

Defining Juvenile Detention Alternatives

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Prepared by the Washington State Center for Court Research

Megan Berry-Cohen, MLS, PhD

Administrative Office of the Courts (AOC)

Office of Court Innovation (OCI)

Washington State Center for Court Research (WSCCR)

PO Box 41170

Olympia, WA 98504-1170

wscrr@courts.wa.gov

Other AOC staff contributors: Dr. Amanda B. Gilman and Dr. Carl McCurley

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Introduction

Gaps in knowledge about juvenile alternatives to detention

The juvenile justice system in Washington State is decentralized, meaning local jurisdictions operate with significant autonomy within the confines of state laws and may define and use alternatives to detention (ATDs) differently. The Washington State Center for Court Research (WSCCR) within the Office of Court Innovation (OCI) at the Administrative Office of the Courts (AOC) realized there were gaps in knowledge about courts' use of alternatives, and sought to remedy those gaps by asking courts how, when, and why they use various alternatives to detention as well as how ATDs are defined. We want to note that this is not the first effort to understand and define ATDs. A background of previous definitions is presented first as a framework.

JDAI definition of ATDs

The Juvenile Detention Alternatives Initiative (JDAI) was designed to support the Annie E. Casey Foundation's vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. One of their eight core strategies involve having alternatives to detention that provide supervision, structure, and accountability. ATDs are defined here as:

“New or enhanced non-secure alternatives to detention programs increase the options available for arrested youth by providing supervision, structure, and accountability. Detention alternative programs target only those youth who would otherwise be detained, and typically include: electronic monitoring, house arrest, community monitoring, day or evening reporting centers, and shelter beds for youth who cannot return home. The most effective juvenile justice systems have a program continuum that both responds to the legal status of youth and ensures that they can also be safely supervised in the community.”

Washington State JDAI work group proposed definition

Initial efforts to facilitate the establishment of shared definitions across jurisdictions in Washington State came in 2021 when the JDAI work group developed data guidelines to serve as a resource for juvenile courts and detention centers in Washington State. The document was reviewed and approved by the Washington State JDAI Steering Committee (2021) and provided definitions the group hoped would be adopted by all juvenile court jurisdictions to ensure accurate and consistent data collection, reporting, and analysis. The suggested definition of an ATD was as follows:

“A program that increases supervision by the juvenile justice system in the community in an effort to reduce the likelihood of a new offense or a probation violation. A program may qualify as an Alternative to Detention program (and part of the detention continuum) if the following conditions are met: Some level of supervision by the juvenile justice system is provided [and] but for this program, the youth would likely have been securely detained.”

Little data currently exists for ATD use

There is little data currently collected on detention alternatives and House Bill (HB) 2449 (2016) encourages courts “to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.” This report is an effort to start the process of expanding reporting to detention alternatives by understanding more about their use and promoting data development.

Methods and Respondents

AOC/OCI/WSCCR developed detention alternatives survey

WSCCR designed and administered a survey asking courts about their use of ATDs as part of a larger effort to fulfill reporting requirements under HB 2449: reporting on detention alternatives in addition to detention practices. The survey was intended as a first step in that process, to gather information about ATD definitions and the various ATDs used.

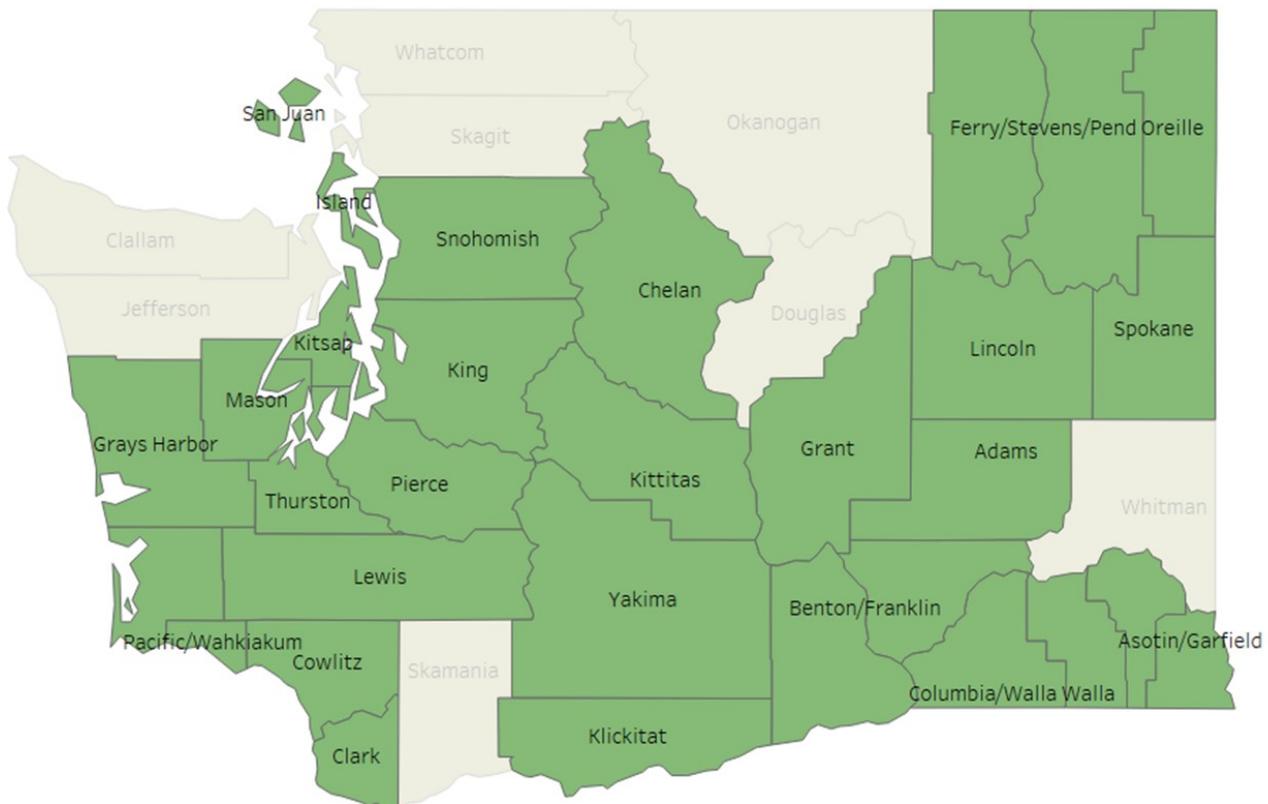
Survey administered to JCAs, other staff asked to contribute as well

The survey was sent to Juvenile Court Administrators (JCAs) through the Washington Association of Juvenile Court Administrators (WAJCA) listserv. Courts were asked to complete the survey about various detention alternatives, and were encouraged to have others (court, detention, probation, and alternatives staff) contribute to or complete the survey as well. The survey was first sent out in October, 2022 with a reminder sent November, 2022.

Seventy-six percent of the 33 juvenile courts provided responses

The survey received 37 responses in total, representing eight roles across 25 courts. While JCAs were the most frequent respondent role (n = 19), other roles include Juvenile Detention Manager (n = 1), Juvenile Probation Manager (n = 4), Juvenile Probation Supervisor (n = 1), Juvenile Probation Counselor (n = 5), Alternatives Program staff (n = 1), Court Services Manager (n = 1), and Juvenile Community Program Specialist (n = 2). The courts¹ represented by the survey are identified in the map below.

Figure 1. Map of juvenile courts in Washington State that responded to the WSCCR/OCI/AOC survey (in green).



¹Note that juvenile courts in Washington State can have joint jurisdiction, represented in the map with / (e.g., Columbia/Walla Walla)

Why Use Alternatives to Detention?

Reasons for use include narrow and broader system goals

Respondents were first asked “what are some of the reasons your court uses juvenile detention alternatives?” and provided a variety of responses. Some reasons for use were to achieve goals that were focused on an individual, such as accounting for youths’ risk level. Others were focused on monitoring orders, or participation in pro-social activities. Additionally, reasons for use could include broader system goals, such as enacting larger changes. Examples of each reason are explored below.

Table 1. Survey respondents’ reasons for using juvenile detention alternatives, by reason.

| Reason | Example 1 | Example 2 |
|--|--|--|
| To account for risk level | [To] “alleviate the use of secure detention for those youth who are not a risk to community or self” | “To minimize the potential of increasing risk level of lower/moderate risk youth through the influence of higher-risk youth in detention” |
| To address less severe violations or offenses | “As an intervention before [bringing] formal violations” | [To address] “non-violent felony and all misdemeanor cases; technical violations” |
| To monitor orders or conditions | “To ensure juvenile's on pre- or post-disposition orders are maintaining curfew and residence with their parents or legal guardians, i.e., not leaving the home at certain hours of the day” | “To ensure the juvenile is attending court ordered counseling, alcohol/drug treatment, or school programs” |
| To allow for participation in relevant programming and pro-social activities | “To connect youth with their community to address protective factors” | “To address underlying issues leading to youths['] inability to meet court ordered requirements” |
| To balance accountability and rehabilitation | “When there is not a community safety concern, but there still needs to be a balance between accountability and rehabilitation” | “[To] help meet the needs of the youth while holding them accountable” |
| To best meet youths needs | [To] “provide appropriate evidence-based and best practice programming to better serve needs of youth and families, and transition youth to become productive community members” | “When it is in the best interest of youth, community, and victim. When there is not a community safety risk for a youth to be out of custody, but an added layer of supervision is required” |
| To enact long-lasting change | “Using other programs when appropriate has shown to give a more lasting outcome and shows behavior change in the long term when we meet the youth's needs and don't just lock up” | “Allows for youth to participate in relevant programming that benefits them in some way, to keep youth out of the criminal justice system as much as possible” |
| To enact larger system change | “To achieve systematic reform of juvenile detention practices” | “To address the overrepresentation of youth of color in detention” |

Courts' Definitions of Juvenile Detention Alternatives

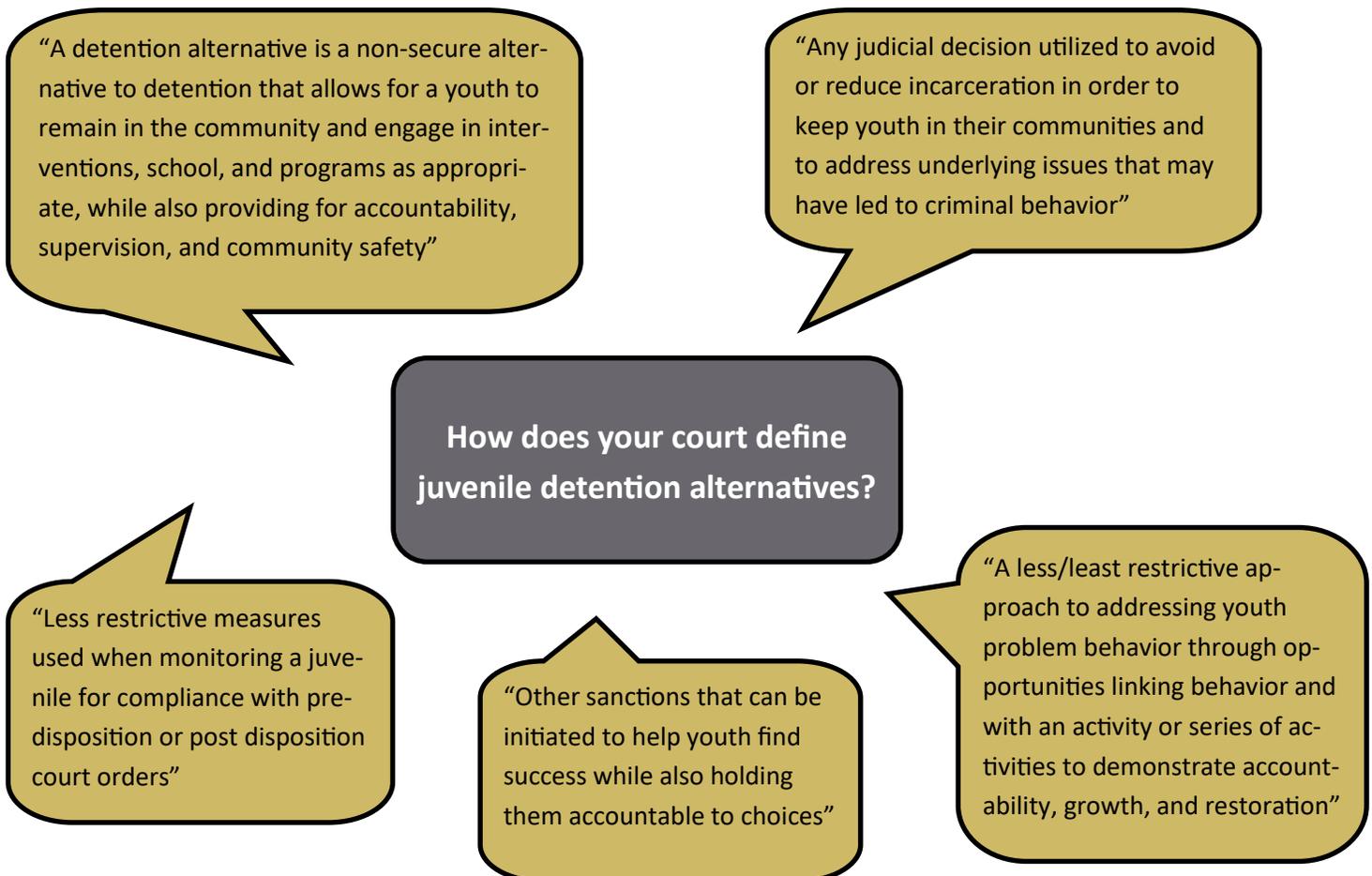
ATD are typically programs that are less restrictive alternatives to secure detention

The AOC/OCI/WSCCR detention alternatives survey next asked respondents how their court defines juvenile detention alternatives. Alternatives were most commonly described as programs or program of activities, but also as sanctions, conditions, judicial decisions, and interventions. In terms of security, these programs/sanctions/conditions/decisions/interventions were characterized as the least or less restrictive alternatives to secure detention and sometimes are considered part of the detention continuum. The use of alternatives could be court ordered or their use could be determined by probation or court staff in lieu of a formal probation violation.

ATD goals include eliminating the unnecessary use of detention while encouraging growth and restoration and building community and accountability

The most commonly referenced outcome stated within courts' ATD definitions was to help restore youth and address underlying problematic behaviors; allowing youth to engage in interventions, school, and programs. Another important component was that youth remain in the community and are engaged in community building. Courts also emphasized the importance of ATDs holding youth accountable while monitoring compliance and providing supervision. ATDs also help ensure community safety by being responsive to the needs and concerns of the community, victim, and offending youth. Examples of courts' definitions of ATDs are presented below.

Figure 2. *Examples of how courts define juvenile detention alternatives.*

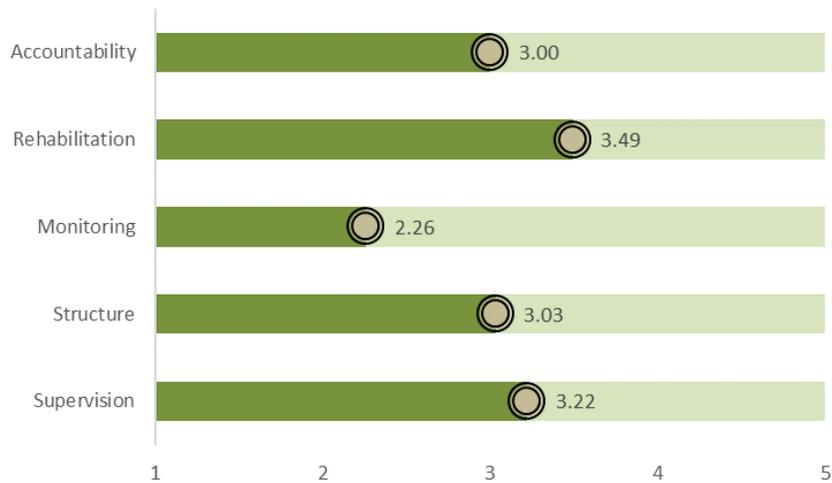


Ranking Components of Alternatives

Rehabilitation most important component of ATDs statewide

Respondents were asked to rank the importance of five listed components of a juvenile detention alternative program: supervision, structure, monitoring, rehabilitation, and accountability. Across the state, rehabilitation and supervision were the two most important components identified. Monitoring youth was the least important component identified.

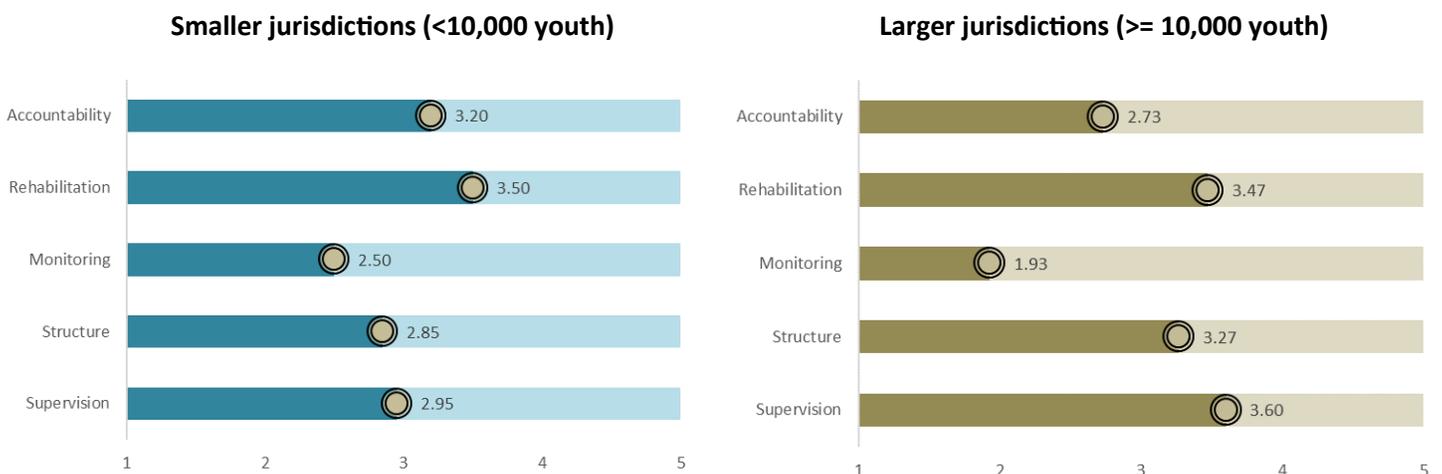
Figure 3. Respondents' ratings of the importance of five components of ATDS.



Rehabilitation most important component for smaller jurisdictions, supervision for larger

The most important components of alternatives differed by county size. Smaller jurisdictions (those with a population of youths aged 12-17 less than 10,000) rated rehabilitation as the most important component, while larger jurisdictions (those with a 12-17 population greater than or equal to 10,000) rated supervision as the most important component. Both rated monitoring as the least important component for ATDs.

Figure 4. Respondents' ratings of the importance of five components of ATDS, separated by jurisdiction size.



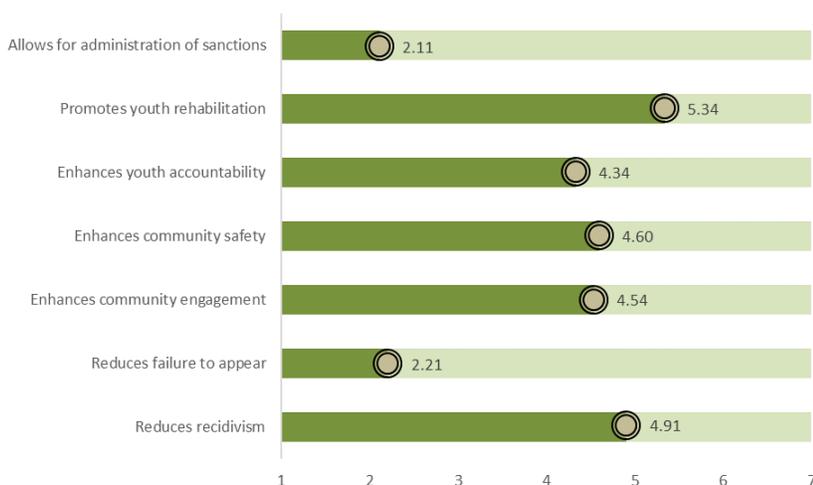
*Note that these ratings represent averages and combine different types of alternatives and/or pre- and post-adjudication use. Individual courts can have different ratings of important components than identified here.

Ranking Outcomes of Alternatives

Promoting youth rehabilitation most important outcome of ATDs statewide

Respondents were next asked to rank the importance of the following outcomes associated with juvenile detention alternative programs: reduces recidivism, reduces failure to appear, enhances community engagement, enhances community safety, enhances youth accountability, promotes youth rehabilitation, and allows for the administration of sanctions. Promotes youth rehabilitation and reduces recidivism were the two most important outcomes identified. Allowing for the administration of sanctions was the least important outcome to come from using ATDs.

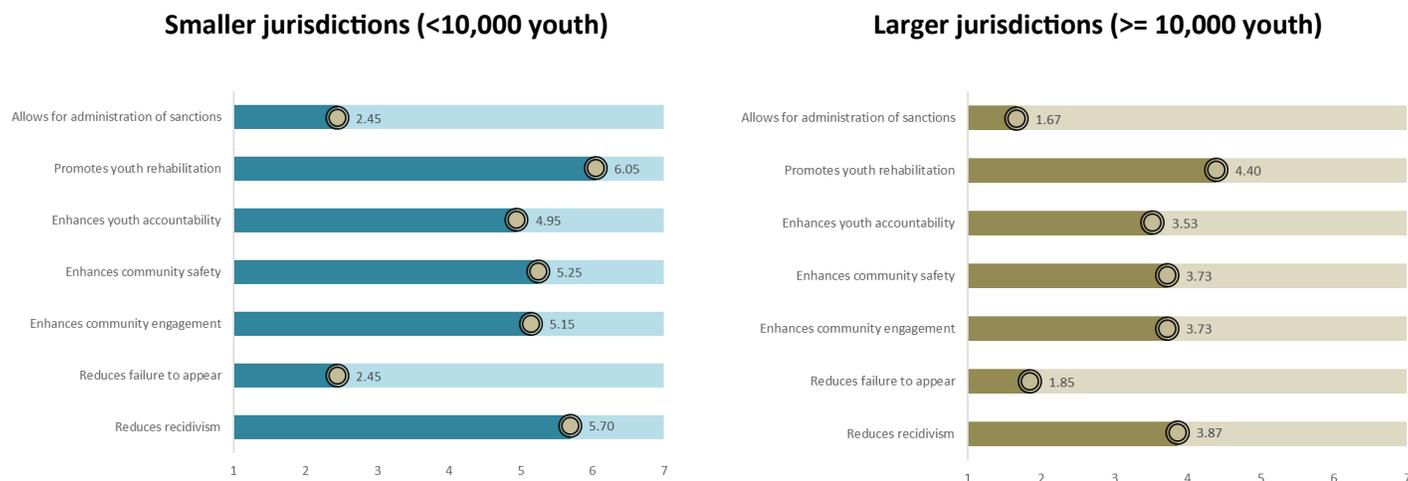
Figure 5. Respondents' ratings of the importance of seven outcomes of ATDS.



Promoting rehabilitation most important outcome for smaller and larger jurisdictions

The most important outcomes of alternatives did not differ by county size. Both smaller jurisdictions (those with a population of youths aged 12-17 less than 10,000) and larger jurisdictions (those with a 12-17 population greater than or equal to 10,000) rated rehabilitation as the most important component, and allowing for administration of sanctions and reducing failure to appear as the least important components.

Figure 6. Respondents' ratings of the importance of seven outcomes of ATDS, separated by jurisdiction size.



*Note that these ratings represent averages and combine different types of alternatives and/or pre- and post-adjudication use. Individual courts can have different ratings of important outcomes than identified here.

Alternatives Used

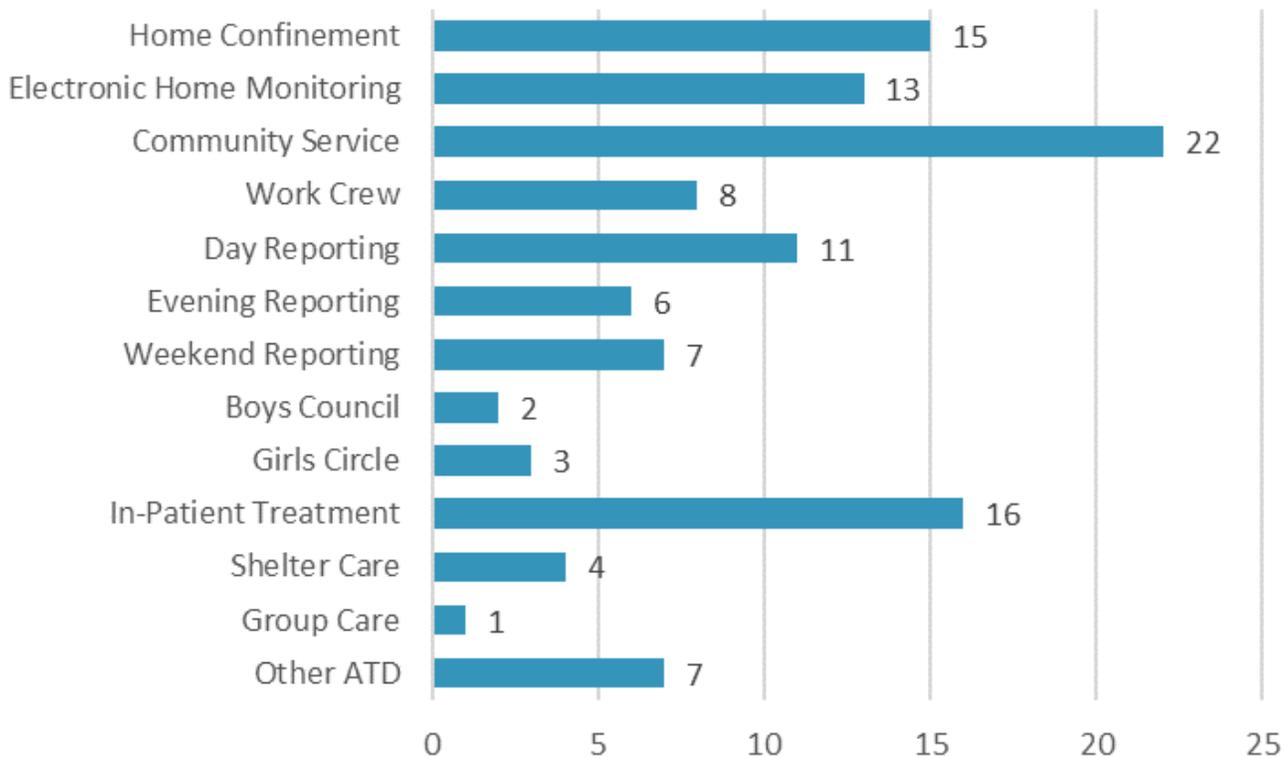
Court staff can recommend or request alternatives, judge typically decides

Probation staff, prosecuting attorneys, defense attorneys, and/or JCAs can request that a youth receive a detention alternative. Programming or EHM staff may be part of this collaborative recommendation as well. Ultimately, though, a judge decides if a youth will receive an ATD. Similarly, judges typically decide what alternative a youth will receive, alongside recommendations from JCAs, court staff, and/or probation staff.

Community service most common alternative used by juvenile courts

Courts were asked to select if, and how, their court uses various programs as a juvenile detention alternative, including community service, home confinement, reporting, gender-specific programming, treatment, and out-of-home placements. The most common ATD was community service, with 22 of the 25 responding courts using it as an alternative in some capacity. Relatedly, eight courts offer work crew, which can allow youth to complete community service in a supervised work setting. The next commonly used ATD was in-patient treatment, used by 16 courts. Home confinement was used by 15 courts, and 13 courts relatedly offer Electronic Home Monitoring. The least commonly used ATDs were Girls Circle (used by three courts as an ATD), Boys Council (used by two courts as an ATD), and group care (used by one court as an ATD).

Figure 7. *The number of courts who offer each type of ATD.*



Two courts elaborated on how they characterized certain alternatives. For example, one court marked home confinement as an ATD, but clarified that it represents their Community Support Program, where youth are to stay home except for school and any treatment or counseling requirements. One court clarified that day reporting can mean the youth checks into detention daily and attends school, or it can mean youths report to probation daily.

Alternatives Used

Four courts described “other” alternatives that consist of specific programs

Seven courts selected they used alternatives other than those listed. Four courts described additional specific programs. For example, one court shared they “have a respite facility that [they] use as a detention alternative for youth accused of family violence. Several hundred youth avoid detention every year by participating in [their] Family Intervention Restorative Services program.” One court shared they have an additional ATD called EET/JRT—Educational Employment Training/Job Readiness Training, and another reported that they have a courageous parenting program that aims to build respectful family relationships. Another court contracts with a community provider to provide an additional ATD called Girls Group and contracts for mediation service for non-offender youth.

Three courts described “other” alternatives that consist of additional actions

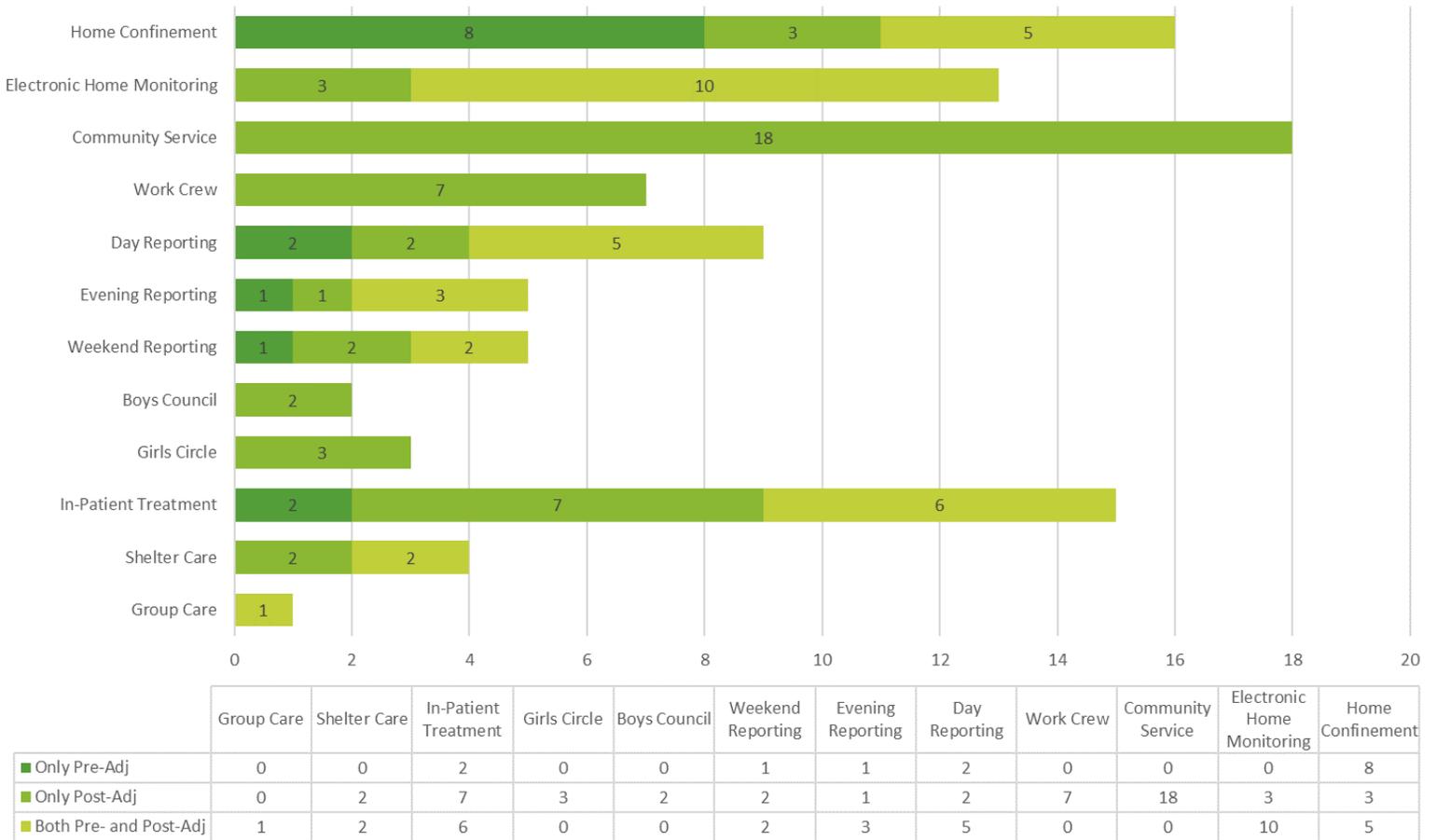
Three of the seven courts that selected they used ATDs other than those listed described additional actions that are used as alternatives. These could include focused projects such as essay writing, apology letters, and/or educational or therapeutic workbooks. Other example ATD actions were classes, including victim impact panels, restriction or removal of a privilege, or additional contact with probation.

Timing of Alternatives Use

The timing of when courts' offer specific ATDs differs

Of the 18 courts that offer community service as an ATD, all 18 offer it for post-adjudication only. Similarly, work crew, Girls Circle, and Boys Council are offered only to post-adjudicated youth. Five alternatives—home confinement, the three types of reporting (day, evening, weekend), and in-patient treatment—vary in when they are offered. For example, eight of the 16 courts that offer home confinement use it only as a pre-adjudication ATD. Three use home confinement only as a post-adjudication ATD, and five as both a pre- and post-adjudication ATD.

Figure 8. The number of courts' that offer each ATD only pre-adjudication, only post-adjudication, or both pre- and post-adjudication.

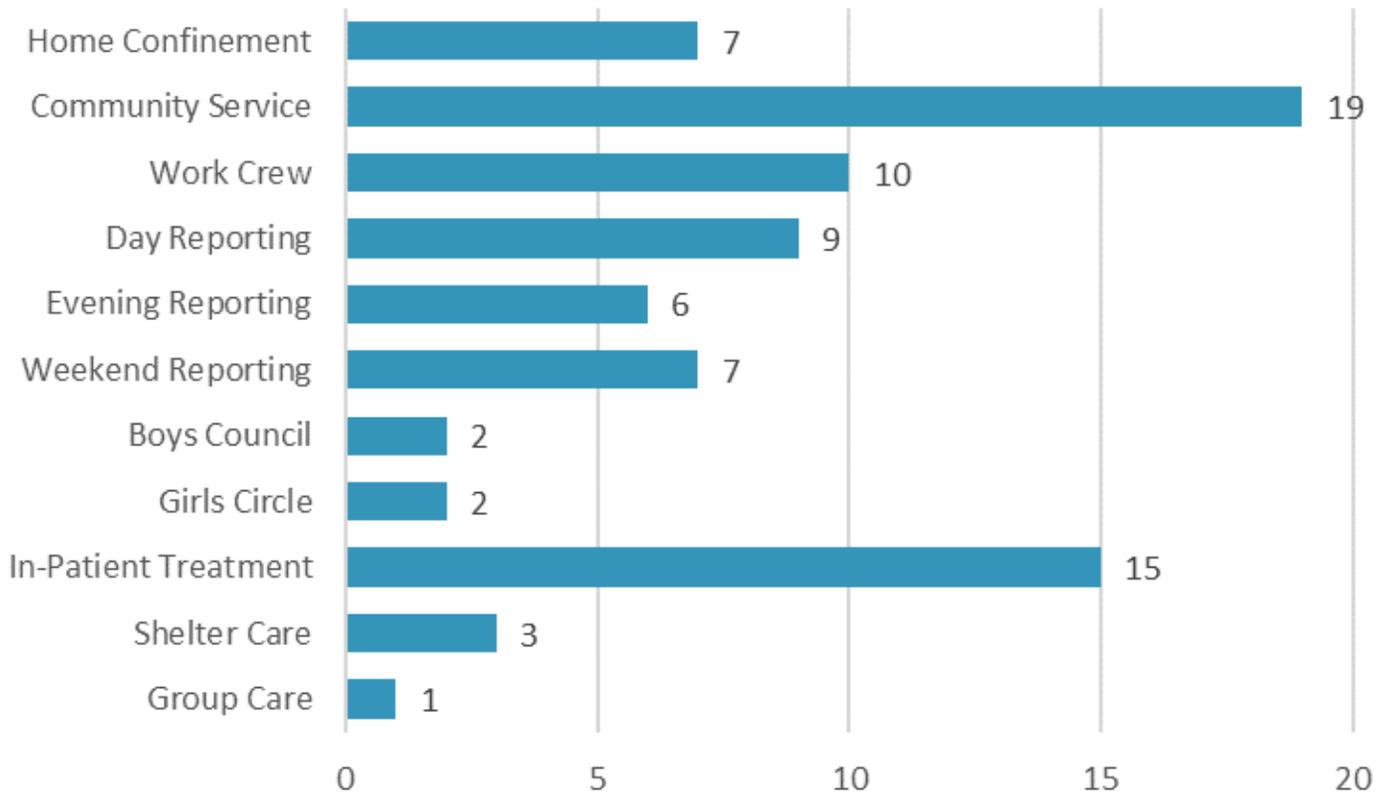


Use of Alternatives for Probation Violations

Most common ATDs for probation violations are community service, in-patient treatment

The most common alternatives for youth with probation violations are community service (used by 19 courts) and in-patient treatment (used by 15 courts). Girls Circle (used by two courts), Boys Council (used by two courts), and group care (used by one court) are the least commonly offered for probation violations.

Figure 9. *The number of courts that offer each type of ATD for probation violations.*



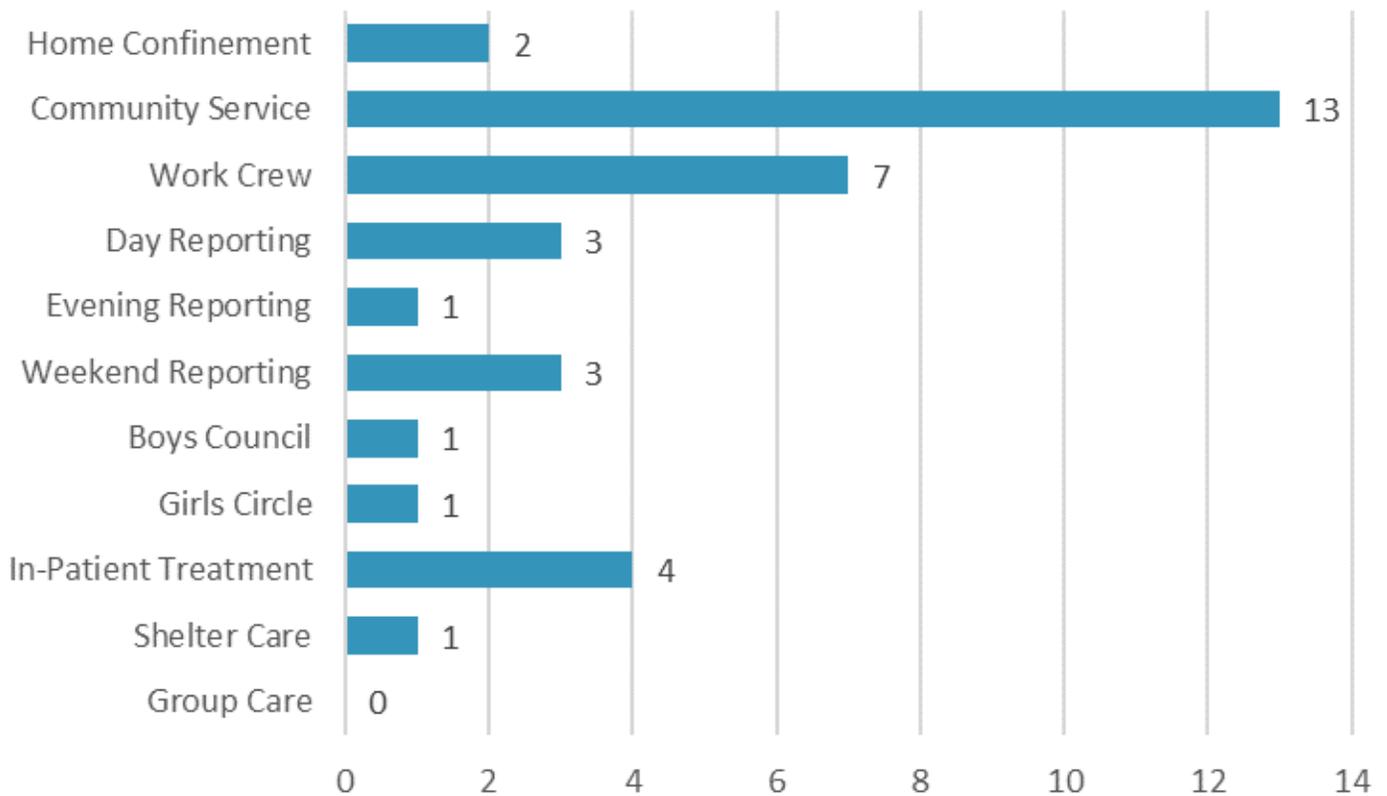
Five ATDs are used exclusively by courts for probation violations: community service (used exclusively for probation violations by three courts), day reporting (used exclusively for probation violations by two courts), and weekend reporting, evening reporting, and work crew (each used exclusively by one court).

Use of Alternatives for Non-Offender Youth

Most common ATDs for non-offender youth are community service, work crew

Youth with At-Risk Youth (ARY), Child in Need of Services (CHINS), and truancy petitions are collectively known as non-offender youth in Washington State. Community service (used by 13 courts) and work crew (used by seven courts) are the most common ATDs used for non-offender youth. Shelter care, Girls Circle, Boys Council, and evening reporting are the least commonly offered, each used by only one court for non-offender youth. Group care is the only alternative not used for non-offender youth. There are no ATDs used exclusively by courts for non-offender youth.

Figure 10. *The number of courts who offer each type of ATD for non-offender youth.*



Tracking and Using Data

Fourteen of the 25 courts do not track data on ATD use, 11 do

Fourteen of the 25 courts said they do not collect data on detention alternative programs. However, one court noted that they do informally collect alternatives data for program improvement. Another shared that due to only having a small number of youths participate in alternatives each year, they are easily able to see what is going on with youth on ATDs, and if they are effective regardless of collecting data. Finally, one court noted that another entity is primarily responsible for detention and detention alternatives data collection.

Eleven courts do collect data on alternatives. Two courts mentioned they collect data for or through JDAI, for example sharing “we are a JDAI court and use this data to show the reduction of the use of detention in [our county].” Another mentioned JDAI funds, sharing “we use JDAI funds to have evaluations done on our alternatives looking at racial/ethnic disparities; completion rates; and recidivism.” Two courts collect data on alternatives to determine needs, “look[ing] at detention bed days saved” or “for historical purposes to determine staffing.” Four courts collect ATD data to look at who is placed on an alternative and how the alternative is being used. For example, one court stated “we review our data monthly to discuss how it is being used, identify any disparities and how to improve.” Two other courts additionally mentioned using data to look at disparities, sharing they “track average length of stay [and] success by race and gender” and that data is used “to address racial and ethnic disparities.”

Desire to use data to learn about use, effectiveness of ATDs expressed

When courts were asked how they *want* to use data collected about youth in detention alternative programs in the future,² four courts stated they would like to know about the effectiveness or outcomes of ATDs, for example “which alternatives are more conducive to helping youth connect with positive programming and reducing recidivism” and “to see recidivism [rates] and cost effective[ness].” One court further mentioned that identifying success rates “may lead to establishing other detention alternatives like shelter care or an after-school boys' program.”

Three courts identified wanting to use ATD data to address disparities and promote equity. They highlighted a need to look at “outcomes, participation, differences by race”, and use data to “assure equity in programs offered and attended.” One court wanted to use data to “improve our work with youth” and another wanted “regular reviews to identify trends to allow for continuous program improvement, sharing info [with] stakeholders and judicial officers.” Finally, one court wanted to know about other jurisdictions use, stating they “would like to see what alternatives are being used by all counties.”

²Note that one court expressed no desire to collect data.

Data Records

Few courts utilize the ability to track alternatives within juvenile case management system

AOC’s juvenile case management system, Juvenile and Corrections System (JCS), which is used by most courts to track secure detention, offers the ability for courts to create a detention alternative record within the detention module.³ By inputting the type of detention alternative (e.g., electronic home monitoring; sentenced detention alternative: work crew) and recording usage data, juvenile courts can track alternatives to detention alongside detention data. However, the JCS system module for recording detention alternatives is under-utilized; almost all courts responded they do not use the JCS detention alternative tracking module.

Courts do not know about the module

Of the 25 courts that responded to the AOC survey on detention alternatives, 15 courts shared their reasons for not using the current JCS detention alternative module. Five themes emerged, with the majority of courts not using the detention alternative module within JCS because they are not aware of (n = 7) or familiar with it (n =4). Other themes included preferring their own tracking systems (n = 2), not having enough resources to track data regularly (n = 1), or larger issues with JCS (n = 1). Examples of these themes are detailed in the table below.

Table 2. *Examples of courts’ reasons for not using the current JCS detention alternative module, by theme.*

| Theme | Example 1 | Example 2 |
|--|--|--|
| Not aware of detention alternatives module | “Didn’t know it existed” | “Didn’t know there was a module” |
| Not familiar with detention alternatives module | “Not familiar with it” | “Not familiar with this tracking option” |
| Have own system for tracking alternatives | “We have an internal case management system that tracks alternative enrollment” | |
| Resource limitations | “We only have two individuals working in our court and sometimes do not have time for entering this information” | “We didn’t remember it was there and we already have to collect data on spreadsheets for JDAI” |
| Larger issues with JCS | “It’s not user friendly” | |

Seventy-one percent of courts would use a redesigned JCS detention alternative module

While courts do not currently use the JCS detention alternative module, the majority seem to be interested in using a redesigned or revamped JCS module for detention alternatives. Twenty-one courts responded to a question asking if they would use a redesigned JCS module. Fifteen of those responding courts (71%) stated they would use an updated JCS module for tracking detention alternatives. Six courts (29%) stated they would not.

³[Maintain Detention Alternatives \(wa.gov\)](http://www.wa.gov)

Summary

Types, timing of alternatives varies by jurisdiction

Jurisdictions use a variety of alternatives, most commonly community service, in-patient treatments, and home confinement (with or without electronic home monitoring). The type of ATD offered differs depending on what stage in the justice system a youth is at:

- ⇒ Home confinement is most commonly used as an alternative for pre-adjudicated youth. Eight of the 16 courts that use home confinement use it only for pre-adjudicated youth.
- ⇒ Community service is most commonly used as an alternative post-adjudication. All 18 courts that use community service use it exclusively post-adjudication.
- ⇒ There are seven ATDs that courts offer both pre- and post-adjudication. Electronic home monitoring is most commonly offered both pre- and post-adjudication. Ten of the 13 courts that use electronic home monitoring use it both pre- and post-adjudication.

Rehabilitation emphasized by most courts as important component, outcome of ATD use

In addition to using different alternatives, how courts define alternatives to detention varies. While some courts define alternatives as specific programs, others define them based on the alternative's relationship to detention and confinement or based on expected outcomes (youth success, accountability, reduced recidivism, etc.). However, respondents consistently highlighted rehabilitation as an important component *and* outcome of ATDs.

Range of definitions highlights need to facilitate shared definitions

By incorporating the survey results that highlight the importance of rehabilitation and supervision to keep youth in their communities, promote youth rehabilitation, and reduce further involvement in the justice system, we hope to develop data recording practices that include this definition and allow for courts to refine their individual definitions from a standard framework. Our suggested definition is as follows:

“ATDs are typically programs or a program of activities that aim to keep youth out of secure detention and in their communities, while providing supervision to encourage growth and restoration. While often used post-adjudication, ATDs can also be used pre-adjudication, or both pre- and post-adjudication. Commonly used alternatives include community service, in-patient treatment, and home confinement (with and without electronic home monitoring).”

Recommendations

Recommendations for an updated module include clarity, consistency, training

If the module for tracking detention alternatives was updated, courts suggested the following improvements to ensure the module is helpful and utilized appropriately:

Table 3. *Examples of courts’ recommendations for updating a detention alternative tracking module in JCS.*

| Idea | Example |
|-------------------------|--|
| User-friendly interface | “make [the module] more user friendly” |
| Clarity and consistency | “clearly defined options to maintain consistency in the data” |
| Training and education | “TRAINING...the manual is helpful and AOC staff are helpful, but regular training for JCAs, Managers, JPCs and support staff would be a very helpful service!” |

Other considerations include a shared framework, selecting specific programs

To ensure a redesigned alternatives module is user-friendly, clear, and consistent, there must be standardization in what components are included in the module. First, courts must share an understanding of what ATDs are. The proposed ATD definition put forth in this report describes programs, or program of activities, that provide supervision to encourage growth and restoration. While individual alternatives vary in focus, all could share the common framework of promoting rehabilitation while providing supervision and creating cohesion within an updated module. Courts should still be able to select from a list of alternatives to specify what particular program or program of activities was used (e.g., home confinement with electronic home monitoring or community service with work crew). Courts that have created unique ATDs for use in their jurisdiction should also be able to input those alternatives when tracking.

Module must be flexible, allow for changes at different time points

Additionally, the module should allow courts to indicate at what stage of the justice system youth are participating in alternatives at, pre-adjudication or post-adjudication, and if ATDs are being used in response to a violation or as part of a new disposition. Special efforts should be made to allow courts not only to indicate what stage of the justice system ATDs are used at, but also if that changes. For example, electronic home monitoring could be used pre-adjudication as the least restrictive alternative to detention, but after a disposition has been entered the youth may be ordered to electronic home monitoring with community service. The alternatives module needs to allow for the ability to track changes and differences across placements. The alternatives module also needs to link to the detention module, so placements can be tracked if an alternative is revoked and youth are sent to detention. That change status needs to be reflected so the ATD placement and detention placement do not look like separate instances.

Allow for tracking violations, completion while on an alternative

Finally, a redesigned module needs to allow courts to input any violations that occur while youth are on an alternative separate from an end status of failure versus completion. That is, if a youth escapes while on electronic home monitoring but is later brought back in and placed on the alternative again, the module should allow for that escape to be reflected as well as the fact that there was an interruption in placement but it did continue. The module also needs to share a common understanding of what constitutes completion. Note that the definition proposed and accepted by the 2021 JDAI steering committee work group included “The standard for successful completion of an ATD program is that a youth completes the program without committing a new offense or a probation violation.”

Next Steps and Conclusions

Data resources—handouts and trainings—could be helpful for courts

One of the last questions the survey asked courts was, “Are there resources WSCCR could provide about data (trainings, handouts, research support etc.) that would be helpful for you?” This resulted in 12 responses. The majority (n = 7) suggested trainings or handouts on how to obtain and/or use data on detention alternatives would be helpful. For example, one respondent shared “understanding data and program statistics are always important” and another stated they would appreciate “training on how to obtain data” including information about software for collecting data. Relatedly, one respondent stated “more JCS training” would be beneficial. One respondent also stated research support would be helpful, for example “infographics and presentations to stakeholders, staff.”

Courts suggest ways to connect with other courts, share ideas about data, ATDs

Three respondents expressed a desire to connect with other counties or courts. One shared an idea of “a [Quality Assurance] QA call for local courts to share ideas on how each [Court Service Unit] (CSU) utilizes detention alternatives, data, etc.” Another stated they “would like to connect with other courts to hear about how they use detention alternatives.”

Conclusion

This report represents a first step in understanding what and when alternatives are offered. It also provides the status of data development and ATD use as an initial step in fulfilling HB 2449 reporting requirements. However, the judicial branch needs increased capacity to track and assess the use of detention alternatives used by juvenile courts across the state. Courts need internal capacity to do so, and the AOC needs the research capacity to support the local development and review of data. Understanding not only what ATDs are used for, but the effects and outcomes of ATD use, are crucial to ensuring youths needs are met by the justice system.