PENNSYLVANIA PROGRESS
A Juvenile Justice Research, Policy and Practice Series

Doing Something About DMC

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It's a school day in May, but more than a hundred high-spirited young people are gathered in a hotel ballroom in downtown Reading, and Dan Elby has to raise his voice to be heard above the buzzing that comes naturally to kids on a field trip. He is a soft-spoken man, generally given to quiet understatement. But as the Chairman of the Disproportionate Minority Contact (DMC) Subcommittee of the Juvenile Justice and Delinquency Prevention Committee, which is sponsoring this Minority Youth-Law Enforcement Forum, it's up to him to explain what it's all about. On the stage behind him, and seated here and there at tables around the ballroom, there are uniformed officers from the Reading Police Department, Reading School District security personnel, Berks County juvenile probation officers, and troopers from a State Police barracks nearby. Elby is talking to them, too. Alluding to "the historic tension between police and minority youth," he comes quickly to the point of today's gathering: "We wanted to get the two groups together—to help young people understand that law enforcement has a job to do. And to help law enforcement officers see kids in a different light. Once you start to talk to each other, you see that there's more common ground than differences."

Pennsylvania has emerged as a leader in the national effort to understand and address minority overrepresentation in the juvenile justice system

Judging by the sessions that follow during the day, finding that common ground may be easiest with the younger kids. Like the group of 6th graders who trooped here in their school uniforms from St. Peter's, a Catholic elementary school in a mostly Hispanic neighborhood just a few blocks from the hotel. They seem riveted by the instructional video being shown by Reading Police Officer Tim Moore in one of the conference rooms, on the do's and don'ts of youth-police interactions. At this point, they are still too young to find themselves in the kinds of situations being dramatized—unsupervised teen parties, traffic stops and so on—but they think hard when Officer Moore asks them, "What did these kids do right, and what did they do wrong? What would you do?" They raise their hands and ask cautious, little-kid questions. If a baby took things off the shelf in a grocery store—would that be shoplifting? What if someone wore gang colors by accident? They nod when Officer Moore says, "It's a crazy world. Laws help keep things in order—so people we love stay safe." That makes sense.

In another conference room, Sergeant Felix Mateo, also of the Reading Police Department, is presenting on "Police and Relationships" to a somewhat older, more skeptical group. At one point, when he asks his audience to tell him what police

do, he gets various answers. "Kill people," somebody says.

After a silence, Mateo says, "It can happen. Does it happen often?" Nobody answers.

But Mateo seems unfazed. He grew up in the projects here, he says. "When I was a kid, I had the same type of complaints. A lot of it was because I didn't understand what police do."

That's what he's here to explain. Most of what police do, it turns out, involves listening, learning, collaborating, communicating. "The qualities of a good police officer," he says, "are common sense, patience, and communications skills."

And in a place like Reading, he adds, that ought to include Spanish skills. "We have a large Hispanic population," he says simply. "We have to be able to talk."

The talking—and listening—go on all morning, and into the afternoon. There's a mock trial. There's lunch. In the main ballroom, a mostly middle-aged, white law enforcement panel takes questions and complaints from an audience of mostly black and Hispanic high school students. (One of the questions is: Do I look criminal?) The officers talk about their own frustrations, too, and the things they don't understand. ("Some days I go home," one of them says, "I feel like it was a lousy day, I'm stressed out…I wish I did something different.") It's awkward. But it probably helps.

Forums like this one have been held in Philadelphia, Pittsburgh, Harrisburg and Lancaster County as well as Reading over the last five years. The DMC Subcommittee is not only working on ways to improve and expand them, it's helping to produce a Forum Toolkit that will enable other communities to stimulate their own minority youth-law enforcement dialogues. It's because of creative DMC-reduction strategies like these that Pennsylvania is increasingly being recognized as a leader in the national effort to understand and address minority overrepresentation in the juvenile justice system. This issue of *Pennsylvania Progress* will describe the work now under way all across the state, and give a sense of what still needs be done to realize Pennsylvania's vision of a truly "fair and unbiased" juvenile justice system.

The Work of the DMC Subcommittee

DMC is a convenient handle for an unwieldy, persistent, and pervasive problem. Back in the 1980s, when Congress was first prompted to pass legislation requiring that states address racial and ethnic overrepresentation in juvenile detention and corrections facilities, there was already a large body of consistent research that established the existence of these disparities in state and local jurisdictions across the county. The federal response—the "DMC mandate" of the Juvenile Justice and Delinquency Prevention Act—has developed and broadened over time, but essentially it calls for each state to study its own racial and ethnic disparities, and then to act on whatever it learns: to determine the extent to which its minority juveniles are disproportionately arrested, detained, referred to court, prosecuted, adjudicated, disposed to probation or commitment facilities, or transferred to adult court; assess the reasons for any disproportionality uncovered, at any stage; intervene to reduce it; and evaluate and monitor the effects of the chosen interventions.

Pennsylvania first began targeting funding at DMC in 1987, and formally established a DMC Subcommittee to coordinate the state's DMC efforts in 1990. Dan Elby, whose day job is directing Alternative Rehabilitation Communities, Inc., a Harrisburg-based private provider of services to court-involved youth, was chosen to be the first Chairman of the Subcommittee, and has been leading it ever since. Throughout his tenure, Elby has committed the DMC Subcommittee to monitoring DMC at the local level, encouraging improvements in data collection practices that contribute to our understanding of DMC, identifying and promoting new approaches to addressing DMC, and sponsoring symposia and other events designed to spread awareness of the problem and its potential solutions.

"It didn't take a rocket scientist to see that there was a problem," Elby recalls of the early days of the DMC Subcommittee. "You could go to any detention center and see the overrepresentation of youth of color." Still, Elby did not want his group to proceed without a scientific understanding of the problem. "Back then we thought it would be a good thing to have some formal research and [practical] interventions."

Accordingly, the DMC Subcommittee began by commissioning, through the Center for Juvenile Justice Training and Research, one of the pioneering studies of DMC: *The Role of Race in Juvenile Justice Processing in Pennsylvania*. The study, which was overseen by University of Missouri criminologist Kimberly Kempf and published in 1992, examined files on 1,797 cases processed in 1989 in 14 Pennsylvania counties, and compared outcomes by race at the intake,

petitioning, detention, adjudication, and residential placement decision points. It found racial disparities at every stage except adjudication, and particularly marked disparities early in the process, at the detention and diversion stages.

It was only a first step, but it proved to be characteristic of Elby's approach. The DMC Subcommittee soon established a close working relationship with the National Center for Juvenile Justice (NCJJ), which began providing data support and analysis to the group in the early 1990s, and continues to brief them regularly regarding statistical trends in DMC, so that they can plan their strategies accordingly. "Everything we do is data-driven," Elby says.

But the DMC Subcommittee wanted to find ways to start tackling DMC as well as quantifying it. "We didn't have a lot of money," Elby remembers, "so we worked with already-existing community-based agencies that had a track record of working with youth of color in their communities….We gave them seed money to focus some energies on these at-risk kids. We did that as a means to do prevention and intervention while we were doing research."

In the late 1990s, the DMC Subcommittee began convening annual "Promising Approaches" conferences, in an effort to build upon and spread what courts and community groups were learning about DMC and practical strategies to reduce it. It was this kind of ground-level work, Elby says, and the resulting exposure to the views of actual young people in the system, that yielded the idea of minority youth-law enforcement forums. "We were asking kids, 'What is your interaction with law enforcement?'" Elby is himself of African descent, and remembers his own difficult encounters with white Harrisburg police in the 1960s, but even he was surprised by what he heard. "Most kids said they would run [from police], whether they did anything wrong or not….Many of these young people had never had any kind of relationship with police—any opportunity to talk with law enforcement. They are just people you stay away from."

But "staying away" wasn't working, Elby knew. Police are "the first contact with the criminal justice system," he points out. And it's at that initial contact point, where arrest decisions are made—often amid confusion, stress, mutual fear, mutual misunderstanding—that DMC begins. "If there's any way to have a dialogue—have them actually talk together," Elby remembers thinking.

The first forum was held in Philadelphia in 2003. As Elby describes it, the original idea was simply to stage "a dialogue in a controlled environment." To give both sides a chance to vent, but also to learn. "It went well," Elby recalls, "but was somewhat explosive. The young kids were pretty raw, they'd had some bad experiences with law enforcement." Still, Elby thought it was worth doing. "We knew the young people would be hostile to police. But it was something we thought was very important and needed to happen. We didn't want to control what they said but we wanted them to say it in a respectful manner."

Since then, forum events have become a lot more structured, according to Elby—and somewhat less volatile. Using techniques like moderated question-and-answer sessions with law enforcement panels, video-aided instruction, and mock court exercises, the events serve to facilitate "sharing of information, sharing of thoughts, sharing of experiences," Elby says. And they've begun to involve kids at younger ages. "We've been focusing lately on middle school kids," Elby says. "We've found more openness to dialogue there….If we can get to them earlier, we can have more impact on how they interact with police."

The DMC Subcommittee has employed formal pre- and post-tests to measure changes in youth participants' attitudes and opinions regarding law enforcement, Elby says, and the results have been encouraging. "In most cases, the young people are leaving with a different view. Not 'he's my best buddy,' but more of an understanding of the role of law enforcement."

"But there's still work to be done," he adds.

Berks County: The Leading Edge

Reading, and Berks County generally, are good places to see that work. In fact, when it comes to practical DMC reduction efforts, Berks is probably among the most active and creative sites in the country right now. The minority youth-law enforcement dialogues that have been held in Reading are just a small part of it. Berks is also a MacArthur Foundation-supported DMC demonstration site in the Models for Change juvenile justice system reform initiative, and an active participant in the DMC Action Network that has grown out of Models for Change. (See sidebar, "Models for Change and the DMC Action Network.") With the blessing and aggressive leadership of former-President Judge, now-Senior Judge Arthur Grim, current President Judge

Scott Lash, and Chief Juvenile Probation Officer Bob Williams, the Berks County Juvenile Court has been working with national experts to better understand and address disparities in the processing of the county's minority youth, collaborating with community members, agencies and institutions to devise more effective responses to these youth, and sharing its successes and strategies with a network of courts and communities in Pennsylvania and seven other states.

Most of the DMC work in Berks has focused on the county's large and growing population of Hispanic youth. The proportion of Berks County residents who are of Hispanic origin has more than doubled since 1990—from less than 6% to almost 13%—and among those under 18 the Hispanic proportion is now more than 20%. After Lehigh, Berks is the state's most Hispanic county.

Although they are out in front of the Pennsylvania curve, the rapid Hispanic growth in places like Berks and Lehigh reflects larger national trends. "In the very near future," Elby points out, "they'll be our largest minority group." Yet for the most part, Pennsylvania's juvenile courts and probation departments are still reacting to this demographic reality. In too many counties, language and cultural barriers continue to prevent full and fair participation in juvenile court case processing on the part of Hispanic youth and their families. Forms and notices are not always translated. Interpreters are not always available. Bilingual staff are a rarity. Diversion programs are not designed or located with Hispanic youth in mind, and treatment and other service providers are not equipped to succeed with them.

All of which helps explain the fact that Hispanic youth are significantly overrepresented in Pennsylvania's juvenile justice system. Disparities show up at most of the usual processing points, but especially at the front end—they are arrested at twice the rate of white youth, and securely detained at more than twice the rate. They are also referred to juvenile court more often, formally adjudicated more often, and ordered into secure residential placement more often. And it's not even clear whether these data reflect the full extent of Hispanic involvement in the juvenile justice system—since this demographic group is a "hidden minority" that has historically been significantly undercounted.

Pennsylvania is taking steps to improve its capacity to serve the needs of Hispanic youth—beginning with fundamental changes in the way demographic information is collected and coded for juvenile justice purposes. (See sidebar, "Collecting Accurate Data on the Race and Ethnicity of Pennsylvania Youth.") A Latino Youth Needs Assessment has been commissioned by the Pennsylvania Commission on Crime and Delinquency as well, and

MODELS FOR CHANGE AND THE DMC ACTION NETWORK

In 2005, Pennsylvania was the first state selected by the John D. and Catherine T. MacArthur Foundation to participate in its Models for Change initiative, which seeks to accelerate progress toward a more rational, fair, effective and developmentally sound approach to juvenile justice. While the goal of Models for Change is to stimulate nationwide juvenile justice reform, its method is to support change through targeted investments in four key states—Pennsylvania, Illinois, Louisiana, and Washington—creating successful models of system reform that can be studied and emulated elsewhere. Other reform efforts supported by Models for Change in Pennsylvania—and documented in previous issues of *Pennsylvania Progress*—have focused on better coordination of the mental health and juvenile justice systems (see "Addressing the Behavioral Health Needs of Court-Involved Youth," August 2008) and the improvement of the system of aftercare services and supports for youth returning to their communities from residential placement facilities (see "Aftercare Reality and Reform," January 2007).

One of the primary values animating the Models for Change initiative is fundamental fairness—the principle that all juvenile justice system participants have a right to fair and unbiased treatment, without regard to their race or ethnicity. All the states participating in Models for Change are taking steps to reduce racial and ethnic disparities in their juvenile justice systems. In Pennsylvania, these steps include both local DMC demonstration projects in Allegheny, Philadelphia and Berks Counties and statewide efforts to improve the accuracy and utility of race and ethnicity data.

In addition to supporting DMC demonstration efforts in the four core states, Models for Change also launched a DMC Action Network in 2007. The DMC Action Network brings together local leaders and practitioners from across the country and gives them an opportunity to hear from national experts about effective DMC reduction strategies, share their own knowledge of what works in this area, and use what they learn to improve practice back home. The idea is to create a forum that will support peer-to-peer learning and collaboration, spread innovative practice, and cultivate a new generation of leaders. A total of eight states are represented in the DMC Action Network, and teams from Allegheny, Philadelphia and Berks Counties have been active participants. The DMC Action Network is coordinated by the Center for Children's Law and Policy. More detailed information is available at http://www.modelsforchange.net.

is now under way in seven counties with large Hispanic populations. (See sidebar, "The Latino Youth Needs Assessment.")

Models for Change

But nobody had to tell Berks County's juvenile justice leadership that basic changes were needed to accommodate the county's changing demographics. When the Models for Change initiative was launched in Pennsylvania in 2005, Berks eagerly sought the opportunity to become a pilot site in DMC reduction, along with Philadelphia and Allegheny County. Initially, that meant forming a steering committee of court, community and government leaders, and going to work on issue identification with national training and technical assistance providers specializing in DMC reduction—including the Center for Children's Law and Policy and the National Council of La Raza, both based in Washington, D.C. After a round of court observations, facility tours, file reviews, interviews with system actors and focus group meetings with local juveniles and their families, the national consulting groups recommended that Berks focus its DMC reduction efforts in four areas:

- Language capability and cultural diversity
- Detention screening and alternatives
- Recruitment of nontraditional service providers
- Education and workforce development

These became the four primary focus areas of the Models for Change Racial and Ethnic Disparities Reduction Project in Berks County. Chipping away at the language and cultural barriers came first, because the need was clearest. Court document forms were translated into Spanish. In-court translators were added. Courthouse staff—including every one of the county's juvenile probation officers—received cultural competency training. And plans were made to ramp up the Spanish-language capacity of juvenile probation staff, using instructional software and routine testing. Chief Probation Officer Bob Williams is candid about his insistence that all his probation officers have conversational Spanish abilities down the road—not as an extra, but as part of the job.

COLLECTING ACCURATE DATA ON THE RACE AND ETHNICITY OF PENNSYLVANIA YOUTH

In 2006, the Pennsylvania Juvenile Court Judges' Commission asked NCJJ and the Center for Children's Law and Policy to develop coding instructions and guidelines for the accurate collection and recording of racial and ethnic data on Pennsylvania youth in the juvenile justice system, consistent with recent changes in federal policy designed to "enable the capture of information about the increasing diversity of our Nation's population while at the same time respecting each individual's dignity."[1] In a broad sense, what was needed was a practical way to give each juvenile the freedom to assert a racial and ethnic identity, while still generating coherent and useful demographic data. More specifically, the approach had to ensure that juveniles of Hispanic ethnicity would no longer be "lost" statistically, as a result of data collection procedures that have historically tended to divide most youth into "white" and "black" racial categories regardless of their ethnic origins.

The brief booklet that resulted has the whopping title *Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles in Conjunction with Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges' Commission*. Developed and printed with the support of the Models for Change initiative, and distributed to every county juvenile probation office in Pennsylvania, the Guidelines lay out protocols and exact wording to be used in collecting, coding and submitting demographic data on youth processing to the Juvenile Court Judges' Commission. As a result of their widespread adoption, Pennsylvania's demographic data are now more accurate and complete than ever, giving state and local leaders the information they need to understand where disparities occur and target their responses accordingly.

Source: Torbet, P., Hurst, H., and Soler, M. (October 2006). *Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles in Conjunction with Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges' Commission*. Pittsburgh, PA: National Center for Juvenile Justice.

[1] Notice, Office of Management and Budget Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, Federal Register Vol. 62, No. 210, Thursday, October 30, 1997.

Detention and Alternatives

Because the data showed that Hispanic and other minority youth in Berks County were significantly more likely to end up in secure detention—which in turn has long been recognized as a kind of gateway to deeper system penetration—the county committed itself in 2006 to a more structured and objective approach to detention decision-making, as well as an expanded array of detention alternatives. With Models for Change support, it developed a detention

risk assessment tool modeled on instruments that had been validated and successfully used in other jurisdictions, and began testing it on Berks County youth in 2007. A study of data gathered over the first eight months that the instrument was in use revealed, among other things, that Berks detention rates continued to be high for all racial and ethnic groups, in part because of mandatory detention policies for certain kinds of nonviolent offenses and probation violations. While the screening instrument itself was being applied equally to all youth, the inflexibility of certain "mandatory hold" policies, and the absence of alternative ways to sanction probation violations, had resulted in high detention rates that affected minorities disproportionately, because they made up a higher proportion of referrals.

This suggested a need to explore flexible alternatives to detention that would be capable of (1) ensuring community safety and hearing attendance without the need for incarceration of pre-adjudicated youth and (2) serving as a meaningful intermediate sanction for probation violators. Models for Change made it possible for a team from Berks to tour evening reporting centers that have been fulfilling those kinds of roles in Chicago, Pittsburgh, and Baltimore. On the basis of the detention data analysis and what was learned on these site visits, Berks invited proposals from community-based providers to operate a similar center in Reading. As a result, this fall, Children's Home of Reading is opening an evening reporting center capable of accommodating 12-15 youth who would otherwise have been detained for probation violations and similar infractions. The center will be providing educational needs assessment and skill development services as well as structure and monitoring.

THE LATINO YOUTH NEEDS ASSESSMENT

In 2007, the Pennsylvania Commission on Crime and Delinquency (PCCD) awarded funding to the Public Health Management Corporation (PHMC), a Philadelphia-based public health nonprofit, to conduct a wide-ranging assessment of the special needs of Pennsylvania's Hispanic youth and the services currently available to them and their families. PHMC, under the oversight of the DMC Subcommittee, is now conducting a series of focus group interviews with juveniles and their families in the seven Pennsylvania counties that report the highest percentages of juvenile dispositions involving Hispanic youth:

- Adams
- Berks
- Dauphin
- Lancaster
- Lehigh
- Philadelphia
- York

The purpose of the interviews is to explore the special needs of Hispanic youth in such areas as translation, orientation, treatment, services, education, housing, employment etc., and to determine what Spanish-language and culturally competent resources and services are currently available to them from probation departments, detention centers, and community-based social service and other organizations. A report is expected to be presented to the DMC Subcommittee and the participating counties by the spring of 2009.

Mapping Resources, Connecting with Jobs

Berks has also taken a number of steps to expand and fill gaps in the array of service providers available to local youth—including nontraditional providers, like churches, that are already embedded in minority communities. A survey was made of churches and other local institutions that offer community service, mentoring and other opportunities to youth in Reading, and the results were used to create a general map of community resources. A separate zip-code analysis of law enforcement and court data made it possible to determine where most court-involved youth live—and where they get arrested—and to plot these points geographically as well. By combining the two maps, Berks was able to see where service opportunities need to be tapped, where connections need to be made, and where service gaps need to be filled.

Because focus groups and other interviews conducted for the Racial and Ethnic Disparities Reduction Project indicated that minority youth in Berks needed access to more job readiness and job training opportunities, the county decided to seek a Youth Build grant from the U.S. Department of Labor to fund a jobs program. The proposed program, which has been provisionally funded, will acquire old homes in the area and give young people the chance to work on repairing and rehabilitating them—thereby improving their communities, picking up transferable employment and job-readiness skills, making valuable connections with adults who can serve them as role models and advisors, and positioning themselves for jobs in private industry.

And there is much more on the drawing board. In the works or being planned are the development of cultural competency standards for providers serving Berks County youth;

a possible expansion of non-secure shelter beds to further reduce the county's reliance on detention, along with additions to the array of rewards and sanctions available to help minority youth succeed on probation; and improvements in the way minority youth returning to the community from placement facilities are reintegrated into the educational mainstream. Between its ongoing cooperation with the work of the DMC Subcommittee, its participation in the Latino Youth Needs Assessment, its Models for Change-supported demonstration site activities, and its membership in the DMC Action Network, Berks County is focusing its energies—to a degree that would be hard to match anywhere in the country—on doing something about DMC.

Other Pennsylvania Projects

DMC efforts worth noting are also under way in the other two Models for Change DMC pilot sites, Philadelphia and Allegheny County. In Philadelphia, a coalition of prosecutors, defenders, law enforcement and Philadelphia Family Court representatives is developing a cultural competency curriculum to be incorporated into cadet training for all new Philadelphia police. The curriculum, which features tools and methods designed to teach law enforcers how to communicate and interact effectively with minority youth, will be used for training new recruits to the school, housing and transit police as well as the Philadelphia Police Department, and will be made available to police forces elsewhere as soon as it has been tried and tested.

Philadelphia is also launching a "graduated sanctions court" experiment, in which a single designated judge will handle all cases involving alleged violations of probation. The idea is to work with one judge who is committed to the concept of minimizing the unnecessary use of detention for youth on probation, to demonstrate that it's possible to hold them accountable through a flexible array of alternative sanctions, without any sacrifice of public safety, and at much lower cost. The hope is that, if it works—and saves money—the approach will spread throughout the court, and minority youth will benefit.

In Allegheny County, the primary DMC effort has involved research designed to shed light on minority experiences with the residential parts of the juvenile justice system. With Models for Change support, the Allegheny County Juvenile Court has commissioned two NCJJ research studies. One is a validation analysis of a new detention risk assessment instrument, modeled on the Berks County tool, which is being used to support detention decision-making in Allegheny County. Besides determining the overall appropriateness of the instrument for Allegheny County youth, the research will help the court better understand the instrument's impact on disproportionate minority detention rates.

The other study will profile the characteristics of Allegheny County's "failure to adjust" (FTA) cases—that is, those predominantly minority youth who are ejected from juvenile commitment programs and must be held in the county's detention center pending further placement. The goal of the study is to explore the factors that lead to FTAs and the consequences that follow from them, determine whether FTA youth have special needs that are not being met, and help the court devise ways to better match juveniles with placement programs so as to minimize FTAs. Both studies are now under way, and are expected to be completed by early in 2009.

The Next Step

Of course, this is not all. There is promising DMC work going on in lots of other places in Pennsylvania. And as Dan Elby will tell you, that's the way it has to be. DMC leadership can be exercised at the national and state levels, DMC strategies can be shared across jurisdictions, but DMC solutions need to be local. Because of the way history, conditions and needs vary from one place to the next, and because of the sensitivity of the issues involved, addressing DMC is impossible without local knowledge and determined local will.

"We want to focus on developing local leadership," Elby says, "working from the ground-up in each community. Instead of having somebody from outside saying, 'You've got a problem.'"

A broad network of local DMC leaders, coordinated and supported by the state DMC Subcommittee, but focused on improving their own communities. That sounds like the next step in Pennsylvania.

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PENNSYLVANIA PROGRESS is a publication of the National Center for Juvenile Justice–the research division of the National Council of Juvenile and Family Court Judges.

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Production Editor: Kristy Connors
Date of Publication: November 2008

NCJJ

Suggested Citation: Griffin, P. (2008). "Doing Something about DMC." *Pennsylvania Progress*. Pittsburgh, PA: National Center for Juvenile Justice.

This project was supported by subgrant 2006/2007-J-04-18673 awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD). The awarded funds originate with the Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document are those of the author(s) and do not necessarily represent any official position, policy or view of PCCD, the National Council of Juvenile and Family Court Judges or the U.S. Department of Justice.