

**An Initial Evaluation of The Grade Court Program
In San Juan County, New Mexico**

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I. Introduction

The Farmington Grade Court

The San Juan County Eleventh Judicial District Court in Farmington New Mexico has initiated a court that embraces one of the oldest and most widely held tenets of the juvenile justice system; the relationship of academic failure to delinquency. Adjudicated youth who are failing in school become candidates for this court. Attendance at the Grade Court can be imposed as a condition of release from detention pending sentencing or as a condition of probation. The Court convenes one day per week at 4:00 p.m. and often continues until 9:00 p.m. or later since 40 to 60 students and their parents attend each session. Students individually, with parents if present, approach the bench in descending order based on their work the previous month and the "list" they happen to be on based on their performance. Each youth has to verbally respond to the Judges questioning regarding their behavior and school performance. Depending on performance the student can expect support, praise or castigation from the bench. For those who have failed to properly turn in Grade Court forms a weekend in detention may await, for those who have succeeded, however, the evening promises praise from the bench, the audience, an autographed copy of the book "The Little Engine That Could" and for some, scholarships to San Juan College so that the new habits formed as part of the Grade Court experience can be continued.¹ Twelve of these scholarships have been awarded to date.

The pioneering work of Travis Hirschi (1969) hypothesizes that "academic competence is linked to delinquency by way of success in and attachment to the school".

Hirschi's assertion that attachment to the school is negatively related to delinquency has been widely supported by additional studies over the years (Heinz, 1983; Mathur & Dodder, 1985). In the Heinz (1983) study "Hirschi's control theory of delinquency was found to be the most successful predictor of juvenile delinquency while acknowledging that it still only accounted for 17 to 25 percent of the observed variance". Wiatrowski, Hansell, Massey, and Wilson (1982) found that "controlling for background, ability, school attachment, self-esteem, and educational and occupational aspirations, delinquency in the senior year of high school and one year after graduation were best predicted by sophomore levels of delinquency. These results suggest that school socialization experiences occurring earlier than high school be searched for causes of delinquency among boys." Phillips and Kelly (1979) raise the point that "An extensive literature has developed on the relationship between school failure & adolescent misconduct. Almost all of this literature has assumed that school failure is causally prior to adolescent misconduct, but little systematic attention has been devoted to the critical issue of causal order. If misconduct is causally prior to school failure, most of the recent work of school-delinquency linkage would have to be rejected. Given a workable definition of 'delinquency' or 'misconduct,' the causal order issue can be empirically assessed. Evidence from cross-section & longitudinal studies provides at least tentative support for the proposition that school failure precedes misconduct in the causal process."

¹ For detailed information on the Grade Court process manuals are available for the cost of printing from George DiRe, Chief Probation Officer, Farmington Juvenile Court.

These studies lend support to the Grade Court assertion that school failure at least contributes to delinquency and that court intervention might assist youth with academic success and therefore reduce future offending. These studies also suggest that earlier intervention would be the most successful. In Farmington, New Mexico, Chief District Judge Paul Onuska and Judge Byron Caton have established the Grade Court Program in an attempt to address this very issue. The dilemma that this court experiences in confronting this widely held belief is one of jurisdiction. Failure in school, in and of itself, is not a delinquent act. Truancy, which may contribute to school failure, is a status offense, and in most jurisdictions grounds for referral to the local court for some type of formal action, but not necessarily in and of itself sufficient cause for most courts to require attendance at a court proceeding. Historically the juvenile court has "allowed" the youth to fail in school since school failure, while perhaps a precursor of future offending, is not a delinquent act and not sufficient cause for court intervention. The youth had to be referred for law violations, found to be delinquent, and placed on probation or otherwise come under the control of the court before school success could be assessed and Grade Court intervention initiated. In most instances this delay in intervention also allowed the youth to demonstrate school failure over several years before formal court intervention would occur. This delay in intervention while the youth demonstrated sufficient school failure to warrant formal attention does not address the issue of earlier intervention but it does allow for this intervention, however delayed, to be measured.

The obvious question is one of the propriety of the intervention and its onset. Formal intervention by the court in an attempt to intervene before the failure is so pronounced that any interventions, regardless of quality, are doomed to failure, is what we are assessing.

The Grade Court is not intervening solely on the grounds of academic failure. It identifies youth referred to the court for either law or technical violations, and if school problems are evident may also refer them to the Grade Court. If the Grade Court can demonstrate, as a result of this evaluation, that court intervention positively effects academic success and reduces delinquency then the intervention can be acclaimed, and the possibility of furthering this intervention strategy to even earlier stages in troubled youths lives might be warranted. This would be consistent with the literature review that suggests not only a connection between school failure and delinquency, but that efforts at remediation need to occur early in the academic failure process.

The one practice of this Court that may be troublesome to some are the sanctions ordered for failure to obey Grade Court orders. Currently both judges utilize weekend detention for failure to comply with Grade Court expectations. This practice challenges the use of least restrictive environment, which has been the dominant philosophy in most jurisdictions, at least for minor offenders, for the past decade. The necessity of or "appropriate" use of detention for this population and the impact of detention also should be assessed.

For those who prescribe to the theory of deterrence or imposition of consequences for performance failure the use of detention would seem appropriate; "The deterrence model is drawn from the classical school of criminology in which man was seen as fundamentally hedonistic and therefore deterrable from crime only by swift, certain and severe punishment. Recent investigations have tried to determine whether deviance is inversely related to the celerity (swiftness), certainty, or severity of punishment. Rational choice processes, based on a calculation of relative pleasure or pain, are far too simple to provide adequate explanations of

deterrence.” (Webb, 1988).

The Grade Court’s use of detention also might be challenged since studies suggest that celerity is perhaps the most important element in deterrence theory; “Of the three elements posited by deterrence theory--severity, certainty, and celerity--celerity has long been considered one of the most important in that it is the mechanism that facilitates the development of a causal association between the crime and punishment.” (Clark, 1988). If the use of detention is to provide consequences for failure to comply then it must be swift and certain. Due to overcrowded conditions at the detention facility in Farmington this has not always been possible.

For those who view incarceration as useful only for public protection purposes and view the use of detention as expediting self-fulfilling prophecies, a “term often used to mean that negative expectations lead to dreaded outcomes, which, in turn, reinforce the original pessimistic beliefs.” (Lankton, 1994), then this intervention may be financially wasteful and counterproductive to what the Grade Court intends.

This study attempts to take an initial look at the success of the Grade Court through addressing three questions. First, does the Grade Court reduce future offending by its graduates? Second, does participation in the Grade Court result in increased academic success? Third, what is the result of the use of incarceration as a consequence for Grade Court failure?

II. Executive Summary

Questions Does the Grade Court reduce future offending by its graduates? Does participation in the Grade Court result in increased academic success? What is the result of the use of detention as a consequence within the Grade Court Program?

Methods There were 83 youths who had been discharged from the program for at least 90 days. There were 23 of these youths who were placed in secure facilities after being in Grade Court. These youths were excluded from the analysis, resulting in a sample of 60 youths.

Juvenile Court records were examined, and charges for delinquent acts and technical violations were counted. These charges were identified for their occurrence in 90 and 180 day pre, during, and post program time periods. Charges for the year before Grade Court participation were also counted to describe the population served in Grade Court.

School records were examined, and attendance rates for pre, during, and post program participation were calculated. Participants' program status for the first and second semester of the 1997-98 school year were determined, and the difference between first and second semester GPA were analyzed.

Detention Center records were examined for all 83 youths, and numbers of detention bookings and detention days were recorded for the pre, during, and post Grade Court periods on these youths.

Results Delinquent charges were significantly reduced in the 90 and 180 day pre-post comparison periods. They were also reduced in the 90 and 180 day pre-during comparison period, and participants' program discharge status (successful or unsuccessful) significantly effected suppression of delinquent charges at 180 days in the program, with successful youths performing better.

Technical charges did not change in the 90 pre-post period. Technical charges increased in the 180 day pre-post period, and in the 90 and 180 day pre-during periods. Discharge status significantly effected technical charges in the 180 day pre-post period, with successful participants performing better.

School attendance increased, though this increase was not statistically significant. GPA decreased slightly between semesters, and this was not statistically significant.

Being placed in detention while in Grade Court did not significantly effect school attendance during or after participation, or recidivism on technical or delinquent charges.

Recommendations The Grade Court Program should continue. Efforts towards developing alternatives to the use of detention are warranted. Future Grade Court programs should include the principle components of shared responsibility, graduated sanctions, peer tutoring, assessment and service coordination.

III. Data And Statistics

Youths In The Grade Court Program

The Grade Court Program had served nearly 300 youths at the time of this evaluation. Of this group there were 83 Grade Court Participants who had been discharged from the program for at least 90 days at the time of this evaluation. Among these 83 discharged participants 23 (27.7%) had been sentenced to secure facilities and 60 (72.3%) remained in the community at discharge.

Of the 60 participants discharged in the community, there were 39 (65%) who had successfully completed the program and 15 (25%) who had not, with discharge status unclear for 6 (10%) of these participants. The group included 49 (81.7%) males and 11 (18.3%) females. The average age of this group was 15.5 years within a range from 11 to 18 years old. This group included 22 (36.7%) White, 10 (16.7%) Hispanic, and 28 (46.7%) Native American youths. These youths had an average of 2.3 delinquency charges and .17 technical charges during the year before they began grade court. These youths discharge status (figure 1), gender (figure 2), and ethnicity (figure 3) are graphically displayed below.

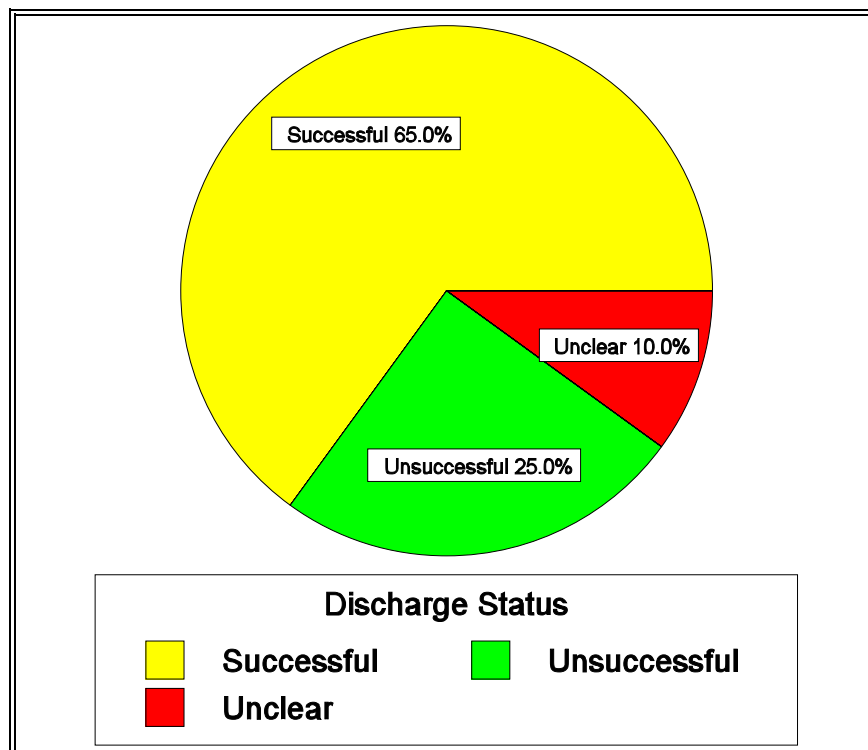


Figure 1. Program discharge status of community-discharged participants.

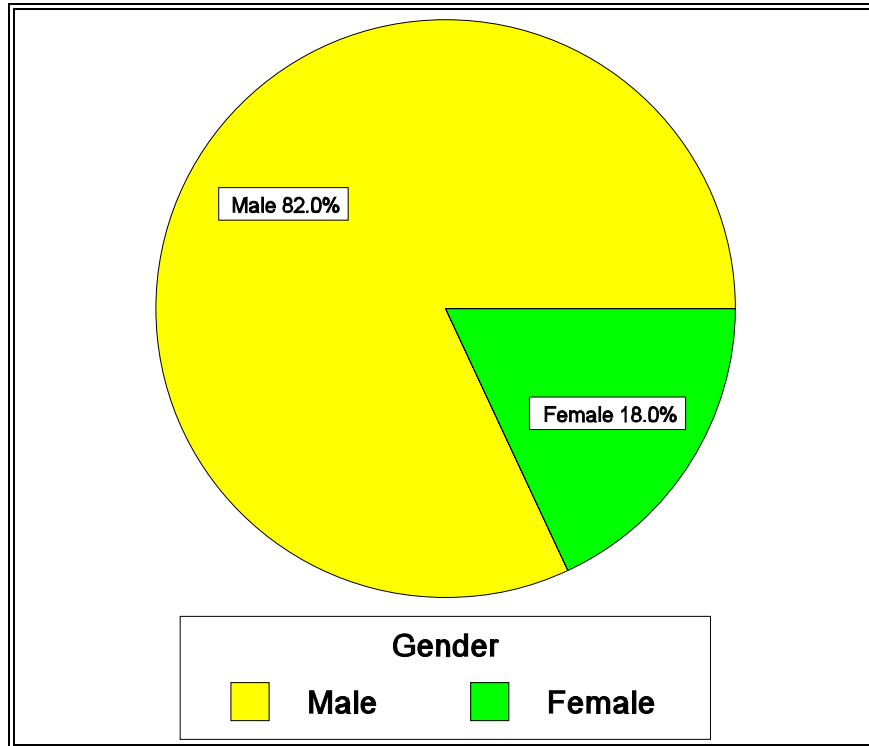


Figure 2. Gender of community-discharged participants.

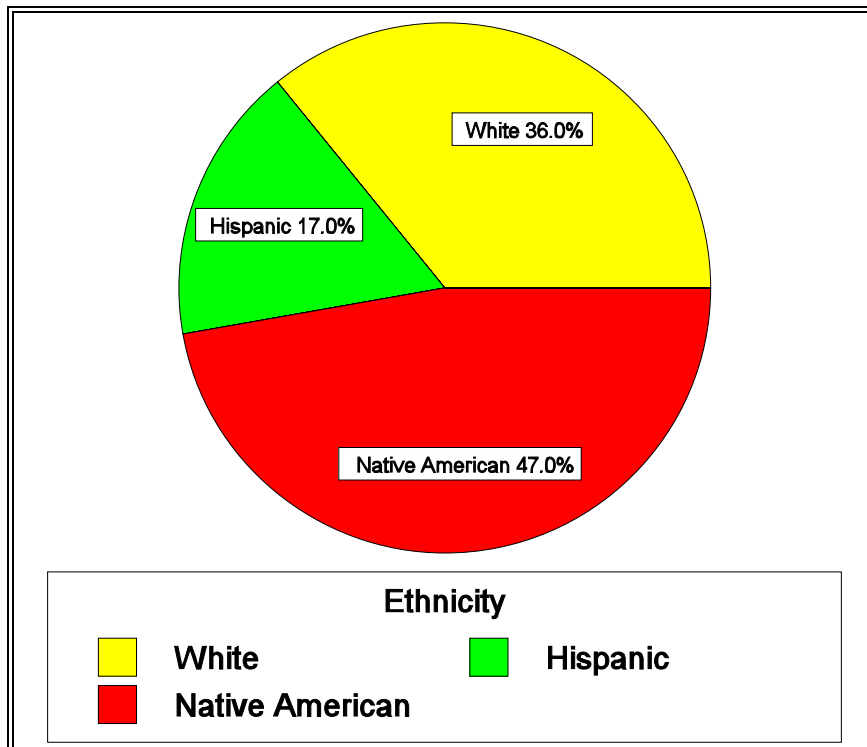


Figure 3. Ethnicity of community-discharged participants

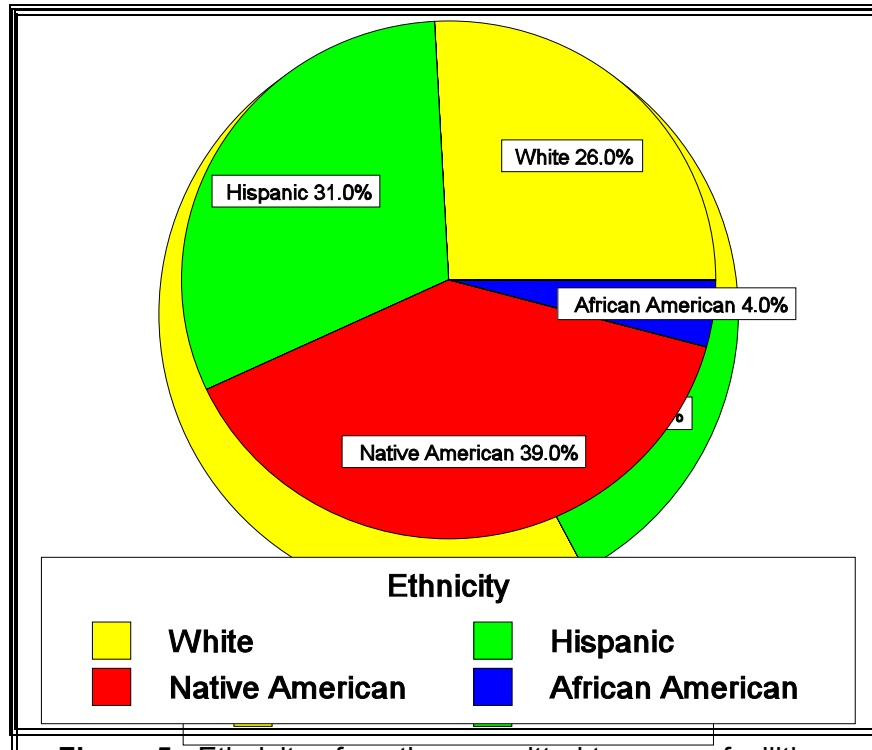


Figure 5. Ethnicity of youths committed to secure facilities.
Figure 4. Gender of youths committed to secure facilities.

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the 23 participants sentenced to secure facilities all of them had been unsuccessfully discharged from the program. The group included 19 (82.6%) males and 4 (17.4%) females. The average age of this group was 15.5 years within a range from 14 to 17 years old. This group included 6 (26.1%) White, 7 (30.4%) Hispanic, 1 (4.3%) African American, and 9 (39.1%) Native American youths. These youths had an average of 3 delinquency charges and .53 technical charges during the year before they began grade court. These youths gender (figure 4), and ethnicity (figure 5) are graphically displayed below. The average number of delinquent and technical charges for youths discharged in the community and sentenced to secure facilities are displayed in figure 6.

Recidivism

There were 83 Grade Court Participants who had been discharged from the program for at least 90 days at the time of this evaluation. Their Juvenile Court records were examined to determine if they had been sentenced to a secure juvenile facility following their grade court participation. Youths identified as possibly being in secure facilities were cross-referenced with the facilities census records to verify their placements. Of these 83 participants, 23 (27.7%) had been sentenced to incarceration in a secure facility, and 60 (72.3%) had not been so sentenced. The 23 who had been sentenced to a secure facility were excluded from further analyses because their criminal activity was constrained during the follow-up periods, thereby invalidating their post-program data. This left a sample of 60 participants for follow-up comparisons.

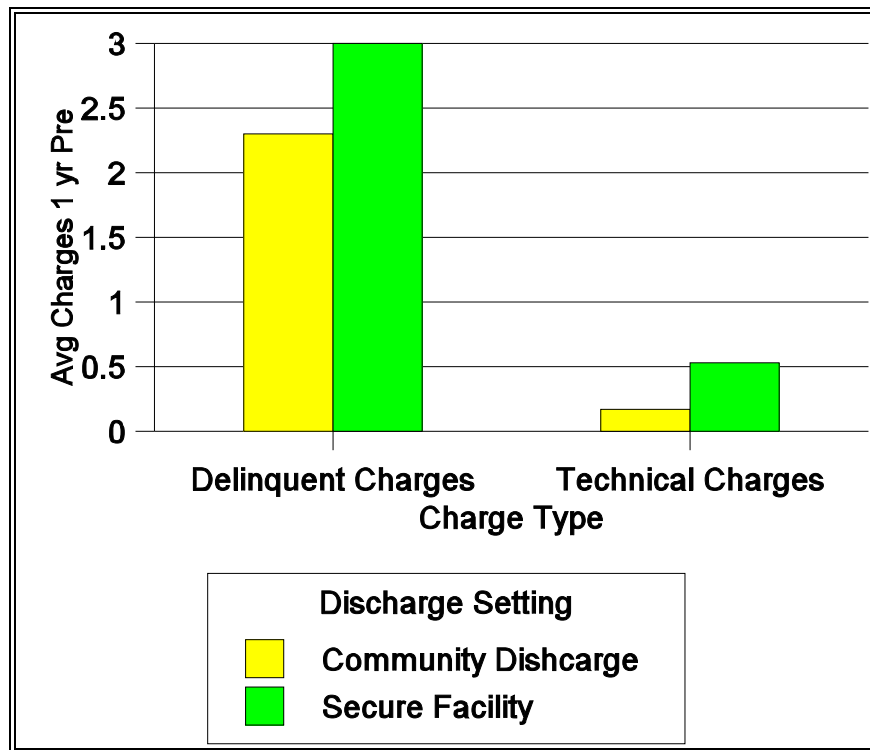


Figure 6. Average delinquent and technical charges for community-discharged and secure facility-committed participants.

The cutoff date for the evaluation was July 1, 1998, so all of these participants had been discharged before April 2, 1998. Two types of charges were used for pre-to-post comparisons. Technical charges included all probation violations, probation revocations, and warrants (e.g.; failure to appear). Delinquent charges included all crimes against persons, against property, for substance abuse, and status offenses.

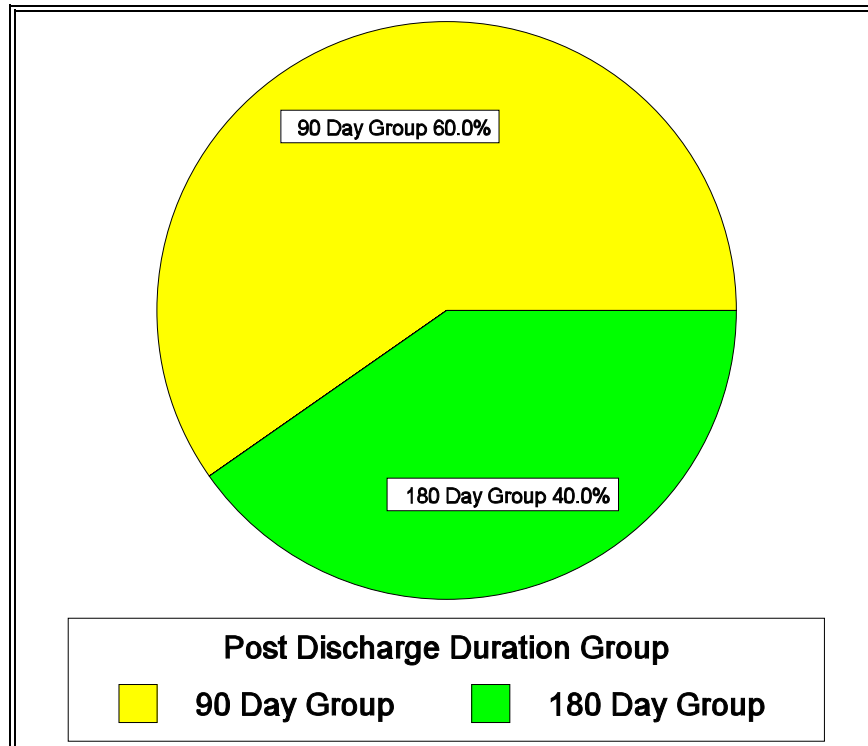


Figure 7. Post discharge duration groupings.

Pre And Post Program Comparisons

Among these 60 participants, 36 (60%) had been discharged for a period of at least 90 but less than 180 days, and they made up the 90 day group. There were 24 (40%) participants who had been discharged for at least 180 days but less than 365 days, and they made up the 180 day group. These 90 and 180 day duration groupings were used for a statistical analysis of pre-to-post juvenile court charges. The distribution of participants by post-discharge duration groupings is displayed in figure 7.

90 Day Comparisons

Delinquent Charges

Of the 36 participants in the 90 day group, 3 had received delinquent charges within 90 days of discharge from Grade Court. This resulted in a 90 day delinquent charge recidivism rate

of 8.3 percent. These 36 participants had accounted for a total of 28 delinquent charges during the 90 days before they began the Grade Court Program, and they accounted for a total of 4 delinquent charges during the 90 days following their Grade Court participation. This resulted in a 90 day delinquent charge suppression rate of 85.7 percent. This means that these youths had a considerable reduction in the total amount of delinquent charges that they were responsible for following Grade Court. The total number of pre and post delinquent charges for the 90 day group are displayed in figure 8.

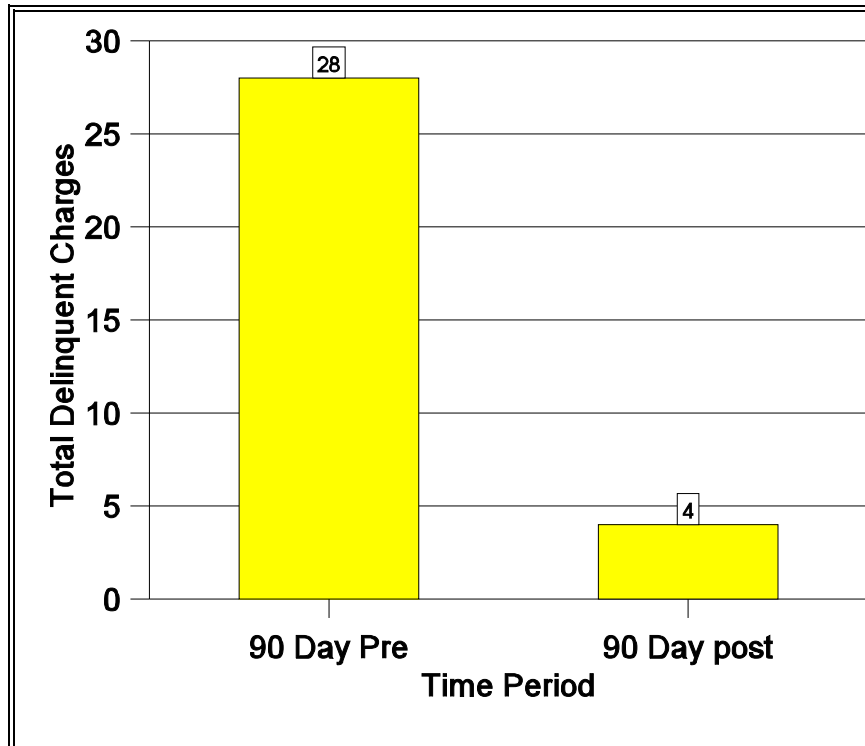


Figure 8. Total 90 day pre and post delinquent charges.

The average number of delinquent charges for these 36 participants during the 90 days before beginning Grade Court was .78. Their average number of delinquent charges during the 90 days following discharge from Grade Court was .11. This difference between average pre-to-post delinquent charges was statistically significant². This means that these youths showed a considerable reduction in the average number of delinquent charges that they received after program participation when compared with their average number of delinquent charges before participating in Grade Court. Successful and unsuccessful discharge status did not significantly effect the 90 day pre-to-post average number of delinquent charges. The average number of pre and post delinquent charges for the 90 day group is displayed in figure 9.

² $F(1,35) = 8.0, p < .01$

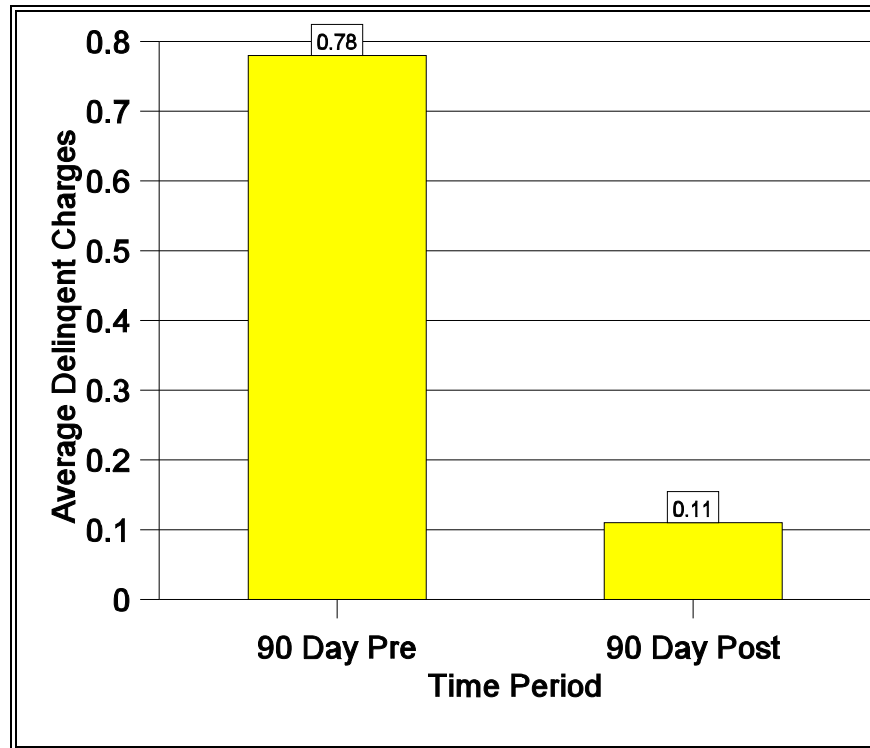


Figure 9. Average 90 day pre and post delinquent charges.

Technical Charges

Of the 36 participants in the 90 day group, 1 had received a technical charge within 90 days of discharge from Grade Court. This resulted in a 90 day technical charge recidivism rate of 2.8 percent. These 36 participants had accounted for a total of 1 technical charge during the 90 days before they began the Grade Court Program, and they accounted for a total of 1 technical charges during the 90 days following their Grade Court participation. This resulted in a 90 day technical charge suppression rate of 0 percent. This means that these youths showed no reduction in the total amount of technical charges that they were responsible for following Grade Court participation.

The average number of technical charges for these 36 participants during the 90 days before beginning Grade Court was .03. Their average number of technical charges during the 90 days following discharge from Grade Court was .03. This difference between average pre-to-post technical charges was not statistically significant. Successful and unsuccessful discharge status did not significantly effect the 90 day pre-to-post average number of technical charges. As many of these participants continued on probation following their grade court participation, a significant reduction in the number of technical charges that they receive may not be reasonable to expect.

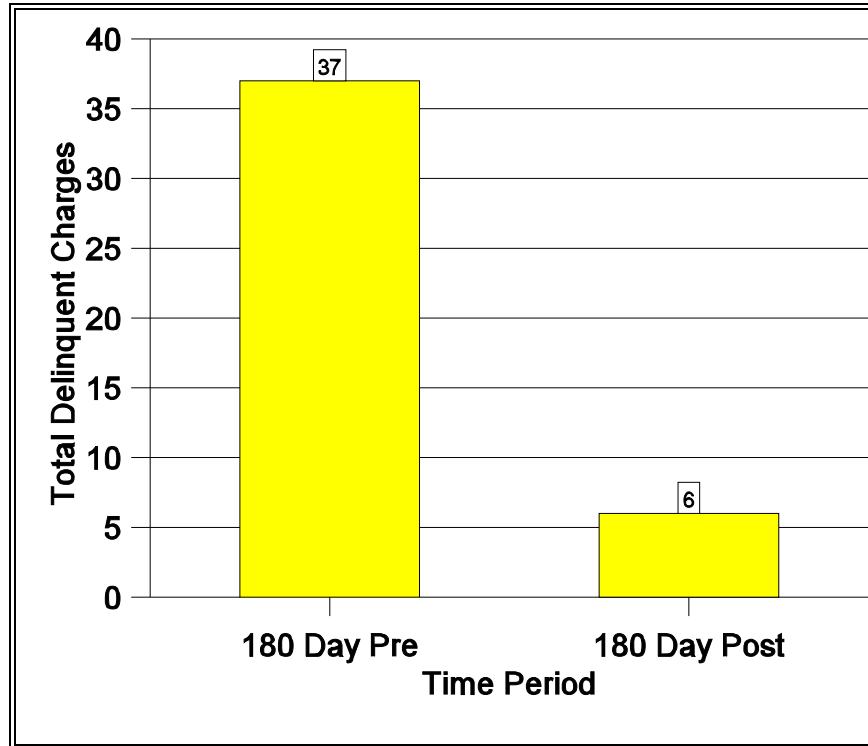


Figure 10. Total 180 day pre and post delinquent charges.

180 Day Comparisons

Delinquent Charges

Of the 24 participants in the 180 day group, 4 had received delinquent charges within 180 days of discharge from Grade Court. This resulted in a 180 day delinquent charge recidivism rate of 16.7 percent. These 24 participants had accounted for a total of 37 delinquent charges during the 180 days before they began the Grade Court Program, and they accounted for a total of 6 delinquent charges during the 180 days following their Grade Court participation. This resulted in a 180 day delinquent charge suppression rate of 83.8 percent. This means that these youths had a considerable reduction in the total amount of delinquent charges that they were responsible for following Grade Court participation. The total number of pre and post delinquent charges for the 180 day group is displayed in figure 10.

The average number of delinquent charges for these 24 participants during the 180 days before beginning Grade Court was 1.54. Their average number of delinquent charges during the 180 days following discharge from Grade Court was .25. This difference between average pre-to-

post delinquent charges was statistically significant³. Successful and unsuccessful discharge status did not significantly effect the 180 day pre-to-post average number of delinquent charges. This means that these youths showed a considerable reduction in the average number of delinquent charges that they received after program participation when compared with their average number of delinquent charges before participating in Grade Court, regardless of their discharge status. The average number of pre and post delinquent charges for the 180 day group is displayed in figure 11.

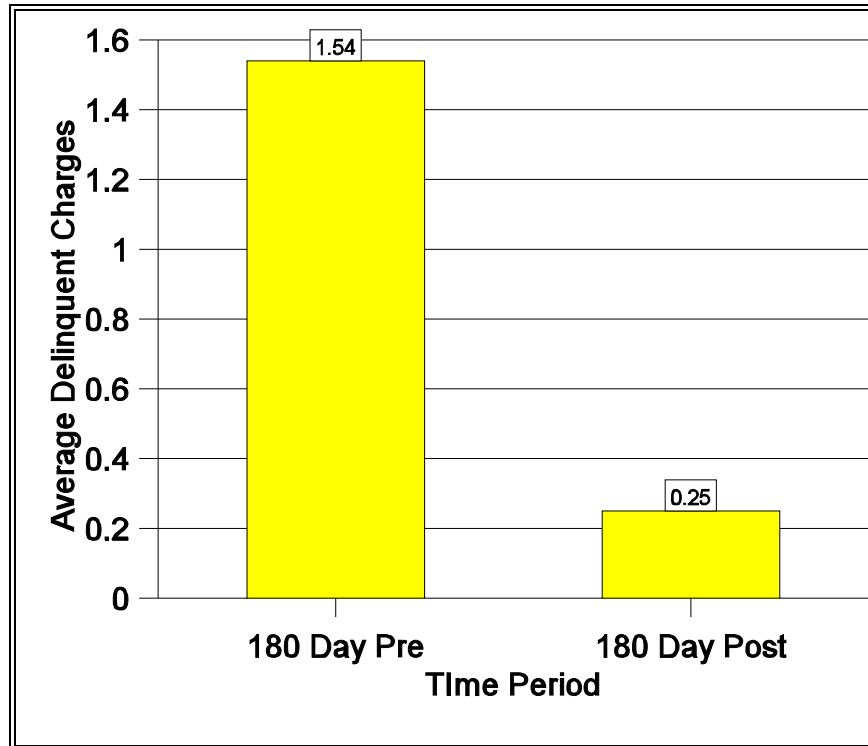


Figure 11. Average 180 day pre and post delinquent charges.

³ $F(1,23) = 9.97, p < .005$

Technical Charges

Of the 24 participants in the 180 day group, 6 had received a technical charge within 180 days of discharge from Grade Court. This resulted in a 180 day technical charge recidivism rate of 25 percent. These 24

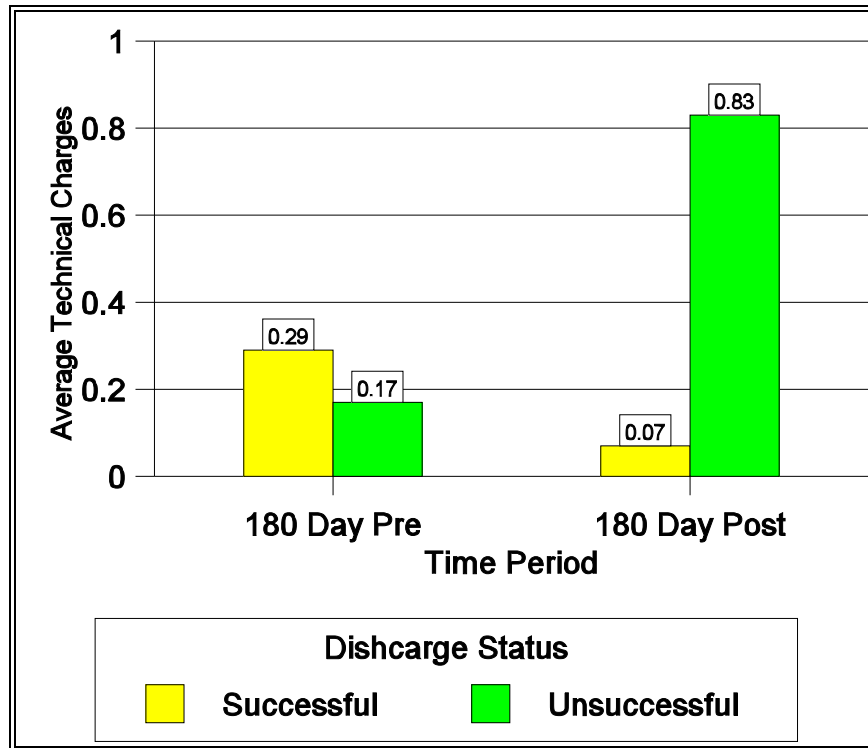


Figure 12. Average 180 day pre and post technical charges by discharge status.

participants had accounted for a total of 6 technical charges during the 180 days before they began the Grade Court Program, and they accounted for a total of 7 technical charges during the 180 days following their Grade Court participation. This means that these youths had an increase of 16 percent in the total number of technical charges that they were responsible for following Grade Court.

The average number of technical charges for these 24 participants during the 180 days before beginning Grade Court was .25. Their average number of technical charges during the 180 days following discharge from Grade Court was .29. This difference between average pre-to-post technical charges was not statistically significant.

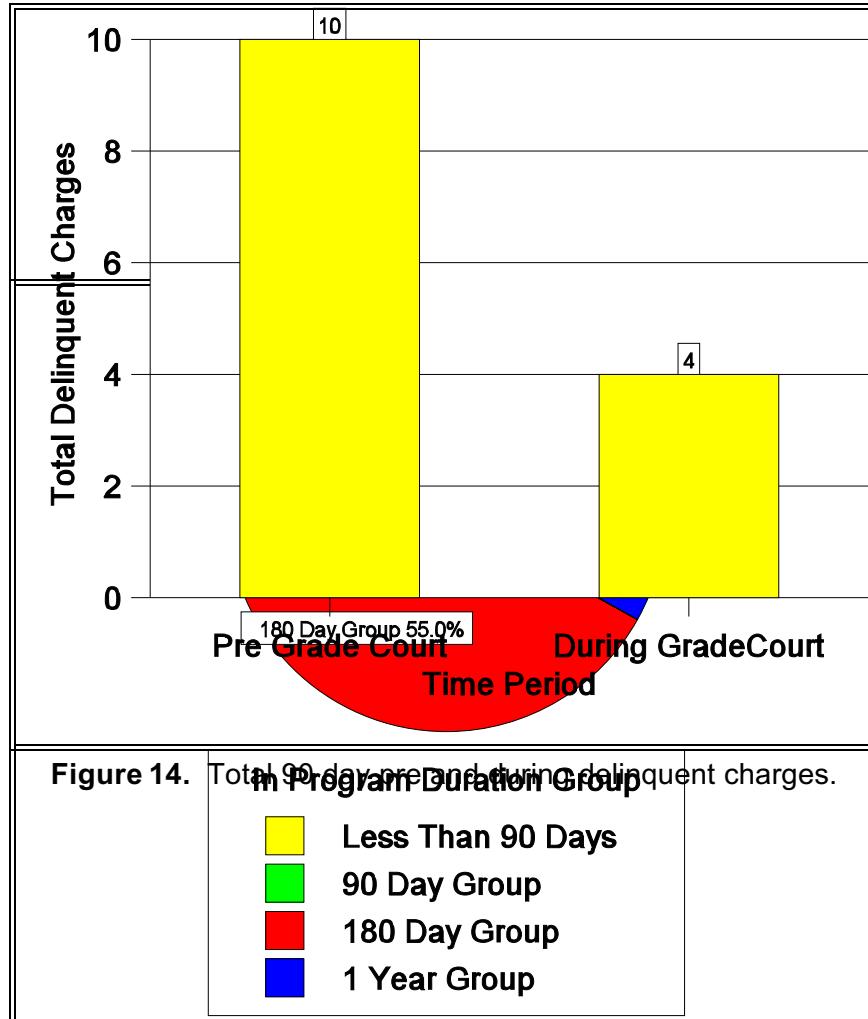
The effect of successful or unsuccessful discharge status on the 180 day pre-to-post average number of technical charges was statistically significant⁴. Successful completers had an average of .29 technical charges during the 180 days before they began the Grade Court Program, and they had an average of .07 technical charges during the 180 days following discharge from Grade Court. Unsuccessful completers had an average of .17 technical charges during the 180 days before they began the Grade Court Program, and they had an average of .83 technical charges during the 180 days following discharge from Grade Court. This means that the group of youths who were unsuccessfully discharged from the program significantly increased the overall group's rate of technical charges for the post Grade Court period. The average number of pre and post technical charges for the 180 day group by discharge status is displayed in figure 12.

Pre And During Program Comparisons

Among the 60 youths in the follow-up sample, 17 (28.3%) had participated in Grade Court for a period of at least 90 but less than 180 days, and they made up the 90 day group. There were 33 (55%) youths who participated in Grade Court for at least 180 days but less than 365 days, and they made up the 180 day group. These two groups were used for statistical analyses of pre-to-during charge comparisons.

There were only 5 (8.3%) youths who had participated in Grade Court for at least 365 days. They were excluded from the analyses for statistical validity reasons. There were 5 (8.3%) youths who had participated in Grade Court for less than 90 days. They were excluded from the analyses because of an insufficient duration of participation for comparison purposes. The distribution of participants by in-program duration groupings is displayed in figure 13.

⁴ $F(1,18) = 6.06, p < .025$



90 Day Comparisons

Delinquent Charges

Figure 13. In program duration groupings.

Of the 17 participants in the 90 day duration group, 3 had received delinquent charges while in the Grade Court Program. This resulted in a delinquent charge recidivism rate of 17.6 percent while these youths were in the program. These 17 participants had accounted for a total of 10 delinquent charges during the 90 days before they began the Grade Court Program, and they accounted for a total of 4 delinquent charges during their Grade Court participation. This resulted in a delinquent charge in-program suppression rate of 60 percent. This means that these youths had a considerable reduction in the total amount of delinquent charges that they were responsible for while participating in Grade Court. The total number of pre and during delinquent charges for the 90 day group is displayed in figure 14.

The average number of delinquent charges for these 17 participants during the 90 days before beginning Grade Court was .59. Their average number of delinquent charges during participation in Grade Court was .24. This difference between average pre-to-during delinquent charges was not statistically significant, and successful or unsuccessful discharge status likewise did not have a significant effect. This means that these youths showed a reduction in the average number of delinquent charges that they received during program participation when compared with their average number of delinquent charges during the 90 days before entering Grade Court, but that the change was not statistically significant. Despite the lack of statistical significance, the change was in the desired direction.

Technical Charges

Of the 17 participants in the 90 day duration group, 4 had received technical charges while in the Grade Court Program. This resulted in a technical charge recidivism rate of 23.5 percent while these youths were in the program. These 17 participants had accounted for a total of 2 technical charges during the 90 days before they began the Grade Court Program, and they accounted for a total of 6 technical charges during their Grade Court participation, an increase of 200 percent. This means that these youths had a considerable increase in the total amount of technical charges that they were responsible for while participating in Grade Court.

The average number of technical charges for these 17 participants during the 90 days before beginning Grade Court was .12. Their average number of technical charges during participation in Grade Court was .35. This difference between average pre-to-during technical charges was not statistically significant. This means that these youths showed an increase in the

average number of technical charges that they received during program participation when compared with their average number of technical charges during the 90 days before entering Grade Court, but that the change was not statistically significant. This can also be taken as an indicator that these youths were intensively supervised, and that an increase in technical charges was one result of that supervision.

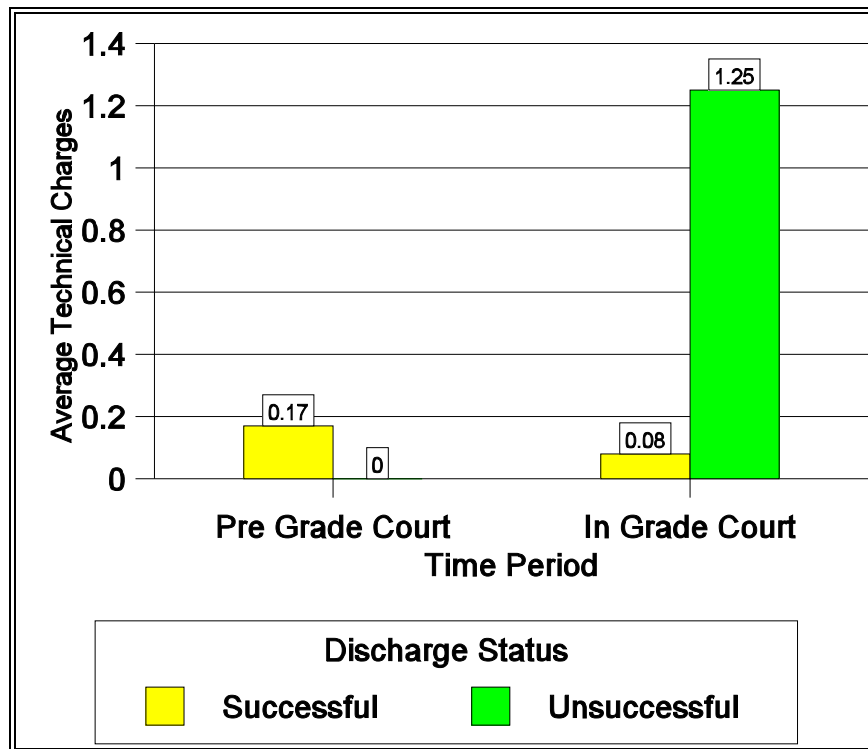


Figure 15. Average 90 day pre and during program technical charges by discharge status.

During the 90 days before entering the program, youths who successfully completed the Grade Court Program had an average of .17 technical charges, and they had an average of .08 technical charges during their program participation. During the 90 days before entering the program, youths who were unsuccessfully discharged from the Grade Court Program had an average of 0 technical charges, and they had an average of 1.25 technical charges during their program participation. The difference between successful and unsuccessful participants was statistically significant⁵. This means that unsuccessful participants had a significantly higher average number of technical charges while

⁵ $F(1,14) = 6.0, p < .05$

they were in the Grade Court Program, when compared to successful participants. It would stand to reason that unsuccessful participants were not as compliant with the program, and that this was reflected by more frequent technical charges and an unsuccessful discharge status. This also means that the group of youths who were unsuccessfully discharged from the program significantly increased the overall group's rate of technical charges for the during Grade Court period. The average number of pre and during technical charges for the 90 day group by discharge status is displayed in figure 15.

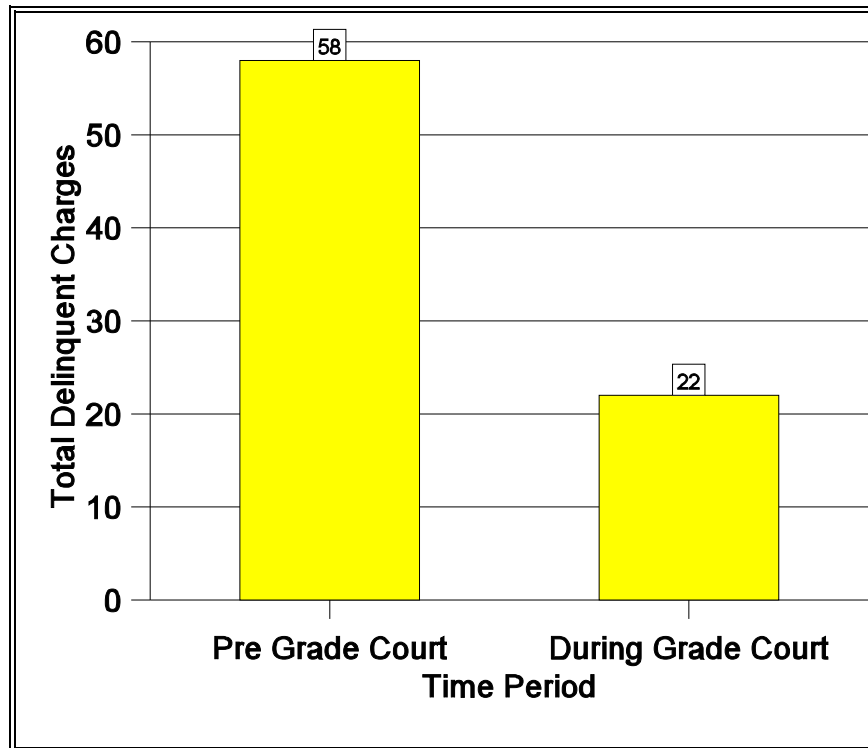


Figure 16. Total 180 day pre and during delinquent charges.

180 Day Comparisons

Delinquent Charges

Of the 33 participants in the 180 day duration group, 12 had received delinquent charges while in the Grade Court Program. This resulted in a delinquent charge recidivism rate of 36.4 percent while these youths were in the program. These 33 participants had accounted for a total of 58 delinquent charges during the 180 days before they began the Grade Court Program, and they accounted for a total of 22 delinquent charges during their Grade Court participation. This resulted in a delinquent charge in-program suppression rate of 62.1 percent. This means that these youths had an appreciable reduction in the total amount of delinquent charges that they were responsible for while participating in Grade Court. The total number of pre and during delinquent charges for the 180 day group is displayed in figure 16.

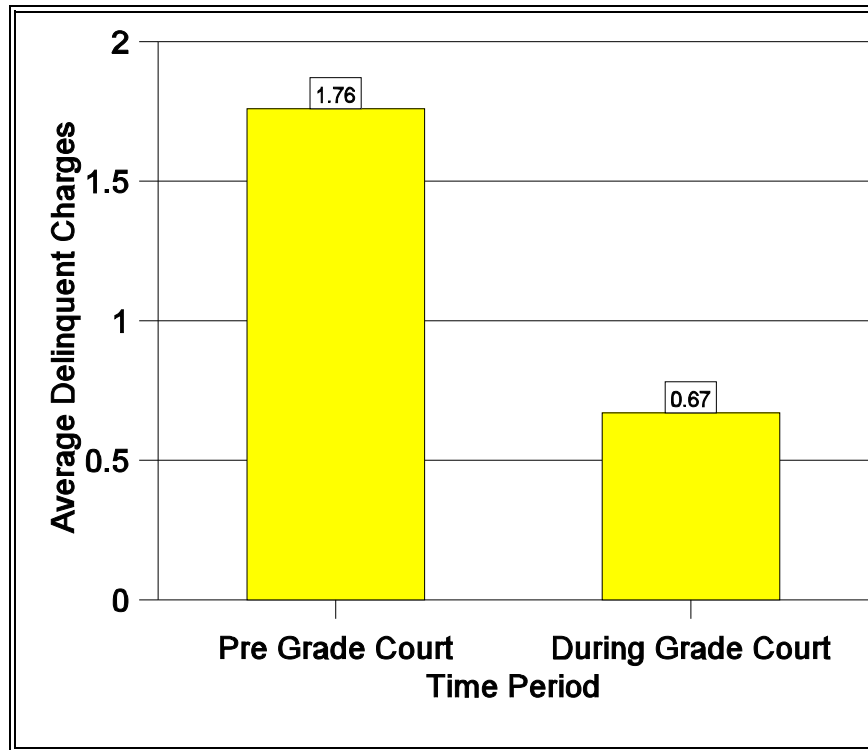


Figure 17. Average 180 day pre and during delinquent charges.

The average number of delinquent charges for these 33 participants during the 180 days before beginning Grade Court was 1.76. Their average number of delinquent charges during participation in Grade Court was .67. This difference between average pre-to-during delinquent charges was statistically significant⁶. This means that these youths showed a large reduction in the average number of delinquent charges that they received during program participation when compared with their average number of technical charges during the 180 days before entering Grade Court. The average number of pre and during delinquent charges for the 180 day group is displayed in figure 17.

During the 180 days before entering the program, youths who successfully completed the Grade Court Program had an average of 1.0 delinquent charge, and they had an average of .43 delinquent charges during their program participation. During the 90 days before entering the program, youths who were unsuccessfully discharged from the Grade Court Program had an average of 2.57 delinquent charges, and they had an average of 1.86 delinquent charges during their program participation. This difference between successful and unsuccessful participants was statistically significant⁷. This means that successful graduates of the Grade Court Program demonstrated a significantly greater reduction in their delinquent charges at the 180 day follow-up

⁶ $F(1,32) = 8.45, p < .01$

⁷ $F(1,26) = 17.34, p < .0001$

than their unsuccessful counterparts did. The average number of pre and during delinquent charges for the 180 day group by discharge status is displayed in figure 18.

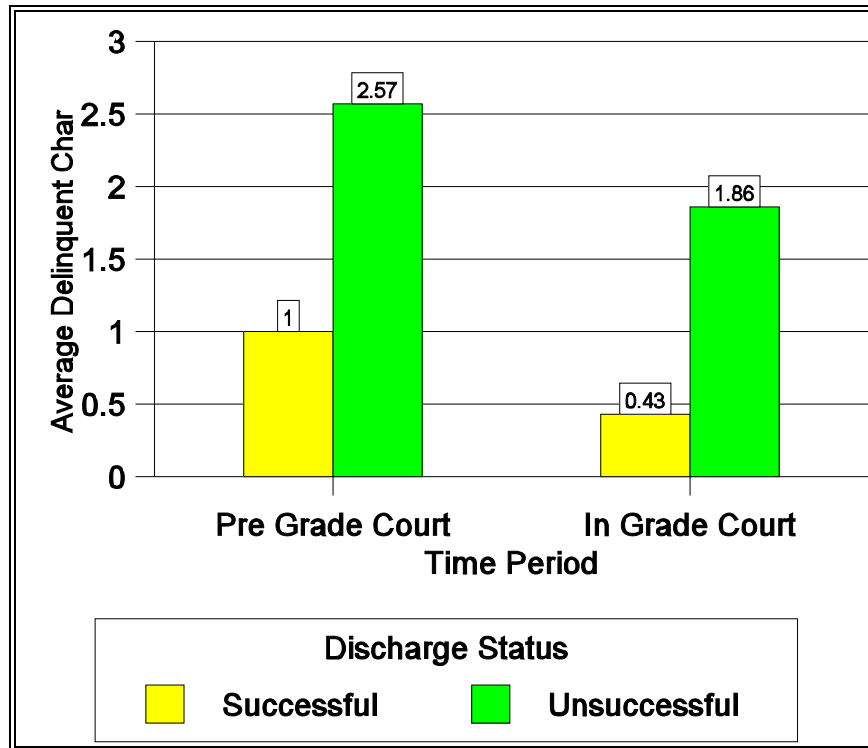


Figure 18. Average 180 day pre and during delinquent charges by discharge status.

Technical Charges

Of the 33 participants in the 180 day duration group, 10 had received technical charges while in the Grade Court Program. This resulted in a technical charge recidivism rate of 30.3 percent while these youths were in the program. These 33 participants had accounted for a total of 6 technical charges during the 180 days before they began the Grade Court Program, and they accounted for a total of 15 technical charges during their Grade Court participation, an increase of 150 percent. This means that these youths had a considerable increase in the total amount of technical charges that they were responsible for while participating in Grade Court.

The average number of technical charges for these 33 participants during the 180 days before beginning Grade Court was .18. Their average number of technical charges during participation in Grade Court was .46. This difference between average pre-to-during technical charges was not statistically significant. This means that these youths showed a large increase in the average number of technical charges that they received during program participation when compared with their average number of technical charges during the 180 days before entering

Grade Court. As with the 90 day group's data, this can be taken as an indicator that these youths were intensively supervised, and that this increase in technical charges resulted from that supervision. The average number of pre and during technical charges for the 180 day group is displayed in figure 19.

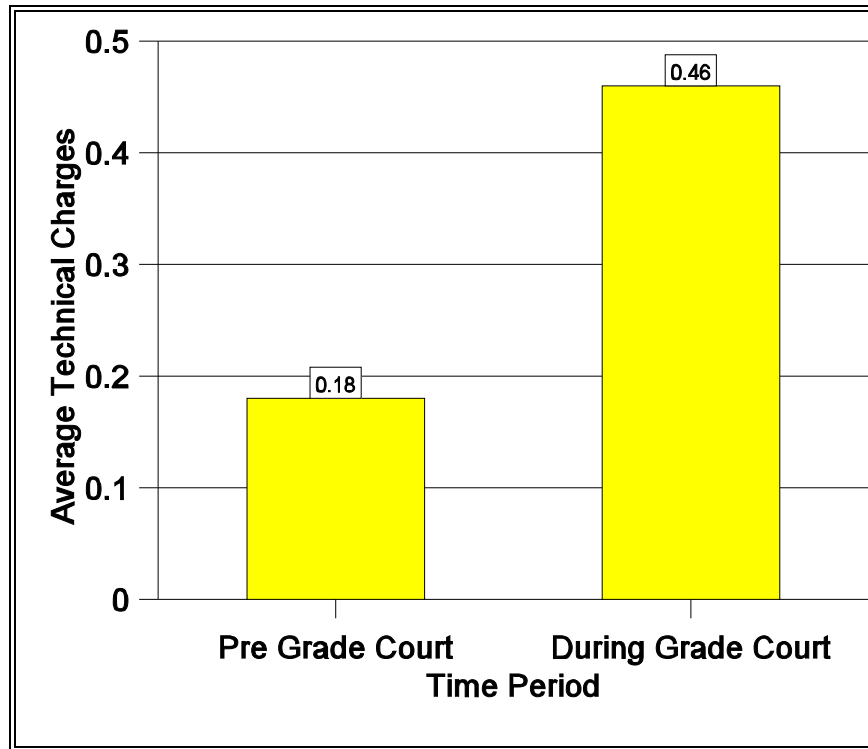


Figure 19. Average 180 day pre and during technical charges.

During the 180 days before entering the program, youths who successfully completed the Grade Court Program had an average of .14 technical charges, and they had an average of .14 technical charges during their program participation. During the 180 days before entering the program, youths who were unsuccessfully discharged from the Grade Court Program had an average of .14 technical charges, and they had an average of 1.71 technical charges during their program participation. This difference between successful and unsuccessful participants was statistically significant⁸. This means that unsuccessful participants had a significantly higher average number of technical charges while they were in the Grade Court Program, when compared with successful participants. It would stand to reason that unsuccessful participants were not as compliant with the program, and that this was reflected by more frequent technical charges and an unsuccessful discharge status. The average number of pre and during technical charges for the 180 day group by discharge status is displayed in figure 20.

⁸ $F(1,26) = 36.87, p < .0001$

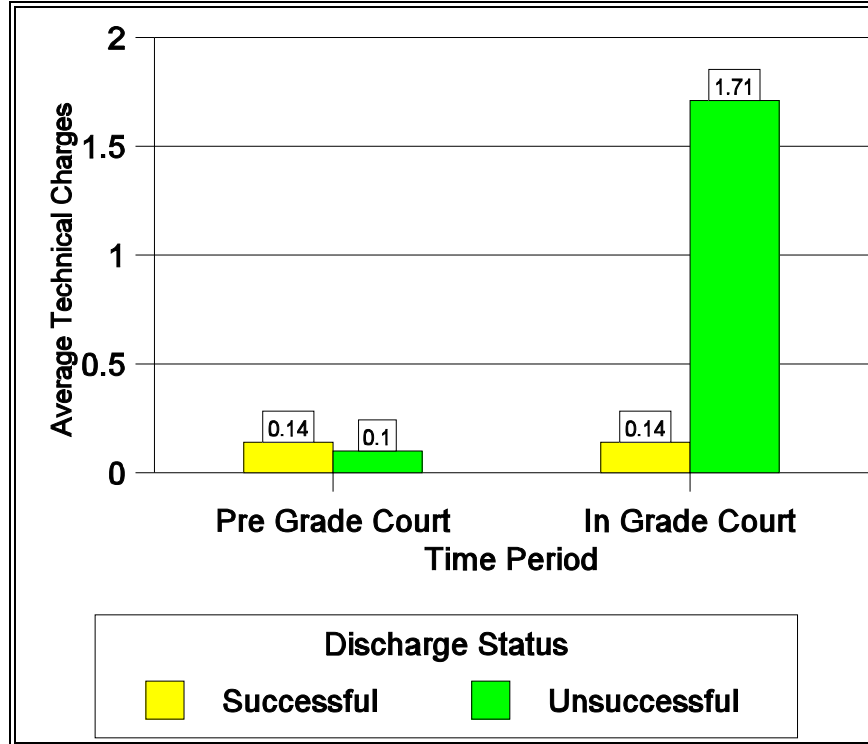


Figure 20. Average 180 day pre and during technical charges by discharge status.

School Attendance And Grades

Attendance

School attendance was determined by counting the number of class periods when unexcused absences occurred on any given day, as listed in computer printouts provided by school districts with youths participating in the Grade Court Program. The dates of absence were cross-referenced with the participants beginning and ending dates with the Grade Court Program, resulting in numbers of absences before, during, and after Grade Court participation.

The dates when youths began and completed the Grade Court Program varied. A procedure to account for this was used. The number of days between the beginning of the 1997-98 school year and the date of a youths beginning the program were counted, and this was the number of pre-program days. Many youths began the program before the school year, and thus had no days counted in their pre-program time period. For youths who began Grade Court participation after the school year started, the number of days between a youths beginning and ending the program were counted, and this was the number of in-program days. The number of days between a youths completing the program and the end of the school year were counted, and this was the number of post-program days.

The number of period absences during the pre-program period was divided by the number of pre-program days, and this was the pre-program absence rate. The number of period absences during the in-program period was divided by the number of in-program days, and this was the in-program absence rate. The number of period absences during the post-program period was divided by the number of post-program days, and this was the post-program absence rate.

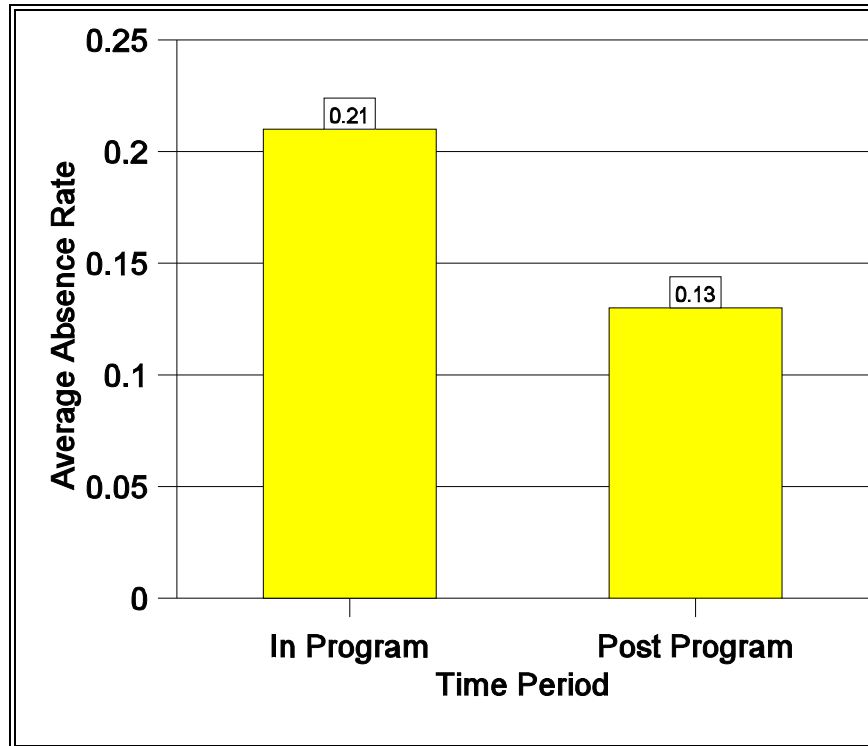


Figure 21. Average in-program and post-program absence rates.

During And Post Grade Court Comparison

Of the 60 youths in the pre-to-post comparison sample, 14 (23%) had data where an in-program absence rate could be accurately calculated. Among these same youths, 11 (18%) had data where a post-program absence rate could be accurately calculated. Data from these 11 youths were used in the subsequent analyses. Among these youths only 2 (3.3%) had data where a pre-program absence rate could be accurately calculated. These youths were excluded from the analyses for statistical validity reasons.

The average in-program absence rate for these 11 participants was .21. The average post-program absence rate for these participants was .13. This difference between average in-program and post-program absence rate was not statistically significant. Successful or unsuccessful discharge status did not have a statistically significant effect on this average difference. This means that while these youths decreased their rates of absence following Grade Court participation, this decrease was not statistically significant in magnitude, and that successful

or unsuccessful participation did not significantly effect this decrease. The average in-program and post-program absence rates are displayed in figure 21.

The calculation of recidivism or suppression rates for school attendance is problematic. This is because of the varying numbers of days in participants' in-program and post-program time periods, as described above. This variation in times could serve to artificially inflate or deflate recidivism or suppression rates, so the comparison between in-program and post-program averages remains the most valid approach available.

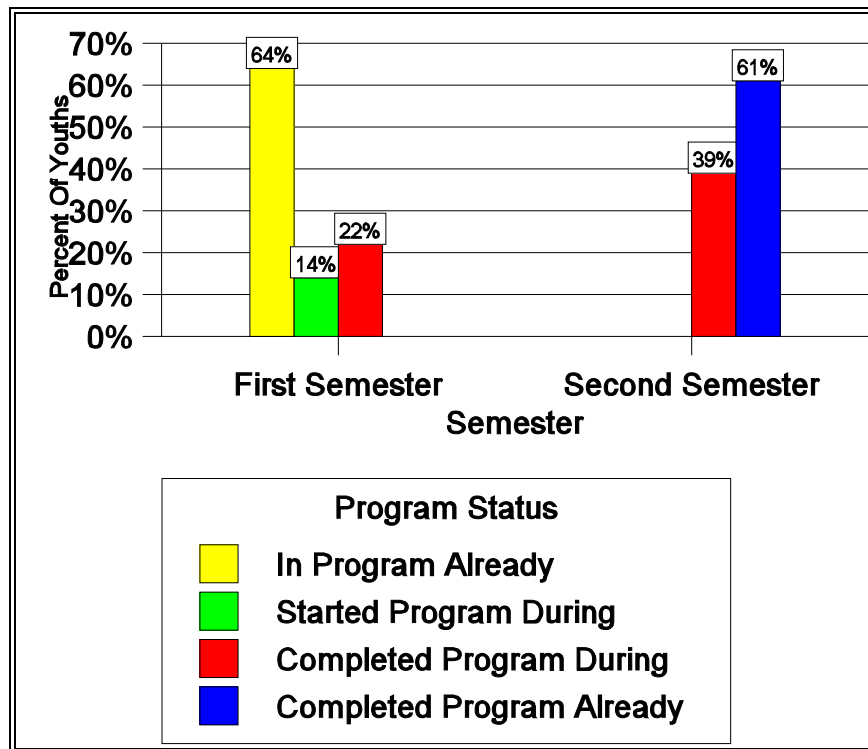


Figure 22. Program status by semester.

Grade Point Average

In the context of this report, grade point average (GPA) is a type of data that is unique when compared to juvenile court charges and absences from school. As fundamental data, charges and absences are single events that occur at specific times. As fundamental data GPA's are the result of an accumulation of events over a span of time. This fundamental difference warrants treating GPA data in a unique manner. First, the time periods when GPA's are reported, in this case semesters, need to be examined for their correspondence to participants' program status. If there is relative correspondence further statistical analysis can proceed.

For the first purpose Grade Court Program status was defined for each semester. The definitions included; 1) already in the program at the beginning of the semester, 2) began the

program that semester, 3) completed the program that semester, and 4) already completed the program at the beginning of the semester. These definitions were based on when the participants' beginning and completion dates for the program fell relative to the dates where the first and second semesters began and concluded.

Within the sample of 60 participants, there were 28 with GPA data available for both the first and second semesters. During the first semester 18 (64.3%) of these participants were already in the Grade Court Program, and 4 (14.3%) began the program. Only 6 (21.4%) were discharged from the Grade Court Program during the first semester. This means that 78.6 percent of these participants were either beginning or already participating in the program. This also means that the trend during the first semester was towards participants being in the program.

During the second semester 11 (39.3%) of these participants had already been discharged from the Grade Court Program, and 17 (60.7%) were discharged the program during the semester. This means that 100 percent of these participants were either being discharged or had already been discharged from the program. This also means that the trend during the second semester was towards participants being discharged from the program. Program status by semester is displayed in figure 22.

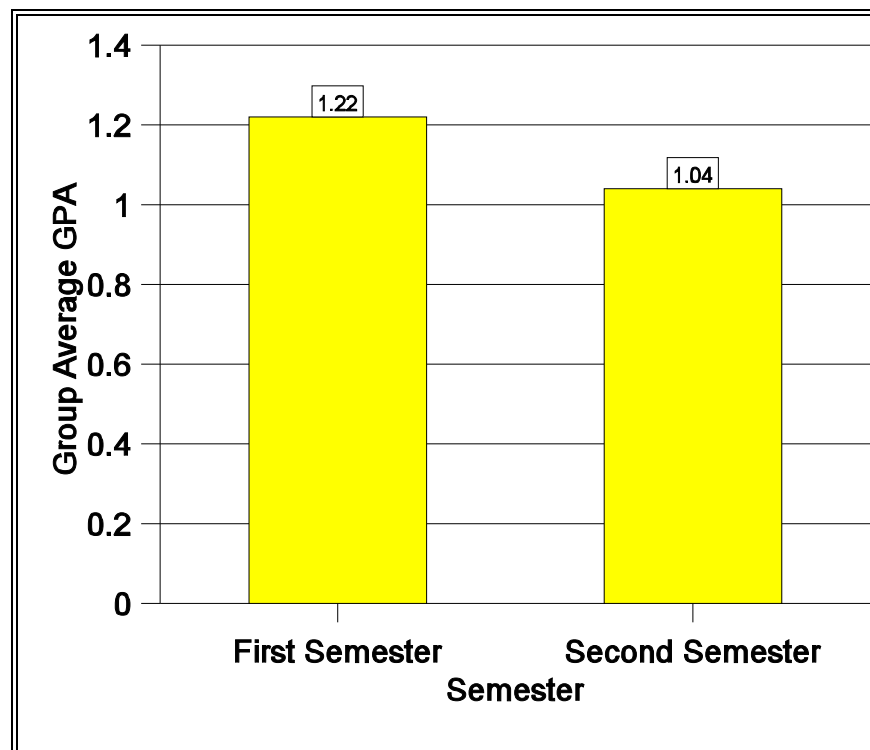


Figure 23. Average group GPA by semester.

During And Post Program Comparison

Taking the first and second semester trends together, it appears that a comparison between semesters would approximate a during-to-post program participation comparison. During the first semester, where most participants were in the program, they had an average GPA of 1.22. During the second semester, where most participants had been discharged from the program, they had an average GPA of 1.04. This means that on average, this group showed a slight decrease in GPA between the first and second semesters. Average GPA by semester is displayed in figure 23.

Between the first and second semesters 11 (39.3%) participants showed a decrease in their individual GPA's. Between these semesters 5 (17.8%) participants showed an increase in their individual GPA's. Between these semesters 12 (42.9%) participants showed no change in their individual GPA's. When ranked together, these differences in individual GPA's were not statistically significant. This means that while a small decrease in average GPA was observed, it was not significant when the individual participants' directions of change were compared.

Direction of GPA change between semesters is displayed in figure 24.

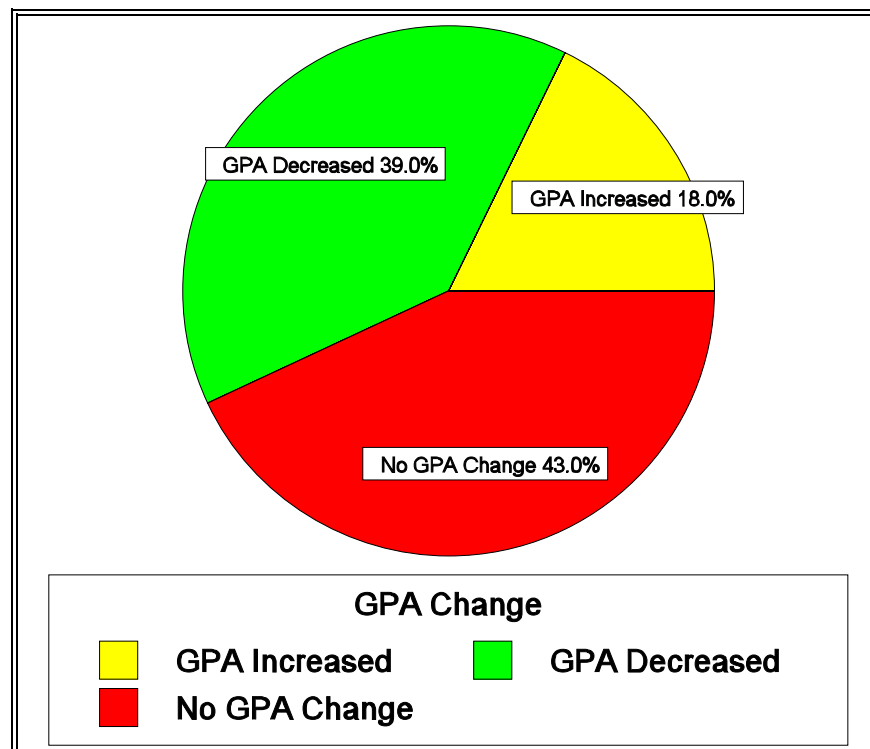


Figure 24. Direction of GPA change between semester by percent of participants.

Recidivism, School Attendance, And Grades

The dissimilarities between recidivism and GPA data precluded examining their relationship. Similarities between the recidivism and school attendance data would have allowed for an examination of their relationship to each other. Unfortunately there were very small numbers of participants where school attendance and recidivism data were both available. For the 90 day in-period group there were only 3 participants with matching data between school attendance and recidivism. For the 180 day in-period group there were only 8 participants with matching data between school attendance and recidivism.

If the program is revisited, the following approach can be used to examine the relationship between school attendance and recidivism. The difference between in-program and post-program charges can be calculated by subtracting the number of post-program charges from the number of in-program charges. This can be done for technical and delinquent charges from the 90 and 180 day in-program periods. This results in a 90 day technical charge difference, a 90 day delinquent charge difference, a 180 day technical charge difference, and a 180 day delinquent charge difference. The difference between in-program and post-program absence rates was calculated by subtracting the rate of post-program absences from the rate of in-program absences. This should be done separately for participants within the 90 and 180 day in-program periods. Using in-program periods for both charge and absence rate calculations assures comparable time periods. Upon calculating these difference ratios one can use Pearson correlation coefficients to describe the magnitude of the relationships between school attendance and recidivism at the 90 and 180 day intervals. Multiple regression analysis can be used to examine the predictive value of school attendance rates on recidivism.

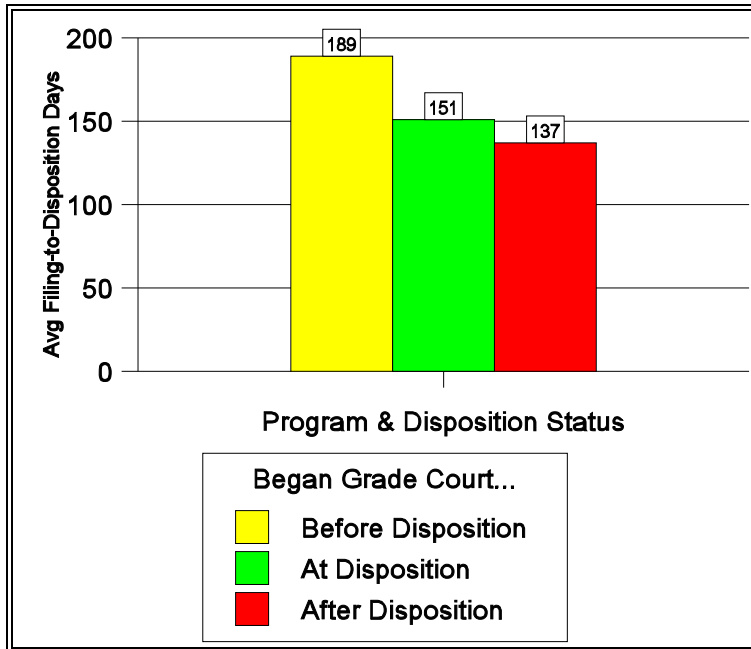


Figure 26. Average filing-to-disposition time in days by Grade Court starting status.

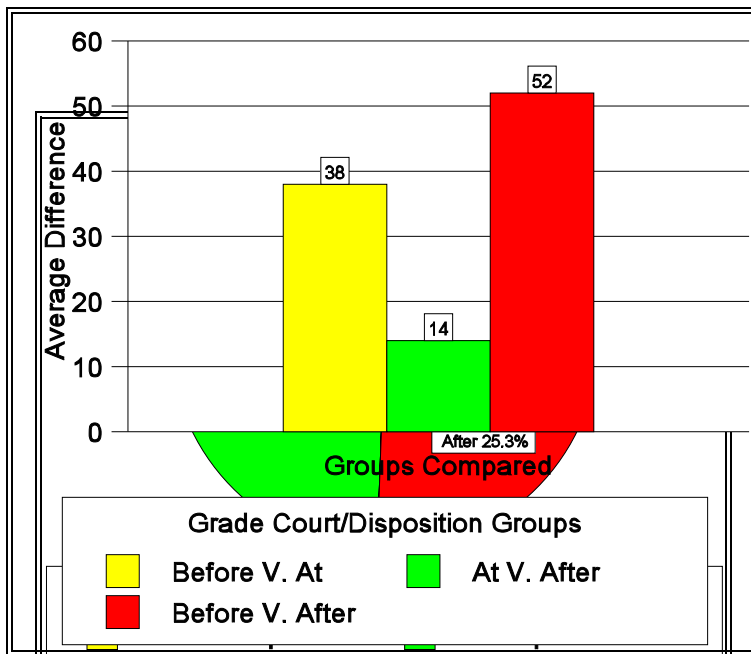


Figure 27. Average differences between groups in filing-to-disposition times.

Figure 25. Percent of participants by court and disposition status.

Youths On Conditions Of Release: Time To Disposition And Program Jurisdiction

Disposition

Records from the Grade Court Program database were examined to identify the date that a youth began the program, and what the charge was that originated their program participation. Charges were then cross-referenced with a database created by the evaluation team from hard-copy files at the San Juan County Juvenile Probation Office. From this cross-referencing it was possible to identify the filing date, disposition date, the youth's legal status from that disposition, and the youth's legal status before disposition on the charge. There were 158 cases where a definite linkage between these data could be established, and they constitute the sample for these analyses.

Among these 158 participants, 68 (43%) had begun Grade Court before being disposed for the charge which originated their placement in the program. There were 50 (31.7%) participants who began Grade Court at their originating charge disposition, and there were 40 (25.3%) who began the program after their originating charge disposition. The percent of participants in each group is displayed in figure 25.

The average time between the filing of a charge and disposition was 163 days. For youths who began Grade Court before disposition the average filing-to-disposition time was 189 days. For youths who began Grade Court at disposition the average filing-to-disposition time was 151 days. For youths who began Grade Court after disposition the average filing-to-disposition time was 137 days. This difference was statistically significant⁹, and the difference between the groups beginning Grade Court before and after disposition accounted for this significance¹⁰. This means that there was a large enough difference in the average filing-to-disposition time between these groups to be statistically significant. This also means that the difference between the groups who began Grade Court before disposition and after disposition approached statistical significance. The average filing-to-disposition times in days for each group are displayed in figure 26, and the average differences between groups on filing-to-disposition times are displayed in figure 27.

Jurisdiction Status

Records from the San Juan County Juvenile Probation Office were examined for all 158 cases. The participants' legal statuses prior to their originating Grade Court charges were identified. The participants' post-disposition legal status from their originating Grade Court charges were also identified. These data were used to determine whether youths were initially diverted from the existing probation system into Grade Court supervision, and if youths already in the existing probation system were removed into Grade Court supervision.

⁹ $F(155,2) = 3.12, p = .047$.

¹⁰ Mean Difference = 51.97, $p = .055$.

Before these 158 participants were disposed for their Grade Court originating charge, 85 (53.8%) had no formal status in the juvenile justice system, 23 (14.6%) were receiving informal court supervision, 43 (27.2%) were on formal probation, 3 (1.9%) were released on a consent decree, and 2 (1.3%) each were counseled and released or under family services supervision. Participants' pre-disposition legal status is displayed in figure 28.

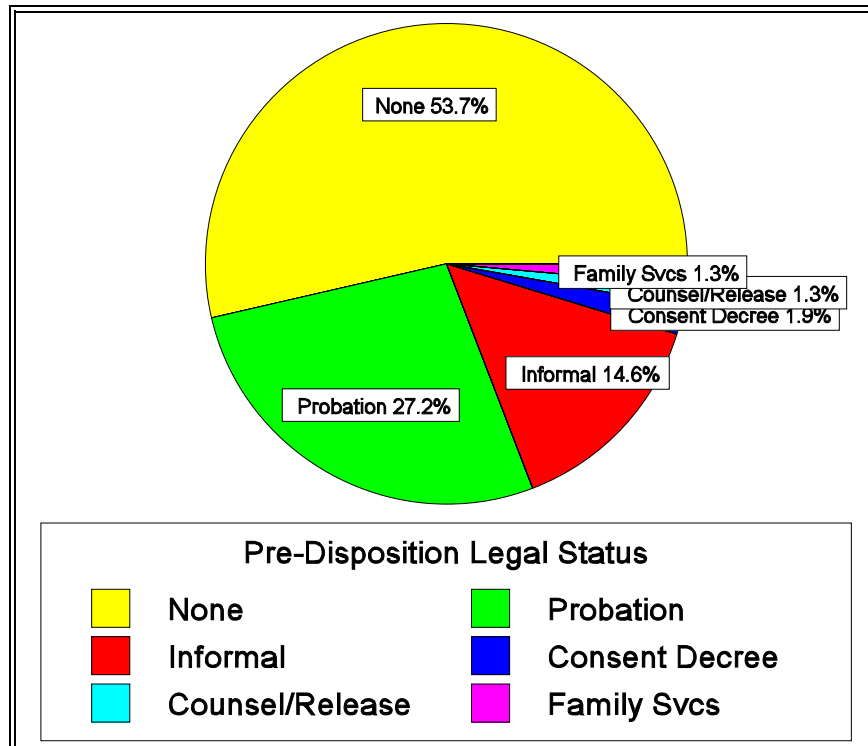


Figure 28. Participants' pre-disposition legal status.

Following these 158 participants' disposition for their Grade Court originating charge, 132 (83.5%) were placed on formal probation, 9 (5.7%) had the charge dismissed, 7 (4.4%) were placed on informal court supervision, 6 (3.8%) were released on a consent decree, and 4 (2.5%) were counseled and released. Participants' post-disposition legal status is displayed in figure 29.

There were 85 participants who had no formal legal status before being disposed on their Grade Court originating charge. Among these 85 participants, 73 (85.9%) were placed on formal probation, 4 (4.7%) each were placed on informal probation or released on a consent decree, 3 (3.5%) had their charges dismissed, and 1 (1.2%) was counseled and released. Post-disposition legal status for participants with no prior legal status is displayed in figure 30.

There were 43 participants who were on formal probation before being disposed on their Grade Court originating charge. Among these 43 participants, 34 (79.1%) were continued on probation, 6 (14%) had their charge dismissed, and 3 (7%) were counseled and released. Post-disposition legal status for participants who were previously on probation is displayed in figure 31.

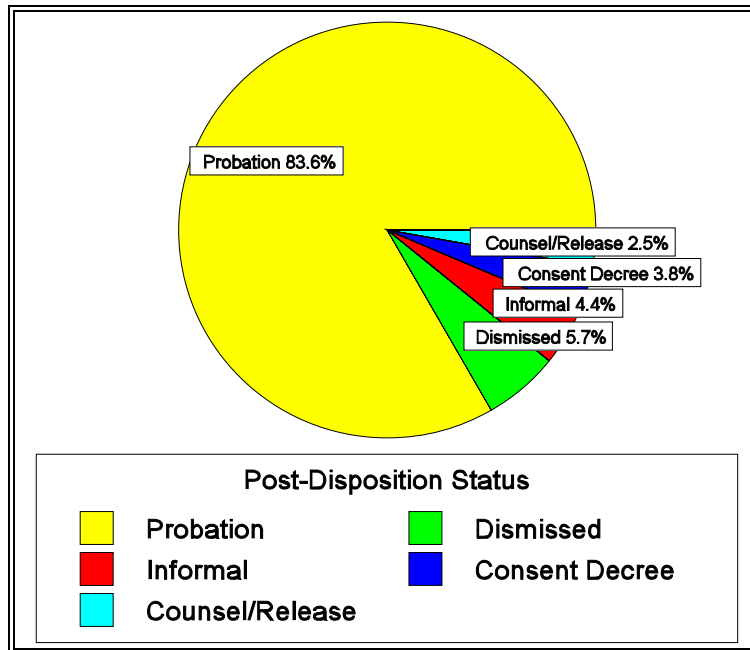


Figure 29. Participants' post-disposition legal status.

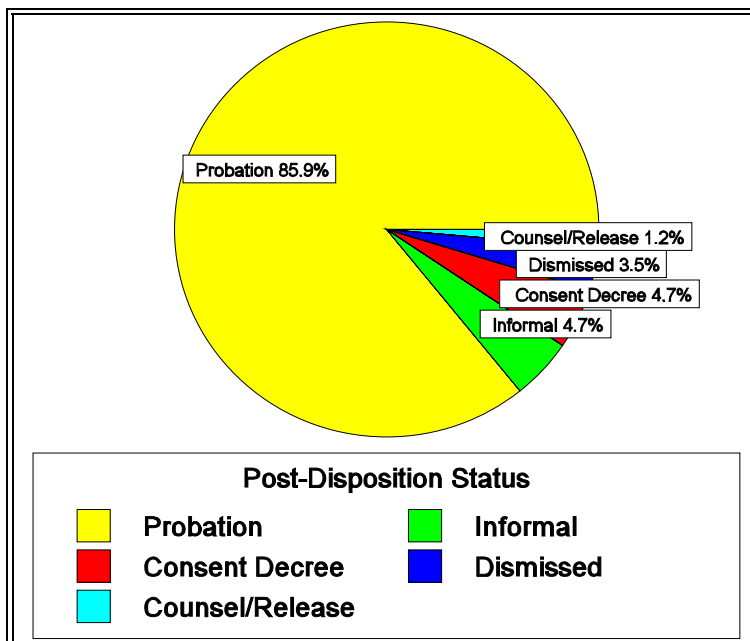


Figure 30. Post-disposition legal status for participants with no prior legal status.

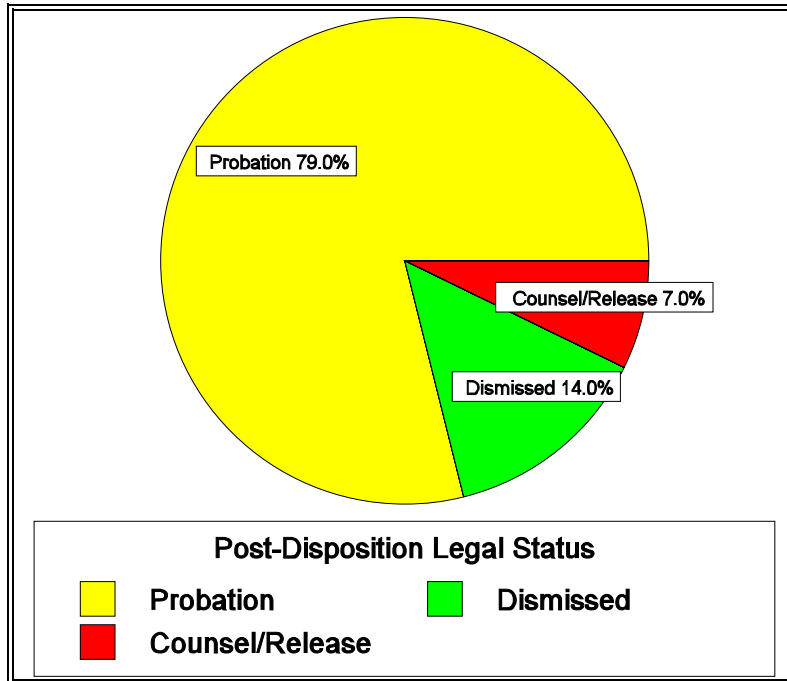


Figure 31. Post-disposition legal status for participants who were previously on probation.

Post Adjudication Legal Status	Pre Adjudication Legal Status					
	None	Consent Decree	Counsel and Release	Informal Supervision	Formal Probation	Family Service
Formal Probation	85.9%	33.3%	100%	87%	79.1%	100%
Informal Supervision	4.7%			13%		
Consent Decree	4.7%	66.7%				
Counsel & Release	1.2%				7%	
Dismissed	3.5%				14%	

Table 1. Post-adjudication legal status relative to pre-adjudication legal status.

Among the 3 participants who were previously released on a consent decree, 2 (66.7%) were continued on consent decree, and 1 (33.3%) was placed on formal probation. Among the 23 participants who were previously receiving informal supervision, 20 (87%) were placed on formal probation, and 3 (13%) were counseled and released. Both of the participants who had previously been counseled and released were placed on formal probation. Both of the participants who were under family services supervision were placed on formal probation. Participants' post-disposition legal status relative to their pre-disposition legal status is displayed in table 1.

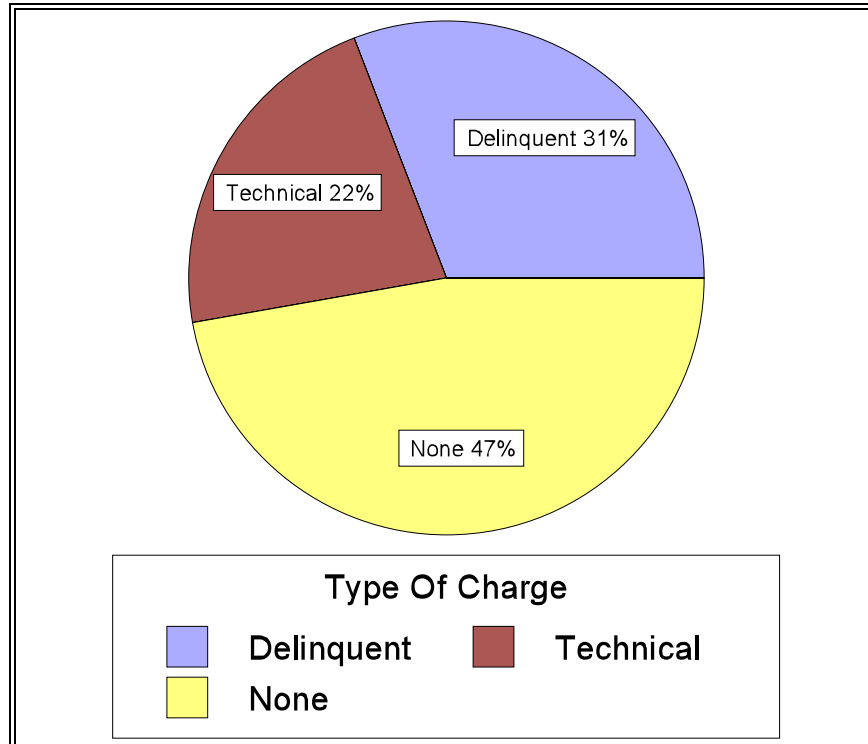


Figure 32. Types of charges received while in Grade Court.

The Use And Effect Of Detention

Detention data were gathered on the 83 youths in the follow-up group. This group was used so that the post-program effects of detention placements could be assessed. The youths' names, other identifying information, and dates of Grade Court participation were forwarded to the San Juan County Youth Detention Center. The Detention Center staff cross-referenced these youths in their computer logs, and identified the number of bookings and days spent in detention before, during, and after Grade Court participation for each of these youths. Charges and their time of occurrence relative to Grade Court participation were determined from the database that was kept by the Grade Court and used in the previous recidivism analyses.

Of the 83 youths in the follow-up group there were 28 (34%) who were booked into detention while they were in the grade court program. Of these youths, 31 percent were booked on criminal charges, 22 percent were booked on technical charges, and 47 percent were placed

in detention without a being formally charged. The youths booked on technical charges had violated or been revoked from probation, and the youths who had not been charged were most likely to have been ordered in for violating a condition-of-release from a previous charge. The distribution of youths booked into detention by these charge category is displayed in figure 32. There were no significant effects for gender or ethnicity relating to detention placements occurring in the Grade Court Program.

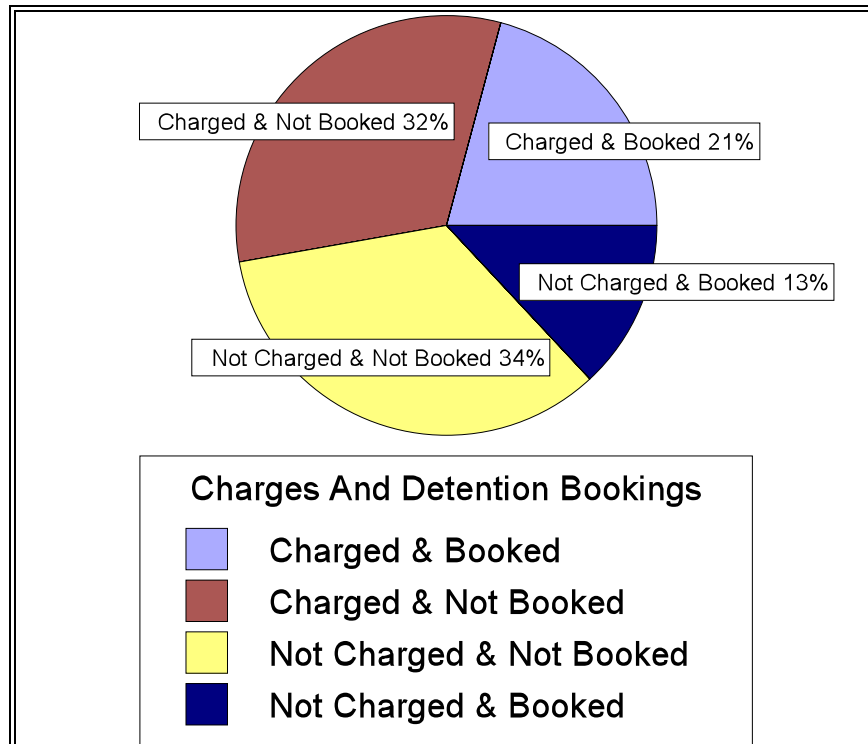


Figure 33. Charges and detention bookings.

Not all of the youths who were charged with crimes or technical were placed in detention. As one can see in figure 33, 21 percent of the 83 follow-up youths were charged and booked, and 32 percent were charged and not booked. There were 13 percent of the youths who were not charged and booked, and the remaining 34 percent were not charged and not booked. Considering that youths who were not charged and booked represent the best estimate of youths who were placed in detention for violating conditions-of-release from previous charges, the data say two things. First, 13 percent of the follow-up group youths were booked into detention during their Grade Court participation, and these youths constituted 47 percent of all of the follow-up youths who were placed in detention.

Detention is used as a behavior shaping tool in the Grade Court Program. As Kazdin (1984) points out, the definition of a strategy as a shaping tool rests primarily on the behavior that is observed after it's applied. In the case of detention as a shaping tool within the Grade Court Program the targeted behaviors include school attendance during and after, and delinquent and

technical charges after Grade Court participation.

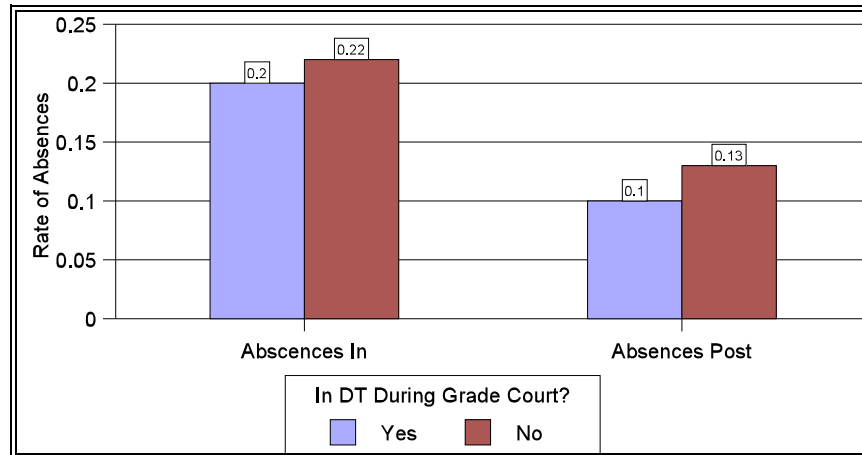


Figure 34. Average rates of pre and post school absence for detained and non-detained youths.

In figure 34 one can see that for youths who were detained the average rate of absences during Grade Court participation was .20, and the rate for youths who were not detained was .22. For youths who were detained the average rate of absences following Grade Court participation was .10, and the rate for youths who were not detained was .13. The difference between youths who were and were not detained in both during and post program school attendance was not statistically significant. This means that being placed in detention while in Grade Court did not have an appreciable impact on school attendance either during or following participation in the program.

As shown in figure 35, for youths who were detained the average number of delinquent charges following Grade Court participation during the 90 days was .15, and the average for youths who were not detained was .07. For youths who were detained the average number of technical charges following Grade Court participation was .08, and the youths who were not detained had no technical charges. The difference between youths who were and were not detained in both delinquent and technical charges was not statistically significant. This was also true at 180 days of follow-up. This means that being placed in detention while in Grade Court did not have an appreciable impact on school attendance either during or following participation in the program.

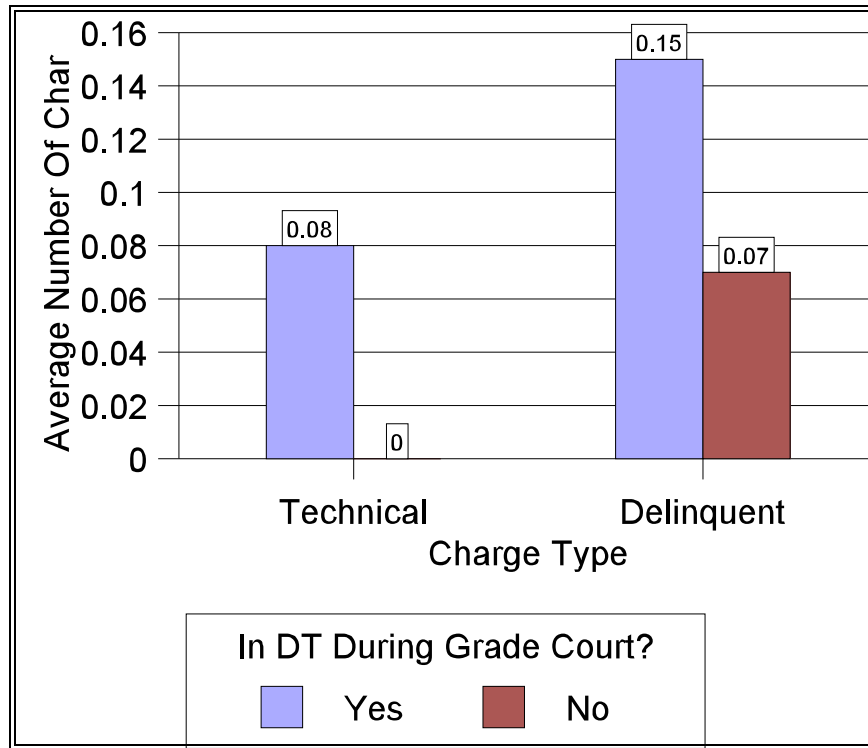


Figure 35. Average number of post Grade Court charges for detained and non-detained youths.

Community Perceptions

Qualitative data were collected through semi-structured interviews, and the interview questions are included as Appendix A. There were 17 individuals interviewed, and they included educators, detention and residential facility staff members, law enforcement and probation personnel, and officials from the court and San Juan County. Interviews were done individually with the exception of two cases, where up to four individuals met at one time with the one of the evaluators. All respondents were informed of the voluntary nature of their participation, and that their individual would be kept confidential. In the case of the small group interviews the respondents also agreed to keep their discussions confidential outside of the group. All of the respondents completed full interviews.

As can be seen in table 2 there were six themes that emerged from the qualitative interviews. These themes were derived from the coding system developed by Strauss and Corbin (1990), which consists of three stages of coding that lead to themes which are grounded in the data. In open coding the data includes each of the question domains that the participants were asked about, and the sub-categories that emerge from discussion of these domains. In axial coding central ideas which emerge across participants from the open coding categories are considered. In selective coding an interpretive element is brought to the data analysis, where themes are brought out from the data. The coding process in qualitative research is long and

arduous (Strauss & Corbin, 1990) so this phase of the evaluation will focus on themes from the data and their meaning for the Grade Court Program. Themes are derived from the majority view within the data, but should not be considered as exclusively representing all respondents, and this is illustrated by including the minority perceptions along with the majority's. The themes that emerged from the qualitative interview data are families, youths, program, authority, scholastics

THEME	AXIS	CODE
Families	Structure, Relationships	Pride, Strain, Motivation, Organizes/Structures
Youths	Structure, Education	Pride, Reading, Motivation, Responsibility, Punishment
Program	Personnel, Consequences, Collaboration	Staff, Judge, Collaboration, Flexibility, Deterrence, Difficult Youths, Detention, Improving Over Time, Information Sharing, Poverty
Authority	Consequences, Deterrence	Discipline, Monitoring, Detention, Deterrence, Consequences,
Scholastics	Learning, Teachers	Reading, Scholarships, Teacher-Student Relationships
Community	Needs, Boundaries, Youths Not In Program	AOD And Mental Health Treatment, Resources, Ripple Effect On Other Youths, Boundaries, Agency Workloads, Conflicts

Table 2. Themes, axes, and codes from qualitative interviews.

and community.

Families

Many of the respondents reported that the Grade Court impacted families by imposing an external structure on them. Across the different professional group constellations this was largely seen as a positive thing, and often the families of Grade Court youths were described as needing external structure:

“Anything you can do to get the parents is good.”

The behavior changes that resulted from this external structuring were seen as connecting to an increased sense of pride in their accomplishments for families.

While all of the respondents posited a belief that this external structure required extra effort from families, a minority of respondents believed that for families suffering from the deprivations of poverty this was an undue hardship. As one person from the detention and residential constellation stated:

“They (the Grade Court) don’t consider that some people don’t have cars of their own, and they can’t get things to Farmington on time, then the kid and the whole family gets punished.”

This statement is representative of the sentiments of the minority in the theme of families, who saw the external structure as burdensome and shaming to some families.

Youths

By and large the respondents took the position that the youths were helped by the Grade Court through its structure, discipline and consequences. The program rules and the threat of punishment were often cited as positive for youths:

“They (the youths) have things they have to follow...it (the program) puts some teeth into things.”

The majority of respondents supported the idea that discipline led to motivation, which led to learning, and then pride in academic achievement.

Not all respondents shared this view, and one respondent articulated the concept of detention as a potential reward:

“It’s (DT) like a big slumber party, they (youths) get to see their friends, and then they brag about being there after.”

Another respondent from the educational system saw youths as not believing in consequences that were not consistently imposed:

“They go there and get sent away, so they put less , not more, into what we say about consequences, then we can lose them.”

While the majority of the respondents believe that the Grade Court accomplishes its mission through structure and consequences, a minority of respondents question whether the Grade Court’s consequences indeed have a punishing effect on youths in the program.

Program

Even the program's harshest critics stated that it "helps kids learn to do better in school." Other identified strengths of the program included the program staff, who can often be found going to facilities on weekends, and keeping in regular contact with school and other agency staff. Judge Onuska was identified by many as being responsible for increased collaboration:

"He brought people to the table who had never been together before."

Many respondents also supported the Grade Court's use of legal system consequences for school system behavior, as one respondent said it:

"People criticize the program for giving consequences for not learning. Life has consequences for not learning, it's just that Judge Onuska's come sooner."

The only negative perceptions of the program that were shared by the majority was that it increased workloads for teachers and probation officers, and that the use of detention added significant costs that were not reflected in the stated program budget. It was commonly stated by supporters and critics alike that they saw the Grade Court as improving over time.

Authority

As stated before, many respondents support the use of judicial authority to enforce school expectations. Many respondents across the role constellations saw the authority of the bench as crucial to the programs functioning:

"The kids when they're here they know to behave."

Other perceived benefits of the Grade Court's authority included enhanced monitoring of youths school progress and behavior. This monitoring enables different agencies to work more proactively with youths and their families:

"(Information about school performance) It's like an early warning system that something's going on with the kid and the family."

These statements are a small sample of how the majority of respondents approve of how the Grade Court uses it's authority.

Not all respondents were as enthusiastic about the use of legal authority and sanctions:

"Kids have always done stupid things, if we criminalize them we create new criminals."

Similarly, the lines of authority are sometimes not clear when a youth is being supervised by more than one legal entity:

“I don’t know who to call, Grade Court or Probation.”

These were two of the concerns that were stated in terms of the Grade Court’s use of its authority. No consistent concern within this theme emerged from the data, but rather a variety of seemingly idiosyncratic concerns surfaced.

Scholastics

The respondents uniformly gave a positive endorsement to the Grade Court’s focus on reading. The following statement reflects the general sentiment:

“If you can’t read well you can’t really learn anything else.”

Most respondents also spoke highly of the scholarships that have been awarded to Grade Court graduates:

“That’s a way out for them, it’s something for parents and kids to shoot for...Many of these kids would never think about college without it.”

Most educators also saw a value in having an external structure which requires parents and youths to focus on school performance.

A minority of respondents saw some potential negative unintended consequences from the Grade Court Program as it’s presently structured:

“There is a set-up...an adversarial student-teacher relationship where you (teachers) are basically sending him to jail (weekend detention).”

It was believed by these respondents that a good relationship with a youth was essential to help educate them, especially when that youth was having scholastic problems.

Community

Codes within the community theme fell along three axes; the deterrent effect on youths who were not Grade Court participants, effects on allied agencies, and resources in San Juan County.

Most respondents put forth the idea that youths who were not in the Grade Court Program benefitted from a deterrent effect:

“Kids know about it, they see who’s on it, they don’t want to get on it.”

None of the respondents challenged this notion as they did other aspects of the program.

There were two distinct areas identified in terms of allied agency effects. These centered around the Juvenile Probation and Community Corrections agencies and the San Juan County Youth Detention Center.

Staff members of the Juvenile Probation and Community Corrections programs in Farmington have expressed concerns about the Grade Court. Issues appeared to relate to inter-agency boundaries, and were expressed as some staff members feeling undermined by Grade Court decisions and having their work loads substantially increased to accommodate the Grade Court without any in-kind return for their efforts. It should be made clear that these do not represent the unanimous perceptions of the people who work in these agencies, and that the same people who raised these concerns have good things to say about the program. Nevertheless these concerns must be brought to the surface and validated when agencies and the individuals in those agencies must function in the proximity that is present in San Juan County.

Staff members from the San Juan County Youth Detention Center have had a unique reciprocal experience with the Grade Court. Since the Grade Court uses detention as a consequence with it's youths, the San Juan County commission voted to spend approximately \$90,000 on an annex to the youth detention center, and the county spends in the area of \$100,000 annually to staff that annex. Only part of the story is in the expenditure line items, and the rest is in staff behavior. Specifically, when one of the evaluators visited the facility what he found was programming - the structured use of time and personnel - that was specifically aimed at Grade Court youths who were in detention. This programming focused on learning through homework, tutoring, and reading assignments. The traditional mission of the juvenile court is one of rehabilitation and remediation (Trattner, 1996), and the efforts of the San Juan County Youth Detention Center staff are congruous with that mission. What is transpiring between the detention center, the county, and the Grade Court represents collaboration as the sharing of resources.

A recurring, indeed unanimous, statement among respondents had to do with resources. Specifically, the need for a greater availability of substance abuse and mental health treatment for youths in San Juan was endorsed by every respondent. San Juan County has substance abuse prevention programs in place for youths, a 30 day treatment center for adults who are convicted of a DUI, a small group home for adolescent males, and a small residential receiving center for youths who are being discharged from secure juvenile facilities. The respondents identified needs for youths that included outpatient, intensive outpatient, and day treatment mental health services, residential mental health treatment services for girls, and a full spectrum of substance abuse treatment services from outpatient through inpatient. There appears to be consensus that the availability of these treatment services will add to the efficacy of all programming for youths in San Juan County.

IV. Conclusions And Recommendations

Recidivism

Two primary findings emerge from the recidivism data. First, Grade Court participants demonstrate a reduction in delinquent charges following their program participation. Second, Grade Court participants demonstrate an increase in technical charges, especially during their participation in the program.

Regarding delinquent charges, as the post-program duration increased to 180 days, the magnitude of reduction in charges increased. At the same time, the recidivism rate for delinquent charges increased. It appears that while more youths had at least one charge at 180 days post-program, the total number of charges remained significantly lower than during the pre-program time period. The magnitude of reduction in delinquent charges between the pre-program and during-program periods increased as the duration of participation in the Grade Court Program increased. This may be taken to indicate that as the amount of intervention - the supervision of youths focusing on school attendance and performance - increased, the benefit in terms of reduced recidivism similarly increased.

Regarding technical charges, as the duration of Grade Court participation increased, the youths demonstrated a corresponding increase in their number of technical charges while in the program. With the group that had at least 180 days of Grade Court participation, the magnitude of increase in technical charges was statistically significant. This may mean that the Grade Court staff are thorough in their supervision of participating youths.

In terms of discharge status from the program, the findings from the technical charge category converge with the earlier findings about technical charges. The number of technical charges increased along with the increased supervision that the program provides. Further, unsuccessful participants had significantly more technical charges than their successful counterparts did during their time in the program, indicating greater difficulty with program compliance.

Findings about discharge status and delinquent charges indicate that unsuccessful participants had significantly more charges than their successful counterparts at 180 days. These youths do not appear to maintain the same benefits in terms of reduced recidivism than do successful completers of the Grade Court Program. This may mean that in addition to having difficulties with program compliance, these youths also have difficulties in meeting the expectations of the larger society.

School Attendance And Grades

Absence rates decreased between the in-program and post-program period. While not statistically significant, this finding is in the direction that one would hope. This could indicate that the school attendance habits that youths develop during their Grade Court participation have some degree of durability. Findings about school attendance should be approached with caution as they are only for one school year, and they involve a limited number of participants. The lack of

significant predictive value for school attendance towards recidivism may also be a function of the small samples available. School attendance rates using school district data should be monitored on a regular basis to develop a fuller understanding of the program's impact in this area.

GPA's showed a trend towards stability and decrease. This should not be taken as an indicator of problems or failure of the Grade Court Program. Grades are perhaps more related to academic ability than they are to attendance or criminality in this instance. It could indeed speak well of the school system in San Juan County that these participants' grades did not fully correspond with attendance. This implies that the quality of academic work, and not simply attendance, is the main factor in a student's GPA.

Time To Disposition And Program Jurisdiction

The data indicate a difference in the time that it takes from originating charge to disposition. This difference seems to depend on when a youth begins to participate in Grade Court in relation to their disposition for the originating charge. The youths who begin participating in the Grade Court Program before being disposed on the originating charge had the longest time span from filing to disposition. The youths who begin participating in Grade Court after being disposed on the originating charge had the shortest time span from filing to disposition. The youths who began participating in Grade Court had a time span from filing to disposition that fell between these groups. The source of statistical significance in these differences was between the groups who started Grade Court before disposition and after disposition, where there was an average difference of 52 days. It is impossible to know from these data how many of these youths were in detention prior to beginning Grade Court, and if Grade Court participation was a condition of their release from detention. Data would have to be collected from the San Juan County Youth Detention Center to answer that question.

The data indicate that Grade Court functions in concert with the juvenile probation system in San Juan County. Nearly 80 percent of participants who were on formal probation before Grade Court remained on probation, 85 percent of participants who had no formal legal status were placed on formal probation at disposition, 87 percent of the youths on informal supervision were moved to formal probation at disposition, and all of the participants who were previously counseled and released or were under family services supervision were moved to formal probation. The participants who were previously released on consent decree were the only ones who did not largely move into formal probation at disposition. Among these participants, one third were placed on formal probation, and two thirds had their consent decrees continued. It could be argued that youths who were previously disposed with a consent decree may have been intentionally placed in Grade Court outside of the normal probation system. This argument of intent should be approached cautiously because consent decree cases constituted less than 2 percent of all cases, and this argument goes against the trend of all the other dispositions. It appears that Grade Court functions largely as an adjunct to the existing juvenile justice programs in San Juan County.

The increased length of filing-to-disposition times for participants who began Grade Court before disposition on their originating charge warrants a deeper, perhaps more qualitative, examination. From the data on post-disposition placement it appears that the Grade Court works

in tandem with other youth programs. The cause of the longer wait for disposition may be function of the interaction between Grade Court and other programs or agencies which the participants are involved with.

The Effect Of Detention

The effect of using detention as a consequence for failure to comply with Grade Court Program expectations was assessed. This assessment centered on a follow-up of participants who did and did not spend time in detention while they were Grade Court Program participants. There was good news in the absence of significant effects for gender or ethnicity relating to the detention placements of Grade Court youths. Unfortunately, there were no significant differences between youths who were detained and not detained on the key outcome variables of technical charges, delinquency charges, or school attendance.

In order to test for the isolated effects of detention on subsequent behavior, there would have to be a group that received detention and a group that did not receive detention within the context of Grade Court. To reasonably assume that these groups were equivalent in the distribution of extraneous variables between them, youths would have to be randomly assigned to detention and no-detention groups before the study's data collection began. These groups could be followed during and after Grade Court participation and data could be collected on both groups. These data can include criminal charges, school attendance, GPA, time taken to complete Grade Court, and further penetration into the New Mexico Juvenile Justice System. These youths could be followed for periods of time that range from months to years, and they could be interviewed at some point during follow-up to add a qualitative perspective to the results.

When introducing the idea of random assignment to the evaluation of existing programs some questions arise. These questions typically include "will random assignment withhold benefits from clients?" and "will random assignment disrupt program operations?" At present many Grade Court participants who are sentenced to detention arrive at the Farmington Detention Center only to be turned away because there is no space to house them. These youths return to the center at the beginning of each weekend, and often aren't accepted at detention until weeks have passed from the time of their sentencing. This continues to be the case despite the construction of a new 12-bed annex to the Detention Center, though not to the extent that it did before the annex was constructed. The current situation is not qualitatively different from randomization because the specific census at the Detention Center annex is an unpredictable, hence random event. Since it is unclear that detention is a benefit to participants, withholding detention is not the same as withholding an established beneficial treatment. It is in the interest of both the program and its clients to gain a more precise understanding of how detention affects Grade Court participants.

Since a youths actual acceptance at detention is a somewhat random event it cannot be expected that random assignment to different groups will appreciably disrupt program operations. Another consequence for non-compliance is possible. San Juan County Juvenile Probation Services has programs in place that include community service projects. Youths who would typically be sentenced to detention could be sentenced to community service work. This practice would keep the punishment effect in place, leaving the only difference between groups as whether

detention was used as a punishment. Random assignment is relatively easy to accomplish when a youth begins the program, and obtaining youths' and parents' informed consent can easily be incorporated into the general program intake process. The program's essential ingredients would not be disrupted, and the current random process of detention acceptance would become more orderly during the study. These are small trade-offs for the larger benefit of establishing the effects of detention with the Grade Court population.

Community Perceptions

The majority of respondents in the semi-structured interviews support the Grade Court Program, and they support how it is currently implemented. The embedded theory of change (Weiss,) that emerged from the qualitative research begins with the idea that the youths and their families are deficient in their level of internal organization, and that external structure is necessary for them. The next step in the embedded theory is that structure, and especially consequences, will lead to positive behavior change on the part of parents and youths. This positive behavior change is believed to lead to parents having pride in their children, and youths having pride in themselves. This embedded theory of change warrants a discussion of the Grade Court in terms of behavioral learning theory.

Shaping And Habit Formation

It was found that participation in the Grade Court Program was related to reduced delinquent offending. Additionally, Grade Court participants demonstrated improvement in their rates of school attendance. It was also found that being placed in detention during Grade Court participation did not significantly increase the likelihood of these positive outcomes. Results show that Grade Court participants had a slight decrease in their GPA's over time.

It would appear that the Grade Court Program instills positive habits in their participants that endure beyond the time of their participation. It also appears that at least initially, these good habits do not immediately reflect themselves in GPA improvements, as they do in the recidivism and school attendance data. Many of the youths in the program have extensive histories of truancy and school failure, and are likely to be attending school with deficits in their academic skill base. If these youths have been socially promoted, based on age rather than academic achievement, they are likely to be significantly below grade level in their classes. This means that when these youths resume school attendance their academic deficiencies will likely be pronounced, and are reflected in academic measures like GPA.

To posit that the Grade Court Program instills positive habits in its participants warrants an explanation of how that occurs. To explain this process Alan Kazdin's (1984) description of operant conditioning is useful. In operant conditioning, consequences are applied contingent upon targeted behaviors. Consequences can include positive reinforcers, negative reinforcers, and punishers. In less technical language, rewards serve to increase a desired target behavior, and punishments decrease an undesired target behavior.

In the Grade Court Program the desired target behaviors are school attendance and compliance with program reporting requirements. The undesired target behaviors are truancy and

non-compliance with program reporting requirements. Youths who attend school and meet the reporting requirements receive verbal praise within the program, receive recognition as program graduates, and become eligible for a college scholarship. Youths also receive a variety of social rewards at home and school. The desired target behaviors are further rewarded in the program setting by having youths who are rated as highly compliant with program norms having their case heard earliest in the evening's session. The desired target behaviors are thus rewarded across different settings.

The program punishes youths in two ways. Youths who are not compliant with program norms have their cases heard last, thereby increasing the amount of the courtroom setting consequence that they are exposed to. Youths who remain truant are sentenced to detention time which can largely be assumed to be an undesirable consequence. Youths also graduate based on school attendance and this serves to completely eliminate the punishing effects of being in the courtroom setting.

In the Grade Court Program behavior shaping tools are simultaneously applied to the targets of increased school attendance and its converse, decreased truancy. Through operant conditioning the desired target behavior of school attendance is shaped into a positive habit. On the basis of the detention and recidivism data, the specific operant conditioning mechanism appears to be reinforcement strategy. Since the Grade Court data hold true to the operant conditioning axiom that rewards are more powerful shaping tools than punishments (Kazdin, 1984), the program should increase its focus on the use of reinforcement.

Limitations of Conclusions

In the absence of a control or comparison group, clearly causal statements are of limited plausibility. Defining a comparable group of youths who were similar to grade court participants, but did not receive these services would strengthen the ability to make causal statements of outcome. The small sample size that occurred as the post-program duration increased makes it more difficult to detect true differences between pre and post occurrences of charges and school performance. As sample size increases so does the power of statistical tests to detect true differences (Kazdin & Bass, 1989).

Summary Of Findings

It appears that the Grade Court Program is effective in reducing future offending by its graduates. The preliminary data suggest that participation in the program, regardless of successful or unsuccessful completion status, has the effect of suppressing delinquency. The Grade Court Program also improves academic success to some degree in terms of school attendance, though when academic success is measured by changes in grade point average the findings are less conclusive.

Consideration of alternatives to the use of detention is warranted. Even if it had been found that using detention significantly enhanced the performance of those youths who were incarcerated, youth policy issues around the appropriate and inappropriate uses of detention need legal analysis. If the decision was to be informed purely by data, the conclusion would be to use

alternative sanctions with a greater frequency than detention. The qualitative data indicate that majority community values support the use of detention, though this support is by no means uniform. In an interesting paradox, the community's perception about the use of detention is contradicted by the quantitative data, therefore the current use of detention could benefit from thorough examination using additional perspectives.

The Grade Court Program addresses one of the most durable tenets of juvenile delinquency theory and research, the connection between school failure and delinquency. This initial study demonstrates that the program does assist youth in becoming more attendant at school, and in reducing their delinquent behavior. While retaining youths in the program as a condition of release from detention for previous charges is controversial, this practice is not representative of the how the Grade Court Program operates. Data indicate that over 80 percent of Grade Court youths receive formal probation sentences. The Grade Court's use of detention for non-compliance, however, needs to be augmented by a system of graduated alternative sanctions.

On the basis of these initial findings the Grade Court Program warrants continuation. Replication of the program is recommended if implementation incorporates the following guidelines for a model Grade Court.

V. Recommendations For A Model Grade Court

Shared Responsibility

Shared responsibility means that the court works in concert with another agency. In most Drug Courts the judiciary works collaboratively with probation or pre-trial assessment programs for case management. It may be tempting to take the position that this is done for fiduciary purposes in managing program grants, but it serves the clients' interests by adding a layer of additional protections from outside the judiciary. This is important because in agreeing to participate in treatment courts clients typically agree to waive some portion of their due process rights in exchange for the programs benefits. The use of agency other than the court itself to participate in decision making can be thought of as analogous to the medical best practice of having a second opinion.

Graduated Sanctions

At this point in time detention is the primary sanction being employed by the Grade Court Program. Cost estimates gleaned from qualitative interviews range near \$100,000 annually for staffing, in addition to the \$90,000 which was spent to build an annex at the detention center. The youths who were followed in this evaluation were out of Grade Court before this annex was built, and their data demonstrate no significant, or even appreciable, effect from detention placements, on school attendance or subsequent charges. Some may argue that with the annex, and the specialized programming that the detention center staff have implemented, the results would be different. Such speculation should include the question of costs, both momentarily for the county and socially for the youths.

The data show that youths who were detained had more, not less, delinquent charges after Grade Court than did their counterparts who were not detained. These data point to the idea that detention may encourage youths towards enacting a self-fulfilling prophecy (Lankton, 1994). Given that many of youths have been "outsiders" at school, further isolation and negative labeling through detention can serve to increase rather than decrease their tendencies towards an anti-social trajectory. This represents a situation that is indeed socially costly.

\$100,000 annually can staff an after-school, day treatment facility that can serve twice, perhaps three times as many youths as are in the detention annex on any given weekend. Researchers have found that day treatment can be as effective as more costly residential treatment in reducing delinquency while youths remain juveniles (Byrnes, Hansen, Malloy, Carter, & Curry, 1999). Community service sanctions can provide youths with opportunities to return something of value to their communities, and even their schools. Community service can also enhance a youths knowledge of the world of work, and can thus encourage them to pursue more education than is legally required of them.

Similar, perhaps better outcomes can be achieved at the same monetary costs and lower social costs through implementing a system of graduated intermediate sanctions in future Grade Court programs.

Peer Tutoring

It is no secret that youths have differential strengths and weaknesses in their academic aptitudes and achievements. A strategy that can capitalize on this is peer tutoring. This type of program would require a scholastic assessment of each youth to determine their achievement levels in all subject areas. Youths can then be assigned to tutor each other, based on their empirically measured strengths.

The peer tutoring approach will also provide psychological benefits for youths. The psychologist James Marcia (1980) found that youths could be distinguished by their style of identity development. One style of identity development that he identified was foreclosure, where a youth assumes an identity that is externally defined by familial and social sources. Youths with a foreclosed identity are typically found at either the highly compliant or highly delinquent ends of the behavior continuum, so many youths in a Grade Court program may be foreclosed on a negative identity. Through the process of helping others youths in a peer tutoring program would be confronted with tangible evidence which would refute a negative identity. Youths who are succeeding in the program can also serve to socialize and serve as role models for new clients.

Assessment And Service Coordination

Despite a historical reluctance to deal with comorbid or complex problems, there is a growing recognition that youths' problems typically present as co-occurring rather than solitary (Rapp & Wodarski, 1997). One implication of this knowledge is that youths and families are better suited to a constellation of services, rather than one program. Grade Court, indeed any treatment court program will have better outcomes if they function in concert with other agencies. The level of cooperation between the court, the schools, the detention center, and the community college in Farmington is one example of the necessity of collaboration to achieve goals.

What is needed to adequately provide adjunct services to youths and families? An accurate assessment of clients, their social networks, and their needs is the foundation for any intervention. School failure can be indicative of an array of co-occurring problems, including substance abuse, mental illness, family discord, economic deprivation, or community disadvantage. A thorough psychosocial assessment can identify the root causes of the school failure and provide for coordinated services to address those causes which are germane to the individual, family, or community. Assessment is a labor intensive activity, and it often needs to be ongoing. In depth assessment may seem costly on initial appraisal, though anyone who has experience working with challenging youths and families can attest to the myriad costs of poor or lacking information.

In the process of assessment and service coordination members of the judiciary who are involved in treatment courts will inevitably become aware of service gaps in their communities. It is at this point that advocating for expanded resources for youth becomes imperative. If treatment courts are redefining and legitimating a more activist role for the judiciary, the activist judge will increasingly be so on and off of the bench.

VI. References

Byrnes, E.I., Hansen, K.G., Malloy, T.E., Carter, C., & Curry, D. (1999). Reductions in rates of criminality subsequent to group, individual, and family therapy in adolescent residential and day treatment settings. International Journal of Group Psychotherapy, 43, 307-322.

Clark, R.D. (1988). Celerity and specific deterrence: A look at the evidence. Canadian Journal of Criminology, 30, 109-120.

Heinz, W. (1983). Theories on and explanations for juvenile delinquency. Zeitschrift fur Pädagogik, 29, 11-30.

Hirschi, T. (1969). Causes of delinquency. Berkeley, CA: University of California Press.

Kazdin, A.E. (1984). Behavior modification in applied settings (3rd Edition). Homewood, Ill: Dorsey Press.

Kazdin, A.E., & Bass, D. (1989). Power to detect differences between alternative treatments in comparative psychotherapy outcome research. Journal of Consulting and Clinical Psychology, 57, 121-147.

Lankton, C. H. (1994). "Have you done anything Ericksonian today?": Co-creating positive self-fulfilling prophecy. In Jeffrey K. Zeig (Ed.), Ericksonian models: The essence of the story. New York: Brunner Mazel.

Marcia, J.E. (1980). The process of adolescence. In J. Adelson(Ed.), Handbook of adolescence. New York, Wiley.

Mathur, M., & Dodder, R.A. (1985). Delinquency and the attachment bond in Hirschi's control theory. Free Inquiry in Creative Sociology, 13, 99-103.

Phillips, J.C., & Kelly, D.H. (1979). School failure and delinquency: Which causes which? Criminology, 17, 194-207.

Rapp, L.A., & Wodarski, J.S. (1997). The comorbidity of conduct disorder and depression in adolescents: A comprehensive interpersonal treatment technology. Family Therapy, 24, 81-100.

Strauss, A.L., & Corbin, J. (1990). Basics of qualitative research : grounded theory procedures and techniques. Newbury Park, CA. : Sage Publications.

Trattner, W.I. (1999). From poor law to welfare state : a history of social welfare in America (6th ed.). New York : The Free Press.

Webb, S.D. (1988). Deterrence theory: A reconceptualization. Canadian Journal of

Criminology, 22, 23-35.

Weiss, C.H. (1998). Evaluation : methods for studying programs and policies (2nd ed.). Upper Saddle River, N.J. : Prentice Hall.

Wiatrowski, M.D., Hansell, S., Massey, C.R., & Wilson, D.L. (1982). Curriculum tracking and delinquency. American Sociological Review, 47, 151-160.