

SUMMARY OF COLORADO JUVENILE DIVERSION PRACTICES — 2019



EVIDENCE-BASED
PRACTICES
IMPLEMENTATION FOR
CAPACITY (EPIC)
RESOURCE CENTER



COLORADO
Division of Criminal Justice
Department of Public Safety

EXECUTIVE SUMMARY

The Office of Adult and Juvenile Justice Assistance (OAJJA) enlisted the Evidence-Based Practices Implementation for Capacity Resource Center (EPIC), both located in the Division of Criminal Justice (DCJ), to inventory practices of juvenile diversion programs. This work focused on providing a broad overview of Colorado juvenile diversion practices in Colorado as a first step in developing a list of best practices for the field. All but two programs visited were DCJ-funded at the time of the interviews (state fiscal year 2018-2019).

One word that sums up the Colorado juvenile diversion program sites visited is “diverse.” Each one was uniquely designed and services were delivered in a way that met the needs of the community the program served. While each program contained components exclusive to its community, several themes emerged across sites, described herein.

The information gathered for this report focused on the 16 steps to consider when designing an effective juvenile diversion program originating from the Juvenile Diversion Guidebook (hereafter referred to as the Guidebook).¹ These steps are organized into six points of operations in the Guidebook: 1) Program Purpose, 2) Oversight, 3) Intake Criteria, 4) Operation Policies, 5) Legal Protections, and 6) Quality. The sections of this report follow these categories as well.

A brief summary of characteristics of the programs visited is included in each section, followed by a “Considerations” note, which highlights major relevant recommendations found in the literature and findings located in the Guidebook.

Program Purpose: Objectives, Referral Decision Points and Extent of Intervention

Most programs stated that the purpose of their program was to prevent youth from involvement with the justice system, protect youths’ juvenile delinquency records, and/or, if already involved in the system, reduce future involvement with the juvenile justice system. Decisions of whether or not to file on diversion-eligible youth also varied across programs. They ranged from programs that filed on every diversion case and then dismissed and expunged the case upon successful completion of diversion, to programs that defined diversion involvement as pre-filed youth only, to those that consisted of a combination of pre- and post-filed cases.

Considerations: Identifying the purpose of a diversion program is key in constructing the program and interventions. The purpose will set the tone and create a framework. It will also determine the markers by which success is measured. An overarching recommendation by the Guidebook is that referral decisions are made at the earliest possible point of contact with the youth.

Establishing the parameters of intervention, identifying eligibility criteria, and determining referral decision points are three key early tasks to minimize the amount

¹ Developed by the Models for Change Juvenile Diversion Workgroup, funded by the John D. and Catherine T. MacArthur Foundation.

of formal justice contact. Documenting expectations, terms, services, and progress indicators is essential in order to provide clear expectations for the youth, family or guardians responsible for the youth, and the supervising diversion officer. Because eligibility criteria and referral points affect each other, they should be determined simultaneously.

Oversight: Operations and Funding

Diversion program operations funded by DCJ varied across the state. As mentioned, some were located inside District Attorney Offices and funded through the DA (county level). Others were based inside alternative sentencing programs or juvenile justice/youth services units, also funded at the county level. A handful of diversion programs were community-based organizations, which served populations beyond diversion youth, had diverse funding sources, and were overseen by a board of directors. One program operated and funded through a municipality, provided restorative justice services for diversion youth referred by the JD's District Attorney Office.

Considerations: There is no research to suggest that a diversion program's success is dependent on the agencies that house them. The literature recommends that diversion programs do construct an advisory board with a variety of stakeholders, including justice system personnel as well as community-based service providers, to develop and monitor program objectives, policies and procedures. Regarding program funding, the literature suggests that it is advantageous

Intake Criteria: Referral/Eligibility and Screening/Assessment

Most program representatives reported that they chose to base their enrollment decisions on the fit between the youth's needs and the services and interventions offered within their program. Most diversion programs focused only on youth charged with district-level misdemeanors and most low-level felonies.

All diversion programs had an associated cost for participation, however, no program considered inability to pay a barrier to diversion enrollment. Costs ranged from \$75 to \$150 for general diversion, with one program charging \$500 for sex offense specific supervision.

Each jurisdiction had a similar structure regarding their intake process. While assessment tools used varied, programs primarily assessed youth based on their history, severity of current offense, substance use, mental health, stability and protective factors, and other treatment needs. At the time of the interviews, there was no mandated standard risk and needs assessment for juvenile diversion programs in Colorado.

Considerations: The literature suggests three criteria for eligibility consideration: age range, youth's prior history with diversion and the court system, and type of current alleged offense. The literature also suggests that a set of risk factor criteria grounded in research should be used during initial interviews with youth.

Additionally, implementing a consistent, empirically validated screening or assessment tool that is tested for gender and race/culture bias is the best method for ensuring diversion services are applied accurately and equitably. The most relevant tools that diversion youth should screen for include the risk to re-offend, mental health needs or the need for further mental health evaluation, substance use, and the youth's protective factors. Two considerations for the use of a full assessment are the level of services to which the youth will have access and the qualifications needed for staff to administer the assessment accurately.

Operations Policies: Participation Requirements, Services, Incentives and Consequences for Non-Compliance, Program Completion and Exit Criteria

Participation requirements were consistent across programs visited and aligned with the guidance provided by the Guidebook. They each used a contract or an agreement as a vehicle to engage and hold youth accountable to specific items in diversion and had varied lengths of stay from 90 days up to a year.

Programs offered incentives such as early discharge, reduced contact or drug testing frequency, gift cards, pizza, makeup, and movie passes, or something that the youth determined was a meaningful reason for them to do well. Sanctions for non-compliance included increased contacts, school visits, drug testing, and/or additional community service hours or projects. The most common reason for early termination from the program was due to the youth picking up a new case as opposed to non-compliance.

Service delivery varied based on community resources, program resources, collaboration, and expertise. Some programs had case managers who referred youth out to most services while others collaborated with school resource officers, government agencies, social services and community-based organizations. Programs also used various types of monitoring approaches. The most consistent diversion practices were related to program completion and included activities such as final youth meetings, post-program surveys, completion letters, and court notifications.

Considerations: The literature highlights some basic considerations concerning participation which included: the youth's willingness and ability to: attend diversion appointments over the duration required; participate in required treatment and services; attend school; take responsibility for their actions that resulted in their involvement with diversion; and receive no new arrests. The literature also raises the question of effectiveness and feasibility when using incentives and urges caution when applying sanctions to diversion programming. When youth are non-compliant, it recommends that programs exhaust all viable approaches before returning a youth's case back to court.

Monitoring and encouragement are two key recommended components to maintain youth engagement and help them successfully complete. Finally, justice research indicates that assessed risk and needs should determine contact frequency, type, and length of stay in the program.

Legal Protections: Information Use and Legal Counsel

This aspect of diversion programming was not explored much during visits. Some programs chose to conduct intakes on diversion youth post-file. Most sites consisted of a mix of pre- and post-file cases, with the majority being pre-filed, and a couple of sites adhering to serving pre-file youth only. Some programs allowed youth to enroll in diversion at any point before adjudication, which allowed youth to confer with legal counsel along the path of their case up until enrollment in diversion if applicable.

Considerations: The Guidebook recommends identifying a youth record expungement process for law enforcement and courts to follow. This process should meet two criteria at a minimum: 1) a designated party should be assigned to assist families through this process and 2) the process should be offered free or at a low cost to the family.

Quality: Program Integrity and Outcome Evaluation

Most programs relied on OMNI Institute's evaluation services. Items such as demographics, offense types, prior police contacts, mental health and substance use needs, and recidivism rates were included in the evaluation. Pre- and post- attitudinal survey data were also collected focused on youth's attitudes and beliefs about the adults in their lives; perceptions of self, locus of control, and right and wrong; and willingness to engage in risky behaviors.

A few programs reviewed data they collected separately from the OMNI evaluation and grant requirements, and a couple employed their own evaluators or expanded evaluation services with OMNI under a separate contract. Very few programs communicated any changes or improvements made to their programs because of data review or evaluation findings.

Considerations: The literature reflects the need for programs to implement some method of ensuring adherence to policies, practices, and service delivery. This includes program design, providing high quality training and ensuring staff competency on curriculum and services delivered, data collection, and routine program monitoring and process evaluation. Based on information obtained from some programs, they could use support in developing an infrastructure for ongoing staff development, data-informed decision-making, and fidelity measures. Such an infrastructure would ensure quality and maintain consistency of practices, procedures, and programming.

The literature states that an outcome evaluation should be driven by a diversion program's purpose or objectives and measures should be developed to inform them. The Guidebook recommends the use of logic models to help establish a structure for individual program evaluation to include goals, objectives, activities, inputs, outputs, and outcomes. Some common outcomes of diversion programs include evaluating the provision of services, reducing system costs, increasing successful youth outcomes, reducing labeling and its effects on delinquency, and reducing unnecessary social controls. Since diversion programs across the state differ, each site should have at least a basic plan to evaluate its effectiveness based on its own unique purposes and goals.

Conclusion

In visiting these diversion sites, it became clear that the field is full of hard working and passionate professionals dedicated to preventing penetration into Colorado's justice system for its youth. Because of the diverse constitution of each of these communities, programs have been designed and tailored to meet these unique needs. This report reflects the great variation in current practices based on Colorado's diverse landscape, while attempting to provide considerations for incorporating future opportunities for standardizing core best practice program components.

SUMMARY OF

**COLORADO JUVENILE
DIVERSION PRACTICES**

2019



COLORADO
Division of Criminal Justice
Department of Public Safety

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Background

The Office of Adult and Juvenile Justice Assistance (OAJJA) enlisted the Evidence-Based Practices Implementation for Capacity Resource Center (EPIC), both located in the Division of Criminal Justice (DCJ), to inventory practices of juvenile diversion programs. All but two programs visited were DCJ-funded at the time of the interviews (state fiscal year 2018-2019). Leaders at these two programs reached out and specifically asked the EPIC team to visit and learn about their program and practices. This work focused on providing a broad overview of Colorado juvenile diversion practices in Colorado as a first step in developing a list of best practices for the field.

One word that sums up the Colorado juvenile diversion program sites visited is “diverse.” Each program was uniquely designed and services were delivered in a way that met the needs of the community the program served. While each program contained components exclusive to its community, several themes emerged across sites, described herein.

The information gathered for this report focused on the 16 steps to consider when designing an effective juvenile diversion program originating from the Juvenile Diversion Guidebook (hereafter referred to as the Guidebook).¹

These steps are organized into six points of operations in the Guidebook:

- 1) Program Purpose,
- 2) Oversight,
- 3) Intake Criteria,
- 4) Operation Policies,
- 5) Legal Protections, and
- 6) Quality.

The sections of this report follow these categories as well.

A summary of characteristics of the programs visited is included in each section, followed by a “Considerations” note, which highlights major relevant recommendations found in the literature and findings located in the Guidebook.

In an effort to protect confidentiality, sites are not identified when discussing specific characteristics.

Program Purpose: Objectives, Referral Decision Points and Extent of Intervention

General themes about the **purpose** of diversion programs were consistent across all sites and mirrored limited best practices described in the literature. Most programs stated that the main purpose of their program was to prevent youth involvement with the justice system, protect youths’ juvenile delinquency records, and/or, if youth

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were already involved in the system, reduce future involvement with the juvenile justice system. Some programs mentioned wanting to have a positive impact on youths' lives, give them tools to be successful, and provide the appropriate level of interventions and services to youth with low-level offenses (even for those who may have multiple offenses in their background).

Most programs stated that the main purpose of their program was to prevent youth involvement with the justice system, protect youths' juvenile delinquency records, and/or, if youth were already involved in the system, reduce future involvement with the juvenile justice system.



Referral decision points were also similar across the state. All programs funded by DCJ were receiving at least part, if not most, of their referrals from the District Attorney's (DA's) office in their judicial district. All of the DCJ-funded programs were based in DA offices, other justice system offices, or community-based organizations. Programs based in DA offices generated their own referrals; other justice system offices received referrals from DAs, law enforcement, and in some cases, schools or families. Community-based organizations (or CBOs, defined for the purpose of this report as organizations located outside of DA offices and operated by an organizational board of directors as non-profits with diverse funding sources) received referrals directly from law enforcement, schools, human services, and other social service organizations, in addition to the DA's office. Decision-makers responsible for referrals made from DA offices varied slightly. For example, in one judicial district (JD), an intake panel consisting of attorneys made the decisions about whom to accept into their diversion program. In other jurisdictions, all juvenile filings were routed through the clerical unit of the DA's office. The diversion director for the JD then reviewed all filings and evaluated whether individual youth were an appropriate fit for diversion. Relationships between diversion programs and DA offices varied across the state, influenced primarily by the elected DA in the JD and his or her level of engagement and interest in the value of diversion, rather than by where the diversion program was housed (i.e., in a DA's office, another system partner office, or in a CBO).

The **extent of intervention** is defined by the Guidebook as the degree to which diversion will intervene in a youth's life. This can include law enforcement's "warn and release" after encountering a youth committing a crime, "no conditions" (if a youth is discharged and is not contacted again within 6-12 months, charges are dismissed), or "conditions and/or services" (a youth is enrolled in services and upon successful completion, charges are dismissed).

Decisions about whether or not to file on diversion-eligible youth also varied across programs. They ranged from programs that filed on every diversion case and then dismissed and expunged the case upon successful completion of diversion, to programs that defined diversion involvement as pre-filed youth only, to those that consisted of a combination of pre- and post-filed cases. Programs that filed on every youth pointed to expungement legislation as the rationale. Programs also noted that

filing and then dismissing all cases allowed them to process expungement more efficiently and eradicate law enforcement records in addition to court records. The fact that youth could also access more services once assigned a court case number was also cited as a reason for filing on all cases.

In JDs where not all youth were filed on, all but one program would allow youth to proceed into a court case and then decide whether to reconsider them for diversion. This was also the case regarding detained youth (of whom very few made it to diversion due to offense severity and safety concerns). All but one JD allowed for detained youth on the associated case to be considered for diversion if it were deemed appropriate based on history and services provided by the respective diversion program.

Considerations: Purpose

Identifying the purpose of a diversion program is key to constructing the program and interventions. The purpose will set the tone and create a framework. It will also determine the markers by which success is measured. For example, if the purpose is to reduce recidivism, a program may measure how many youth, following completion of the diversion program, stay clear of any further justice system involvement over an identified period of time. An overarching recommendation by the Guidebook is that referral decisions are made at the earliest possible point of contact with the youth.

As one of diversion's goals is to minimize the amount of formal justice contact



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experienced by youth, establishing the parameters of intervention, identifying eligibility criteria, and determining referral decision points are three key early tasks.

Documenting expectations, terms, services, and progress indicators is

essential in order to provide clear expectations for the youth, family or guardians responsible for the youth, as well as the supervising diversion officer. These expectations and progress indicators are communicated through a formal written contract or agreement. Referral points typically range from pre-arrest to post-petition (post-filing) or pre-adjudication, and youth eligibility criteria will differ based on the determined referral point. Because eligibility criteria and referral points impact each other, they should be determined simultaneously.

Oversight: Operations and Funding

Diversion program operations funded by DCJ varied across the state. As mentioned, some were located inside District Attorney Offices and funded through the DA (county level). Others were based inside alternative sentencing programs or juvenile justice/youth services units, also funded at the county level. A handful were community-based organizations, which served populations beyond diversion youth, had diverse funding sources, and were overseen by a board of directors. One program, operated and funded through a municipality, provided restorative justice services for diversion youth referred by the JD's District Attorney Office.

Each program representative expressed concern about efforts to reorganize the state's Children's Code and about various reforms introduced in the state legislature, including all reforms pertaining to juvenile justice decision points in the system (such as diversion, probation, and detention). In addition to concerns about mandated policies, practices, screen/assessment tools, and formula funding, one of the primary concerns expressed was that discretion of the District Attorney in a JD would be impacted, as most programs operated on a case-by-case basis with limited criteria for decision-making. Further, program representatives were concerned that the unique needs of their community may be disregarded in the name of imposing standards by the state through legislation or funding requirements.

Considerations: Oversight

There is no research to suggest that a diversion program's success is dependent on the agencies that house them. Where programs are housed typically depends on the history of agency roles in the community and on which agency is most motivated to develop and house a diversion process. The literature recommends that diversion programs do construct an advisory board with a variety of stakeholders, including justice system personnel as well as community-based service providers, to develop and monitor program objectives, policies, and procedures. Additionally, the makeup of such a diverse panel offers different perspectives on services and intervention strategies that consider the unique needs of youth and their families. Regarding program funding, the literature suggests that it is advantageous for any program, regardless of location, to consider multiple and non-traditional funding sources to guarantee sustainability and promote expansion of services.

The literature recommends that diversion programs construct an advisory board with a variety of stakeholders, including justice system personnel as well as community-based service providers, to develop and monitor program objectives, policies, and procedures.

An advisory board can have a critical impact by creating partnerships with additional service providers, as well as by seeking and solidifying additional funding. An advisory board might also assist in the assessment of community needs and resources. It is suggested that advisory boards or leaders of diversion programs conduct an activity to identify specific community partners (including "hidden" or "untapped" partners that are not represented on the board) and reach out to those partners to collaborate.

Finally, researchers recommend that each program have some evaluation component to ensure that the operation of the program, including the relevant 16 steps, is fulfilling the purpose for which the program is designed.

Intake Criteria: Referral / Eligibility and Screening / Assessment



Most program representatives reported they based their enrollment decisions on the fit between the youth's needs and the services and interventions offered within their program.

Criteria included voluntary caregiver/youth agreement and either an admission of guilt or taking accountability for the offense.

Eligibility criteria. Most program representatives reported that they based their enrollment decisions on the fit between the youth's needs and the services and interventions offered within their program, rather than solely focusing only on those with a specific level of involvement with the system. Once youth were identified as eligible for diversion, criteria for final approval into the program included voluntary caregiver/youth agreement and either an admission of guilt or taking accountability for the offense. Only one program required an admission of guilt, although this admission was not documented in any way for legal purposes. Most programs were built on a youth's "taking accountability" for the

offense, which meant the youth acknowledged they were involved in what happened and took accountability for their role, but the program did not require the youth to detail their level of involvement in the offense. When youth or families could not agree to these two final criteria, they typically were referred back to the court process so they could continue their case in court with defense representation.

The types of offenses included in eligibility criteria ranged across programs. Most diversion programs focused only on youth charged with district-level misdemeanors and most low-level felonies. Some programs did include higher-level felonies on a case-by-case basis. Programs did not typically serve youth charged with status or municipal offenses, with a few jurisdictions having municipal diversion programs to manage youth charged at that level. Youth may be treated inconsistently in the same JD due to filing practices - for example, some jurisdictions patrolled in part (unincorporated areas) by county-level law enforcement (sheriff's offices) might file charges at the district level that might be filed as municipal charges by city police in the same city. Another example is that some municipalities' policies might impact who was referred to district-level diversion. One JD faced this situation with one of its municipalities, which operated on a "three-strike" policy whereby youth were not considered for district-level diversion until a youth acquired at least three municipal charges. This JD was attempting to address this practice through collaborative efforts to mitigate the issue.

Exclusion or "de-selection" criteria. As with eligibility, exclusion criteria were largely driven by the lack of resources to properly manage a population with specific offense types. For example, youth affiliated with gangs were excluded in one JD because leaders did not believe they readily had access to resources needed to address a gang-affiliated lifestyle. In another JD, youth affiliated with gangs were typically screened out if their offense was gang-related or if there was gang-related

information explicit in the case. Anecdotally, however, the program team at the same JD found that youth with gang affiliations discovered after intake and while in treatment were as responsive to treatment as youth with no gang affiliation.

Other existing exclusion criteria that were not consistent across sites included domestic violence, drugs, sex offenses, cases with high-dollar restitution amounts, traffic offenses, school threats, weapons charges (guns), youth who are violent (according to statutory definition), and higher-risk youth or repeat offenders. Some exclusion criteria, like weapons or violent offenses, were reviewed on a case-by-case basis rather than according to a blanket policy of exclusion. A final criterion for a youth's exclusion or de-selection from diversion was the youth or their caregiver declining the program or denying involvement in the offense.

Costs. All diversion programs had an associated cost for participation, however, no program considered inability to pay a barrier to diversion enrollment. Sites had different ways of handling inability to pay. Some offered waivers of the entire fee, some offered payment plans, and

All diversion programs had an associated cost for participation, however, no program considered inability to pay a barrier to diversion enrollment.



others offered additional community service hours as a way for the youth to contribute to the cost of the diversion program. Costs ranged from \$75 to \$150 for general diversion, with one program charging \$500 for youth involved in a sex offense, because of the higher supervision and services costs.

Each jurisdiction had a similar structure regarding their intake process, however, the assessments utilized during intake varied from site to site. At the time of the interviews, there was no mandated standard risk and needs assessment for juvenile diversion programs in Colorado.

Risk/Needs Assessments. Each jurisdiction had a similar structure regarding their intake process, however, the assessments utilized during intake varied from site to site. At the time of the interviews, there was no mandated standard risk and needs assessment for juvenile diversion programs in Colorado. Programs assessed youth primarily based on their history, severity of current offense, substance use, mental health, stability and protective factors, and other treatment needs. Some programs used an assessment that was developed in-house to assess major domains including demographic information, school, family, mental health, substance use, and social

factors. Two such programs developed their assessments in-house through contracting with an evaluation consultant. Other programs use the Massachusetts Youth Screening Instrument-2 (MAYSI 2) to determine mental health needs and suicide risk, the CRAFFT, the Substance Use Survey (SUS) and the Global Appraisal of Individual Needs (GAIN) primarily to identify substance use issues. The Arizona Risk/Needs Assessment, the Youth Assessment and Screening Instrument (YASI), and the Colorado Juvenile Risk Assessment (CJRA) have a more general focus on the risk to recidivate based largely

on criminal history, which may present a challenge when assessing youth with first-time offenses. It should be noted that each of these assessments has a different focus, and none can be classified as a general risk/needs assessment specifically for diversion youth who are truly experiencing their first contact with the juvenile justice system.

Considerations: Intake Criteria

The literature suggests three criteria for eligibility consideration: age range, youth's prior history with diversion and the court system, and type of current alleged offense, with specific direction around consideration of current offense. Colorado programs tend to align with the Guidebook's program survey findings related to offense types that are often excluded (weapons, violence, and gang-related violence). The literature suggests, however, in these cases, rather than excluding youth simply based on offense, a set of risk factor criteria grounded in research should be utilized during initial interviews with youth to determine their risk to public safety. Using a set of research-based, established criteria can also prevent discretion or internal biases applied by the interviewer, factors which cause diversion to be utilized in an inconsistent or unfair manner. The Guidebook also suggests utilizing a discretionary "override" when program managers determine that the youth might be a good fit for the diversion program, including the consideration of extenuating circumstances or the acquisition of information not previously known early in the referral process. This override should be used judiciously. Community buy-in and support of diversion are also key to the program's sustainability and provide another rationale for carefully considering who is eligible or ineligible for diversion and associated criteria.

The literature suggests three criteria for eligibility consideration:

- 1) *age range,*
- 2) *youth's prior history with diversion and the court system, and*
- 3) *type of current alleged offense.*

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Implementing a consistent, empirically validated screening or assessment tool that is tested for gender and race/culture bias is the best method for ensuring diversion services are applied appropriately and equitably. A benefit of a risk and needs screen is that it can assist in efficient and effective resource allocation by focusing on a moderate to higher risk population, which is shown to be the best focus of justice programs in general. This allows for appropriate allocation of often-scarce resources. Screens and assessments based solely on criminal history present a challenge to those youth with first-time offenses. The most relevant tools for diversion youth should screen for the risk to re-offend, mental health needs or the need for further mental health evaluation, and substance use, and they should identify the youth's protective factors. Two considerations for the use of a full assessment include the level of services the youth will actually have access to through the diversion

program--both in-house and in the community--and the qualifications needed for staff to administer it accurately.

Operations Policies: Participation Requirements, Incentives and Consequences for Non-Compliance, Services, Program Completion and Exit Criteria

Participation Requirements. One thing all of the funded diversion programs had in common is that each used a contract or an agreement as a vehicle to engage and hold youth accountable to specific items in diversion. Content of these agreements or contracts was consistent and revolved around compliance with the terms of diversion; these included:

- Length of program,
- Routine contact,
- Attendance at school,
- Maintaining a “C” grade average or better,
- Compliance with the law and with household rules,
- Maintaining curfew,
- Refraining from substance use, and
- Specific actions the youth would complete as part of diversion individualized to the youth’s needs or the offense committed. Such actions may include:
 - Apology letters,
 - Posters,
 - Restorative justice practices,
 - Community service, and
 - Substance use, mental health or other types of treatment/therapy.

All program interventions had a specified length of time and frequency of visits. The length of program time varied from 90 days to a year, depending on program engagement, type of offense, and level of offense. In a few programs, when a youth’s needs may have been higher (typically related to mental health treatment needs and behavioral issues), length of stay exceeded a year. Contact requirements also varied. Most programs commenced diversion with weekly contact for at least a month, and then tapered back to biweekly or monthly. In many programs, both duration of program involvement and contact requirements were based on the type and severity of the offense with which the youth had been charged.

All funded diversion programs used a contract or an agreement as a vehicle to engage and hold youth accountable to specific items in diversion.

The length of program time varied from 90 days to a year.



Incentives and Sanctions. Some programs offered early discharge as an incentive for completion of contract items or compliance; other programs maintained a firm termination date and reduced contact or drug testing frequency, if applicable, based on compliance. Some programs used rewards such as gift cards, pizza, makeup, and

movie passes, or something that the youth determined was a meaningful reason for them to do well. The determination for program length requirements was almost never based on risk, contrary to research that recommends length of stay be determined by risk screens and assessments.

Sanctions for non-compliance included increased contacts, school visits, drug testing, and/or additional community service hours or projects. In most programs, the most common reason for early termination from the program was due to the youth picking up a new case as opposed to non-compliance. When non-compliance was present, the majority of program staff worked diligently to discover the reasons behind it and were very flexible in changing treatment providers when needed, rearranging contact visits, and providing tutoring and other services to help the youth come back into compliance. Youth were never sanctioned for non-compliance based on factors that relied on their parents for compliance.

Services and Interventions. Service delivery varied from program to program based on community resources, program resources, collaboration, and expertise. One therapeutic program provided counseling services, treatment, sex-offense specific programming, and case management services that incorporated restorative justice principles. Some community-based programs received referred diversion youth from their local DA offices, but also served children and families outside of the justice system. Education classes, counseling, treatment, trauma-informed care and, in some cases, community services management were all provided through these organizations. One program offered restorative justice conferences and a shoplifting program for youth referred by their local DA's office. Another program collaborated with district court judges, prosecutors and defense attorneys to deliver a Teen Court once a month for selected cases. Youth served as the jury, prosecutor and defense attorney, (advised by state attorneys), and a district court judge presided. While the Court could not determine monetary restitution, it could determine sentencing that would include community service hours (often served, in part, by participating in the Teen Court), which would have been approved by the DA Diversion Officer.

Some DA offices maintained a position with case management duties that referred youth out to most services. The internal staff provided general case management and coordination of care and services, such as initial intake and assessment, treatment follow-up, UA monitoring, school attendance and grades monitoring, and overall monitoring of the participation contract and contact requirements. In some communities, service partners were severely limited and so access to comprehensive services was not available or included as part of diversion programming. It was clear that when available, many programs relied on collaboration with school resource officers, government agencies, social services, and community-based organizations. School partnerships were also key in many jurisdictions in terms of providing support and insight into youth's behavior and progress.

Regarding access to services, two additional concerns arose in some diversion programs. One concern was that often the caregiver or guardians of enrolled youth were the child's grandparents. Representatives reported a desire to examine the ability of grandparents to parent youth in diversion programs, as well as resources available to them. Another concern was that of generational crime and the ability to

effectively serve a youth who had several generations before them who were justice-involved and might not have appropriate supports available to help them navigate diversion successfully.

Program Completion and Exit Processes. Processes around completion and the exiting of programming were the most consistent processes across all diversion programs. All program staff conducted a final meeting with the youth, completed the OMNI post-program survey, sent letters of completion to the youth's home, and notified the court so that motions would be filed regarding the youth's successful completion. Any final fees would be collected by this time, and monetary restitution would have been paid in full in order for the youth to successfully terminate.

Another area of focus relating to completion in diversion programming is the type of monitoring utilized between diversion programs, service providers, youth and caregivers (see below). Programs used different monitoring approaches. Some were more structured than others were.



The policies and practices concerning participation requirements were consistent across all programs visited and aligned with the guidance provided by the Guidebook.

Considerations: Operation Policies

The policies and practices concerning participation requirements were consistent across all programs visited and aligned with the guidance provided by the Guidebook. Adherence to policies and practices was not possible to ascertain due to the brevity of site visits. In addition, no program had a formal process in place for monitoring fidelity and

consistency of operations. The literature highlights two considerations concerning participation: The specific types of requirements and the nature of the youth's and their guardian's consent. These considerations center on the youth's willingness and ability to attend diversion appointments over the duration required, participate in required treatment and services, attend school, take responsibility for their actions that resulted in their involvement with diversion, and the absence of new arrests. All of the above were consistently applied across diversion programs, with a substantial level of flexibility built in for most programs. Almost all programs allowed for collaborative problem-solving and solution-finding when either a youth or caregiver was unable to meet or support the requirements of the program. Remediation to help the youth continue in diversion was often provided. All programs provided comprehensive information to youth and their guardians up front and, in almost all programs, families who initially declined diversion were allowed to enroll up until the point of adjudication decisions.

The Guidebook also suggests agreements among the program managers, service providers, and at times caregivers regarding monitoring of participation in or progress toward participation in referral services. It is recommended that some type of monitoring be in place to ensure youth don't "fall through the cracks" and, regardless of the type of monitoring approach, to encourage youth throughout service provision to remain engaged and help them successfully complete.

Considering the use of incentives and sanctions, the literature raises the question of effectiveness and feasibility when using incentives, and urges caution when applying sanctions to diversion programming. When youth are non-compliant, researchers recommend that programs exhaust all viable approaches before returning a youth's case back to court. This practice seems to hold true across the programs visited; programs typically use a return to court as a very last resort.

Finally, as referenced above considering current program operations in Colorado, justice research indicates that youth risk and needs should determine contact frequency, type and length of stay in the program; higher risk youth should be monitored by diversion programs more closely, more frequently, and typically for longer periods. The Guidebook suggests that monitoring is an intentional approach to track and encourage service participation, progress and successful completion. It allows programs to track

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the youth's progress in the program as well as intervene if there are indications that a youth might fail. Monitoring can prevent youth from falling through the cracks. Types of monitoring include:

- Minimal: No monitoring outside of regular contact with youth and caregivers.
- As needed: Contact between the diversion program staff and service provider only occurs if the provider loses contact with youth receiving services.
- Formal: Progress reporting agreement between the program staff and service provider.
- Referral: Procedure between program staff and service provider to confirm that youth has contacted the service provider.

Lower risk youth should be supervised less closely. In fact, increased programming and supervision can actually increase a youth's risk by negatively impacting their protective factors.

Legal Protections: Expungement, Information Use and Legal Counsel

This aspect of diversion programming was not explored much during visits. Some programs conduct intakes on diversion youth post-file, and in one case, it was standard practice to file on all youth while, at the same time, the family would be notified via mail that the youth was also eligible for diversion, should the family opt for that route. One diversion program that utilized this approach partnered with the courts to expunge youth files immediately following successful completion of diversion. This benefitted youth in two ways: Expungement included doing away with the youth's law enforcement record and it allowed youth initial access to defense counsel to discuss their case. Most sites consisted of a mix of pre- and post-file cases, however, the majority were pre-filed and a couple of sites served pre-file youth only.



Admission of responsibility or guilt was not used if a youth's case was sent back to court.

Other notable findings included the fact that admission of responsibility or guilt was not used if a youth's case was sent back to court, however, no written policies were shared concerning this custom, and it seemed to be common practice rather than formal policy. Additionally, when the time came to enroll

youth in diversion, if the youth or caregivers had any doubts about the youth's responsibility or guilt in a case, they would often decline diversion or be referred back to the courts to consult with defense counsel. Some programs allowed youth to enroll in diversion at any point before adjudication, which allowed youth to confer with legal counsel along the path of their case up until enrollment in diversion if applicable.

Considerations: Legal Protections

The Guidebook recommends identifying a youth record expungement process for law enforcement and courts. This process should meet two criteria at a minimum: 1) A designated party should be assigned to assist families through this process, and 2) The process should be offered free or at a low cost to the family.

Quality: Program Integrity and Outcome Evaluation

Most programs relied on OMNI Institute's evaluation services, which were funded by DCJ through grant funding. Items included in the evaluation were:

- Program participant demographics,
- Program completion,
- Prior police contact,
- Recidivism rates (defined as a filing(s) for a new offense both while the juvenile was in the program and up to one year after they exited the program),
- Offense types,
- Mental health and substance use needs,
- Accountability services, and
- Pre-post survey questions focused on youth's attitudes and beliefs about the adults in their lives; perceptions of self, locus of control, and right and wrong; and willingness to engage in risky behaviors.

A few programs reviewed data they collected separately from the OMNI evaluation and grant requirements, and a couple employed their own evaluators or expanded evaluation services with OMNI under a separate contract. Very few programs reported any changes or improvements made to their programs as a result of data review or evaluation findings. The majority of programs stated that the most useful data received from OMNI was the pre-post survey data and some programs used this information to track changes over a youth's participation and to discuss how to improve the program's services around specific aspects of the program. A small number of programs noted that the data was not useful to them for various reasons. Reasons included that the evaluation data did not capture all of their diversion youth (since they only reported on youth funded through DCJ diversion grants), their

diversion population was so small that no reliable results could be extrapolated, or that DCJ's or OMNI's method of tracking certain items did not accurately reflect their program's results.

Considerations: Quality

Several options are noted in the literature concerning quality and evaluation of programs. Regarding quality control, this includes program design, providing high quality training and ensuring staff competency on services delivered, data collection, and routine program monitoring and process evaluation. Based on information obtained from some programs, managers might find support for developing an infrastructure for ongoing staff development, data-informed decision-making, and developing fidelity measures to be a useful offering. Such an infrastructure would ensure quality and maintain consistency of practices, procedures, and programming.

Managers might find support for developing an infrastructure for ongoing staff development, data-informed decision-making, and developing fidelity measures to be a useful offering.



Finally, as noted above, the majority of programs:

- Relied on OMNI evaluation data to determine whether their programs were “successful”
- Determined success by the completion of their program by enrolled youth
- Relied solely on OMNI for recidivism data

The literature states outcome evaluation should be driven by a diversion program's purpose or objectives. Measures should be derived from the purpose of the program to identify whether or not a program is achieving its intended outcomes. The Guidebook recommends the use of logic models to help establish a structure for individual program evaluation to include goals, objectives, activities, inputs, outputs, and outcomes. Some common outcomes of diversion programs include evaluating the provision of services, reducing system costs, increasing successful youth outcomes, reducing labeling and its effects on delinquency, and reducing unnecessary social controls. Since diversion programs across the state differ, each site should have at least a basic infrastructure in place to evaluate its effectiveness based on its own unique purposes and goals.

Conclusion

In visiting these diversion sites, it became clear that the field is full of hard-working and passionate professionals dedicated to preventing penetration into Colorado's justice system for its youth. Because of the diverse makeup of each of these communities, programs have been designed and tailored to meet these unique needs. This report reflects the great variation in current practices based on Colorado's diverse landscape, while attempting to provide considerations for incorporating future opportunities for standardizing core best practice program components.

EVIDENCE-BASED PRACTICES IMPLEMENTATION FOR CAPACITY (EPIC) RESOURCE CENTER

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