior to the current offense shall no longer be eligible for community arbitration.

3. The point values provided in this paragraph shall also be assigned to a child's prior adjudications or adjudications withheld on eligible offenses for cases not referred to community arbitration.

(3) COMMUNITY ARBITRATORS.—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this chapter. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1. Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2. A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him or her.

(4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any juvenile probation officer or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate juvenile probation officer and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and the parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process; the conditions, procedures, and timeframes under which it will be conducted; and the fact that it is not obligatory. The juvenile probation officer shall contact the child and the parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this

time, the child or the parent or legal custodian or guardian shall inform the juvenile probation officer of the decision to approve or reject the handling of the complaint through community arbitration.

(b) The juvenile probation officer shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the juvenile probation officer shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c) If the child or the parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the juvenile probation officer shall consult with the state attorney for the filing of formal juvenile proceedings.

(d) If the child or the parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the juvenile probation officer shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

(5) HEARINGS.—

(a) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, the officer shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c) The testimony of the complaining witness and any alleged victim may be received when available.

(d) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he or she was cited is privileged and may not be used as evidence against the child either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e) If a child fails to appear on the original hearing date, the matter shall be referred back to the juvenile probation officer who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(6) DISPOSITION OF CASES.—

(a) Subsequent to any hearing held as provided in subsection (5), the community arbitrator or community arbitration panel may:

1. Recommend that the state attorney decline to prosecute the child.
2. Issue a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.
3. Refer the child for placement in a community-based nonresidential program.
4. Refer the child or the family to community counseling.
5. Refer the child to a safety and education program related to delinquent children.
6. Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.
7. Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.
8. Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.
9. Continue the case for further investigation.
10. Require the child to undergo urinalysis monitoring.
11. Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the juvenile probation officer.

(b) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d) If a child consents to an informal resolution and, in the presence of the parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the juvenile probation officer, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(7) REVIEW.—Any child or his or her parent or legal custodian or guardian who is dissatisfied with the disposition provided by the community arbitrator or the community arbitration panel may request a review of the disposition to the appropriate juvenile probation officer within 15 days after the community arbitration hearing. Upon receipt of the request for review, the juvenile probation officer shall consult with the state attorney who shall consider the request for review and may file formal juvenile proceedings or take such other action as may be warranted.

(8) FUNDING.—Funding for the provisions of community arbitration may be provided through appropriations from the state or from local governments, through federal or other public or private grants, through any appropriations as authorized by the county participating in the community arbitration program, and through donations.

History.—s. 5, ch. 90-208; s. 48, ch. 97-238; s. 20, ch. 98-207; s. 133, ch. 99-3; s. 27, ch. 2006-120.

Note.—Former s. 39.026; s. 985.304.

**First Regular Session Sixty-eighth General Assembly STATE OF COLORADO
INTRODUCED**

LLS NO. 11-0401.01 Michael Dohr **HOUSE BILL 11-1032**

HOUSE SPONSORSHIP

Lee,

SENATE SPONSORSHIP

(None),

House Committees Senate Committees
Judiciary

A BILL FOR AN ACT 101 CONCERNING RESTORATIVE JUSTICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill adds restorative justice to the options a court has when it imposes an alternative sentence instead of incarceration or as a part of a probation sentence.

Under current law, restorative justice sentencing provisions are permitted in juvenile cases during advisement, entry of plea, sentencing, and during probation. The bill would make some of those provisions mandatory, including provisions that would require most juveniles to undergo a presentence evaluation to determine whether restorative justice is a suitable sentencing option. Prior to charging a juvenile for the first time, which juvenile would be subject to misdemeanor or petty offenses, the district attorney shall assess whether the juvenile is suitable

for restorative justice. If the district attorney determines the juvenile is suitable, the district attorney may offer the juvenile the opportunity to participate in restorative justice rather than charging the juvenile.

The bill directs the department of corrections to establish policies and procedures for facilitated victim-offender dialogues in institutions under the control of the department, which would arrange the dialogues if requested by the victim and agreed to by the offender.

The bill encourages each school district in the state and the state charter school institute to implement restorative justice practices that each school in the district or each institute charter school can use in its disciplinary program.

The bill creates the right for a victim to be informed by the district attorney about the availability of restorative justice practices and the possibility of a victim-offender conference.

1 *Be it enacted by the General Assembly of the State of Colorado:* 2 **SECTION 1.** 16-7-202 (1), Colorado Revised Statutes, is 3 amended to read: 4 **16-7-202. Presence of defendant.** (1) If the offense charged is 5 a felony or a class 1 misdemeanor or if the maximum penalty for the 6 offense charged is more than one year's imprisonment, the defendant must 7 be personally present for arraignment; except that the court, for good 8 cause shown, may accept a plea of not guilty made by an attorney 9 representing the defendant without requiring the defendant to be 10 personally present. In all prosecutions for lesser offenses, the defendant 11 may appear by his OR HER attorney who may enter a plea on his OR HER 12 behalf. IF THE DEFENDANT APPEARS PERSONALLY, THE COURT SHALL 13 ADVISE THE DEFENDANT OF THE POSSIBILITY THAT RESTORATIVE JUSTICE 14 PRACTICES, INCLUDING VICTIM-OFFENDER CONFERENCES, MAY BE A PART 15 OF THE SENTENCE, IF APPLICABLE.

SECTION 2. 17-28-101, Colorado Revised Statutes, is amended to read:

17-28-101. Legislative declaration. (1) The general assembly finds and declares that:

- (a) The number of victims of crime increases daily;
- (b) These victims suffer undue hardship by virtue of physical, MENTAL, AND EMOTIONAL injury or loss of property;
- (c) Persons found guilty of causing such suffering ~~should be~~ ARE under a moral and legal obligation to make adequate restitution AND RESTORATION to those injured by their conduct;

(d) Restitution AND RESTORATION provided by criminal offenders to their victims may be ~~an instrument~~ INSTRUMENTS of rehabilitation for offenders AND MAY CONTRIBUTE TO THE HEALING AND IMPROVED EMOTIONAL WELL-BEING OF THEIR VICTIMS.

(2) The purpose of this article is to encourage the establishment of programs to provide for restitution AND RESTORATION to victims of crime by offenders who are sentenced, or who have been released on parole, or who are being held in local correctional and detention facilities. It is the intent of the general assembly that restitution be utilized wherever feasible to restore losses to the victims of crime and to aid the offender in reintegration as a productive member of society. IT IS ALSO THE PURPOSE OF THIS ARTICLE TO REQUIRE ESTABLISHMENT OF VICTIM-OFFENDER DIALOGUES IN THE INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF CORRECTIONS, USING THE PRINCIPLES AND PRACTICES OF RESTORATIVE JUSTICE.

SECTION 3. Article 28 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read: **17-28-103. Victim-offender dialogues.** THE DEPARTMENT SHALL ESTABLISH POLICIES AND PROCEDURES TO ARRANGE FOR VICTIM-OFFENDER DIALOGUES WHEREBY A VICTIM OF A CRIME MAY REQUEST A FACILITATED DIALOGUE WITH THE OFFENDER WHO COMMITTED THE CRIME, IF THE OFFENDER IS IN THE CUSTODY OF THE DEPARTMENT. THE DEPARTMENT SHALL ARRANGE SUCH A DIALOGUE ONLY AFTER DETERMINING THAT THE DIALOGUE WOULD BE SAFE AND ONLY IF THE OFFENDER AGREES TO PARTICIPATE. THE PURPOSES OF THE DIALOGUE SHALL BE TO ENABLE THE VICTIM TO MEET THE OFFENDER FACE-TO-FACE, TO OBTAIN ANSWERS TO QUESTIONS ONLY THE OFFENDER CAN ANSWER, TO ASSIST THE VICTIM TO HEAL FROM THE IMPACT OF THE CRIME, AND TO PROMOTE A SENSE OF REMORSE AND AWARENESS OF RESPONSIBILITY WITHIN THE OFFENDER THAT MAY CONTRIBUTE TO HIS OR HER REHABILITATION.

SECTION 4. 18-1-102, Colorado Revised Statutes, is amended to read:

18-1-102. Purpose of code, statutory construction. (1) This code shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely:

(e) TO PROMOTE ACCEPTANCE OF RESPONSIBILITY AND ACCOUNTABILITY BY OFFENDERS AND TO PROVIDE RESTORATION AND HEALING FOR VICTIMS AND THE COMMUNITY WHILE REDUCING RECIDIVISM AND THE COSTS TO SOCIETY BY THE USE OF RESTORATIVE JUSTICE PRACTICES, SPECIFICALLY INCLUDING VICTIM-OFFENDER CONFERENCES.

SECTION 5. 18-1-102.5 (1) (c) and (1) (d), Colorado Revised Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read: **18-1-102.5. Purposes of code with respect to sentencing.**

(1) The purposes of this code with respect to sentencing are:

(c) To prevent crime and promote respect for the law by providing an effective deterrent to others likely to commit similar offenses; ~~and~~

(d) To promote rehabilitation by encouraging correctional programs that elicit the voluntary cooperation and participation of convicted offenders; AND

(e) TO PROMOTE ACCEPTANCE OF RESPONSIBILITY AND ACCOUNTABILITY BY OFFENDERS AND TO PROVIDE RESTORATION AND HEALING FOR VICTIMS AND THE COMMUNITY WHILE

REDUCING RECIDIVISM AND THE COSTS TO SOCIETY BY THE USE OF RESTORATIVE JUSTICE PRACTICES, SPECIFICALLY INCLUDING VICTIM-OFFENDER CONFERENCES.

SECTION 6. 18-1.3-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-1.3-104. Alternatives in imposition of sentence. (1) Within the limitations of the applicable statute pertaining to sentencing and subject to the provisions of this title, the trial court has the following alternatives in entering judgment imposing a sentence:

(b.7) (I) A DEFENDANT WHO, IN THE DETERMINATION OF THE COURT, IS A CANDIDATE FOR AN ALTERNATIVE SENTENCING OPTION MAY BE SENTENCED TO PARTICIPATE IN A RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCE, IF THE DEFENDANT IS DETERMINED SUITABLE.

(II) FOR PURPOSES OF THIS PARAGRAPH (b.7), "RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCE" MEANS A PRACTICE THAT EMPHASIZES REPAIRING THE HARM TO THE VICTIM AND THE COMMUNITY CAUSED BY CRIMINAL ACTS. RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCES MAY BE ATTENDED VOLUNTARILY BY THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, COMMUNITY MEMBERS, AND SUPPORTERS OF THE VICTIM AND THE OFFENDER THAT PROVIDE AN OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE HARM CAUSED TO THOSE AFFECTED BY THE CRIME AND TO PARTICIPATE IN SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, APOLOGIES, COMMUNITY SERVICE, RESTITUTION, RESTORATION, AND COUNSELING. THE SELECTED CONSEQUENCES ARE INCORPORATED INTO AN AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

SECTION 7. 18-1.3-204 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-1.3-204. Conditions of probation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(III.5) PARTICIPATE IN A RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCE IF THE DEFENDANT IS SUITABLE FOR PARTICIPATION BASED ON WHETHER HE OR SHE ACCEPTS RESPONSIBILITY FOR, EXPRESSES REMORSE FOR, AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS;

SECTION 8. 19-1-103 (44), Colorado Revised Statutes, is amended to read: **19-1-103. Definitions.** As used in this title or in the specified portion of this title, unless the context otherwise requires:

(44) "Diversion" means a decision made by a person with authority or a delegate of that person that results in specific official action of the legal system not being taken in regard to a specific juvenile or child and in lieu thereof providing individually designed services by a specific program. The goal of diversion is to prevent further involvement of the juvenile or child in the formal legal system. Diversion of a juvenile or child may take place either at the prefiling level as an alternative to the filing of a petition pursuant to section 19-2-512 or at the

postadjudication level as an adjunct to probation services following an adjudicatory hearing pursuant to section 19-3-505 or a disposition as a part of sentencing pursuant to section 19-2-907. "Services", as used in this subsection (44), includes but is not limited to diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive recreational activities, general counseling and counseling during a crisis situation, and follow-up activities. Services ~~may~~ SHALL include restorative justice practices, including, where practicable, victim-offender conferences.

SECTION 9. 19-2-303 (5), Colorado Revised Statutes, is amended to read:

19-2-303. Juvenile diversion program - authorized. (5) When applying for a contract with the division of criminal justice to provide services to youths under the juvenile diversion program, a community project shall submit for review by the division a list of the project's objectives, a list of the restorative justice practices ~~if applicable~~, included in the project, a report of the progress made during the previous year if applicable toward implementing the stated objectives, an annual budget, and such other documentation as may be required by the director.

SECTION 10. Part 3 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-2-303.7. Prefiling assessment for restorative justice. PRIOR TO FILING CHARGES AGAINST A JUVENILE THAT HAS NOT BEEN PREVIOUSLY ADJUDICATED A DELINQUENT, WHICH CHARGES WOULD BE MISDEMEANORS OR PETTY OFFENSES IF THE JUVENILE WERE CHARGED AS AN ADULT, A DISTRICT ATTORNEY SHALL PERFORM AN ASSESSMENT TO DETERMINE WHETHER THE JUVENILE IS SUITABLE FOR RESTORATIVE JUSTICE. IN MAKING A DETERMINATION OF WHETHER THE JUVENILE IS SUITABLE FOR RESTORATIVE JUSTICE, THE DISTRICT ATTORNEY SHALL CONSIDER WHETHER THE JUVENILE ACCEPTS RESPONSIBILITY FOR, EXPRESSES REMORSE FOR, AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS. IF THE DISTRICT ATTORNEY DETERMINES THAT THE JUVENILE IS SUITABLE FOR RESTORATIVE JUSTICE, THE DISTRICT ATTORNEY SHALL OFFER THE JUVENILE THE OPPORTUNITY TO PARTICIPATE IN RESTORATIVE JUSTICE IN LIEU OF BEING CHARGED.

SECTION 11. 19-2-706 (1), Colorado Revised Statutes, is amended to read:

19-2-706. Advisement. (1) At the first appearance before the court after the filing of a petition, the juvenile and his or her parents, guardian, or other legal custodian shall be advised by the court of their constitutional and legal rights as set forth in rule 3 of the Colorado rules of juvenile procedure. ~~Such~~ THE advisement ~~may~~ SHALL include the possibility of restorative justice practices, including victim-offender conferences if applicable.

SECTION 12. 19-2-708 (2), Colorado Revised Statutes, is amended to read:

19-2-708. Entry of plea. (2) Upon the entry of a plea of guilty to one or more of the allegations contained in the petition, the court shall advise the juvenile in accordance with rule 3 of the Colorado rules of juvenile procedure. ~~Such~~ THE advisement ~~may~~ SHALL include the possibility of restorative justice practices, including victim-offender conferences if applicable.

SECTION 13. 19-2-905, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-905. Presentence investigation. (4) PRIOR TO SENTENCING, THE COURT SHALL ORDER THE JUVENILE TO PARTICIPATE IN AN EVALUATION TO DETERMINE WHETHER

THE JUVENILE WOULD BE SUITABLE FOR PARTICIPATION IN RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCES THAT WOULD BE A PART OF THE JUVENILE'S SENTENCE; EXCEPT THAT THE COURT MAY NOT ORDER PARTICIPATION IN A RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCE IF THE JUVENILE WAS ADJUDICATED A DELINQUENT FOR UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S., OR A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S. THE EVALUATION TO DETERMINE SUITABILITY SHALL CONSIDER WHETHER THE JUVENILE ACCEPTS RESPONSIBILITY FOR, EXPRESSES REMORSE FOR, AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS.

SECTION 14. 19-2-907 (1) (l), Colorado Revised Statutes, is amended to read:

19-2-907. Sentencing schedule - options. (1) Upon completion of the sentencing hearing, pursuant to section 19-2-906, the court shall enter a decree of sentence or commitment imposing any of the following sentences or combination of sentences, as appropriate:

(l) ~~Participation in an evaluation to determine whether the juvenile would be suitable for restorative justice practices that would be a part of the juvenile's sentence; except that the court may not order participation in restorative justice practices if the juvenile was adjudicated a delinquent for unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S., or a crime in which the underlying factual basis involves domestic violence as defined in section 18-6-800.3 (1), C.R.S.~~ IF THE EVALUATION REQUIRED BY SECTION 19-2-905(4) INDICATES THAT THE JUVENILE WOULD BE SUITABLE FOR RESTORATIVE JUSTICE.

SECTION 15. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-142. Restorative justice practices -legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) CONFLICTS AND OFFENSES ARISING DURING THE SCHOOL DAY INTERRUPT LEARNING, THREATEN SCHOOL SAFETY, AND OFTEN LEAD TO SUSPENSIONS, EXPULSIONS, AND AN INCREASE IN THE LIKELIHOOD OF A STUDENT DROPPING OUT OF SCHOOL;

(b) STUDENTS WHO DROP OUT OF HIGH SCHOOL FACE DIMINISHED JOB OPPORTUNITIES, LOWER LIFETIME EARNINGS, AND INCREASED UNEMPLOYMENT AND MORE OFTEN REQUIRE PUBLIC ASSISTANCE. THEY ARE MORE LIKELY TO PARTICIPATE IN CRIMINAL ACTIVITY, RESULTING IN HIGHER INCARCERATION RATES, AND THEY FACE MUCH GREATER CHALLENGES TO BECOMING PRODUCTIVE, CONTRIBUTING MEMBERS OF THEIR COMMUNITIES.

(c) SCHOOL CONFLICTS CAN RESULT IN OFFENSES THAT VIOLATE SCHOOL RULES AND LOCAL LAWS AND DAMAGE RELATIONSHIPS AMONG MEMBERS OF THE SCHOOL AND SURROUNDING COMMUNITY;

(d) RESTORATIVE JUSTICE, WHICH REQUIRES THE OFFENDER TO ACCEPT RESPONSIBILITY AND ACCOUNTABILITY FOR HIS OR HER ACTIONS, TEACHES CONFLICT RESOLUTION, REPAIRS THE HARM FROM THE OFFENSE, REDUCES CLASSROOM DISRUPTIONS, SUSPENSIONS, EXPULSIONS, AND CONSEQUENT DROPOUTS, PROMOTES SCHOOL SAFETY, AND ENABLES VICTIMS,

OFFENDERS, AND COMMUNITY MEMBERS TO REBUILD COMMUNITY AND RESTORE RELATIONSHIPS; AND

(e) THE GENERAL ASSEMBLY HAS A VITAL INTEREST IN REDUCING CLASSROOM DISRUPTIONS, SUSPENSIONS, EXPULSIONS, AND DROPOUT RATES, ASSISTING VICTIMS, REDUCING REFERRALS TO THE JUSTICE SYSTEM, AND BUILDING SAFER, MORE COHESIVE SCHOOL COMMUNITIES TO PROMOTE LEARNING.

(2) (a) THEREFORE, THE GENERAL ASSEMBLY SUPPORTS AND ENCOURAGES THE USE OF RESTORATIVE JUSTICE AS A SCHOOL'S FIRST CONSIDERATION TO REMEDIATE OFFENSES SUCH AS INTERPERSONAL CONFLICTS, BULLYING, VERBAL AND PHYSICAL CONFLICTS, THEFT, DAMAGE TO PROPERTY, CLASS DISRUPTION, HARASSMENT AND INTERNET HARASSMENT, AND ATTENDANCE ISSUES; AND

(b) THE GENERAL ASSEMBLY ENCOURAGES EACH SCHOOL DISTRICT TO IMPLEMENT TRAINING AND EDUCATION IN THE PRINCIPLES AND PRACTICES OF RESTORATIVE JUSTICE TO ENSURE THAT CAPABLE PERSONNEL AND RESOURCES ARE AVAILABLE TO SUCCESSFULLY FACILITATE ALL STEPS OF THE RESTORATIVE JUSTICE PROCESS.

(3) FOR PURPOSES OF THIS SECTION, "RESTORATIVE JUSTICE" MEANS PRACTICES THAT EMPHASIZE REPAIRING THE HARM TO THE VICTIM AND THE SCHOOL COMMUNITY CAUSED BY A STUDENT'S MISCONDUCT. RESTORATIVE JUSTICE PRACTICES MAY INCLUDE VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, SCHOOL MEMBERS, AND SUPPORTERS OF THE VICTIM AND THE OFFENDER, WHICH PROGRAM PROVIDES AN OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE HARM CAUSED TO THOSE AFFECTED BY THE ACT AND TO PARTICIPATE IN SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, APOLOGIES, COMMUNITY SERVICE, RESTITUTION, RESTORATION, AND COUNSELING. THE SELECTED CONSEQUENCES SHALL BE INCORPORATED INTO AN AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

(4) EACH SCHOOL DISTRICT IS ENCOURAGED TO DEVELOP AND UTILIZE RESTORATIVE JUSTICE PRACTICES THAT ARE PART OF THE DISCIPLINARY PROGRAM OF EACH SCHOOL IN THE DISTRICT.

SECTION 16. Part 5 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30.5-520. Restorative justice practices. THE STATE CHARTER SCHOOL INSTITUTE IS ENCOURAGED TO DEVELOP AND UTILIZE RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION 22-32-142 (3), THAT ARE PART OF THE DISCIPLINARY PROGRAM OF EACH INSTITUTE CHARTER SCHOOL.

SECTION 17. 24-4.1-302.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-4.1-302.5. Rights afforded to victims. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:

(1.5) THE RIGHT TO BE INFORMED ABOUT THE AVAILABILITY OF RESTORATIVE JUSTICE PRACTICES AND THE POSSIBILITY OF A VICTIM-OFFENDER CONFERENCE.

SECTION 18. 24-4.1-303 (11) (e) and (11) (f), Colorado Revised Statutes, are amended, and the said 24-4.1-303 (11) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-4.1-303. Procedures for ensuring rights of victims of crimes. (11) The district attorney shall inform a victim of the following:

(e) The availability of benefits pursuant to this article and the name, address, and telephone number of any person to contact to obtain such benefits; ~~and~~

(f) The availability of transportation to and from any court proceeding for any victim, except as provided in section 24-4.1-302.5 (2); AND

(g) THE AVAILABILITY OF RESTORATIVE JUSTICE PRACTICES AND THE POSSIBILITY OF A VICTIM-OFFENDER CONFERENCE.

SECTION 19. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

**APPENDIX TWO:
INSTRUMENTS**

Group Interview for Arbitration Coordinators at July 25 meeting

Directions: Allow time for Coordinators to fill out individual forms. Then divide participants into three subgroups. Conduct a general discussion of answers and explanatory comments. Ask follow up questions for clarification. Record only the background or general comments; individual survey forms will be compiled separately

1. Average number of Arbitration cases per year

2. Number of paid staff

3. Number of office volunteers or unpaid interns (e.g. administrative helpers, not arbitrators)
Average number of office volunteer hours per week

4. Amounts of grant or other funding past two years – in addition to basic \$60,000 from DJJ

5. In kind or other support from local sources (space, phone service, copies, supplies, etc.)

6. How do you recruit arbitrator volunteers (radio, billboard, presentations, newsletter, etc.)

- 7.
8. What is your retention of arbitrators? Is turnover a problem? Y/N

9. What local organizations are a source of volunteers (e.g. church, civic club. etc.)

10. Who is responsible for training volunteers?

11. Ways they support and recognize volunteers?

12. Who usually attends the arbitration hearings?

13. Do you distribute surveys to law enforcement or arbitrators? What is Survey collection rate?

14. What are the target offenses you accept ?
 - a. Referral criteria / arbitration eligibility
 - b. How do you deal with exceptions? (those referred who do not fit referral criteria?)

15. Geographic areas served – in reality – not necessarily area of judicial circuit
 - a. What areas (city, county) are left out of Arbitration?
 - b. Are some otherwise eligible youth not able to participate? What happens to them?

16. Do you work with a specific person in solicitor's office? If so, who? ____ (Name and title)

17. Relationships and communication with local law enforcement

18. Relationships and communication with DJJ

19. Seek advice from the participants: *To give a true picture of SC arbitration, how it is implemented and how well it is working, what questions should evaluators be asking?*

Survey of SC Juvenile Arbitration Programs by System Wide Solutions

Information Needed for Arbitration Program Evaluation

Circuit _____

Form completed by _____

Email _____

Telephone _____

System Wide Solutions
 PO Box 11391
 Columbia, SC 29211-1391
 Phone: 803-771-6663
 www.swsolutionsinc.com

Item #	Question	Answer
1	Avg. number of Arbitration cases per year	
2	Number of <u>paid</u> Arbitration staff (including Coordinator)	
3	Number of <u>office volunteers</u> or unpaid interns (not arbitrators)	
4	Average number of office volunteer hours per week	
5	During past two years, have you received grant or other "additional" funding?	YES NO
6	If yes, what was annual amount?	
7	Do you receive in-kind or other support? (e.g. office space, utilities, supplies, etc?)	YES NO
8	If yes, describe	
9	How do you recruit volunteer arbitrators? (radio, billboard, presentations, newsletter, etc.)	
10	What % of your arbitrators do you retain each year?	
11	What local organizations are a source of volunteers (e.g. church, civic club. etc.)	
12	Who is responsible for training volunteers?	
13	How do you support and recognize volunteers?	
14	Who usually attends the arbitration hearings?	
15	Do you distribute surveys to law enforcement or arbitrators?	YES NO
16	What are the target offenses you accept ?	
17	Referral criteria / eligibility for Arbitration?	
18	How do you deal with <i>exceptions</i> ? (those referred who do not fit referral criteria?)	

19	Geographic areas served – in reality – not necessarily area of judicial circuit					
20	What areas (city, county) are left out of Arbitration services?					
21	Are some otherwise eligible youth not able to participate? Y/N What happens to them?					
22	Do you work with a specific person in solicitor's office? Y/N If so, who?					
		Above Expectations		Satisfactory		Unsatisfactory
23	Please rate the relationships and communication with local law enforcement.	5	4	3	2	1
24	Please rate the relationships and communication with your local DJJ office..	5	4	3	2	1
THANK YOU FOR YOUR INPUT						

Additional comments:

Protocol DJJ Arbitration Site visits

Directions: Select 4-5 local arbitration programs to represent small and large population areas and different geographic areas of the state. Contact each selected Coordinator to schedule a visit. Ask them to arrange interview times with 3-6 volunteer arbitrators, local solicitor or assistant solicitor and the local DJJ contact person. The total site visit should take about 3-4 hours.

Circuit _____ County _____
Site visit date _____ SWS staff name _____

1) Resources:

- a) Conduct observation and tour offices or other space. Ask the Coordinator to show you around their office, meet other staff and explain to you their case management procedures – who screens referrals, notifies juveniles, sets up hearings, monitors progress, etc.

- b) Observe office resources and ask about the use of automation, technology, electronic communication. Where is office located? What is filing system? Do they have space for hearings or is this obtained elsewhere in the community?

- c) Does the arbitration program appear to have sufficient resources to do what they are required to do? Note any outstanding findings.

2) Interview Arbitration Coordinator. Name _____

- a) Experience
 - i) How long have you worked in your present position?
 - ii) What is prior experience in juvenile justice or related fields?

- b) What do you see as the role of the arbitration program in this community?

- c) What are the program achievements and challenges?

- d) What are the relationships with DDJ, Solicitor, and law enforcement?

- e) What is the process for recruitment, retention and recognition of volunteers (arbitrators)

- f) As a whole, what parts of the Arbitration program have succeeded?

- g) What parts need improvement?

- h) What are your plans for the program?

- i) Other

3) Interview a group of volunteer arbitrators – 3-6 individuals

Demographics: ___ WM ___ WF ___ BF ___ BM ___ Other

Names _____

- a. How long have you been a volunteer?

- b. What motivated you to be a volunteer arbitrator?

- c. How well has the program met your expectations?

DJJ Arbitration Protocol

- d. What is the training, preparation and ongoing support from the Arbitration Coordinator?
- e. What are the key factor(s) that keep you engaged in the process?
- f. What are your observations about participating youth and families (based on the hearing or other communication)
- g. What do you see as the value of the program to your community?
- h. What parts have succeeded?
- i. What parts need improvement?
- j. Other input

4) Interview a group of DJJ staff OR interview local DJJ director and assistant director

- a. What is your role or experience with the arbitration office?

DJJ Arbitration Protocol

- b. What is the frequency and quality of communication?

- c. Do you do any mutual case staffings or consultations? If so, describe the process.

- d. How well is the arbitration referral process working?

- e. What is the degree to which Arbitration Office follows standard procedures?

- f. What is the efficiency and effectiveness of the Arbitration operation?

- g. What is the degree to which local Arbitration Office meets their expectations?

- h. As a whole, what parts of the Arbitration program have succeeded?

- i. What parts need improvement?

- j. Other

5) Interview Solicitor's Office representative(s). Name and title _____

DJJ Arbitration Protocol

- a. What is your role or experience with arbitration office?
- b. What is the frequency and quality of communication?
- c. Do they do any mutual case staffings or consultations?
- d. What is the process for feedback and information exchange?
- e. How is the arbitration referral process working?
- f. In addition to the offense code, how do you decide which cases are appropriate for arbitration and which are not?
- g. What is the degree to which the Arbitration Office follows standard procedures?
- h. What is the efficiency and effectiveness of the Arbitration Office?
- i. What is the degree to which Arbitration Office meets their expectations?

DJJ Arbitration Protocol

- j. As a whole, what parts of the Arbitration program have succeeded?

- k. What parts need improvement?

- l. Other

**Interview with Ginny Barr, former statewide Arbitration Network Coordinator
August 8, 2011**

1. In the evaluation RFP, what is meant by “effectiveness of guidelines?”?

2. Funding
 - a. Do you have any information on costs per juvenile in SC?

 - b. What were your assumptions about how the \$60,000 per circuit was to be used and who would provide the support costs?

 - c. What about the Coordinators who play multiple roles, including Arbitration?

3. Training
 - a. Who does the training on for volunteer arbitrators? We’ve been told that you and Kathryn Barton have been the consistent presenters on restorative justice principles. Is this accurate?

 - b. Tell us about conferences or other training for Coordinators.
 - Who attends the annual conferences?
 - Who comes as speakers?
 - What are the themes/topics?
 - Can we get agendas for recent ones?

4. What has been the contact by SC with two centers which in the past have received funding to study and provide resources for offender/victim mediation? (U of Minn. Center for Restorative Justice and Peacemaking and the Criminology Department at the U of South FL)

5. What is your philosophy on arbitration? Is it truth and reconciliation? Please describe.

DJJ Interview Protocol

- How do you foresee that philosophy being carried forward?
- Who will provide leadership?

6. What are your thoughts about getting enabling legislation in SC or at least formalizing the status of Arbitration in law or policy? (Cite US trends in legislation, state of Colorado, etc.)

7. What is the political climate in SC re: the current arbitration model? Who are the stakeholders?

8. What do you hope to see coming out of this evaluation?

August 2, 2011

The Honorable _____
Solicitor
____ Judicial Circuit
Address

Dear Mr. Solicitor :

The SC Department of Juvenile Justice has awarded our firm a contract to evaluate the statewide Juvenile Arbitration Program. As the major stakeholder in this process, your perspective is very important.

Please take a few minutes to complete then enclosed brief survey from your viewpoint as the chief person responsible for prosecutions in your circuit. Return the survey in the enclosed self-addressed envelope by August 15.

For the evaluation report, we are conducting a detailed analysis of arrest, disposition and re-offense data for youth who participate in arbitration, those who take part in diversion programs (such as PTI) and those who go to court. This will give more details about recidivism rates. In addition, we are seeking input through interviews and surveys from other major stakeholders in the juvenile arbitration process, including volunteer arbitrators, law enforcement, victims, DJJ staff and arbitration coordinators. The resulting evaluation report will give a picture of juvenile arbitration in SC, as well as comparisons to similar programs elsewhere.

Please give us your opinion of the Juvenile Arbitration Program as it operates in your circuit. We hope that the results of this evaluation will help all parties improve the system.

If you have any questions, you may contact us directly at 803-771-6663. Thank you in advance for taking a few moments of your time.

Yours truly,

George W. Appenzeller, MSW
President
Enclosure

SOUTH CAROLINA JUVENILE ARBITRATION SURVEY FOR SOLICITORS

Judicial District _____ Date _____

This survey is part of the statewide evaluation of the Juvenile Arbitration Program in South Carolina. Results of the evaluation will be used to improve the program.

Please circle your answer about whether you agree or disagree with the following statements about the Juvenile Arbitration Program *as it operates in your local area or circuit*:

1. The Arbitration Program is effective in diverting juveniles from the justice system.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

2. The Arbitration Program is effective in preventing participating youth from re-offending.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

3. The procedures for referring juveniles into the Arbitration Program are simple and easy.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

a. How would you make referral procedures better? _____

4. The staff of the Arbitration Program are effective in coordinating the program.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

5. Overall, the youth I know who have successfully completed the Arbitration Program have improved their behavior.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

6. I support an expansion of the Arbitration Program to more geographic areas of SC.

5	4	3	2	1
Strong Agree	Agree	Not Sure/No Opinion	Disagree	Strongly Disagree

7. Additional comments or suggestions (continue on reverse) _____

THANK YOU FOR YOUR FEEDBACK

**APPENDIX THREE:
LITERATURE**

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**APPENDIX FOUR:
PROGRAM GUIDELINES**

ATTACHMENT A
SOUTH CAROLINA ARBITRATION GUIDELINES

Program Purpose

"To provide a model for community-based conferencing programs that successfully divert non-violent first-time juvenile offenders from the juvenile justice system, while promoting offender accountability, victim reparation, and protection of the public."

Section I Program Description:

A. The Juvenile Arbitration Program of each Judicial Circuit Solicitor's Office is a diversionary program aimed at first time juvenile offenders charged with committing non-violent criminal offenses. The program is built around community volunteers who, after being trained and approved by the Court, act as Arbitrators in the mediation of juvenile cases. As an Arbitrator, citizen volunteers conduct hearings to determine the facts of the case and in appropriate cases establish sanctions for the juvenile offender to complete. In determining the appropriate sanctions for the juvenile to complete, the Arbitrator seeks input from all hearing participants, including the juvenile. Sanctions may include an educational component (victim impact panels, attendance at General Sessions Court, attendance at substance abuse seminars, visits to correction institutions, etc.), restitution to the victim(s), or community service work. Following the Arbitration hearing, the volunteer Arbitrator monitors the juvenile's progress towards completing the assigned sanctions and reports back both satisfactory and unsatisfactory progress to the Program Director/Coordinator. **If** the juvenile successfully completes his/her assigned sanctions, the charges against the juvenile are not prosecuted. **If** the juvenile does not successfully complete his/her assigned sanctions, or in any way fails to cooperate, he/she is referred to the Intake Section of the Department of Juvenile Justice. B. The Juvenile Arbitration Program best operates as a division of the Solicitor's Office through a contract for services by the Department of Juvenile Justice.

Section II Eligibility of Participants:

A. First time juvenile offenders charged with committing non-violent criminal offenses are eligible for the program. The juvenile's decision to enroll in the Arbitration Program must be voluntary.

B. Juvenile offenders charged with status offenses are not eligible for participation in the Arbitration Program.

C. No fees will be charged.

D. It is not mandatory for victims to attend the Arbitration hearing. However, victims will be notified of the hearing and are strongly encouraged to attend.

E. No potential juvenile participant should be denied access to the Arbitration Program based upon race, color, religion, gender, disability, marital status, sexual or affectional preference, economic status or national origin.

F. The Arbitration Program will maintain volunteer insurance for all community service sites, program volunteers, and juvenile offenders.

G. The Department of Juvenile Justice will provide a JJMS/Form 5 on each case referral. At the time of case closure from Arbitration, Department of Juvenile Justice will update the case record to reflect the outcome.

Section III Referrals:

A. Referrals to the Juvenile Arbitration Program may be initiated by any Law Enforcement Agency, local DJJ Office, and the Solicitor's Office, with all final determinations of eligibility made by the Solicitor's Office. An incident report and JJMS/Form 5 must accompany all referrals.

B. A juvenile shall not be considered for Arbitration if he or she has previously been accepted into an arbitration, diversion, or other first-time offenders program, nor shall arbitration be considered for those juveniles charged with violent offenses. However, this section shall not apply if the solicitor determines that an informal adjustment or intervention, such as a behavioral contract, should not preclude participation in Arbitration, or if the elements of the crime do not fit the charge. Final determination of case acceptance remains at the discretion of the Solicitor.

C. Original files will be maintained on all juveniles referred, and will be housed in the Arbitration Office. Any information from the original files provided to volunteer Arbitrators will be maintained on their person or in a safe and secure setting. Upon completion of each case, all file information will be returned to the Arbitration Office for proper storage and/or disposal.

Section IV Arbitration Hearing Conditions:

A. The juvenile must admit guilt.

B. Parent and juvenile must appear at Arbitration Hearing, and sign the Waiver of Rights. All Arbitration Programs will use the approved Waiver of Rights Form (See Attachment G).

C. Legal representation of the juvenile is not permitted at the Arbitration Hearing; however, consultation with an attorney prior to the hearing is acceptable.

D. Parent and juvenile must agree to comply with the sanctions.

E. The Arbitration Dispositional Agreement shall not exceed 90 days. Any exceptions shall be reviewed by the Program Director/Coordinator and approved by the Solicitor.

F. Hearing participants may request a review of the disposition within 7 days of the hearing date by contacting the Program Director/Coordinator. At that time, the Program Director/Coordinator and the Solicitor will make one of the following decisions:

1. The case may be rescheduled before another arbitrator.
2. The case may be dismissed.
3. The case may be referred back to Family Court for prosecution.
4. The original decision may be upheld.

Section V Dispositions:

A. Arbitration Programs will utilize the approved Dispositional Agreement Form (See Attachment H). The Agreement should incorporate individualized and achievable sanctions. A copy of the Agreement shall be provided to all participants.

B. The Arbitration Dispositional Agreement should meet the needs of the juvenile offender, individual victim(s), and the community.

C. Arbitration dispositions may include, but are not limited to the following: restitution, community service work, victim impact panels, counseling, home restrictions, field trips, educational programs, and any other requirements deemed appropriate by the Arbitrator. Volunteer Arbitrators shall monitor dispositions and provide supervision to juvenile offenders as needed.

D. Arbitrators will provide all hearing participants with the approved Arbitrator Evaluation Form at the conclusion of each hearing (See Attachment I). The Evaluation Forms should be completed by hearing participants and returned by mail to the Arbitration Director/Coordinator.

Section VI Community Service/Monetary Restitution:

A. Community Service: A maximum of 100 community service hours can be imposed. No work is to be performed by juveniles at victim's homes or businesses, only at approved community service sites. It is strongly recommended that, at a minimum, all community service sites be approved and documented prior to being utilized by each respective Arbitration Program, and that all site supervisors are screened for crimes against children through SC Department of Social Services Child Abuse and Neglect Central Registry.

B. Monetary Restitution: The maximum amount of monetary restitution that can be required of a juvenile offender is \$500.00. All restitution money will be handled through the Arbitration Program Director's Office. No monetary payments will be paid at the Arbitration Hearing/Conference.

Section VII Case Closures:

A. Arbitration Programs will complete the approved Case Closure Form at the time of case closure (See Attachment J). A copy of the Closure Form will be sent to the juvenile and parent/guardian, victim, arresting officer, and DJJ.

B. Arbitration Programs will complete a DJJ Report Card Case Closing Report Form the time of case closure utilizing JJMS (See attachment F).

C. The Juvenile Arbitration Program is available to eligible first time offenders. Once a juvenile completes the program, they not are eligible for future participation.

D. Successful:

1. A juvenile who successfully completes the program will not be prosecuted for the original offense.

E. Unsuccessful:

1. A juvenile who fails to complete his/her sanctions as stipulated in the Dispositional Agreement, will be remanded to Family Court.
2. Any juvenile who re-offends during their participation will immediately be remanded to Family Court.

Section VIII Dismissals:

A. The Arbitrator or Program Director/Coordinator can make a "recommendation" for dismissal prior to disposition of the charge. The Solicitor will make the final decision of dismissal.

Section IX Confidentiality:

All information, which is not public record, is to remain confidential. S. C. Code Sections: 63-19-2010; 63-19-2020; 63-19-2030; and 63-19-2040.

Section X Eligibility/Training Requirements for Arbitrators:

A. Must be 21 years old.

B. Must have high school diploma or equivalent.

C. SLED and the Department of Social Services will screen volunteer Arbitrator's applications. If any criminal or child abuse/neglect record appears during the record checks, the Program Director will deny the application. If Arbitration Program volunteers intend to provide transportation for juveniles, the Department of Transportation should screen these volunteers; otherwise such checks are at the discretion of the Solicitor. In cases with extenuating circumstances the Solicitor will make the final determination.

D. Any misrepresentation, omission of facts or falsification on the Arbitrator's application will result in disapproval of the application for volunteer services.

E. Each volunteer must receive at least an initial 21 hours of training and pass a final written review/examination. The 21 hours of training should incorporate the following topics: 1) Arbitration hearing preparation and format, 2) program forms, 3) community referrals and resources, 4) victim impact, 5) juvenile law and abuse reporting requirements, 6) communication and/or mediation skills, 7) community service and restitution guidelines, 8) offender sanctions, and 9) restorative justice principles and practices. Volunteer Arbitrators must also receive nine (9) hours of follow up training each consecutive year.

**APPENDIX FIVE:
DEMOGRAPHICS AND MOST SERIOUS REFERRAL OFFENSE
BY CIRCUIT**

Race and Gender of Arbitration Participants by Circuit

1st Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	26	27.7%	21	23.6%	53	27.9%	100	26.8%
Black Male	54	57.4%	38	42.7%	78	41.1%	170	45.6%
Hispanic Male	0	0.0%	0	0.0%	4	2.1%	4	1.1%
Other Male	0	0.0%	1	1.1%	0	0.0%	1	0.3%
White Female	7	7.4%	9	10.1%	28	14.7%	44	11.8%
White Male	7	7.4%	20	22.5%	27	14.2%	54	14.5%
Total	94	100%	89	100%	190	100%	373	100%

2nd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	32	15.5%	47	21.9%	39	17.6%	118	18.4%
Black Male	64	31.1%	65	30.2%	77	34.7%	206	32.0%
Hispanic Female	1	0.5%	0	0.0%	2	0.9%	3	0.5%
Hispanic Male	0	0.0%	5	2.3%	3	1.4%	8	1.2%
Other Female	0	0.0%	0	0.0%	1	0.5%	1	0.2%
Other Male	1	0.5%	0	0.0%	2	0.9%	3	0.5%
White Female	34	16.5%	42	19.5%	35	15.8%	111	17.3%
White Male	74	35.9%	56	26.0%	63	28.4%	193	30.0%
Total	206	100%	215	100%	222	100%	643	100%

3rd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	65	31.9%	43	25.4%	47	26.0%	155	28.0%
Black Male	106	52.0%	83	49.1%	89	49.2%	278	50.2%
Hispanic Female	1	0.5%	0	0.0%	0	0.0%	1	0.2%
Other Male	1	0.5%	0	0.0%	0	0.0%	1	0.2%
White Female	12	5.9%	16	9.5%	16	8.8%	44	7.9%
White Male	19	9.3%	27	16.0%	29	16.0%	75	13.5%
Total	204	100%	169	100%	181	100%	554	100%

4th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	47	21.5%	39	21.9%	48	27.9%	134	23.6%
Black Male	93	42.5%	67	37.6%	59	34.3%	219	38.5%
Hispanic Female	0	0.0%	0	0.0%	4	2.3%	4	0.7%
Hispanic Male	0	0.0%	0	0.0%	2	1.2%	2	0.4%
Other Female	0	0.0%	1	0.6%	1	0.6%	2	0.4%
Other Male	2	0.9%	1	0.6%	2	1.2%	5	0.9%

White Female	25	11.4%	20	11.2%	15	8.7%	60	10.5%
White Male	52	23.7%	50	28.1%	41	23.8%	143	25.1%
Total	219	100%	178	100%	172	100%	569	100%

5th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	6	42.9%	5	38.5%	2	18.2%	13	34.2%
Black Male	4	28.6%	5	38.5%	4	36.4%	13	34.2%
Hispanic Female	0	0.0%	0	0.0%	1	9.1%	1	2.6%
White Female	1	7.1%	1	7.7%	2	18.2%	4	10.5%
White Male	3	21.4%	2	15.4%	2	18.2%	7	18.4%
Total	14	100%	13	100%	11	100%	38	100%

6th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	30	20.5%	31	23.5%	21	17.5%	82	20.6%
Black Male	48	32.9%	51	38.6%	51	42.5%	150	37.7%
Hispanic Female	2	1.4%	0	0.0%	1	0.8%	3	0.8%
Hispanic Male	0	0.0%	2	1.5%	1	0.8%	3	0.8%
White Female	19	13.0%	15	11.4%	17	14.2%	51	12.8%
White Male	47	32.2%	33	25.0%	29	24.2%	109	27.4%
Total	146	100%	132	100%	120	100%	398	100%

7th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	38	14.2%	83	22.1%	64	20.6%	185	19.4%
Black Male	97	36.2%	134	35.6%	101	32.5%	332	34.8%
Hispanic Female	2	0.7%	1	0.3%	5	1.6%	8	0.8%
Hispanic Male	3	1.1%	11	2.9%	6	1.9%	20	2.1%
Other Female	1	0.4%	0	0.0%	1	0.3%	2	0.2%
Other Male	4	1.5%	7	1.9%	3	1.0%	14	1.5%
White Female	30	11.2%	49	13.0%	55	17.7%	134	14.0%
White Male	93	34.7%	91	24.2%	76	24.4%	260	27.2%
Total	268	100%	376	100%	311	100%	955	100%

8th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	76	27.8%	66	28.6%	46	22.8%	188	26.6%
Black Male	87	31.9%	73	31.6%	70	34.7%	230	32.6%
Hispanic Female	0	0.0%	2	0.9%	3	1.5%	5	0.7%
Hispanic Male	5	1.8%	2	0.9%	4	2.0%	11	1.6%
Other Female	2	0.7%	0	0.0%	1	0.5%	3	0.4%

Other Male	4	1.5%	0	0.0%	0	0.0%	4	0.6%
White Female	28	10.3%	29	12.6%	37	18.3%	94	13.3%
White Male	71	26.0%	59	25.5%	41	20.3%	171	24.2%
Total	273	100%	231	100%	202	100%	706	100%

9th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	201	25.3%	181	24.3%	195	27.3%	577	25.6%
Black Male	280	35.2%	244	32.8%	231	32.4%	755	33.5%
Hispanic Female	0	0.0%	0	0.0%	2	0.3%	2	0.1%
Hispanic Male	12	1.5%	10	1.3%	5	0.7%	27	1.2%
Other Female	2	0.3%	3	0.4%	1	0.1%	6	0.3%
Other Male	2	0.3%	7	0.9%	2	0.3%	11	0.5%
White Female	102	12.8%	128	17.2%	112	15.7%	342	15.2%
White Male	197	24.7%	172	23.1%	166	23.2%	535	23.7%
Total	796	100%	745	100%	714	100%	2255	100%

10th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	21	18.8%	12	12.8%	26	16.0%	59	16.0%
Black Male	27	24.1%	33	35.1%	25	15.3%	85	23.0%
Hispanic Female	0	0.0%	0	0.0%	1	0.6%	1	0.3%
Hispanic Male	0	0.0%	4	4.3%	0	0.0%	4	1.1%
Other Female	0	0.0%	1	1.1%	0	0.0%	1	0.3%
Other Male	1	0.9%	0	0.0%	1	0.6%	2	0.5%
White Female	26	23.2%	15	16.0%	52	31.9%	93	25.2%
White Male	37	33.0%	29	30.9%	58	35.6%	124	33.6%
Total	112	100%	94	100%	163	100%	369	100%

11th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	66	14.6%	64	15.8%	74	17.3%	204	15.9%
Black Male	109	24.1%	108	26.7%	78	18.2%	295	23.0%
Hispanic Female	3	0.7%	2	0.5%	5	1.2%	10	0.8%
Hispanic Male	3	0.7%	5	1.2%	2	0.5%	10	0.8%
Other Female	2	0.4%	1	0.2%	2	0.5%	5	0.4%
Other Male	1	0.2%	4	1.0%	1	0.2%	6	0.5%
White Female	101	22.3%	71	17.5%	97	22.7%	269	20.9%
White Male	167	36.9%	150	37.0%	169	39.5%	486	37.8%
Total	452	100%	405	100%	428	100%	1285	100%

12th Judicial	FY 2007		FY 2008		FY 2009		Total	
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Circuit	#	%	#	%	#	%	#	%
Black Female	82	25.2%	52	21.5%	95	27.9%	229	25.2%
Black Male	156	47.9%	121	50.0%	141	41.5%	418	46.0%
Hispanic Male	0	0.0%	2	0.8%	1	0.3%	3	0.3%
Other Female	2	0.6%	0	0.0%	0	0.0%	2	0.2%
Other Male	1	0.3%	1	0.4%	1	0.3%	3	0.3%
White Female	27	8.3%	27	11.2%	48	14.1%	102	11.2%
White Male	58	17.8%	39	16.1%	54	15.9%	151	16.6%
Total	326	100%	242	100%	340	100%	908	100%

13th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	12	12.1%	3	2.7%	4	4.4%	19	6.4%
Black Male	17	17.2%	19	17.3%	8	8.9%	44	14.7%
Hispanic Female	1	1.0%	1	0.9%	1	1.1%	3	1.0%
Hispanic Male	0	0.0%	1	0.9%	0	0.0%	1	0.3%
Other Female	1	1.0%	0	0.0%	0	0.0%	1	0.3%
Other Male	1	1.0%	0	0.0%	0	0.0%	1	0.3%
White Female	20	20.2%	25	22.7%	30	33.3%	75	25.1%
White Male	47	47.5%	61	55.5%	47	52.2%	155	51.8%
Total	99	100%	110	100%	90	100%	299	100%

14th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	64	23.7%	63	19.9%	46	25.8%	173	22.6%
Black Male	92	34.1%	125	39.4%	86	48.3%	303	39.6%
Hispanic Female	1	0.4%	2	0.6%	2	1.1%	5	0.7%
Hispanic Male	14	5.2%	7	2.2%	6	3.4%	27	3.5%
Other Male	0	0.0%	2	0.6%	0	0.0%	2	0.3%
White Female	26	9.6%	46	14.5%	15	8.4%	87	11.4%
White Male	73	27.0%	72	22.7%	23	12.9%	168	22.0%
Total	270	100%	317	100%	178	100%	765	100%

15th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	23	18.7%	18	16.5%	29	18.0%	70	17.8%
Black Male	38	30.9%	36	33.0%	48	29.8%	122	31.0%
Hispanic Female	1	0.8%	0	0.0%	5	3.1%	6	1.5%
Hispanic Male	4	3.3%	2	1.8%	3	1.9%	9	2.3%
Other Female	2	1.6%	0	0.0%	0	0.0%	2	0.5%
Other Male	1	0.8%	0	0.0%	1	0.6%	2	0.5%
White Female	18	14.6%	15	13.8%	24	14.9%	57	14.5%

White Male	36	29.3%	38	34.9%	51	31.7%	125	31.8%
Total	123	100%	109	100%	161	100%	393	100%

16th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Black Female	20	8.1%	48	14.7%	70	18.3%	138	14.4%
Black Male	55	22.3%	70	21.4%	66	17.2%	191	20.0%
Hispanic Female	1	0.4%	4	1.2%	5	1.3%	10	1.0%
Hispanic Male	2	0.8%	1	0.3%	8	2.1%	11	1.1%
Other Female	0	0.0%	1	0.3%	1	0.3%	2	0.2%
Other Male	2	0.8%	1	0.3%	2	0.5%	5	0.5%
White Female	52	21.1%	67	20.5%	82	21.4%	201	21.0%
White Male	115	46.6%	135	41.3%	149	38.9%	399	41.7%
Total	247	100%	327	100%	383	100%	957	100%

Age of Arbitration Participants by Circuit

1st Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	3	3.2%	7	7.9%	9	4.7%	19	5.1%
12 to 13	25	26.6%	21	23.6%	50	26.3%	96	25.7%
14 to 15	45	47.9%	37	41.6%	81	42.6%	163	43.7%
16 to 17	21	22.3%	24	27.0%	50	26.3%	95	25.5%
Total	94	100%	89	100%	190	100%	373	100%

2nd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	12	5.8%	14	6.5%	9	4.1%	35	5.4%
12 to 13	47	22.8%	46	21.4%	53	23.9%	146	22.7%
14 to 15	93	45.1%	101	47.0%	94	42.3%	288	44.8%
16 to 17	54	26.2%	54	25.1%	66	29.7%	174	27.1%
Total	206	100%	215	100%	222	100%	643	100%

3rd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	8	3.9%	6	3.6%	7	3.9%	21	3.8%
12 to 13	50	24.5%	30	17.8%	23	12.7%	103	18.6%
14 to 15	95	46.6%	78	46.2%	97	53.6%	270	48.7%
16 to 17	51	25.0%	55	32.5%	54	29.8%	160	28.9%
Total	204	100%	169	100%	181	100%	554	100%

4th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	8	3.7%	6	3.4%	11	6.4%	25	4.4%
12 to 13	49	22.4%	42	23.6%	31	18.0%	122	21.4%
14 to 15	100	45.7%	89	50.0%	89	51.7%	278	48.9%
16 to 17	62	28.3%	41	23.0%	41	23.8%	144	25.3%
Total	219	100%	178	100%	172	100%	569	100%

5th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	0	0.0%	0	0.0%	1	9.1%	1	2.6%
12 to 13	3	21.4%	3	23.1%	2	18.2%	8	21.1%
14 to 15	6	42.9%	6	46.2%	5	45.5%	17	44.7%
16 to 17	5	35.7%	4	30.8%	3	27.3%	12	31.6%
Total	14	100%	13	100%	11	100%	38	100%

6th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	4	2.7%	2	1.5%	0	0.0%	6	1.5%
12 to 13	24	16.4%	31	23.5%	19	15.8%	74	18.6%
14 to 15	61	41.8%	58	43.9%	61	50.8%	180	45.2%
16 to 17	57	39.0%	41	31.1%	40	33.3%	138	34.7%
Total	146	100%	132	100%	120	100%	398	100%

7th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	26	9.7%	12	3.2%	15	4.8%	53	5.5%
12 to 13	71	26.5%	107	28.5%	79	25.4%	257	26.9%
14 to 15	112	41.8%	157	41.8%	132	42.4%	401	42.0%
16 to 17	59	22.0%	100	26.6%	85	27.3%	244	25.5%
Total	268	100%	376	100%	311	100%	955	100%

8th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	6	2.2%	4	1.7%	6	3.0%	16	2.3%
12 to 13	97	35.5%	70	30.3%	57	28.2%	224	31.7%
14 to 15	118	43.2%	108	46.8%	94	46.5%	320	45.3%
16 to 17	52	19.0%	49	21.2%	45	22.3%	146	20.7%
Total	273	100%	231	100%	202	100%	706	100%

9th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%

6 to 11	22	2.8%	23	3.1%	35	4.9%	80	3.5%
12 to 13	224	28.1%	227	30.5%	209	29.3%	660	29.3%
14 to 15	367	46.1%	315	42.3%	309	43.3%	991	43.9%
16 to 17	183	23.0%	180	24.2%	161	22.5%	524	23.2%
Total	796	100%	745	100%	714	100%	2255	100%

10th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	0	0.0%	6	6.4%	2	1.2%	8	2.2%
12 to 13	25	22.3%	14	14.9%	37	22.7%	76	20.6%
14 to 15	56	50.0%	45	47.9%	65	39.9%	166	45.0%
16 to 17	31	27.7%	29	30.9%	59	36.2%	119	32.2%
Total	112	100%	94	100%	163	100%	369	100%

11th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	4	0.9%	9	2.2%	6	1.4%	19	1.5%
12 to 13	136	30.1%	118	29.1%	85	19.9%	339	26.4%
14 to 15	208	46.0%	178	44.0%	209	48.8%	595	46.3%
16 to 17	104	23.0%	100	24.7%	128	29.9%	332	25.8%
Total	452	100%	405	100%	428	100%	1285	100%

12th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	11	3.4%	3	1.2%	3	0.9%	17	1.9%
12 to 13	97	29.8%	86	35.5%	88	25.9%	271	29.8%
14 to 15	157	48.2%	105	43.4%	177	52.1%	439	48.3%
16 to 17	61	18.7%	48	19.8%	72	21.2%	181	19.9%
Total	326	100%	242	100%	340	100%	908	100%

13th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	0	0.0%	2	1.8%	0	0.0%	2	0.7%
12 to 13	26	26.3%	25	22.7%	23	25.6%	74	24.7%
14 to 15	47	47.5%	53	48.2%	47	52.2%	147	49.2%
16 to 17	26	26.3%	30	27.3%	20	22.2%	76	25.4%
Total	99	100%	110	100%	90	100%	299	100%

14th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	11	4.1%	14	4.4%	5	2.8%	30	3.9%
12 to 13	71	26.3%	94	29.7%	43	24.2%	208	27.2%

14 to 15	120	44.4%	147	46.4%	87	48.9%	354	46.3%
16 to 17	68	25.2%	62	19.6%	43	24.2%	173	22.6%
Total	270	100%	317	100%	178	100%	765	100%

15th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	7	5.7%	10	9.2%	6	3.7%	23	5.9%
12 to 13	32	26.0%	25	22.9%	50	31.1%	107	27.2%
14 to 15	66	53.7%	57	52.3%	70	43.5%	193	49.1%
16 to 17	18	14.6%	17	15.6%	35	21.7%	70	17.8%
Total	123	100%	109	100%	161	100%	393	100%

16th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
6 to 11	10	4.0%	14	4.3%	17	4.4%	41	4.3%
12 to 13	67	27.1%	62	19.0%	85	22.2%	214	22.4%
14 to 15	89	36.0%	140	42.8%	143	37.3%	372	38.9%
16 to 17	81	32.8%	111	33.9%	138	36.0%	330	34.5%
Total	247	100%	327	100%	383	100%	957	100%

Arbitration Participants Most Serious Referral Offense by Circuit

1st Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	0	0%	4	4%	6	3%	10	3%
Property Felony	1	1.1%	1	1.1%	5	2.6%	7	1.9%
Other Felony	0	0.0%	1	1.1%	0	0.0%	1	0.3%
Misdemeanor	91	96.8%	80	89.9%	173	91.1%	344	92.2%
Other Delinquency	2	2.1%	3	3.4%	6	3.2%	11	2.9%
Total	94	100%	89	100%	190	100%	373	100%

2nd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	26	13%	16	7%	18	8%	60	9%
Property Felony	10	4.9%	5	2.3%	24	10.8%	39	6.1%
Other Felony	3	1.5%	5	2.3%	7	3.2%	15	2.3%
Misdemeanor	161	78.2%	185	86.0%	167	75.2%	513	79.8%
Other Delinquency	6	2.9%	4	1.9%	6	2.7%	16	2.5%
Total	206	100%	215	100%	222	100%	643	100%

3rd Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	12	6%	5	3%	4	2%	21	4%
Property Felony	3	1.5%	5	3.0%	1	0.6%	9	1.6%
Other Felony	0	0.0%	3	1.8%	0	0.0%	3	0.5%
Misdemeanor	181	88.7%	152	89.9%	174	96.1%	507	91.5%
Other Delinquency	8	3.9%	4	2.4%	2	1.1%	14	2.5%
Total	204	100%	169	100%	181	100%	554	100%

4th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	18	8%	24	13%	13	8%	55	10%
Property Felony	16	7.3%	8	4.5%	5	2.9%	29	5.1%
Other Felony	5	2.3%	5	2.8%	1	0.6%	11	1.9%
Misdemeanor	172	78.5%	139	78.1%	152	88.4%	463	81.4%
Other Delinquency	8	3.7%	2	1.1%	1	0.6%	11	1.9%
Total	219	100%	178	100%	172	100%	569	100%

5th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	0	0.0%	0	0.0%	4	36.4%	4	10.5%
Property Felony	1	7.1%	3	23.1%	0	0.0%	4	10.5%
Misdemeanor	10	71.4%	9	69.2%	7	63.6%	26	68.4%
Other Delinquency	3	21.4%	1	7.7%	0	0.0%	4	10.5%
Total	14	100%	13	100%	11	100%	38	100%

6th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	20	14%	9	7%	13	11%	42	11%
Property Felony	5	3.4%	6	4.5%	8	6.7%	19	4.8%
Other Felony	1	0.7%	0	0.0%	0	0.0%	1	0.3%
Misdemeanor	116	79.5%	116	87.9%	97	80.8%	329	82.7%
Other Delinquency	4	2.7%	1	0.8%	2	1.7%	7	1.8%
Total	146	100%	132	100%	120	100%	398	100%

7th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	49	18%	53	14%	30	10%	132	14%
Property Felony	34	12.7%	32	8.5%	23	7.4%	89	9.3%
Other Felony	6	2.2%	4	1.1%	1	0.3%	11	1.2%
Misdemeanor	178	66.4%	279	74.2%	250	80.4%	707	74.0%
Other Delinquency	1	0.4%	8	2.1%	7	2.3%	16	1.7%

Total	268	100%	376	100%	311	100%	955	100%
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8th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	4	1%	4	2%	0	0%	8	1%
Property Felony	6	2.2%	13	5.6%	11	5.4%	30	4.2%
Other Felony	1	0.4%	0	0.0%	0	0.0%	1	0.1%
Misdemeanor	257	94.1%	210	90.9%	187	92.6%	654	92.6%
Other Delinquency	5	1.8%	4	1.7%	4	2.0%	13	1.8%
Total	273	100%	231	100%	202	100%	706	100%

9th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	68	9%	59	8%	42	6%	169	7%
Property Felony	27	3.4%	17	2.3%	17	2.4%	61	2.7%
Other Felony	14	1.8%	10	1.3%	16	2.2%	40	1.8%
Misdemeanor	670	84.2%	650	87.2%	630	88.2%	1950	86.5%
Other Delinquency	17	2.1%	9	1.2%	9	1.3%	35	1.6%
Total	796	100%	745	100%	714	100%	2255	100%

10th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	6	5%	5	5%	5	3%	16	4%
Property Felony	3	2.7%	10	10.6%	15	9.2%	28	7.6%
Other Felony	4	3.6%	1	1.1%	0	0.0%	5	1.4%
Misdemeanor	99	88.4%	71	75.5%	140	85.9%	310	84.0%
Other Delinquency	0	0.0%	7	7.4%	3	1.8%	10	2.7%
Total	112	100%	94	100%	163	100%	369	100%

11th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	35	8%	43	11%	26	6%	104	8%
Property Felony	22	4.9%	22	5.4%	28	6.5%	72	5.6%
Other Felony	7	1.5%	14	3.5%	14	3.3%	35	2.7%
Misdemeanor	376	83.2%	314	77.5%	353	82.5%	1043	81.2%
Other Delinquency	12	2.7%	12	3.0%	7	1.6%	31	2.4%
Total	452	100%	405	100%	428	100%	1285	100%

12th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	30	9%	27	11%	37	11%	94	10%
Property Felony	12	3.7%	16	6.6%	18	5.3%	46	5.1%

Other Felony	4	1.2%	1	0.4%	5	1.5%	10	1.1%
Misdemeanor	277	85.0%	195	80.6%	277	81.5%	749	82.5%
Other Delinquency	3	0.9%	3	1.2%	3	0.9%	9	1.0%
Total	326	100%	242	100%	340	100%	908	100%

13th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	1	1%	3	3%	3	3%	7	2%
Property Felony	0	0.0%	3	2.7%	8	8.9%	11	3.7%
Other Felony	4	4.0%	1	0.9%	1	1.1%	6	2.0%
Misdemeanor	93	93.9%	100	90.9%	73	81.1%	266	89.0%
Other Delinquency	1	1.0%	3	2.7%	5	5.6%	9	3.0%
Total	99	100%	110	100%	90	100%	299	100%

14th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	16	6%	19	6%	10	6%	45	6%
Property Felony	8	3.0%	12	3.8%	6	3.4%	26	3.4%
Other Felony	1	0.4%	5	1.6%	1	0.6%	7	0.9%
Misdemeanor	235	87.0%	276	87.1%	161	90.4%	672	87.8%
Other Delinquency	10	3.7%	5	1.6%	0	0.0%	15	2.0%
Total	270	100%	317	100%	178	100%	765	100%

15th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	6	5%	13	12%	15	9%	34	9%
Property Felony	0	0.0%	0	0.0%	2	1.2%	2	0.5%
Other Felony	0	0.0%	1	0.9%	3	1.9%	4	1.0%
Misdemeanor	116	94.3%	92	84.4%	140	87.0%	348	88.5%
Other Delinquency	1	0.8%	3	2.8%	1	0.6%	5	1.3%
Total	123	100%	109	100%	161	100%	393	100%

16th Judicial Circuit	FY 2007		FY 2008		FY 2009		Total	
	#	%	#	%	#	%	#	%
Violent Felony	25	10%	18	6%	23	6%	66	7%
Property Felony	18	7.3%	40	12.2%	22	5.7%	80	8.4%
Other Felony	6	2.4%	6	1.8%	6	1.6%	18	1.9%
Misdemeanor	187	75.7%	253	77.4%	321	83.8%	761	79.5%
Other Delinquency	11	4.5%	10	3.1%	11	2.9%	32	3.3%
Total	247	100%	327	100%	383	100%	957	100%

**APPENDIX SIX:
OFFICER SURVEYS BY CIRCUIT**

1st Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

2nd Judicial Circuit - Responses from Law Enforcement

	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	3.00
Effective in Preventing Re-Offense	0	0.0%	3.00
Referring is Simple and Easy	0	0.0%	3.00
Staff is Effective in Coordinating	0	0.0%	3.00
Communication is Satisfactory	0	0.0%	4.00
I Participate in Hearings	1	100.0%	
My Presence has an Impact	1	100.0%	
Arbitrators are Effective	0	0.0%	3.00
Assign Appropriate Sanctions	0	0.0%	3.00
Youth Improve Behavior	0	0.0%	4.00
Support Expansion	0	0.0%	4.00

3rd Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

4th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

5th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

6th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

7th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

8th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

9th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

10th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

11th Judicial Circuit - Responses from Law Enforcement

	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	4	17.4%	3.53
Effective in Preventing Re-Offense	6	26.1%	3.24
Referring is Simple and Easy	0	0.0%	3.26
Staff is Effective in Coordinating	0	0.0%	3.57
Communication is Satisfactory	0	0.0%	3.48
I Participate in Hearings	5	21.7%	3.28
My Presence has an Impact	8	34.8%	3.40
Arbitrators are Effective	1	4.3%	3.18
Assign Appropriate Sanctions	1	4.3%	3.23
Youth Improve Behavior	5	21.7%	2.89
Support Expansion	3	13.0%	3.40

12th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

13th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

14th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

15th Judicial Circuit - Responses from Law Enforcement

There were no law enforcement surveys received for this circuit.

16th Judicial Circuit - Responses from Law Enforcement

	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	3	8.1%	3.00
Effective in Preventing Re-Offense	6	16.2%	2.29
Referring is Simple and Easy	3	8.1%	3.00
Staff is Effective in Coordinating	6	16.2%	3.14
Communication is Satisfactory	1	2.7%	2.54
I Participate in Hearings	1	2.7%	1.92
My Presence has an Impact	7	18.9%	2.33
Arbitrators are Effective	9	24.3%	3.00
Assign Appropriate Sanctions	7	18.9%	2.67
Youth Improve Behavior	6	16.2%	2.57
Support Expansion	7	18.9%	3.17

Additional Comments from Law Enforcement Surveys

Continue funding.

I feel the program works just fine, I have yet to see any of the juveniles repeat the program or have gone on to juvenile facilities. I also enjoy working with the Arbitrators and believe they and Law Enforcement are an integral part of the Program.

I have been involved with Lexington County Arbitration and Lexington County Solicitor's office for approx 12 years, in all that time every person I have come in contact with have been very helpful, professional and go above and beyond their duties.

Keep up the good work. Thanks fo all your help.

I believe the judicial system needs to place a stronger emphasis on intervention and prevention. Also, it needs to establish partnerships with more faith-based groups to help alleviate the problems facing our teens.

officers need to be informed about the disposition of their case(s) in a timely matter.

It is a very good program for youth that have made a mistake or poor choice due to peer pressure. It gives them a small taste of the the criminal justice system and what it's like.

I agree Juvenile Arbitration is a good programs and works in most cases, but I feel we should have harsher penalties other than Arbitration for certain offenses.

**APPENDIX SEVEN:
ARBITRATOR SURVEYS BY CIRCUIT**

1st Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

2nd Judicial Circuit - Responses from Arbitrators

	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	3.71
Effective in Preventing Re-Offense	0	0.0%	3.59
Training Prepared Me	1	5.9%	3.38
Staff is Effective in Coordinating	3	17.6%	3.82
Communication is Satisfactory	0	0.0%	3.76
Sufficient Service Sites	0	0.0%	2.38
Victims Attend Hearings	1	5.9%	2.25
Receive Adequate Support	1	5.9%	3.76
Plan to Continue	0	0.0%	3.73
Support Expansion	2	11.8%	3.82

2nd Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

3rd Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

4th Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

5th Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

6th Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

7th Judicial Circuit - Responses from Arbitrators

There were no Arbitrator surveys received for this circuit.

8th Judicial Circuit - Responses from Arbitrators

	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	3.33
Effective in Preventing Re-Offense	0	0.0%	3.17
Training Prepared Me	0	0.0%	3.67
Staff is Effective in Coordinating	0	0.0%	4.00
Communication is Satisfactory	0	0.0%	3.67
Sufficient Service Sites	1	16.7%	2.80

Victims Attend Hearings	1	16.7%	2.60
Receive Adequate Support	1	16.7%	4.00
Plan to Continue	0	0.0%	3.67
Support Expansion	0	0.0%	3.80

9th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	1	3.6%	3.78
Effective in Preventing Re-Offense	4	14.3%	3.71
Training Prepared Me	0	0.0%	3.57
Staff is Effective in Coordinating	1	3.6%	3.96
Communication is Satisfactory	0	0.0%	3.86
Sufficient Service Sites	2	7.1%	3.29
Victims Attend Hearings	4	14.3%	1.81
Receive Adequate Support	1	3.6%	3.89
Plan to Continue	0	0.0%	3.81
Support Expansion	1	3.6%	3.96

10th Judicial Circuit - Responses from Arbitrators
There were no Arbitrator surveys received for this circuit.

11th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	1	2.9%	3.88
Effective in Preventing Re-Offense	2	5.9%	3.75
Training Prepared Me	0	0.0%	3.53
Staff is Effective in Coordinating	5	14.7%	3.85
Communication is Satisfactory	1	2.9%	3.74
Sufficient Service Sites	0	0.0%	3.10
Victims Attend Hearings	5	14.7%	2.28
Receive Adequate Support	2	5.9%	3.85
Plan to Continue	1	2.9%	3.86
Support Expansion	6	17.6%	3.88

12th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	3.64
Effective in Preventing Re-Offense	0	0.0%	3.45
Training Prepared Me	0	0.0%	3.73
Staff is Effective in Coordinating	1	9.1%	3.91
Communication is Satisfactory	0	0.0%	3.82
Sufficient Service Sites	0	0.0%	2.80

Victims Attend Hearings	1	9.1%	2.09
Receive Adequate Support	0	0.0%	3.91
Plan to Continue	0	0.0%	3.73
Support Expansion	0	0.0%	3.73

13th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	4.00
Effective in Preventing Re-Offense	0	0.0%	3.50
Training Prepared Me	0	0.0%	3.50
Staff is Effective in Coordinating	0	0.0%	4.00
Communication is Satisfactory	0	0.0%	4.00
Sufficient Service Sites	0	0.0%	3.00
Victims Attend Hearings	0	0.0%	1.00
Receive Adequate Support	0	0.0%	4.00
Plan to Continue	0	0.0%	4.00
Support Expansion	1	50.0%	3.50
14th Judicial Circuit - Responses from Arbitrators			
There were no Arbitrator surveys received for this circuit.			

15th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	1	20.0%	3.50
Effective in Preventing Re-Offense	1	20.0%	3.25
Training Prepared Me	0	0.0%	3.40
Staff is Effective in Coordinating	2	40.0%	3.60
Communication is Satisfactory	0	0.0%	3.80
Sufficient Service Sites	1	20.0%	2.75
Victims Attend Hearings	1	20.0%	3.25
Receive Adequate Support	1	20.0%	4.00
Plan to Continue	0	0.0%	3.80
Support Expansion	0	0.0%	3.75

16th Judicial Circuit - Responses from Arbitrators			
	# No Opinion	% No Opinion	Average Response
Effective in Diverting Juveniles	0	0.0%	3.80
Effective in Preventing Re-Offense	0	0.0%	3.80
Training Prepared Me	0	0.0%	3.60
Staff is Effective in Coordinating	0	0.0%	4.00
Communication is Satisfactory	0	0.0%	4.00
Sufficient Service Sites	0	0.0%	2.00

Victims Attend Hearings	1	20.0%	3.00
Receive Adequate Support	0	0.0%	4.00
Plan to Continue	0	0.0%	4.00
Support Expansion	0	0.0%	4.00

Additional Comments from Arbitrator Surveys

A +PR campaign with evidence based data that proves the effectiveness and efficiency of the program in order to sustain the program for the children in the community and for generations to come.

A grant for small pay as this is very time consuming, wonderful program but it seems like case management. Would like participate more but time and health have not allowed.

After teaching at a juvenile prison, I believe that the Arbitration Program in Lexington County should be modeled for first time, non-violent offenders elsewhere. Prison is a place for some, but not all juvenile offenders. Opportunity to hold accountable.

An expansion of the arbitration program is a must. I have visited other locales and they are very much in favor of the program.

Arbitration is a great program and I am so glad that I am able to be a part of it. The youth today need all the help, guidance and positive support they can get!
Awesome program awesome people

Communication between arbitrator and office is superb; satisfactory is not fair enough assessment.

Districts should use arbitration for crimes outside of school, as in the ninth district.

During my 15 years as an arbitrator I have become more aware of the problems in our area. I am pleased to be a part of a program that helps the juvenile and the victim. I especially appreciate having made a positive affect on any juvenile.

Find a way to divert more juveniles to arbitration. Review what sanctions are being imposed for those juveniles who go to court and are found guilty to determine if they are more stringent than those in arbitration.

Haven't heard recidivism statistics recently about Charleston County juveniles. So, I rated 1 & 2 as 'Not sure'.

how well do the arbitration program follow up with these children that went through the program? What kind of programs did you find work best? What demographic of children seem to benefit mostly from the program and what age group?

I am concerned that many of the juveniles in arbitration would do well without the intervention. Many of the juveniles I've seen are in the system because of zero tolerance policies and are at a decreased likelihood of reoffending without arbitration.

I believe all the staff and management is doing an excellent job of communicating and support.

I believe this is an excellent program and helped to decompress the court system for minor cases. Also is effective in reaching first offenders.

I believe this is one of the best outreach programs available to reach troubled youth and that it has such a huge impact on the child that it should be expanded, endorsed, and financially supported by both county and state governments.

I enjoy the program. On my last job I worked with Juveniles and Adults preparing their files for court, and for Initial Appearances. I saw a lot of juveniles go from family court into adult court, I loved what I did and enjoyed working with the juveniles.

I feel that multiple contacts with offenders would be very useful. Meeting with a juvenile only once to me doesn't seem efficient. The juvenile walks out of the meeting and you the arbitrator hope that what you have said in 60 minutes is enough.

I have been an active arbitrator with the 9th circuit for over 11 years. Have heard close to 550 cases and wouldn't continue to volunteer if I didn't think it was making a difference. I know for a fact Arbitration is effective in the 9th circuit.

I have enjoyed participating in the program and plan to continue. I would like to see more diversion opportunities as a whole for the justice system, but feel Arbitration is a wonderful opportunity for the juveniles, their families, and the community.

I highly recommend the Arbitration Program to every county in the United States.

I LOVE BEING A VOLUNTEER ARBITRATOR!!!

I love the program and really feels like the program is very beneficial.

I think it is a good program that gives kids the opportunity to look at their actions and identify the effect it has on them, their families and their communities.

I think it is a very good program. I hope to get law enforcement more involved, and therefore, more amicable to the arbitration process.

I think the arbitration program should be in ALL geographic areas of SC and was very upset when I learned that it was not. It's very unfortunate that not all youngsters have the same opportunity for a second chance!

I think the arbitrators should be compensated. For each youth, we put in several hours of time (from the start of the process to end). We use our money for gas getting to hearings and other functions/continuing Ed. SC courts saves millions because of us.

I would like to have some regular updates concerning the total number of cases in my circuit and state wide, successful cases, unsuccessful cases, and special interest stories to help us improve our skills.

I would like to see a email address setup solely to receive the written sanctions. It would reduce paper waste and postage costs. Digital data is so easy to manage, it could really be a huge time saver; for both your office and the juveniles & Families.

In LC(11th Circuit) K Barton does an outstanding job w/training arbitrators for the task at hand. She bends over backwards to assist & answer all questions in a timely manner of her arbitrators. The 11th Cir. is fortunate to have such a dedicated person.

It would look more professional if the arbitrators had shirts with an official insignia or emblem on it.

Katherine Barton is an excellent director of our Arbitration Program under Donnie Myers in Lexington.

Many of the offenses which occur in the school systems should be handled by the school administration and RSO. Their reaction to dump the kid into the DJJ system is not the answer. The use of conflict resolution & arbitration would be better.

More recognition and assistance for the Director and paid staff

need more family counseling and support for offender

Of all the diversion programs out there, Arbitration has to be the single most effective. We have a chance to catch kids at a crucial moment, their first offense. We can show them the Criminal Justice System, and keep many of them from entering it...

One of the most personally rewarding volunteer services I have been involved in.

Please do NOT take this program away.

Police Departments should have a greater interest in the program

Public information about the program is slight. Most people that I tell about the program are both impressed with it as I describe it but know nothing about its existence.

I would like to see a better system of follow-up during the 90 day period. Checking on the kids by phone is ineffective as it is almost impossible to get to talk to the offender and difficult to talk to the parents by phone. Suggest a 45 day meet

The arbitration office has some of the most supportive and organized staff I have ever worked had the pleasure of working with, and I hope they can keep up the great work!

The Arbitration office is very organized with a packet of prepared materials for each hearing and provides training and updates. The office staff is supportive.

The arbitration program is an outstanding program that saves the State money by preventing Juveniles from going into the DJJ System. I feel that arbitrators should be compensated with Tax Credits after a certain number of hours worked during a year.

The first item on my wish list is a source/sanction for psychological counseling. Many young adults have anger management issues and there is little to no help available.

The Juvenile Arbitration program is very impactful. Most kids make mistakes and should be given the opportunity to repay society for that mistake, but not have a criminal record that could taint their future.

There are many schools that over use JA and are too quick to "prosecute". education for the educators would be helpful.

There is a need for more community service sites that are available during the "off school" hours, especially Saturdays.

There needs to be local shoplifting sanction sites. Ones that do not cost and are within reach of families with transportation difficulties. There needs to be more mentoring type sanction possibilities.*

This is a great program that helps the juveniles, the community, and gives volunteers a chance to make a positive contribution there also.

This is a great program. I know for a fact that it has changed the lives of many young people and their families. In a small community like Lexington, you wind up seeing the longer term effect the program has on juveniles' lives (and their families).

This is a program that should be all over the state of SC. It has proven over and over to work!

This is an important program and it should receive full funding from the state .

This program is awesome! It gives these juveniles another chance to make better decisions/choices in our society and most kids are in need of a chance in their lives to realize the bad from good when they aren't taught these values in the home.

This program is so essential and effective I don't know why it isn't legislated for every Solicitor's Office in the state. And funded at a higher level. Our office's director and staff go way beyond requirements in the hours they work & commitment.

Very pleased with the program, my way of giving back to the community trying to get our young people to wake up

Wonderful program!!!