

# Juvenile Diversion Allocation Formula

QUALITATIVE REPORT: 2022 FOCUS GROUPS

Prepared for:

Division of Criminal Justice  
Juvenile Diversion

Presented by



# TABLE OF CONTENTS

Background .....	2
Methodology .....	3
Recruitment for Focus Group Participation .....	3
Procedures .....	3
Focus Group Questions .....	3
Main Findings .....	5
Participation Primarily Driven by Funding Concerns .....	5
Weighing Juvenile Population as a Factor .....	6
Weighing Square Mileage as a Factor .....	7
Weighing Something Other Than Juvenile Filings .....	8
Other Factors to Consider .....	9
Organizing and Prioritizing Factors .....	11
The Base Amount, Alone, Doesn't Fund a Diversion Program .....	12
Advanced Notice as Important as Gradual Change When Facing Cuts .....	14
Overall, JDs Want Increased Funding & Communication from the State .....	14
Summary .....	16
Appendices .....	18
Appendix A: Consent Form for Focus Group Participation .....	18
Appendix B: Focus Group Questions .....	19
Appendix C: Local Challenges Facing Juvenile Diversion Programs .....	21
Appendix D: Added Costs of ARNA Implementation .....	22
Appendix E: Additional Quotes: Need for Advocacy & Increased Funding .....	22

## BACKGROUND

Prior to the 2020-2021 fiscal year, Colorado agencies engaged in a competitive grant process to secure funding from the Division of Criminal Justice (DCJ) for Juvenile Diversion services and administrative operations. The passing of SB 19-108 significantly increased the total budget available for Juvenile Diversion and required the funding be distributed to all judicial districts (JDs) through a formula allocation process. The purpose of the increased funding was to allow for the expansion of Diversion to serve more eligible juveniles, to increase access to Diversion for juveniles in all areas of the state, including in jurisdictions not previously offering Juvenile Diversion programs, and to expand services (including screening) within existing programs.

A Juvenile Diversion Workgroup was formed and charged with creating the allocation formula, which would determine how the \$3,044,000 budget would be distributed across all 22 JDs. The Workgroup sought guidance for the formula through meetings with the various stakeholder groups members represented and a national data expert. The Workgroup was made up of members from the Juvenile Justice Reform Committee established by SB 19-108, members of the Colorado Juvenile Justice and Delinquency Prevention Council (JJDP), and representatives from diversion programs in rural and urban areas of various size. In 2020, DCJ leadership accepted the Workgroup's recommended allocation formula, which set an annual base rate of \$75,000 for each district. The formula used three primary factors to determine the funding amount: geographical area (i.e., square miles), poverty rate, and number of juveniles living in each district. Nine of the 22 JDs were determined to be eligible for the base rate of funding. Unfortunately, the formula generated funding amounts substantially lower than in the previous year for 5 judicial districts. To prevent a devastating impact of this prescribed reduction in support, the decision was made to "hold harmless" these districts by providing funding at the previous year's level for the next three fiscal years (2021–2023).

SB 21-066 requires DCJ revisit the allocation formula every three years and make adjustments as needed. In 2021, Infinite Frontier Consulting (IFC) was contracted to evaluate the Juvenile Diversion program and guide the development of the next allocation formula as a neutral third party.

IFC is implementing a multi-method approach to solicit input from stakeholders and sharing those insights, through a series of reports, with stakeholder groups prior to allocation formula development.

- ∞ Stakeholder Survey Results: Priorities for Allocation of Juvenile Diversion Funding
- ∞ Qualitative Findings: 2022 Allocation Formula Focus Groups

This second report is based on five focus groups with Juvenile Diversion stakeholders and details their perspectives on the strengths and challenges of the original allocation formula. This report enhances the quantitative findings presented in the survey report, providing context and examples that stakeholders believe are important to consider during the development of the new allocation formula.

## RECRUITMENT FOR FOCUS GROUP PARTICIPATION

---

Invitations to complete a Doodle poll on availability were sent to stakeholders within each Judicial District (JD), including programs operating within District Attorney's (DA) offices and those operated by community partners. Members of the JJDP Council were also invited to participate. Stakeholders from all but 6 JDs/programs responded, and they provided their availability for days/times of the focus group sessions and preference for in-person or virtual (Zoom) sessions. Poll responses indicated insufficient interest in the in-person option to conduct a focus group of adequate size, so only virtual sessions were held.

Based on poll responses, three dates were set for the virtual focus group sessions. A second email invitation was sent to stakeholders requesting that stakeholders sign up for one of the three available focus group dates. IFC added two additional sessions (total = 5) to maximize participation and manage focus group sizes. One community-based program had technical difficulties and was subsequently interviewed in the interest of full inclusion. In total, 34 stakeholders representing 18 JDs participated in the focus groups. Stakeholders from the 9<sup>th</sup>, 11<sup>th</sup>, 15<sup>th</sup>, and 17<sup>th</sup> JDs did not participate in focus groups or interviews<sup>1</sup>.

## PROCEDURES

---

Prior to focus group sessions, participants completed consent forms (see Appendix A) describing the purpose and process of the sessions. This included reassurance that only aggregate responses and summaries would be reported to stakeholders, including DCJ. IFC evaluators conducted each 2-hour, virtual (Zoom) focus group session. One member of the IFC team facilitated the session by asking core questions and follow-up prompts. The second member served as scribe and monitored participation to ensure that all focus group members had an opportunity to provide feedback. Audiotaping sessions facilitated transcription of responses for analysis. IFC representatives deleted all recordings after transcription. Transcriptions and detailed written notes of responses were used together to extract themes, trends, and summaries for this report.

## FOCUS GROUP QUESTIONS

---

Focus group questions attempted to elicit a deeper understanding of the perspectives, concerns, and experiences of DA and Diversion program staff as well as JJDP Council members relating to the allocation formula (see Appendix B). While some questions expanded upon themes that emerged from the stakeholder survey, questions were crafted to elicit deeper and non-duplicative insights that would aid the formula

---

<sup>1</sup> The 9<sup>th</sup> and 17<sup>th</sup> JDs were also among those who did not respond to the Doodle poll to indicate availability. Stakeholders from the 11<sup>th</sup> and 15<sup>th</sup> responded to the Doodle poll but, ultimately, did not participate for unknown reasons. The JD7 program in Gunnison did not respond or participate, but other stakeholders from the 7<sup>th</sup> did.

development process. The DCJ team reviewed proposed focus group questions prior to the live sessions. The lines of inquiry explored in the focus groups included:

- ∞ Primary goals for focus group participation (e.g., prior experience, concerns, questions, issues)
- ∞ Factors to weigh in the formula (e.g., juvenile population, filings, JD square mileage, proposed factors)
- ∞ Base allocation amount (e.g., sufficiency, fairness of \$75K; challenges of base, potential increases)
- ∞ Transition to new funding (e.g., adjusting to increase or decrease, gradual vs. abrupt change in funding) and
- ∞ Open discussion of concerns, issues not queried.

The last 10-15 minutes of each focus group session included a discussion of any issues not addressed through the structured questions. The IFC team encouraged participants to contact them with any other feedback that they may not have had a chance to put forward during the session or that they did not feel comfortable expressing in the group setting. The IFC team also offered individual virtual or written interviews for program staff who were not able to attend a focus group session.

# MAIN FINDINGS

## PARTICIPATION PRIMARILY DRIVEN BY FUNDING CONCERNS

The State of Colorado allocates funding to all JDs to provide local Juvenile Diversion programming. However, most stakeholders felt that the allocation from the state is not sufficient to fully fund Juvenile Diversion programming in all 22 JDs, regardless of whether they perceive their individual JD is adequately funded. Any change to the funding allocation will impact local decisions regarding staffing, programming, youth served, and decisions to seek external funding to maintain a viable program. Given this context, it is not surprising that participants cited funding concerns as the primary reason to take part in the focus groups. Participants wanted to ensure that their voices were heard as individuals and that representation reflected Juvenile Diversion in Colorado, notably rural and urban voices, DA offices, agency offices, and community programs. Stakeholders often held similar, though competing, concerns about the allocation formula development process.

*“Anytime there is a money discussion, you want to be at the table. In part, to understand, but also to protect your interests a little bit.”*


*“Funding is why we’re here today. I don’t want to lose the voice of community-based programs. We’ve served the community a long time. We are worried about losing the voice and efficacy of running a program”*

Participants acknowledged that the funding allocation process should not feel “contentious or competitive” despite the difficult decisions that must be made to develop Juvenile Diversion programs statewide with limited funding. They hope to see successful outcomes across all programs and, eventually, increased funding to make it happen.

*“For me, just making sure that our voice is heard. I’m hoping through this process [. . .] that people receive the funding that they need to support the clients in their programs. I think we should have that statewide, collective charge.”*

*“It’s important to hear from everybody involved. We are a rural area – we don’t want to lose our funding; want to make sure there is a formula that works for everyone.”*

A few participants were new to their roles in Juvenile Diversion and viewed ongoing participation as an opportunity to learn about the funding allocation formula. Further, they utilized the focus groups as an opportunity to ask questions and absorb information about how other JDs operate their programs within their allocated budgets.



*“Most Stakeholders recognize that the process of funding allocation shouldn’t feel contentious or competitive. They want to see all of Colorado’s Juvenile Diversion programs fully funded and successful, but they understand the tough decisions that must be made in order for that vision to become reality.”*

## WEIGHING JUVENILE POPULATION AS A FACTOR

---

Juvenile population emerged from the survey as a top factor to weigh. Most stakeholders agreed that juvenile population is an important and straightforward factor to weigh in the allocation model, but it should not be the only factor. There were some concerns as to whether undocumented youth would be appropriately counted. Population fluctuates year-to-year, and there was support for accounting for that fluctuation. While some areas of Colorado have reported a drop in total population, others have recorded substantial growth over the past few years. Finally, many of the state's judicial districts experience population influxes (e.g., tourists, seasonal staff, and youth who have run away from home) throughout the year who are not captured by a measure of total juvenile population.

*“Population does matter – there are more kids in Denver, for example, that need services because of numbers. The flip side is that it can't be the most important factor because of rural areas.”*

*“Since we are rural, our numbers aren't going to be the same as just 45 minutes up the road. And when you have a lot of other, outside interference. A lot of these kids are undocumented around here [...] we only have youth here – a lot of times – for the summer months.”*

*“Growth is a major issue for us right now. Our schools are desperately overcrowded. [. . .] If our goal is to divert more kids, and we aren't able to sufficiently fund the larger programs, then that inhibits numbers of kids that can be diverted as well. [. . . and] if you don't have sufficient funding for our rural districts to fund a person, what's the point?”*

Generally, stakeholders understood that population should be a significant factor for high-density areas, but some questioned whether it would be reasonable or fair to heavily weight population in rural Colorado. A few stakeholders have been involved in funding allocation decision-making in the past. They suggested a two-tiered weighting system in which population accounts for roughly half of the allocation, and the second tier includes contextual factors that capture issues such as availability of resources, number of programs, filings, program success, etc.

*“Another approach is where half of the funds are based on some kind of population approach – total population or at-risk population – you can see what those numbers look like. [. . .] Then if you take the other half of the funding, an allocation based on the number of programs there are to create your baseline. [. . .] By breaking the formula down into two kind of 'bags', it tended to hold the more rural areas fairly consistent and the larger areas would grow with the census data.”*

*“Population is important, but there is an ecosystem in every community, certain providers in areas that are available to offer services. There are nuances in small areas in terms of access [and] the types of organizations that are being funded. Some smaller agencies have more trust and more efficacy with youth, [like] minority owned, non-profit, female owned.”*

## WEIGHING SQUARE MILEAGE AS A FACTOR

---

The square mileage encompassed by a JD may be an important consideration in the distribution of funds; it is a particularly prominent issue for Colorado's rural JDs. IFC determined it was one of the top three factors that emerged from the survey. Some high-population JDs disagreed that square mileage should be considered important, and a small segment of stakeholders struggled to understand why the factor presents significant challenges for programs. As rural stakeholders explained, many rural families do not have access to reliable and affordable internet or transportation, leaving case managers to travel 40 or more miles one way to deliver services to a youth. Likewise, they pointed out that funding needs to cover the cost of staffing appropriately when a JD spans multiple counties.

*"There is something to be said for districts that have more than one county. There are different considerations and factors that go into that. Districts that have a lot of counties. That's a big factor and creates a lot of work. There can be major discrepancies between counties."*

*"The characteristics of a rural community such as spatial isolation and limited treatment facilities, providers, and transportation are obstacles as it relates to the efficacy of a Diversion program, as evidenced by what I've experienced here since my start date over 20 years ago."*

*"They're so short staffed, and the area that they [have] to go to get services to people [is] mindboggling. [. . . Square mileage] would be a very important factor to consider."*

Focus group participants were asked what other measures might reflect rural JDs' challenges in a meaningful and straightforward manner. Participants offered potential alternatives, such as:

- ∞ Number of counties within the JD
- ∞ Number of law enforcement agencies within the JD
- ∞ Number of school districts within the JD
- ∞ Scarcity of resources (which may differ greatly from county to county within the same JD)
- ∞ Community and family access to internet, transportation, etc.

While it isn't easily quantified, stakeholders from JDs with rural or rural and mountainous terrain felt that weather-related travel issues should factor into the allocation formula. During the winter months, weather renders some roadways impassible, exacerbating transportation time and expenses for programs and families.

*"Transportation is a massive issue. We have 22 different law enforcement agencies we need to work with. We need a person in each county to meet with kids. In every area, Diversion services are run by different agencies. [And in some communities] there are few poor kids, but they have very high levels of needs."*

*"Weather [is a barrier], too. There are certain times a year when some JDs have trouble accessing anything. So if you've got that, coupled with youth not having access to internet, then there's some major challenges there."*



## WEIGHING SOMETHING OTHER THAN JUVENILE FILINGS

---

A primary goal of Juvenile Diversion is to prevent youth from penetrating further into the juvenile justice system. It was, therefore, not surprising that juvenile filings emerged from the survey as one of the top factors that should be considered for inclusion in the allocation formula. In the focus groups, however, stakeholders communicated that “juvenile filings” could be a problematic index for Diversion since a successful diversion program that includes pre-file diversion could reduce filing rates, leading to a reduction in future funding. Participants did not want to incentivize local filings to increase local funding, and they would rather see the success of programs factored in some way.

*“One factor is quality – and how we do things and what is better practice. I think we will build that system, defining what are good practices, and peer pressure from program to program. We can use the data to define good practice. In the early stages, tying money to that is going to be difficult.”*

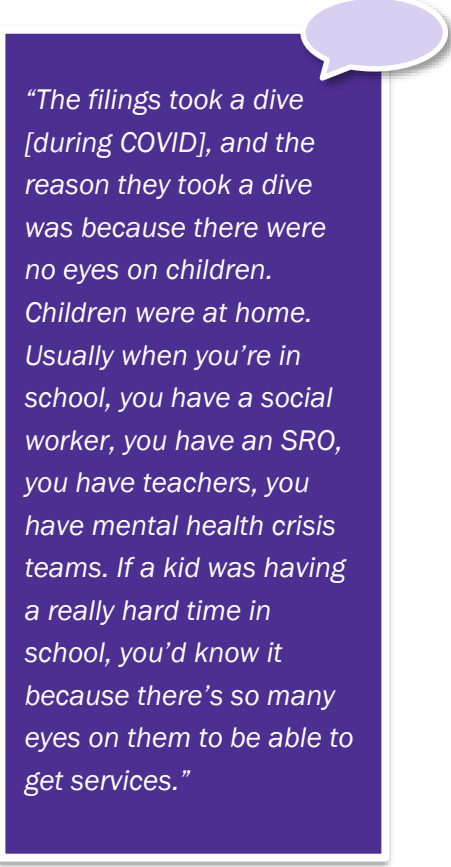
*“My understanding of true diversion is that a youth [does] not enter the justice system. So if [youth Diversion referrals] come directly from law enforcement, then that’s actually what we want to be seeing. [ . . . Filings] would be concerning from my perspective as a community-based organization.”*

A few participants pointed out that filings are highly dependent on law enforcement priorities and willingness to engage with youth.

Stakeholders reported that, since the start of the coronavirus disease 2019 (COVID-19) pandemic, juvenile arrests, filings, and diversion referrals have been down, which stakeholders perceive to be due to staffing issues within law enforcement, health restrictions, and other factors beyond the JDs’ control<sup>2</sup>. They also expressed the opinion that juvenile crimes increased in severity since the start of the pandemic and that the programmatic needs of youth increased, despite the drop in filings.

*“Since 2019, filings are down statewide. In some cases, over 50%. Now, that means that the cases we are seeing, in terms of filing, are vastly more serious and coming in larger numbers. [One jurisdiction], right now, has a detention center filled with murder and attempted murder kids, and it’s a pretty sad state of affairs [from] a youth violence standpoint.”*

*“Because of COVID [ . . . ] all of our numbers are historically low, and [now] ours are jumping to higher levels than they were pre-COVID. I wouldn’t want to make changes based on current populations when our populations are definitely going to change.”*



*“The filings took a dive [during COVID], and the reason they took a dive was because there were no eyes on children. Children were at home. Usually when you’re in school, you have a social worker, you have an SRO, you have teachers, you have mental health crisis teams. If a kid was having a really hard time in school, you’d know it because there’s so many eyes on them to be able to get services.”*

---

<sup>2</sup> IFC has not validated these assertions regarding arrests, filings, and referral numbers during the COVID-19 pandemic.

Stakeholders offered varying ideas about alternative indices to use other than filings. Some Juvenile Diversion programs focus programming on youth at the pre-file and “pre-pre-file” stages<sup>3</sup>, which are more challenging to quantify than juvenile filings. In fact, programs vary widely in how or whether they serve youth with municipal charges, SRO referrals, counselor referrals, etc., so it may be difficult to quantify Juvenile Diversion numbers statewide without some uniformity—or guidance from the state. As such, stakeholders currently struggle to identify a meaningful measure that would be fair across all programs, but they would like to move in that direction.

*“The majority of our kids are pre-file, so I do agree that if we went just off of filings, there would be a good portion of those that wouldn’t be captured. A large percentage, actually. So, I don’t know [how to capture the youth in pre-file]. I don’t know what that answer is right now.”*

*“We have mostly a pre-file program, but we will take some post-file. [. . .] I know that there are other programs that do all post-file, and so I don’t think it paints a very clear picture [to use filings].”*

## OTHER FACTORS TO CONSIDER

---


When asked about factors beyond the top three (juvenile population, filings, and square mileage), stakeholders offered a few potential alternatives. One group of factors focus on community measures of risk among youth. Stakeholders suggested that certain risk factors should be indicative of the need for Juvenile Diversion services. Suggestions included:

- ∞ Percent of youth qualifying for free and reduced lunch
- ∞ Affordable housing
- ∞ High school graduation rates & school engagement
- ∞ Juvenile minority population
- ∞ Adult crime rates

*“We could consider affordable housing. Even in situations where there isn’t a high level of poverty, it may be difficult to afford to live in that area - like the front range.”*

*“Factors need to be associated with an increased risk in juvenile crime. That’s something I would want to go to the research on.”*

*“Youth involved in juvenile justice often have trauma. To the extent possible, we could look at communities with an overlap between youth and adult criminal behavior because there is an*



*“Taking the overall population is the simplest way since that data is updated yearly. But at-risk populations vary greatly depending on a lot of different factors. [. . .] If a definition could be developed for ‘at risk’ population, I think that is a better beginning point.”*

---

<sup>3</sup> “Pre-pre-file” efforts, as defined within the focus group discussions, include efforts to work with law enforcement to avoid writing tickets/summons and, instead, help youth avoid going to court. Referrals may also come from mental health workers, behavioral health centers, DHS, crisis teams, and counselors in the community. Some programs begin services for youth pre-Diversion, and parents are often more involved at this stage.

*interaction between the two issues. How do we get to the predictive factors so that we can act earlier in the pipeline?”*

Some of these factors present challenges identified by other stakeholders. The percent of youth qualifying for free and reduced lunches, for example, does not capture students who switched to home schooling or “fell through the cracks” during the COVID-19 pandemic. Likewise, it does not reflect the needs of the more affluent regions of Colorado (ex: resort towns) in which poverty rates may be low, but juvenile crime remains an issue.

Overall, stakeholders wanted to ensure that factors included in the allocation formula are research-based and relevant to Juvenile Diversion. Some focus group participants suggested weighting numbers and/or scores from the recently adopted Arizona Risk and Needs Assessment (ARNA), a screening tool for risk of recidivism administered to youth charged at the district level. However, stakeholders were unable to offer other concrete measures that would capture all youth, including those who might otherwise be excluded from juvenile filing numbers.

*“I think having the number of ARNA screens that you are doing to screen kids, because all kids are supposed to be getting screened for Diversion, so how many screens are you doing? And then maybe giving some weight to the risk level of those kids that you’re screening. [Higher] risk kids are obviously going to require more services and more attention than low-risk kids. Funding should follow what kind of kids you’re serving.”*

*“What the ARNA tells us is their risk to have involvement in the justice system. The higher the risk score, the more intervention. The lower the risk score, the less intervention required to avoid future justice involvement. So, if you’re a jurisdiction that is serving ARNA 8’s and ARNA 7’s, what the ARNA prescribes is those folks need a higher dosage of intervention, which costs more money.”*

While the ARNA holds potential for the future, full year data are not yet available for all JDs. When the allocation formula is revisited in three years, it would be advisable to consider including an ARNA derived measure in the allocation formula. It will, however, be important to examine the extent to which the ARNA excludes youth who are diverted pre-filing or at an earlier stage, and whether it should include youth who are not diverted but have been screened.

The ARNA is new for Juvenile Diversion in Colorado and some stakeholders have concerns about what it measures and whether scores will be valid, especially since the ARNA may be administered face-to-face for some youth or scored without direct youth contact for others; although, this is not an advisable way to conduct the screening. As one Stakeholder pointed out, the ARNA measures risk, but does not necessarily measure service needs. Some stakeholders preferred delaying the use of the ARNA in the allocation formula until data demonstrate whether matching risk level to services correlates to successful outcomes. Lastly, there were anecdotal concerns that tying the ARNA to funding would potentially bias assessors.

*“I think [our JD] would probably disagree with [ARNA as a factor]. I guess the question would be ‘Are you going to consider validated ARNA screens?’ Because we’re struggling very much with being able to meet these kids and speak with them because these are kids that we’re not diverting. So, this is a*

separate group of children that we're not diverting and so we're having a difficult time meeting with them face-to-face, which then invalidates the screen."

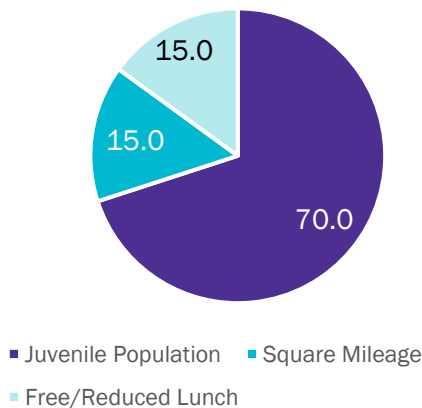
"I'm opposed to using the ARNA right now because it's just too new. For our jurisdiction, we have diverted high-needs kids that are not necessarily high risk. We use other tools. And so, we'll use the ARNA to inform our decision, but it doesn't dictate whether or not a client in the program has motivation to change. I think it gives you a solid baseline, and I agree that the ARNA tool is a good tool. I just think it's too early on to use that. I would want to collect data for these next couple of years on, 'Are we matching risk?' and 'What's the outcome of some of these clients?'"

## ORGANIZING AND PRIORITIZING FACTORS

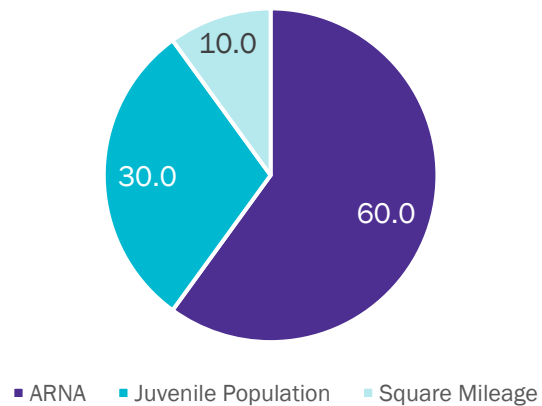
When asked to split the aforementioned factors into a pie, many stakeholders identified juvenile population as the most important or substantial slice. Conversely, square mileage often accounted for the smallest slice of the budgetary pie. That said, most stakeholders felt it important to define that illusive third factor before they attempted to organize and prioritize. While no consensus was achieved, Figures 1a - 1d visualize the participants' concrete suggestions.

FIGURE 1A-1D: VISUAL REPRESENTATIONS OF WEIGHT RECOMMENDATIONS

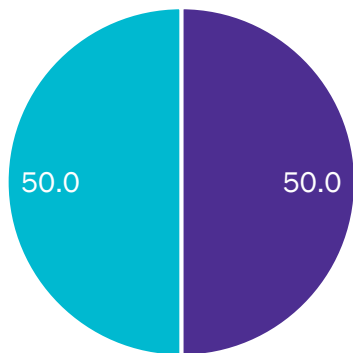
1.a Weight of Each Factor



1.b Weight of Factors



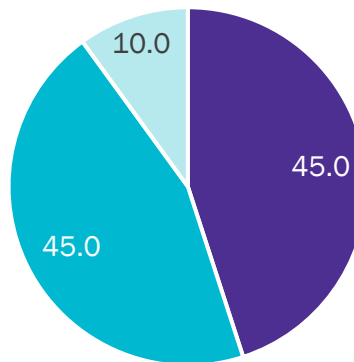
1.c Weight of Factors



■ Juvenile Population

■ Baseline Amount to Run Program (xNumber of Programs)

1.d Weight of Factors



■ Juvenile Population ■ Juvenile Filings ■ Square Mileage

## THE BASE AMOUNT, ALONE, DOESN'T FUND A DIVERSION PROGRAM

Somewhat reminiscent of the survey findings, very few stakeholders felt that the \$75,000 base level is sufficient to fund a Juvenile Diversion program. When accounting for costs of services, administrative duties, transportation, and adequate salaries/benefits to keep positions filled, the base amount simply falls short. As a result, the JDs that receive the base amount for Juvenile Diversion often supplement with other funding sources and “get creative” to stretch their budgets<sup>4</sup>. Listed below are just some of the ways that districts and programs adapt to the base allocation funding.

- ∞ **Staffing:** Employees assume multiple roles within their respective programs (e.g., working on both adult and juvenile diversion). Some programs utilize agencies like AmeriCorps to employ staff at a reduced cost. Positions are often part-time and/or salaries are low, resulting in staff members seeking supplemental employment outside of Juvenile Diversion.
- ∞ **Other funding sources:** JDs seek additional funding through a variety of sources to adequately fund programming and staffing. Supplemental fund sources include:
  - DA offices
  - School districts
  - Municipal agencies
  - Law enforcement
  - Grants
  - Medicaid
  - Marijuana revenue funds
  - Local fundraisers and
  - Supplemental requests to DCJ for reallocation of dollars reverted by other Juvenile Diversion programs.

<sup>4</sup> It is important to note that many programs supplement the allocation received from the state with dollars from other funding streams. Supplementing funding from other sources is not limited to programs receiving the base level of funding.

- ∞ **Service delivery:** Rural areas lack a wide range of service providers, and families often lack the resources to access services. Some JDs establish access to providers outside their districts and/or arrange spaces in their offices where youth can receive services virtually.

As stakeholders pointed out, efforts to stretch dollars bring their own costs and challenges. Grant writing takes time, as does managing those grants. Not all DA offices support Juvenile Diversion, and municipal/law enforcement agencies may not be philosophically or financially supportive. In areas with limited resources, setting up spaces to help youth access virtual service delivery requires someone to be on-hand to provide technical support and further assumes that youth have reliable transportation to reach the Juvenile Diversion office. Not surprisingly, these challenges impact staff retention. For JDs in which staffing and service costs are “absorbed” by individual counties, stakeholders expressed worry that the strain on county governments is not sustainable, putting Juvenile Diversion programs at risk of losing that source of supplemental funding.

*“Essentially, that \$75k here was enough to pay part of a salary to run a program. That’s what it did, with another, smaller pot of money that goes out to treatment providers, and that’s what the program has been. Even if we only have 50 or 75 kids a year—we’ll have more than that eventually, because the need is way higher than that—but it takes more than a part-time person to do that. The way that we’ve supplemented our program is cheap labor in the form of AmeriCorps.”*

*“We pay a part of the salary. We have to have two fulltime people. The rest of the money we send to treatment providers who are supposed to be providing services for the juveniles. [. . .] We ended up buying notebook [computers] so kids can get treatment in our office. We do some online and we use the Diversion funds to help pay for that.”*

*“It funds one person for us, but we use about 4 people to do this work. We scrape and scrounge and do whatever to find other funding to make it work. So, we have a complex puzzle to put together to make Diversion work in our community and this is but one part of that.”*

These JDs would like to expand their programs, service every youth referred, and retain quality staff. An increase in the base amount would allow these goals to come to fruition, but they recognize that the state dollars supporting Juvenile Diversion would need to increase. Stakeholders from more populated JDs also recognized the need for an increase in base level funding. Most expressed willingness to give up a small amount of funding to enable a higher base level. However, stakeholders whose JDs receive base level funding felt it would be inappropriate to take funding away from JDs with high populations. The ideal scenario would, of course, be more funding to operate and improve Juvenile Diversion statewide. Only a few stakeholders spoke openly in opposition to raising (or maintaining) the \$75,000 base amount, basing their views primarily on number of youth served.

*“Just salary wise, I almost decided to go look for another job because of [the base amount]. I have ideas on [restitution] stuff that would cost money.”*

*“I know for us to take \$25,000 from our program would be an impact. I think I would be comfortable with maybe a 10% decrease for my jurisdiction if I had to [to increase the base for others]. But DCJ needs to figure out how to find more funding.”*

## ADVANCED NOTICE AS IMPORTANT AS GRADUAL CHANGE WHEN FACING CUTS

---

There was no strong consensus on whether a significant decrease in funding should happen immediately or gradually. More than half the stakeholders preferred to “step down” when facing significant changes in funding, especially those who have been held harmless for the past three (3) years. Others said that the proverbial bandage should be “ripped off”, so long as JDs are given warning/notice well ahead of budget cuts. Most stakeholders agreed that it is critical to have adequate *time* to plan for the decrease. With adequate planning, JDs can make difficult, but *transparent*, decisions about staffing, services, and other aspects of their Juvenile Diversion budgets.

*“The way I operate? Pull off the Band-Aid and let’s get it over with, but that’s me. Stepping down is not going to help me; [it] just delays the inevitable.”*

*“Transparency is super important. [. . .] In the long run, if I didn’t have a grant for that position, the program would go away. At some point the counties could make the decision to end the program. If you are given more money, you have to figure out a way to spend it. I don’t have the manpower to manage anything but salary.”*

In contrast, most stakeholders believed that if additional funds were allocated to their JDs, they could accommodate the increase. Some JDs already experienced a significant increase in funds; they were able to utilize the money immediately to increase staff salaries and serve more youth. Only a few participants suggested that an immediate, substantial increase might cause issues. However, the ability to accept or decline the increase might alleviate those challenges. Regardless, transparency remained critical to these discussions, and most stakeholders requested time to plan for changes.

*“Increases all at once are easier to manage than decreases all at once. But decreases are decreases and have real world implications, whether they are 5% or 25%. So, communication is critical to be able to manage whatever ends up happening.”*

*“I’d rather know 6 months ahead of time and then it just happens - that’s your budget for the year. Instead of telling me that it’s going to start and go slowly down. Planning for programing and staff – you want to plan for the year. [Having] the information as soon as possible would be more advantageous.”*

## OVERALL, JDs WANT INCREASED FUNDING & COMMUNICATION FROM THE STATE

---

Stakeholders recognized the challenges that each JD and program faces when drawing from a limited statewide Juvenile Diversion budget. They expressed a need for coordinated efforts to secure additional

funding through federal grants, foundations, and lobbying the state. However, many stakeholders also wanted clearer guidance from the state about Juvenile Diversion, including:

- ∞ Who should be eligible for Juvenile Diversion?
- ∞ What are the overarching goals of Juvenile Diversion, statewide?
- ∞ How is success measured and incentivized?
- ∞ How do programs balance statewide expectations with local needs?
- ∞ Who is advocating for Juvenile Diversion at the state level? If no one is currently advocating for Juvenile Diversion, can someone be identified to fulfill that role?
- ∞ How can JDs share resources and coordinate efforts to secure more funding?

*“There is a challenge in how the whole process works in general. [Funding announcements] won’t be released to us until just randomly one day we get an email saying, ‘it’s open and you have 2 weeks.’ Ready, set, go - and it’s never enough time to do any meaningful planning. So that process [. . .] really needs to be more respectful of the professionals that can’t do meaningful work when you have 2 weeks for an open grant period.”*

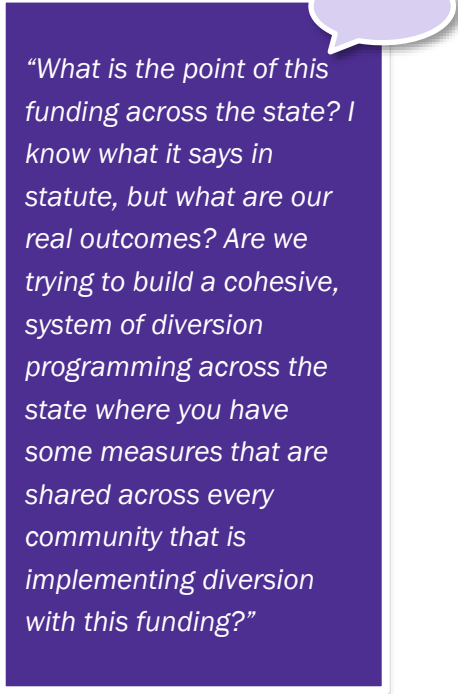
*“If we had a vision at the state level of what we think a best practice should be, [then we could] incentivize programs to meet that best practice.”*

Stakeholders also requested transparency at every step of the process, locally and from DCJ. The more included they feel in decision-making, the more content they (hope to) feel about the decisions being made. Some participants requested that survey and focus group findings be widely disseminated. Many of those same stakeholders wanted to see the funding allocation formula options being put forth. Programs questioned the stability of long-term Juvenile Diversion funding and some objected to funding decisions being made by entities or individuals external to Juvenile Diversion programs.

*“We are transparent with our staff as well as our directors and DA office which holds the program. We all know which position will be cut. The person already knows about the cut; she was told when hired that it was a grant funded position. We’re being very clear about that fact that this is how we have to roll.”*

*“We need to demonstrate why we need more money [statewide]. How can we make sure that we spend everything so we can make a really good argument to the legislature about why we need more than three million?”*

*“We know absolutely nothing about how we compare to other programs. Some of the data could be helpful in building our programs and building the programs across the state. A lot of us would like to think forward [about] how many kids we serve.”*



*“What is the point of this funding across the state? I know what it says in statute, but what are our real outcomes? Are we trying to build a cohesive, system of diversion programming across the state where you have some measures that are shared across every community that is implementing diversion with this funding?”*



*“It would be lovely to have these focus groups reconvene to review information that was collected before it is presented for a final decision.”*

## SUMMARY

Stakeholders are heavily invested in the day-to-day work of Juvenile Diversion, and many wanted the opportunity to weigh in on the development of the next budget allocation formula. The focus groups gave participants a chance to make suggestions, voice concerns, and open the door to broader conversations about Juvenile Diversion in Colorado.

Participants agreed that juvenile population would be a straightforward factor to weigh in budget allocation, so long as it also captures youth who are undocumented and considers other scenarios that cause fluctuations in population (e.g., seasonal tourism, youth who have run away from home, etc.). They recognized that juvenile population favors highly populated JDs, and square mileage seemed like a reasonable factor to represent the budgetary needs of sparsely populated JDs. Stakeholders identified a list of other factors to consider when trying to measure the needs of Colorado’s rural JDs, including: the number of counties, law enforcement agencies, school districts, and scarcity of resources within a JD.

Collectively, participants did not view juvenile filings as straightforward or reflective of the work they do, as filings do not capture youth who participate in pre-file Diversion or who are referred through mental health agencies, school districts, and other sources without tickets/summons. However, participants were not sure what factor(s) should replace juvenile filings. Some suggested measuring poverty in the community. Others pointed to ARNA scores as a way to measure budgetary needs, but stakeholders also acknowledged that JDs need more time to fully implement the ARNA and study the data to see how scores relate to services and outcomes. In the focus groups, participants did not reach a consensus on how heavily each of these factors should be weighted.

Regarding the base amount of funding (\$75,000), most participants agreed that the base level is insufficient to operate Juvenile Diversion in a JD. Those who receive the base funding level shared the many ways they have adapted to stretch their budgets to meet the needs of youth within their respective JDs. Some programs and JDs disclosed that they are bracing for a potentially significant drop in funding (to the base amount) after being held harmless for three (3) years. Several participants agreed that they would prefer a gradual decrease over an immediate one. Increases in funding, however, are easier to handle. In either case, participants agreed that advanced notice and transparency are vital to ensuring that JDs can accommodate a significant change.

Participants identified transparency and communication as particular concerns, overall, as the conversations steered to broader issues within Juvenile Diversion. They wanted to see clearer guidance from the state in identifying the statewide goals and defining who should be served in Juvenile Diversion programs. Participants felt that such questions need to be answered before they can consider a budget allocation formula to be fair. Many reasoned that it makes sense to base funding on evidence-based approaches,

successful outcomes, and efficient spending within programs. Likewise, it would be reasonable to set aside additional money for newer programs to meet certain standards. At the end of the day, however, participants pointed to state funding as the biggest issue; namely, the amount of money set aside for Juvenile Diversion is not large enough to fully serve the youth of Colorado.

## APPENDIX A: CONSENT FORM FOR FOCUS GROUP PARTICIPATION

---

This is a conversation to help us understand, from your perspective as a professional and a stakeholder in Juvenile Diversion, what factors and considerations should be weighted in the development of the next funding Allocation Model. SB 19-108 requires DCJ revisit the funding allocation formula every three years and adjust as needed. In 2021, IFC was contracted to evaluate the Juvenile Diversion program and facilitate the development of the next allocation formula as a neutral third party.

The discussion will last up to two hours. Two representatives from IFC will moderate, facilitate the group discussion, and ask the questions. The discussion will be recorded in order to most accurately represent your ideas, concerns, and responses; however, we will not share your identity or likeness.

### **Who can participate in the focus groups?**

There will be three groups representing Juvenile Diversion programs, DA offices, and JJDP Council members across the state. Groups will not be segregated or otherwise divided based on role, and participants will have the opportunity to attend one of three available dates and times in August.

### **What are the risks and benefits of participating in the focus group?**

If you participate in the discussion group, you will provide us valuable feedback that will help improve the process of developing the next Allocation Model in a way that is fair and acceptable to all JDs.

Some people may feel uncomfortable talking about challenges or barriers with the current allocation model or may worry that negative comments they make could negatively impact their job or their relationship with DCJ. We will not share any individual's comments directly with DCJ; rather DCJ will receive a summary of the issues raised during group discussion. You do not have to answer any questions that you do not want to. Your participation is completely voluntary. If you have concerns, you can speak with the person facilitating the group.

### **Do I get anything for participating in the focus group?**

No additional compensation is provided for your participation in this focus group.

### **Can I get out of the focus group if I want to?**

Participating in the focus group is voluntary. You do not have to answer any questions you do not want to. Also, you do not have to participate and can leave the group at any time.

### **What happens to the answers and information I provide?**

The facilitators will audio record this discussion and review it for themes, trends, and/or recommendations. Your name will not be used when we write our summary report. While the purpose of this discussion is to gather information to inform the development of a funding allocation model, nothing said will be attributed to anyone personally. Only this consent form will have your name on it.

### What do I do if I have questions?

If you have questions about this focus group, ask the person who is facilitating the group. You may also ask questions by emailing Brianna Freed ([brianna.freed@infinitefrontierconsulting.com](mailto:brianna.freed@infinitefrontierconsulting.com)), Susan Young ([susan.young@infinitefrontierconsulting.com](mailto:susan.young@infinitefrontierconsulting.com)), Tara Wass ([tara.wass@infinitefrontierconsulting.com](mailto:tara.wass@infinitefrontierconsulting.com)), or Diane Fox ([diane.fox@infinitefrontierconsulting.com](mailto:diane.fox@infinitefrontierconsulting.com)).

### Agreement

By typing my name, I hereby acknowledge that I have read this consent form or it was read to me. I know that I do not have to take part in the focus group. I also know that I can ask questions at any time. I received a copy of this form.

## APPENDIX B: FOCUS GROUP QUESTIONS

---

### Goals for the Juvenile Diversion allocation formula:

To get started, let's talk a little bit about why you wanted to join this focus group today. What motivated you to participate in the decision-making process for the allocation formula?

1. What specific concerns do you have, if any, about how changes to the allocation formula could affect your JD or program?
  - a. *If unrelated to allocation formula:* Is there anything about the funding allocation, specifically, that contributes to those concerns?
2. From your perspective, what is the top issue you'd like to see addressed in the funding allocation formula discussion today?
  - a. **Probe as needed**

### Factors to Weigh

Now, let's talk more explicitly about the factors that should be weighted when calculating budget allocation for Juvenile Diversion. We know that the 22 JDs have differing and sometimes competing needs, so the goal is to strike a balance that is fair and acceptable for all stakeholders.

1. Juvenile population (collected from state demographers office juveniles between 10 and 18), juvenile filings (from the judicial department report), and square mileage of the JD (already included in model for each JD) were the 3 factors that were identified as most important in the survey.
  - a. **Juvenile population:** How heavily should this factor be weighted, compared to other factors?
  - b. **Juvenile filings:** In your opinion, how could we measure juvenile filings in a meaningful way?
    - i. What are the drawbacks to these methods?

- ii. For example, would it be helpful to look at the average over the past 3 years? Over the past 5 years?
- iii. What are your thoughts on considering percent of youth diverted?
  - 1. Is that a fair factor to include for JDs that have implemented juvenile diversion recently?
- iv. How heavily should juvenile filings be weighted, compared to other factors?
- c. **Square Mileage:** Juvenile population and filings tend to weight funding toward population centers where the majority of youth live and the majority of delinquent filings occur. In contrast, the inclusion of square mileage will tend to favor rural JDs with smaller populations centers.
  - i. What are some alternative ways to measure the impact of population dispersion, large geographic regions, mountain passes, etc on the ability to provide juvenile diversion programming?
  - ii. How heavily should square mileage be weighted, compared to other factors?
    - 1. If they had suggestions for alternative measurements gauge weighting for those relative to square mileage.
  - iii. For rural and sparsely populated JDs, would this factor adequately address some of your funding concerns?
    - 1. **Probe as needed.**
- 2. What other factors, if any, would you consider to be highly important in the allocation formula process?
  - a. **(PROBE AS NEEDED)**
  - b. How would these be weighted in relation to the three we already discussed?

## Base Allocation Amount

Let's shift gears a bit and talk about base funding. The goal of the base funding level is to ensure all JDs, regardless of size, have the budget needed to operate an effective Juvenile Diversion program. The existing model provides a base allocation amount of \$75,000, meaning that no JD would be allocated less than the base amount of funding. JDs receiving the base level of funding are typically small and rural.

- 1. By a show of hands, who here (if anyone) represents a JD that receives the base allocation under the current funding formula?
  - a. For those of you who feel like the base is sufficient, how do you make the base level of funding work in your JD?
    - i. Probe as needed.
  - b. For those of you who do not feel that the base is sufficient, what challenges do you face?
    - i. What compromises are you making currently? And how does this affect the viability of your program?
- 2. Increasing the base allocation would have impacts on all JDs, not just JDs receiving the based allocation. How would an increase in the base allocation amount impact your JD or program [Ask of everyone, not just JDs at the base funding]?
  - Would there be challenges to spending a higher base level of funding?

## Transition

Broadly speaking, changes in funding, both increases and decreases, can be difficult for programs to adjust to quickly. We'd like to talk a bit about whether Juvenile Diversion should have a mechanism to make sure that significant changes to a JD's budget happen gradually rather than immediately.

1. What amount or percentage change in funding would you consider to be significant in this context?
2. Talk about the challenges you would face as a JD or program if you were to experience a significant decrease in funding.
  - a. How would you cope with those challenges if they were immediate?
  - b. And how would a gradual shift help alleviate those challenges?
3. What about a significant increase? What challenges would you anticipate there?
  - a. Talk about how you'd try to handle those issues with an immediate increase.
  - b. And what about a gradual increase?
4. Are there any disadvantages to a gradual shift?
  - i. ***Probe as needed.***
5. Are there any advantages to an immediate change?
  - i. ***Probe as needed.***

## Final Comments/Concerns

Thanks so much for participating in this focus group today. We hope that you feel included and heard in the process of developing a fair allocation model for Juvenile Diversion.

1. As we wrap up our talk, is there anything else you'd like to share about what should be considered in the budget allocation model for Colorado's Juvenile Diversion programs?
  - a. ***Probe as needed.***
2. Are there any other concerns you'd like to share about the development of the allocation model?

## APPENDIX C: LOCAL CHALLENGES FACING JUVENILE DIVERSION PROGRAMS

---

Outside the parameters of the budget allocation formula discussion, stakeholders mentioned other issues they face on a local level:

- ∞ Juvenile Diversion gets variable buy-in from DA offices, and this also impacts funding.
- ∞ Community partners worry about DA offices controlling the money & defunding their programs; although, they can't identify an entity better suited to administer funds.
- ∞ Similarly, some community partners worry that allocation is pushing DA offices to move services internally.
- ∞ Many JDs and programs face provider shortages.
- ∞ There can be higher costs associated with rural areas due to lack of competition/choice.
- ∞ DA offices can be highly political, and their agendas can swing widely in election years.
- ∞ There's a high cost in starting up and establishing programs in areas that have not had Juvenile Diversion.

- ∞ Programs have seen a significant need to expand services during Covid to meet the needs of families (i.e., mental health, unemployment, and other forms of support to parents/caregivers).

## APPENDIX D: ADDED COSTS OF ARNA IMPLEMENTATION

---

Despite the potential of ARNA scores/numbers as a useful factor to weigh in the allocation formula, JDs are still in the process of implementing it statewide. ARNA scores are not ready to be utilized in the allocation formula currently, but should be considered for inclusion when the allocation formula is next evaluated. Some stakeholders would like to see separate funding set aside to support ARNA implementation so that the costs do not pull resources away from Juvenile Diversion staffing and services.

## APPENDIX E: ADDITIONAL QUOTES: NEED FOR ADVOCACY & INCREASED FUNDING

---

Additional quotes from stakeholders regarding the desire for a Juvenile Diversion advocate to lobby the legislature and represent interests within the agencies that oversee it, as well as the need for increased funding from the state, are included below:

*“It’s good that we do this every three years because I think the landscape of Diversion has changed with all the new legislative changes. So I think that we’re going to start to see – some districts already do this – bigger [JDs], certainly, screening all kids, with it being more difficult to go to detention. Diversion is going to start to be what CYDC used to be, in my opinion. So, at some point, you’re going to have to start weeding out petty offenses, because you’re not going to have the resources to do all that unless people are actively campaigning to the legislature to do something to give us more funding. I think caseloads on the Diversion end are probably going to skyrocket because CYDC just can’t take those kids anymore. Not because we don’t want them, but because we’re not allowed to take them.”*

*“Expanding the pot is what we really need to be talking about. It should be priority 1A. What is the amount to make the minimal area work? We write a lot of other grants, do local fund raising, and tap all possible local resources. We partner with local schools, municipal governments, law enforcement, our counties to thread things together. We have to have the infrastructure to be able to write grants, manage grants, and thread multiple funding resources together and be able to manage those for reporting – which is not funded through the \$75,000. Diversion funds are one thread in a complex braid of efforts.”*

*“Legislatively speaking, if we got the [JJDP] Council [sic] – how do we get the Council to prioritize putting more money in and lobbying to get more money in the Diversion line item? And the data- how do we use the data to say ‘we need more money.’ So if you look at gradually stepping up or down, or sudden, or just doing the inevitable, does one way or the other help us to recruit more dollars?”*

*“And we know what the cost savings is. That is pretty simple to do across the state. We know what it costs to send a kid to youth services and put them in detention and residential and all of that. There’s been a huge cost savings in Colorado since I’ve been here, just with shifting toward diverting*

*some kids or [fewer] kids going to state services. I don't know where that money went. Where did that money go? We should be able make the case [that money the saved within DYS should go to Juvenile Diversion]. We should have numbers to do that. We've saved a lot of money, but that money has not come back into growing this money-saving process."*

*"I don't think there's ever a way to make this acceptable or equitable for anyone, and so we all just need to remember that and figure it out, whatever it is that we end up with- which is unfortunate. So I would hope that they would look at the work that's being done and the work that potentially could be done in jurisdictions to really help our juveniles and our families. And – I don't know this – but is anybody petitioning for more money? [. . .] It needs to be out there."*

*"One thing, and I'm having this conversation with all of our funders, is building in some kind of cost-of-living adjustment. All of us are struggling to keep up with the market and to hire and retain good employees, so it's just something that needs to be included."*