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## Drug Testing in Juvenile Diversion Programs

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# Evidence-Based Practices Brief

EB-NE Brief #3: April 2019

in conjunction with  
**NEBRASKA**  
COMMISSION ON LAW ENFORCEMENT  
AND CRIMINAL JUSTICE

## Drug Testing in Juvenile Diversion Programs

Chelsea W. Harris, M.A., and Lindsey E. Wylie, J.D., Ph.D.

### RISK-NEEDS-RESPONSIVITY FRAMEWORK AND DRUG TESTING

According to the Risk-Needs-Responsivity (RNR) framework<sup>1,2</sup>, juvenile diversion programs that individualize diversion plans will be more effective at reducing recidivism because the juvenile’s risk level and needs are being targeted.<sup>3</sup> To follow RNR, programs should assess youth with a validated assessment tool and then match youth to services based on the risks and needs presented by the assessment tool.

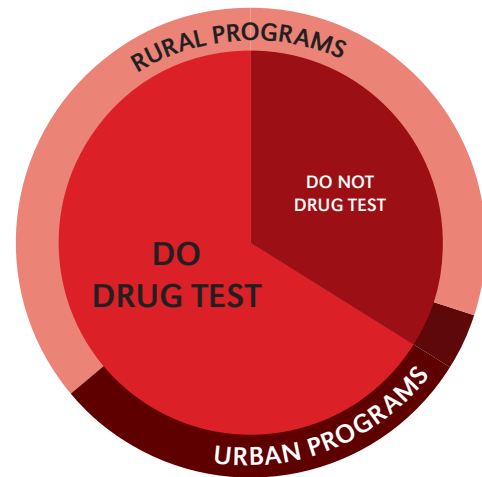
Juvenile justice programs may utilize drug testing to deter and monitor juvenile’s drug use because having a positive drug screen is clear evidence the juvenile is failing to follow a treatment plan;<sup>4</sup> however, little research has examined the effectiveness of drug testing juveniles. We identified only two studies that tested the effects of drug testing, both of which utilized the same sample of paroled youth. Overall, findings suggest that drug testing may not have long-term effects on recidivism but could impact shorter term education and employment outcomes. Specifically, in the studies the juveniles on parole were randomly assigned to one of five conditions, which varied in the frequency of drug testing. They found:

- Drug testing had no effect on recidivism.<sup>4</sup>
- Youth who were randomly assigned to be drug tested were significantly more likely to be employed or in school 30 days after release to parole than youth randomly assigned not to be drug tested.<sup>5</sup>

### DRUG TESTING PRACTICES IN NEBRASKA: THE CURRENT STUDY

The Juvenile Justice Institute (JJI) interviewed program staff from 27 juvenile diversion programs that received Community-based Aid (CBA) funds. In addition, youth data was extracted from the Juvenile Case Management System (JCMS) for the period July 1, 2015 to

June 30, 2017 and program staff confirmed the accuracy of the drug testing and assessment data. If data were missing from JCMS, JJI staff traveled on site or received data directly from the programs.



**Figure 1.** Two-thirds of state-funded diversion programs drug test (18 of 27). Of these, 10 rural programs and 8 urban programs drug test, while 8 rural programs and 1 urban program do not drug test.

Of programs that did drug test, every program reported that a youth’s referral charge (i.e. offense) was a factor when deciding who to drug test, with 10 programs (56%) indicating it was the primary factor considered.

Most often, programs that do not drug test stated that the youth were low-risk and drug testing was unnecessary (44%), or that the county attorney did not require it (33%).

Most programs (86%) reported using assessment scores when designing diversion plans, but only 10 programs (37%) mentioned using them when deciding who to drug test.

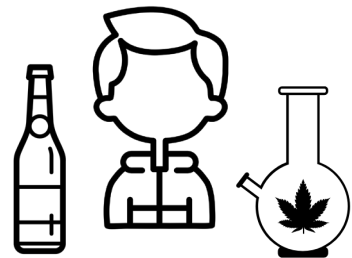
## SAMPLE AND METHOD

Data included 854 youth who participated in a Nebraska juvenile diversion program that drug tested and who had a time at risk of at least one-year post-discharge. We estimated logistic regressions, which are models that predict binary outcomes. The two outcome measures included, whether youth successfully completed diversion (yes/no) and whether youth recidivated one-year post-diversion (yes/no). To test whether “appropriately” drug testing youth impacts these outcomes, we created two variables:

- **RNR Match:** Based on the RNR framework, youth were categorized as “matched” if the assessment tool demonstrated a substance use need and they were drug tested, and “mismatched” if the assessment tool did *not* demonstrate a substance use need and they *were* drug tested or if they demonstrated a substance use need and they were *not* drug tested. About half of the sample (50.3%) were assessed with a tool that measured substance use and of those 72.5% were “matched.”
- **Offense Match:** Based on diversion program practices in Nebraska, youth were categorized as “matched” if they had a drug or alcohol-related offense and they were drug tested, and “mismatched” if they did not have a drug or alcohol-related offense and they were drug tested or if they had a drug or alcohol-related offense and they were not drug tested. About two-thirds (65.8%) of the sample were “matched” based on their offense.

In all the models presented below, we controlled for gender, race/ethnicity, age at referral, urban-rural program (based on Census definition), having at least one drug test, and having a substance use need based on the assessment tool. For the recidivism models, we also included diversion outcome as a control variable.

A little over 20% of youth over the two-year span were drug tested. The majority were male (60%), White (67%), had a referring offense that was drug or alcohol-related (55%), and had a substance use need (54%). Of those who were drug tested, about 11% were not assessed with any tool.



### DRUG TESTING BASED ON ASSESSMENT (RNR MATCH VARIABLE)

First, we tested whether the RNR match variable predicted successfully completing diversion  $\chi^2(6) = 35.3, p < .001, r^2 = .14$ . Overall, matching a youth with a substance use need to drug testing did not predict diversion outcome. Race/ethnicity, age, and substance use need, however, were predictive of diversion outcome. Specifically, older, non-White youth with a substance use need, were more likely to be unsuccessfully discharged than younger, White youth without a substance use need.

Second, we tested whether the RNR match variable predicted recidivism  $\chi^2(7) = 24.7, p < .01, r^2 = .11$ . Overall, matching a youth with a substance use need to drug testing did not predict recidivism. Two variables were predictive of recidivism. Youth in rural counties were more likely to recidivate than those in urban counties, and youth who were unsuccessfully discharged from diversion were more likely to recidivate than youth who successfully completed diversion.

### DRUG TESTING BASED ON DRUG OR ALCOHOL OFFENSE (OFFENSE MATCH VARIABLE)

Third, we tested whether the offense match variable predicted successfully completing diversion  $\chi^2(6) = 35.5, p < .001, r^2 = .14$ . The results were similar to the RNR match model. Again, matching the youth with a drug or alcohol offense to drug testing did not predict diversion outcome; and older, non-White youth with a substance use need, were more likely to be unsuccessfully discharged than younger, White youth without a substance use need.

Fourth, we tested whether the offense match variable predicted recidivism  $\chi^2(7) = 24.7, p < .01, r^2 = .11$ . The results were similar to the RNR match model. Youth in rural counties were more likely to recidivate than those in urban counties, and youth who were unsuccessfully discharged from diversion were more likely to recidivate than youth who successfully completed diversion. In this model however, those with a substance use need were more likely to recidivate than youth without a substance use need.

## LIMITATIONS

There are some limitations to the current research that should be noted. First, although we gathered additional data from each program on assessments, it is possible that some youth were assessed but we were unable to obtain their assessment scores. Second, we were only able to include youth who were assessed using the YLS, NYS, SSI, MAYSI-2, or Arizona because these tools have a substance use component. Third, to have a follow-up period of at least one year to assess recidivism, the data from JCMS is older (2015 to 2017). In speaking with programs, several programs have changed practices in the time since this data was pulled (some now drug test but did not before, some are more consistent with assessing youth currently than they were before). As such, this may not be the most current snapshot of state practices.

## CONCLUSION

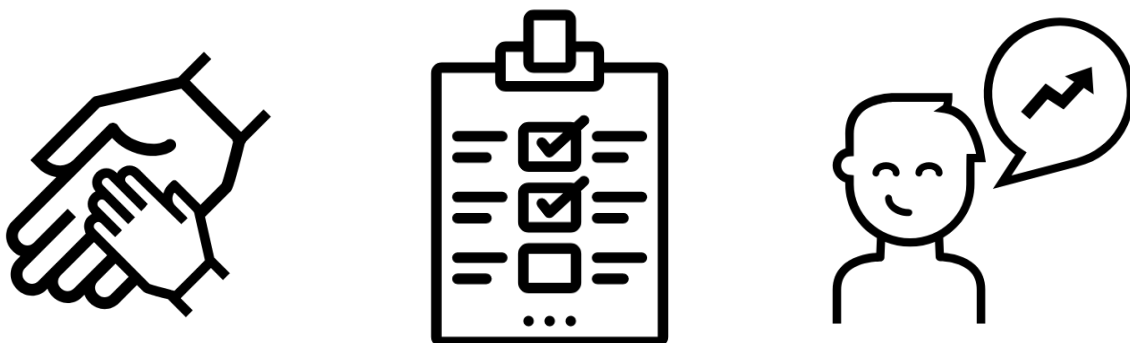
Although our results do not show drug testing youth without a substance use need contributes to worse outcomes, the findings also demonstrate that drug testing is not positively impacting outcomes either. As one program that does not drug test mentioned to us in the interviews, “most of the kids tell us when they have used drugs or alcohol.” JJI is currently surveying youth who are on diversion on their views of drug testing. Although preliminary, it is worth noting that youth who have been drug tested were generally not upset or embarrassed by it, but 25% felt they were not trusted by being drug tested and 75% said they would be honest if their diversion officer asked them about their drug or alcohol use instead of drug testing them.

## RECOMMENDATIONS:

Juvenile diversion programs should be using a validated risk/needs assessment tool and should individualize diversion plans based on youth’s risk and needs.

Programs that are drug testing should use a validated risk/needs assessment tool that can identify whether there is a substance use need. If there is a substance use need identified, diversion plans should include rehabilitative services because only using surveillance techniques like drug testing is unlikely to help a youth succeed.

Because drug testing is an extrinsic motivation to refrain from drug use, it may be more beneficial to focus on intrinsic motivation to refrain from drug use and build positive relationships so that youth are honest about drug use.



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## Other Resources

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