



# Juvenile Diversion

**CCJJ/  
Juvenile Continuity of Care Task  
Force Presentation  
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# Juvenile Diversion

## 19-1-103(44) C.R.S.

- “a decision made by a person with authority or a delegate of that person in which the result is that a specific official action of the legal system is not taken against the youth in lieu of participating in individually designed services provided by a specific program.”

# Juvenile Diversion

- Diversion of a juvenile or child may take place either at the pre-filing level as an alternative to filing of a petition pursuant to C.R.S. 19-2-512 or at the post adjudication level as an adjunct to probation services following an adjudicatory hearing pursuant to C.R.S. 19-3-505 or a disposition as a part of sentencing pursuant to C.R.S. 19-2-907.

# Pre-adjudication

- For the **pre-adjudicated** youth population, juvenile diversion focuses on the diversion of non-violent and youth first appearing at the district court level from the court system by supporting the formal pre-file diversion processes and programs in district attorneys' offices (or delegated to local non-profit youth service agencies) that reduce the number of cases that appear before the court; case management and services to youth who receive a deferred adjudication, informal adjustment, or an adjudication dismissed without prejudice.

# Post-adjudication

- For the **post-adjudicated** youth population, local agencies, both district attorneys' offices and non-profit youth serving agencies, use state juvenile diversion funded services to assist lower-risk probation youth meet the conditions of probation such as restitution and community service (as well as other competency and treatment services) that cannot be met financially by probation funds.

# Funding

- After 20 years of stable funding, in FY 2002-03, state funding of \$2.5 million for juvenile diversion was vetoed from the state appropriations bill and reverted to the state General Fund to help address the state budget shortfall.
- In FY 2006-07, juvenile diversion funding was partially restored (\$1.2 million)
- In FY 2015-16, \$360,000 in Marijuana Tax funding was made available

# Funding distribution

- Competitive grant process- 3 year cycle
  - In 2016, DCJ awarded funds to 19 programs in 16 of the 22 Judicial Districts.
  - Eight programs were located within District Attorneys' Offices, 1 was county-based, 1 was a municipal program and 6 were community-based programs.

# Population Served FY 2014-15

- A total of 2,255 Colorado juveniles were served by 21 diversion programs that received state support in 18 Judicial Districts.
- Over three quarters (77.8%) of the juveniles had committed misdemeanors or petty offenses; the remainder had committed felonies.



# Demographics (SFY 2014-15)

- On average, youth were 15 years old at the time of intake into diversion.
- A greater proportion of youth participating in diversion were male (65%) and over half (55%) of diversion participants were White, non-Hispanic; just under a third (32%) of participants were identified as Hispanic or Latino.

# Exits from Diversion

- A total of 1,258 youth exited a diversion program during the reporting period, with 84 percent exiting successfully, 4 percent exiting unsuccessfully due to an arrest for a new offense, and 8 percent exiting unsuccessfully due to technical violations.
- Those who exited unsuccessfully faced further juvenile justice sanctions. According to a study of participants from 2011 through 2014, 14.4 percent recidivated within one year of program exit.
- In 2014-15, participants completed 17,048 community service hours and paid \$161,056 in restitution.

# Services Provided

- There were 21 services (including a broad category of “other” services) that juveniles could receive.
- Four services were received by at least half of all juveniles: case management (90 percent), community service (60 percent), diagnostic assessment (29 percent), and drug/alcohol testing (30 percent).

# Drug and Alcohol

- 85% of diversion youth were screened for substance abuse needs
  - 9% of those screened indicated a need for further assessment
    - 75% of youth were assessed for substance abuse needs
      - 63% of those assessed indicated a need for treatment
        - 71% received substance abuse treatment

# Mental Health (MH)

- 81% of diversion youth were screened for mental health needs
  - Of those, 17% indicated a need for further assessment
    - Of those, 82% were assessed for MH needs
      - 84% of those assessment indicated a need for treatment
        - Of these, 95% received MH treatment

# Omni Statewide Evaluation

The relevant research questions identified by the JJDP Council encompassed four key areas of inquiry in the original evaluation:

- Who is served by diversion?
- What services are provided?
- Are programs/services effective?
- What youth and program factors are associated with (reduced) recidivism?

Additionally, the 2014-2015 evaluation prioritized two new research questions

- What criteria are used to refer youth to diversion?
- How might these referral criteria impact the representation of youth of color in diversion?

# Evaluation Plan

- Four areas of focus
  - Intake/Exit form
  - Brief Screening Tool
  - Short Term Outcomes
  - Recidivism

# Research Highlights

- Differences in....
  - Youth who are admitted into program
  - Philosophy
  - Program structure



# Youth who are admitted into program

- Although the intake process is similar across grantees and all grantees try to make decisions on a case by case basis, different organizations apply very different criteria. Some programs accept repeat offenders; a few completely rule out violent offenders; a few accept youth with sexual offenses; some community based organizations have little choice in who enters their program.

# Underlying philosophies

- A large number of grantees follow restorative justice principles, although several do not.
- Among those that do, there is a large difference in the extent to which the program is focused on restorative justice and the extent to which the program's services are all guided by restorative justice approaches.
  - 5 Grantees claim restorative justice is an overarching philosophy, 9 incorporate RJ only in specific parts of their program, and the rest do not specifically focus on RJ.
- There is a wide variation in what types of services are considered restorative. Although most RJ-focused programs include components such as victim-offender mediation, restorative justice conferencing, and letters of apology, a few programs indicate that community service and restitution comprise the whole of what they consider their restorative services.
- There is a large interest among most grantees to learn more about RJ approaches.

# Program structure

- Half of the programs have offerings other than their DCJ-funded diversion programming, and in programs with multiple types of diversion funding or programming, there is little differentiation among youth in programs funded by different streams.
- Other funded services include services focused on different populations (such as substance abuse prevention programming or mentoring) or interagency collaboration (such as HB 1451)

# Research Highlights

- Differences in....
  - How services are implemented
  - Use of graduated sanctions
  - Screening and assessment practices

# How services are implemented

- Varies widely among grantees.
  - First, programs vary widely (depending on a number of factors, including local needs and program philosophy) in the types of services each program focuses on.
  - Second, there are large differences between programs in how they implement the same type of program.

# **Use of graduated sanctions – applied on a case by case basis**

- While DA programs are more likely to have formal written sanctions policies, they are still often applied on an individualized, case by case basis, with all grantees giving many youth multiple chances to succeed.
- Restorative justice programs are much less likely to implement graduated (or other) sanctions, as many view this as contrary to their programs' guiding philosophy.

# Screening and Assessment

- About 4 out of 5 youth were screened for mental health and substance abuse needs (81% and 85%, respectively).
  - Of these, however, only 16% were indicated for further assessment for mental health, and only 9% were indicated for further assessment for substance abuse.
  - Available data both nationwide and in Colorado indicates these numbers to be artificially low.
  - Staff across funded programs also reported perceiving that the true number of youth with behavioral health needs is much higher, and cited inconsistencies in staff's understanding of how to document (within the intake/exit form) program practices that address youths' behavioral health needs as a key factor accounting for these underestimates.

# Research Highlights

- Differences in....
  - Urban vs. Rural
  - Government-based programs versus Community organization-based programs
    - » *Actual differences smaller than perceived differences*



# Urban vs. Rural

- Urban indicate more gang activity and serving youth from a wider range of referral sources (usually beyond just DCJ-funded diversion)
- Rural indicate more gaps in service but greater sense of community connectedness and support

# Government vs. CBO

- Both think that the differences are bigger than they are – but there is a consistent feeling that government-based grantees benefit from their closer association with the other components of the justice system (especially in terms of information and funding).
- CBOs are viewed as being more flexible to local needs and may have an easier time gaining youths' trust.

# Successful Completion

- 84.3% of youth successfully complete their diversion program
- Most of the factors related to successfully completing a program regarded services received.
  - Community service (1.4 times more likely to succeed)
  - Employment/vocational training (1.9 times more likely to succeed)
  - Other restorative services (more than 2 times more likely to succeed)
- Restitution, electronic home monitoring and drug and alcohol testing were related to a lower likelihood of success

# Factors Associated with Successful Completion (cont)

- There was only one demographic or program variable that was related to successfully completing a program: education status at exit.
  - Those juveniles who were not in school (and had not already graduated) were less likely to successfully complete the program than those who were in school, were pursuing their GED, or had already graduated.

# Recidivism

- All analyses are individuals at least one-year post program with valid program success data and who could be matched to recidivism data
- Statewide standard definition of recidivism
  - Pre-discharge recidivism: A new felony or misdemeanor filing *during* the diversion program.
  - Post-discharge recidivism: A new felony or misdemeanor filing *up to one year after* the diversion program.

# Recidivism (cont)

- Overall, results continued to show that **males were more likely to recidivate than females, and youth with prior police contact were more likely to recidivate** than those who did not have prior police contact. However, there were few significant differences in the impact of diversion programming across these groups.
- Desired post scores on **four of the seven short-term outcomes were associated with reduced recidivism: *decision making skills, sense of accountability, connection to community, and risky behavioral intentions.***
- Improvements in decision making skills were related to receiving competency services and improvements in sense of accountability were related to receiving restorative services. However, improvements in connection to community and risky behavioral intentions were not statistically accounted for by any specific service type.

# Other Key findings

- Higher post-test scores on connection to community, decision making skills, and sense of accountability were significantly correlated with reduced recidivism.
- Improvements (a decrease) in risky behavioral intentions as well as lower post-test scores overall on this measure were significantly correlated with reduced recidivism.
  - Youth receiving competency services were more likely to show improvements in decision making skills and youth receiving restorative services were more likely to show improvements in sense of accountability.

## Key Findings (cont.)

- Although supervision services did not predict change in any short term outcomes, receiving multiple supervision services was associated with a higher level of recidivism, likely reflecting that youth that receive more supervision services are already more likely to be at risk for recidivating. Improvements in connection to community and risky behavioral intentions were not statistically accounted for by any specific service type.



# Restorative Justice

- Receiving multiple restorative services was predictive of a lower likelihood of recidivism, both for youth with and without prior contact with police.