

# Adult Diversion Programs

Boulder County District Attorney's Office

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20<sup>th</sup> Judicial District Attorney's Office



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# Diversion Model



# Center for Prevention and Restorative Justice Diversion Program Overview

- **Diversion is an alternative to formal prosecution**
  - *Upon successful completion, case is dismissed*
  - *Pre-plea*
  - *Not cost prohibitive*
  
- **Must have Probable Cause**
  - *Each case is reviewed by a prosecutor*
  - *If no PC to pursue charges, the case doesn't belong in diversion (no widening of the net)*
  
- **Diversion tracks**
  - *Supervised & Unsupervised*
  - *Adult & Juvenile*

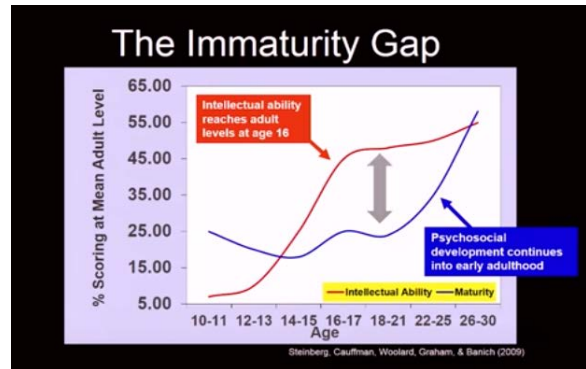
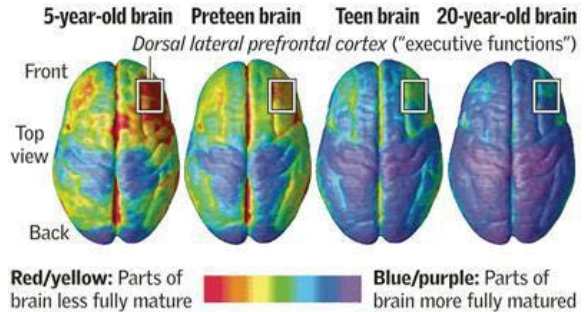
**DIVERSION GOALS**

- Early intervention & prevention
- Address underlying needs
- Meaningful accountability
- Meet victims' needs
- Reduce collateral consequences
- Reintegration
- Increase public safety

# Brain Development

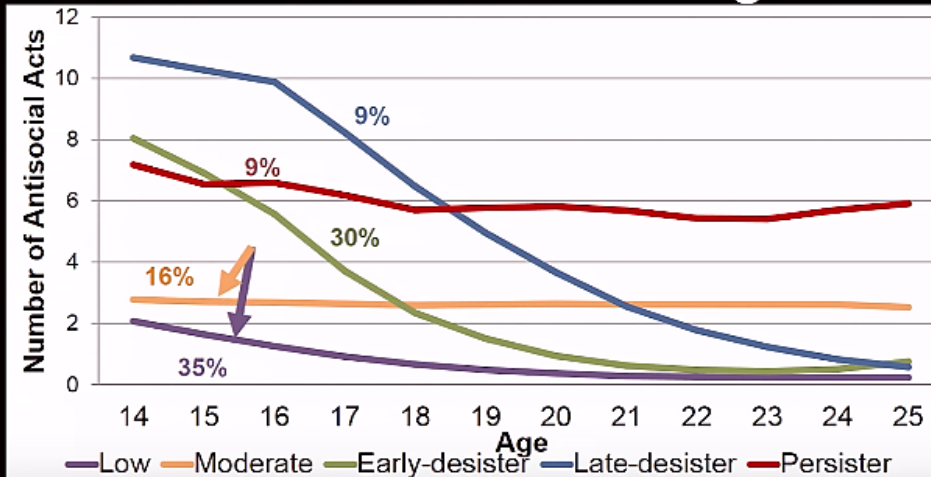
## Judgment last to develop

The area of the brain that controls "executive functions" — including weighing long-term consequences and controlling impulses — is among the last to fully mature. Brain development from childhood to adulthood:



Sources: National Institute of Mental Health; Paul Thompson, PhD., UCLA Laboratory of Neuro Imaging; Steinberg, Cauffman, Woolard, Graham, & Banich (2009)

# Patterns of Offending



Source: Steinberg, Cauffman, Woolard, Graham, & Banich (2009)

## Expanding from Juvenile Research



# Collateral Consequences

- Job applications
- College applications
- FAFSA
- Military entrance
- Immigration
- Housing
- School expulsion
- Extracurricular exclusion
- Labelling, lowered expectations, & self-fulfilling prophecy
- Deepening system involvement

# CPRJ Supervised Diversion Framework



RISK



NEED



RESPONSIVITY

# CPRJ Supervised Diversion



Assessment



Match services to need

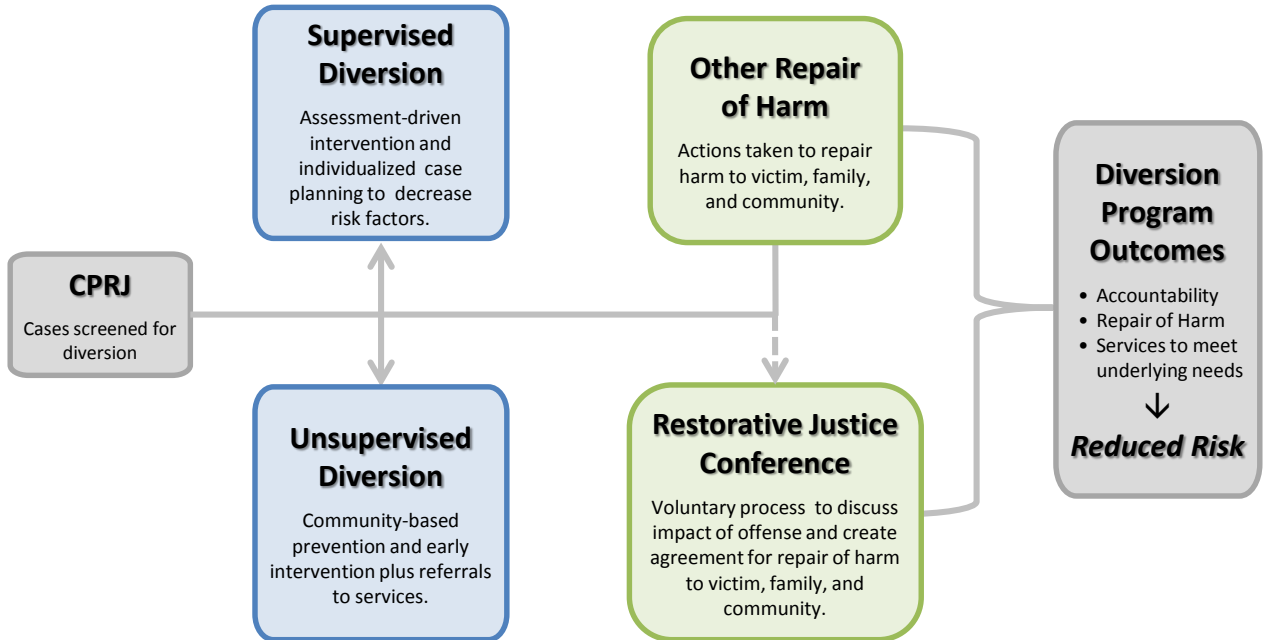


Accountability & Repair





# Center for Prevention and Restorative Justice Restorative Diversion Program Model



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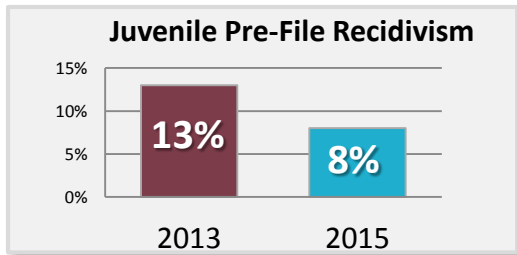
- Accountability & Repair of Harm
- Victim Satisfaction
- Community Safety

## **Diversion & RJ Goals** **≈ Public Safety Goals**

# Adult Diversion

# JUVENILE DIVERSION

- **Diversion more juveniles than we are prosecuting** (up from ~20% in 2013)
- **Reduction in recidivism from 2013-2015** for pre-file cases



- **92% successful completion**, including expansion to include higher-risk/need
- **100% of offenders** say diversion helped them make positive changes in their life
- **99% of victims** report being satisfied following RJ

# ADULT DIVERSION

- **Supervised adult diversion** targets first-time felony offenders
  - Assessment-based case planning
  - SPIn Assessment
  - College-aged population
- **Expanding program**
  - District Court launched Nov. 2016
  - County Court launched Sept. 2017
- **Unsupervised adult diversion** for petty and misdemeanor theft, MIPs, and other low-level charges
  - Community-based interventions
  - Collaboration with Public Health & RJ providers



# CPRJ Restorative Diversion Programs

## Supervised Diversion

*Typically 4-6 months  
91% success rate*

### Sample Charges

- Open to juvenile and adult defendants with wide range of charges
- Must take responsibility for charges

### Interventions

- Validated assessment to determine criminogenic risk factors and needs
- Diversion supervision to support decision-making, goal-setting, etc.
- Referrals to community-based services

### Repair of Harm

- Voluntary participation in restorative justice conference (when appropriate)
- Restitution and other steps to repair harm to victim, family, and community

## Unsupervised Diversion

*Typically < 4 months  
95% success rate*

### Sample Charges

- MIP (alcohol and marijuana)
- Low-Level Theft (individual and merchant)

### Interventions

- Substance use screening and referrals to treatment if indicated
- Educational courses (anti-shoplifting, conflict resolution, healthy choices)

### Repair of Harm

- Restorative conversation, or Restorative Justice conference (when appropriate)
- Restitution

## DARJ - Restorative Justice

*Launched July 2016  
97% success rate*

### RJ Goals

- Meaningful accountability
- Increased understanding of impact
- Repair of harm to victim, family, and community

### DARJ Process

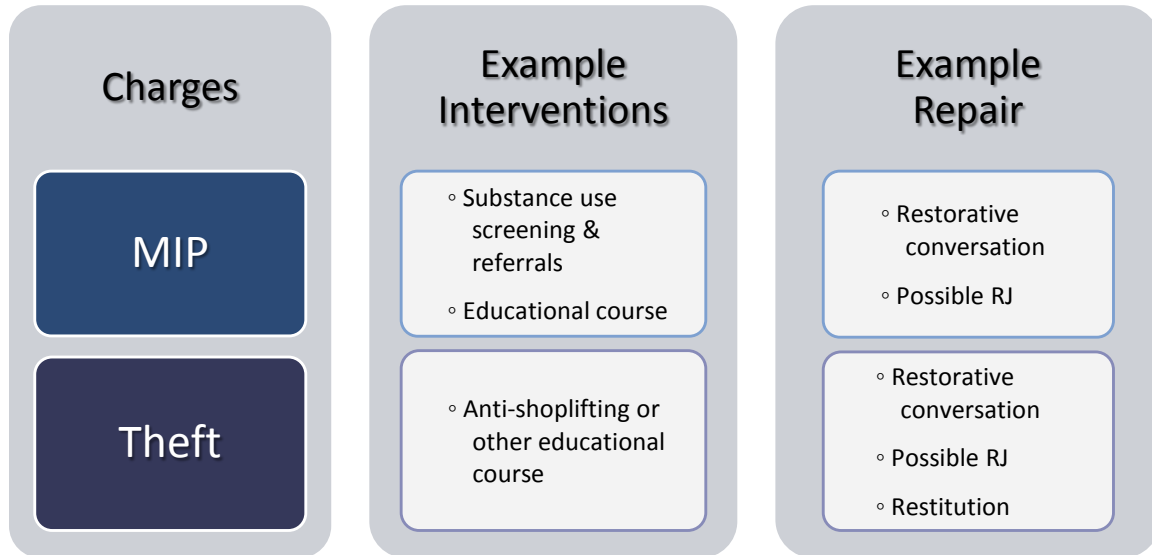
- RJ participation is voluntary for all parties
- Specialized group RJ process developed for substance-related offenses

### RJ Agreement

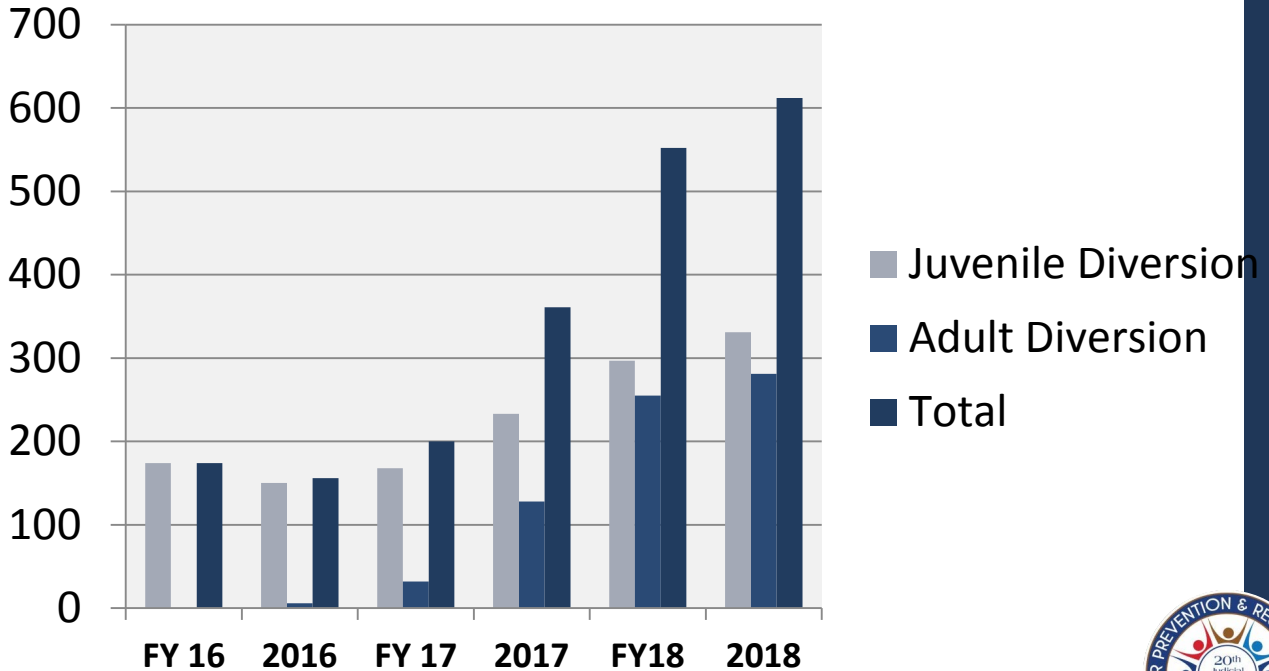
- Repairs harm to victim, family, community, and others affected
- Builds on strengths, reintegrates, repairs reputation and relationships

# CPRJ Unsupervised Diversion

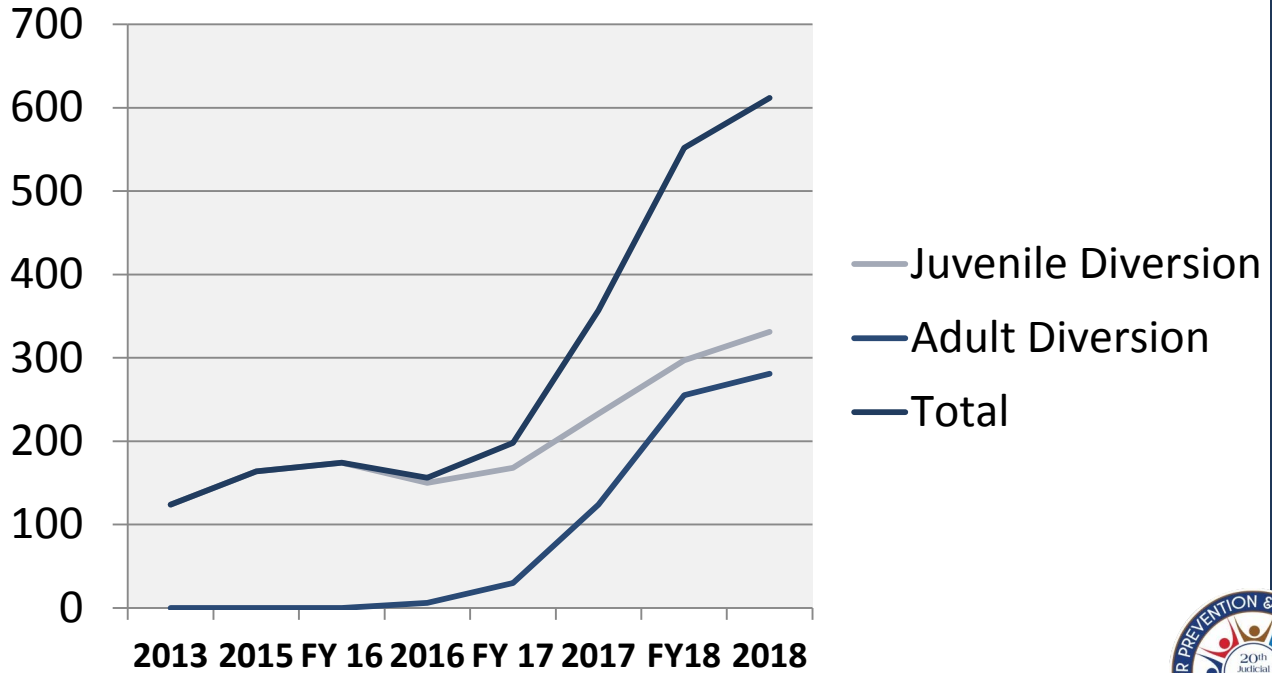
*Typically < 4 months*



# Boulder DA's Diversion Program Growth (2016-18)

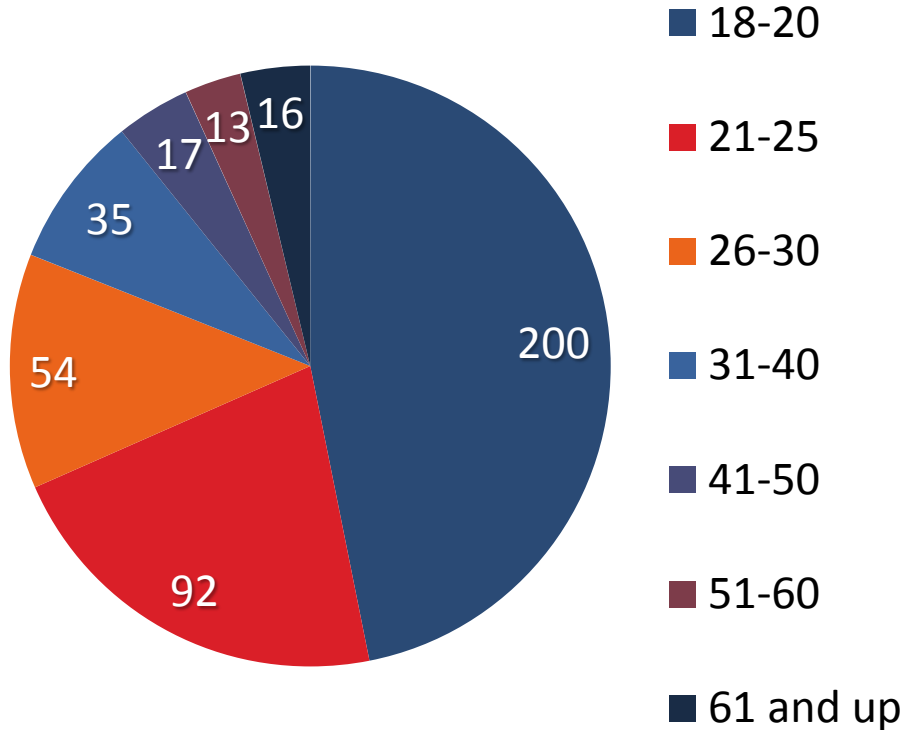


# Boulder DA's Diversion Program Growth (2013-18)

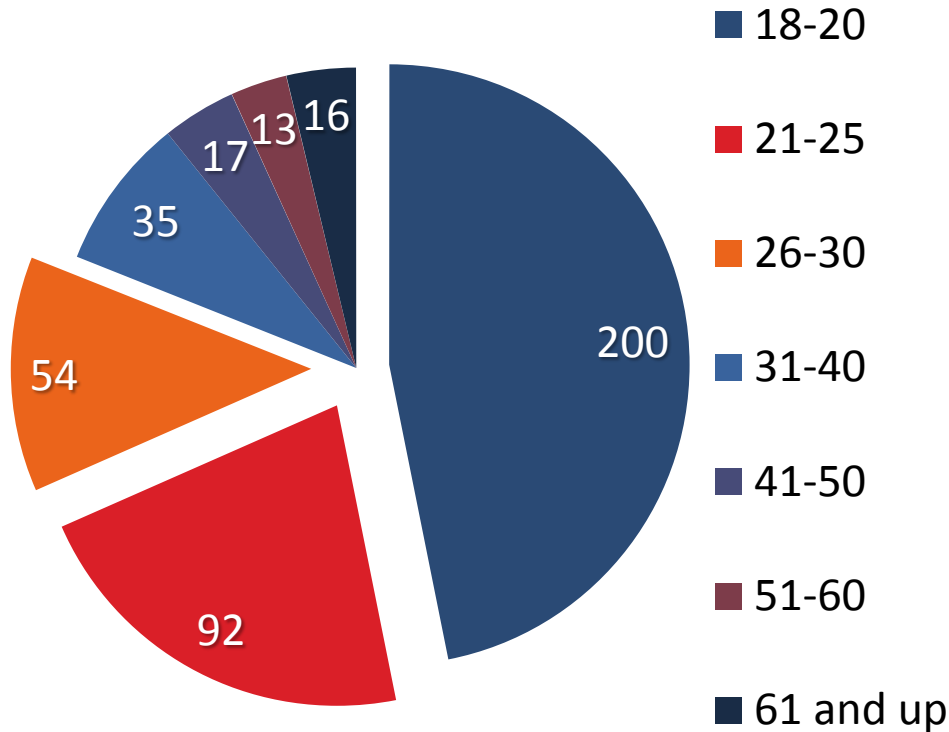




# Age Range of Adult Diversion Participants (2015-18)



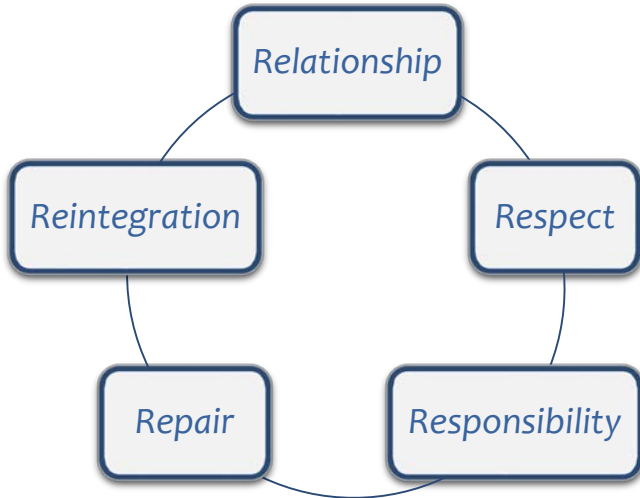
# Age Range of Adult Diversion Participants (2015-18)



# Restorative Justice



# What is Restorative Justice?



- Offender must be accepting **RESPONSIBILITY**
- Focus is on who was harmed, how they were harmed and what their needs are, and what can be done to **repair harm** from the offense (victim-centered)
- Must be **VOLUNTARY** for all parties

A **restorative justice process** brings together the people involved in the incident – the offender(s), victim(s), support people, and other community members, to decide what needs to happen to make things as right as possible after a crime has been committed.

## RJ isn't...



- Getting along
- Forgiveness
- Forced apologies or community service
- Soft on crime or a “slap on the wrist”
- Mediation
- Kumbaya

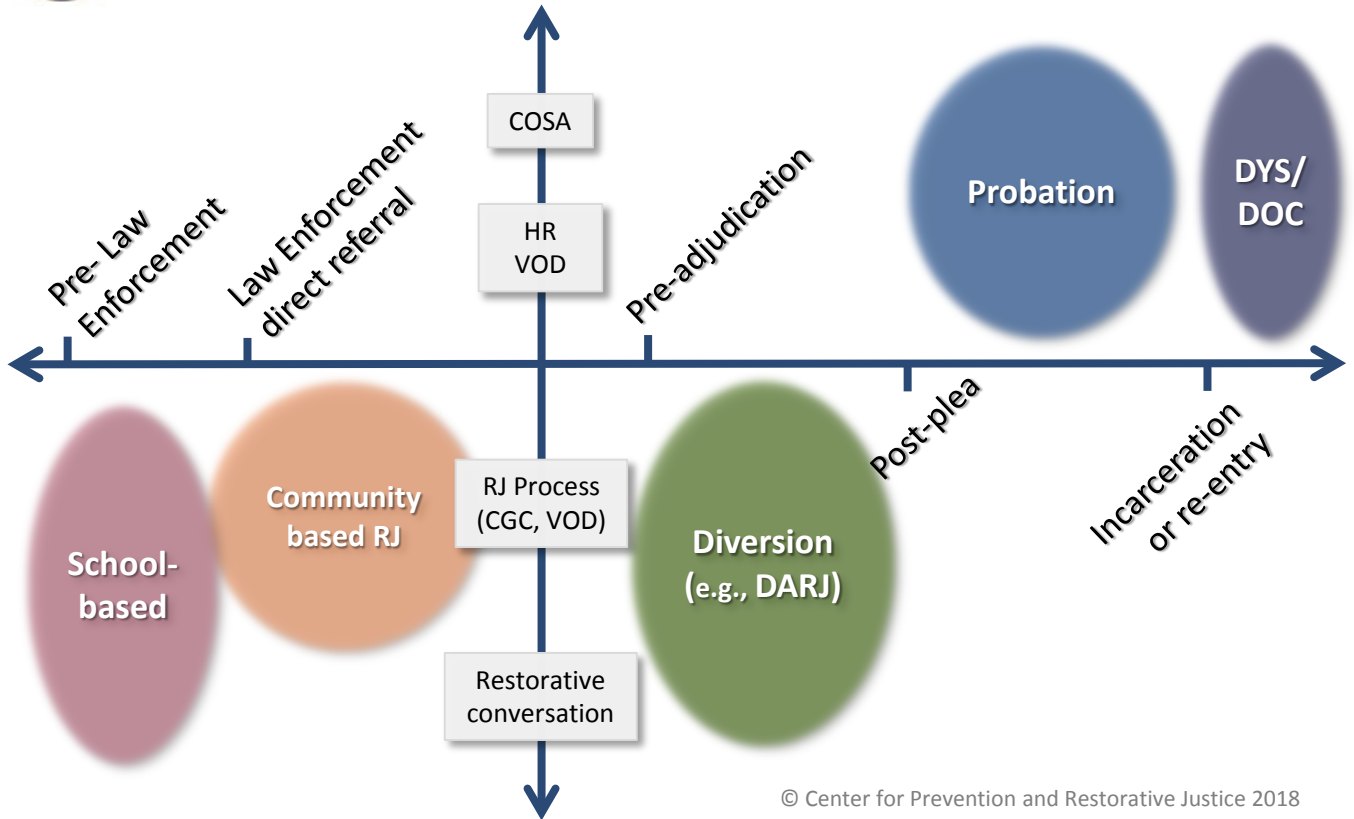


## RJ is...

- About accountability, harm, & repair
- Victim-centered
- Structured
- Facilitated by trained professionals
- Well-established
- Effective



# Restorative Justice options



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# Research shows diversion + RJ results in...

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Decreased recidivism

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High levels of victim satisfaction

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Increased accountability and empathy

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Increased sense of procedural fairness (for both victims and offenders)

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Higher levels of restitution collection

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Greater cost savings \*\*\*



# Outcomes

# Adult Diversion Recidivism

## Preliminary Data

- 3.8% at 1 year following successful completion
- 96% success rate

# Victim Satisfaction

**[RJ was] an opportunity to heal** and put the events behind us.

-Victim in Criminal Mischief case

Thanks for your sensitivity, thoughtfulness, & patience. **I'm very grateful this option is available.** I think [the offender] learned a lot.

-Victim of Trespass

It was very helpful to understand the offender's story. **After this experience I feel much more comfortable with the offender and his family.** After the incident I felt wary of them being in my neighborhood, but they turned out to be very sweet people.

-Victim of Trespass

I feel much better having heard **the offender take responsibility** for their actions.

-Victim of Disorderly Conduct

- Decreased feelings of anger and fear
- Increased sense of procedural justice
- Increased collection of restitution



# Defendant Outcomes:

It gave me **a real chance to apologize** for my mistake and offer to **help those I hurt instead of just being punished**. It was hard, but worth it.

-Diversion participant

It helped me learn about the impacts that my actions can have. **It also helped me repair some of the harm that I caused** to my family, my friends, and my community.

-Diversion participant

It gave [my son] the opportunity to show the remorse he is feeling for his actions. **This was a life-altering experience for him and our family**. I think it will help guide him with his choices in life.

-Parent of diversion participant

I learned how to think before I act... **I also learned about how much my actions affect people**, such as my dad, sister, and teammates.

-Diversion participant

- Increased accountability
- Increased empathy & understanding of impact
- Reduced risk of re-offense



# Community Satisfaction

The facilitators were amazing. **It was an incredible process.**

-Community Member

**I felt like I had a say in the justice system.**  
Great system!

-Community Member

A very positive experience.  
**I think this model of justice is hopeful and helpful to all involved.**

-Community Member

**I was impressed** with how this process was able to handle such a delicate situation.

-Community Member



- Community involvement in justice process
- Reintegration
- Increased public safety



# CPRJ Outcomes (2015-18)

## DARJ Participant Satisfaction

- ✓ **99%** victim satisfaction
- ✓ **99%** community satisfaction
- ✓ **95%** defendant satisfaction
- ✓ **99%** of participants say the RJ process will help people move forward
- ✓ **98%** of participants would recommend RJ to others

## Reparative Actions Completed

**\$80,000+**

Restitution collected

**2,500 hours**

Volunteer work completed

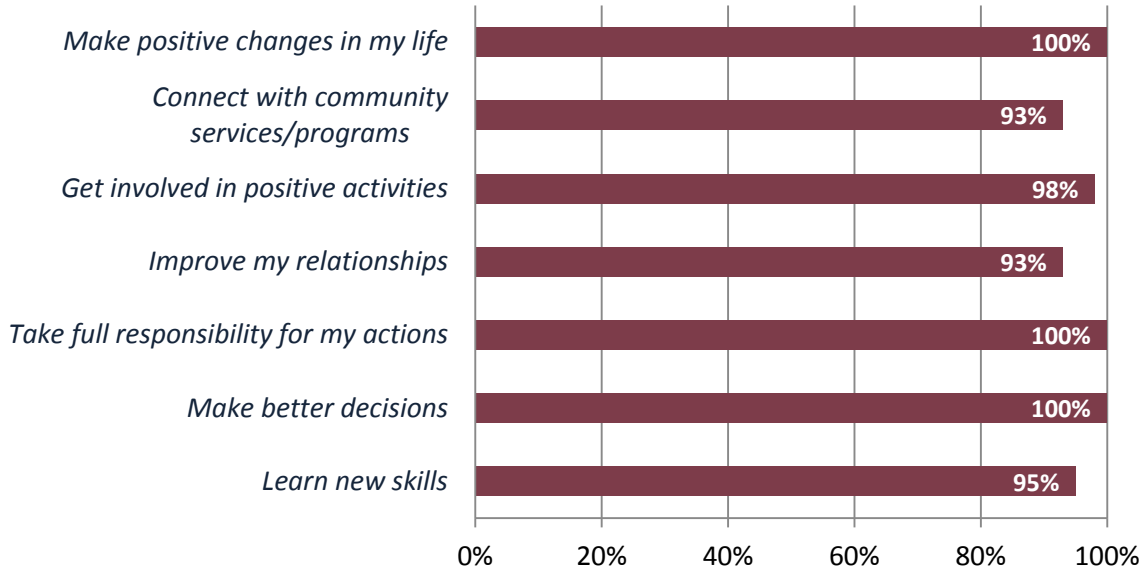
**450+ voluntary apologies**

To victims, family, schools, law enforcement, and other community members



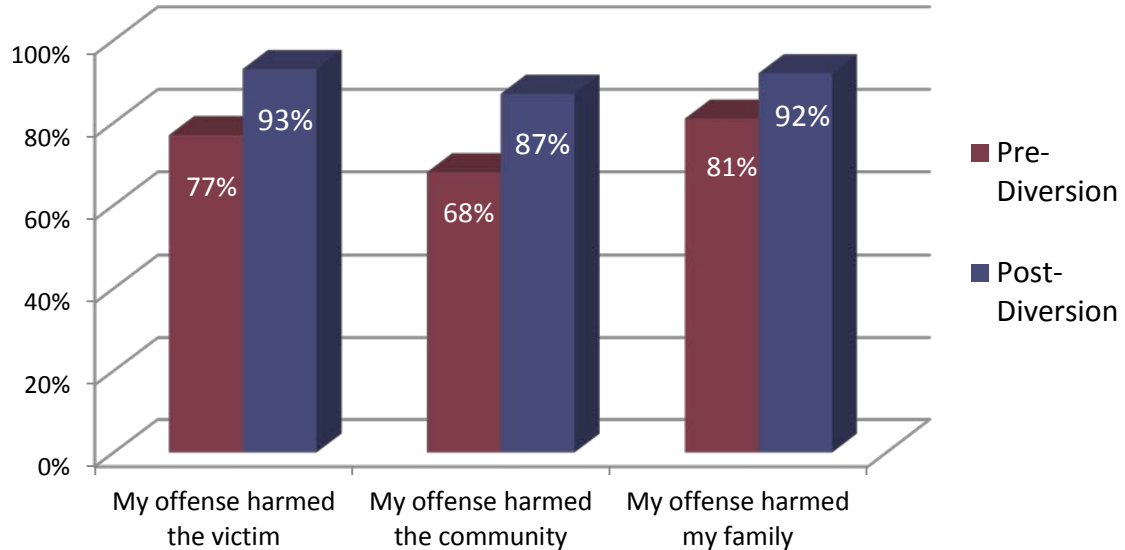
# 20th JD Adult & Juvenile Supervised Diversion Exit Survey Results

## *My time on diversion helped me...*





# 20th JD Juvenile Supervised Diversion Survey Results



Juveniles who participate in diversion show an increased understanding of the impact of their crime on victims, the community, and their family



# Suggestions & Challenges



- **Successful programs have available SERVICES and SUSTAINABLE FUNDING**
  - Monitor and evaluate for quality, equity, and fidelity
  - Institute **procedures and processes** based on emerging evidence to support quality, equity, fidelity, and sustainability
  - Identify and address **racial and economic disparities**
  - Use or refer to programs using **Evidence-Based or Promising Practices**
  - Are **Data-Driven** and **Flexible**
- **Tailored** to jurisdiction and community
- **Collaborate and Communicate** with community organizations
- **Diversion INCREASES costs to DA's Offices**, and INCREASES work load, but will SAVE down the road, or SAVE for other entities
- **RESTITUTION**
- **Victim and Community** voice and inclusion



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