

Teen Dating Violence and Diversion

A Roundtable Discussion



Acknowledgements

This project was supported by Grant No. 2015-TA-AX-K023 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, or recommendations expressed in this project are those of the author(s) and do not necessarily reflect the view of the Department of Justice, Office on Violence Against Women.

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July 12-13, 2018

Executive Summary

This report is a summary of a cross-disciplinary roundtable held to explore whether and how diversion assessment and programming for youth in the juvenile justice system is taking teen dating violence into account. Participants provided information regarding current practice and made recommendations for further action.

Initial discussions focused on defining teen dating violence. This exploration led to robust conversation about a number of other questions, including:

- Is it more than intimate partner violence? Who defines it?
- What services are needed? Who is eligible and who determines eligibility for diversion? Where and when are the services provided?
- What is the impact of dating-violence on victims, offenders, and the community?
- What does diversion mean for this population and where does it—or should it—occur?
- How can outcomes be measured?

A Few Conclusions

Relationship violence among youth is complex and does not always follow traditional adult patterns. Therefore, diversion programs should not be based upon adult criminal models. In addition, diversion must have a clear purpose that is not solely based on the offense but also addresses the voice of the victim, creates accountability and responsibility for the person who created the harm, and involves community, as defined by the youth being served. A multi-faceted approach

to youth engagement will ensure that interventions across systems address the dynamics of power and control with a lens on youth developmental stages and perspectives. Programs should address macro-level drivers (community and cross-systems) as well as victims, offenders, and their defined community including family. Services and programs must also acknowledge the needs of marginalized communities, and communities where violence can be common place within the family as well as in general community life.

Communities of color and youth of other differences are more likely to be engaged with systems. Finally, the participants acknowledged that the complexities of youth, their prior exposure to violence coupled with the fluidity of adolescent brain development, and exposure to media and other emerging non-physical methods of relationship violence create a need for common language, common ideology, and clear legal and social consequences through coordinated community responses to incidents of violence. The goal of this approach is to inform youth—and the entire community—of the risks to all when services and programs, court responses, and government and non-government entities interject or intercede to address harmful behaviors.

Discussion

Before diving into a discussion of how diversion programs are addressing it, participants worked to develop a shared definition and understanding of teen dating violence. Major topics included:

What is Teen Dating Violence?

How teen dating violence is defined affects the processes and potential structure of any system or cross system responses to violence that will ultimately serve victims while holding abusers accountable and responsible. Clear definitions also will assist in the development of effective cross-agency responses to the multi-layered dynamics of this form of violence. The participants agreed that traditional legal definitions of intimate partner violence do not necessarily address the realities of youth, whether a survivor or the person causing the harm. Any attempts to define this type of violence should consider the ever-changing nature of youth and young adults as they move through the teen years and into adulthood.¹

Who are the Victims and Who Causes Harm?

Participants noted that teen dating violence cases are not tracked in many jurisdictions and incidents involving elements of teen dating violence are not captured which makes deciding which cases would be appropriate for diversion extremely difficult. The participants concluded that it is difficult at this time to define the nature of the violence, current and past system or community-based interventions,

the effectiveness of interventions, and the profile of youth involved in relationship violence because there is a lack of data on youth touched by relationship violence (dating and intra-family). That said, the data that exists suggests a strong need. Two out of three youth who were in a relationship in the past year reported victimization or perpetrating intimate partner violence.² High school females reported higher rates of physical and sexual dating violence than males; and LGBTQ youth reported higher rates than heterosexual students.³ Participants concluded that one necessary ingredient to develop alternatives for services, victim safety, offender accountability, and responsibility is the need for jurisdictions to collect data that involves all systems that provide services to these youth.

There are anecdotal characteristics based on participants' experience with the population that appears in the juvenile justice or child protective systems, whether as victim or offender. Characteristics include:

- Living in poverty
- Being from marginalized communities
- Often under on-going supervision through dependency or delinquency court
- Feeling that their community doesn't support them
- Being parents
- Working to create a sense of community
- Wanting to break cycles of violence but lacking support

How are Diversion Systems Currently Assessing and Addressing Teen Dating Violence?

Participants agreed that it was difficult to assess current practice given the diversity in practice and the shortage of data. Diversion may occur at many different points and in many different settings based on the authority given to agencies and institutions. In many institutions there are a number of forms of diversion being used. In some jurisdictions, school principals and resource officers, police, parents of the victim, parents of the offender, the child welfare system, the courts, the prosecutor, and even possibly the victim may become the initial decision maker. In most jurisdictions, court-involved cases are not categorized as youth relationship violence or dating violence but only the legal definition of the offense being charged.

Participants agreed that a multiple-system and cross-system engagement around diversion decision-making is needed to ensure that the needs of youth—victims and offenders—are always in the forefront when determining what alternatives should be available for this population. Programming should be based on the specific needs of each youth which takes into consideration developmental age and other factors. In addition, there must be clear processes for monitoring outcomes for youth whether the diversion occurs through law enforcement, prosecutors, the schools, the courts, families, or community-based organizations. Finally, the system cannot be created and applied arbitrarily, which increases the disparate impact on segments of the community already vulnerable to disproportionate representation in the juvenile system.

Because charges and outcomes can vary widely, data collection is critical to ensure the efficacy of existing services

and programs, and the development of trauma-informed and evidence-based services and practices. Improved data collection could also provide a better basis to monitor victim safety, offender accountability, recidivism, and promote the development of an effective total community response to youth involved in dating or other forms of teen relationship offenses. At the same time, consistent data collection will provide an opportunity to monitor whether and where disproportionate treatment of youth from certain communities exists.

Imagining a Better Approach: Developmentally Appropriate Interventions

Roundtable participants discussed the need to build a community system for and about young people that included the voices of not only traditional systems players but community-based organizations already engaged with youth, victims, the person responsible for the violence, and their families. As one participant noted: “More attention must be given to actually asking victims and offenders involved in relationship violence a few simple questions to begin to build trust, and show youth they are understood. These questions do not begin with a restatement of the incident that created or led to the harm.”

Alternatives for youth should include people outside of the adversarial justice system and government-based child and family serving agencies. Youth must be treated with respect to encourage the development of trust. Finally, youth must be understood and not judged. Justice is restored, in effect, if the youth can walk away after intervention and believe that the systems they were engaged with were helpful. The principles of restorative justice in multiple settings

were discussed at length and participants concluded that youth must be given voice, and be treated with neutrality and without bias no matter who is the decision maker. A restorative justice approach would also address the goals of shaping behaviors in a developmentally appropriate way for this population. Participants noted that alternatives and interventions will have an impact on the youth as he or she moves into adulthood.

Participants also agreed that any alternative cross-system interventions must be developmentally and culturally appropriate. The interventions must be language appropriate and address the challenges of youth who may be LGBTQ, youth in rural areas, and the specialized needs of those who may be part of the dependency system or may be teen parents. The approaches to addressing violence should begin early and acknowledge that youth who may be victims or offenders—or both—are members of families and communities where violence may be a part of their daily lives but that violence cannot be assumed to define who they are and what they need in stopping relationship violence.

To apply appropriate interventions that can result in life-long diversion from patterns of violence, decision makers must focus through a lens that places developmental realities for youth at the forefront. Decision makers must use a developmental perspective to forge effective strategies that give voice to youth, their families, and their defined community. Decision makers should consider the importance of assisting youth in developing healthy communities of their peers. In addition, each youth should be viewed as a person who is still developing emotionally, mentally, socially, and physically despite poverty, early life trauma, and other social factors that affect them in one or many of these domains.

Whatever diversion activities that are developed to serve youth involved in relationship violence—whether in the community or in traditional intervention systems (the court, juvenile justice, or child welfare)—should be designed to ensure the inclusion of the strong voice of youth, those with whom they have close connections, and the institutions that touch them on a regular basis. Coordinating interventions and monitoring the effectiveness of services and programs through a developmental lens is critical. It is also imperative along the continuum—from the lowest level of contact to the highest—that uniform and accepted principles of restorative justice are used, are understood, and are reevaluated as needs of youth change based on their development and changes within the overall community.

Recommendations and Conclusion

This roundtable was an initial step towards bringing together juvenile justice professionals and domestic violence experts to discuss appropriate responses to dating violence among teens that may be involved in diversion programs.

Participants agreed that diversion was both more effective, more humane, and cheaper than detention. Participants also agreed that diversion programming could be more supportive to victims and more likely to address patterns of teen dating violence. However, due to a shortage of programs that assess for and explicitly address teen dating violence, it is difficult to recommend specific intervention models. Instead, participants recommended exploring promising practices and additional data collection.

Recommended Next Steps

- Develop better data by conducting an examination of the intersection of youth who are involved in relationship violence and their involvement in child welfare systems.
- Examine current intervention services and programs for victims and offenders in the juvenile justice system to determine whether they are evidenced-based and trauma-informed.
- Increase programming designed to assess and address the impact of teen relationship violence on developing healthy relationship and parenting by these teens.
- Develop a youth-led response to determine what they need and how they can create a community of peers interested in changing the dynamics of relationship violence. This is particularly important for systems-involved youth but also youth of color, LGBTQ youth, and youth who may be mentally ill, using or abusing substances, or who have intellectual challenges.
- Increase training for system professionals, including school safety officers, police, lawyers, and judges, on treating youth with respect. Improving engagement will help break down barriers of fear and anger with formal systems.
- Examine what data is or should be available to assist in determining whether teen dating violence is present in juvenile justice cases. Assess outcomes for victims

as well as for the person causing harm. This includes an examination of police responses, community and institutional responses, and victim and offender responses. Without data, systems will not know exactly the extent of youth relationship violence, the efficacy of interventions, and the effect on the youth population over time.

Roundtable Participants

- Marta Beresin, Legal & Policy director, Break the Cycle
- Nancy Cline, consultant, Alliance of Local Service Organizations
- Hon. Rosa Figarola, judge, 11th Judicial District, Florida
- Nancy Ginsburg, director, Adolescent Intervention and Diversion Practice, Legal Aid Society
- Andrea Gleaves, strategic partnership manager, DC Coalition Against Domestic Violence
- Hon. Eugene M. Hyman, (Ret.), judge, Superior Court of CA, Santa Clara County
- Neal Japport, deputy trial administrator, Oregon Judicial Department
- Liberty Aldrich, managing director, Center for Court Innovation

Faculty and Staff

- Mara Chin Loy, senior program associate, Gender & Family Justice, Center for Court Innovation
- Hon. Karen Howze, (Ret.), judge in residence, National Council of Juvenile and Family Court Judges
- Robyn Mazur, director, Gender & Family Justice, Center for Court Innovation
- Danielle Pugh-Markie, program director, Program Development and Judicial Engagement, National Council of Juvenile and Family Court Judges (Facilitator)
- Hon. Marshall B. Murray, judge, Family Division, Milwaukee County Circuit Court (facilitator)
- Nadine Neufville, deputy director, Office on Violence Against Women, Department of Justice
- Maureen Sheeran, chief program officer, Family Violence and Domestic Relations, National Council of Juvenile and Family Court Judges

Endnotes

1. 34 U.S. Code Section 12291, the Violence Against Women Act, defines child as zero to 10 years of age; youth as 11 to 24.
2. Ryan C. Shorey, Joseph R. Cohen, Yu Lu, Paula J. Fite, Gregory L. Stuart, Jeff R. Temple, Age of Onset for Physical and Sexual Teen Dating Violence Perpetration: A Longitudinal Investigation, *Preventive Medicine*, Volume 105, 2017.
3. Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J. (2018). The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

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