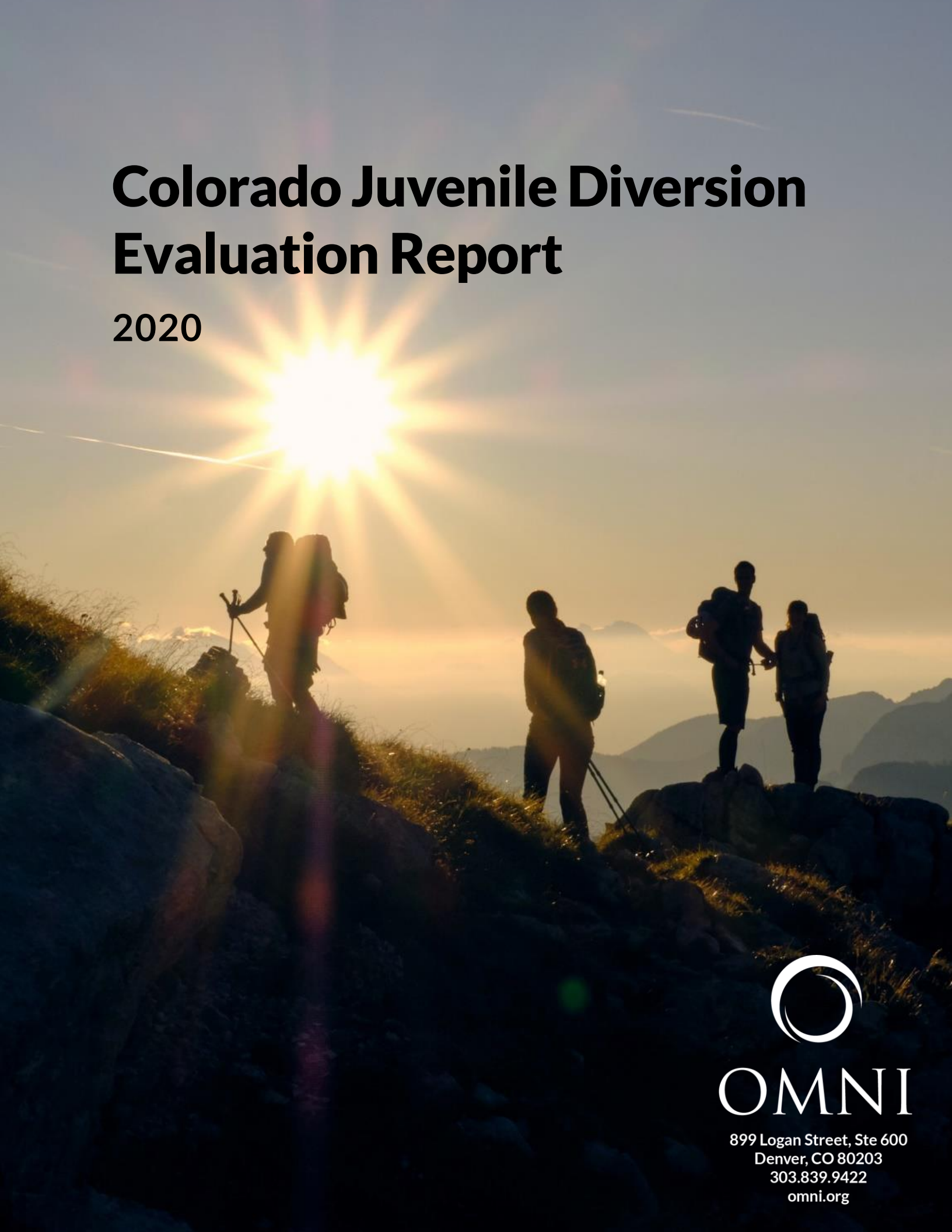


Colorado Juvenile Diversion Evaluation Report

2020



OMNI

899 Logan Street, Ste 600
Denver, CO 80203
303.839.9422
omni.org



Colorado Juvenile Diversion Evaluation Report

2020

Submitted to:

Colorado Division of Criminal Justice

Office of Adult and Juvenile Justice Assistance
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For more information, please contact:

Chandra Winder, MPA

cwinder@omni.org

303-839-9422 ext. 167

Ana P. Nunes, PhD

anunes@omni.org

303-839-9422 ext. 136

Executive Summary

Colorado's Statewide Juvenile Diversion Grant Program Report: Findings and Insights from a Decade of Evaluation

The Juvenile Diversion Grant program, funded by Colorado state statute and administered through the Division of Criminal Justice (DCJ), diverts youth who have committed offenses from further involvement in the juvenile justice system. Diversion can occur at multiple stages of the juvenile justice system and be offered to youth with varying levels of offense. DCJ has primarily funded services for youth who are pre-file or pre-adjudicated and who have committed a first-time district-level offense.

Since 2010, the Juvenile Justice and Delinquency Prevention Council (JJDP Council) and DCJ have contracted with OMNI Institute (OMNI) to design and implement a comprehensive evaluation of the program. This report provides an overview of nine years of data collection and highlights key events and insights into the efforts made to divert youth from the justice system.



Across 20 programs, nearly 10,000 youth were served and 85% successfully completed diversion.



Of all youth served during the past two fiscal years, fewer than 15% of youth recidivated during diversion or in the year after diversion.

Historical Reflections

During the 9 years of data collection, many changes occurred within the grant, the programs, and the state. These changes resulted in opportunities to understand how programs adapted and responded to the needs of the youth.



Youth served by diversion programs significantly increased all measured protective factors and significantly decreased all measured risk factors.



Following recreational marijuana legislation in 2014, programs saw an increase in youth referred for drug related offenses.



To understand any potential contributing factors to underrepresentation of youth of color in diversion, district attorneys from 5 judicial districts participated in an exploration of referral criteria. While no formal changes occurred, programs in the judicial districts showed an increase in the number of Black youth referred to diversion after this effort.



In 2014, programs began universal screening for substance use and mental health issues, increasing their ability to connect youth to needed services.



Through the Marijuana Tax Cash Fund Grant for diversion youth, seven programs were able to increase the number of youth tested for substance use, and the number of youth connected to needed substance use or mental health treatment.



More diversion youth were referred to restorative justice programming after restorative justice legislation was passed in 2014 and implemented through the State Court Administrators Office.

Key Learnings



Youth's needs have increasingly been identified and addressed effectively as DCJ and diversion programs have used evaluation findings to inform policy and programming decisions. Addressing the mental health and substance use needs of youth in diversion is fundamental to supporting successful completion of diversion and reducing the likelihood of future criminal system involvement.



Standardized criteria to establish eligibility for diversion is key to ensuring all youth have equal opportunity to benefit from diversion programming.



An increased understanding of the services being offered, how they are implemented, and the frequency with which youth receive them is needed to understand how individual services impact youths' success during the program and after diversion.

Colorado's Statewide Juvenile Diversion Grant Program: Findings and Insights from a Decade of Evaluation

The Juvenile Diversion Grant program, funded by Colorado state statute and administered through the Division of Criminal Justice (DCJ), diverts youth who have committed offenses from further involvement in the juvenile justice system. Diversion can occur at multiple stages of the juvenile justice system and be offered to youth with varying levels of offense. DCJ has primarily funded services for youth who are pre-file or pre-adjudicated and who have committed a first-time district-level offense.

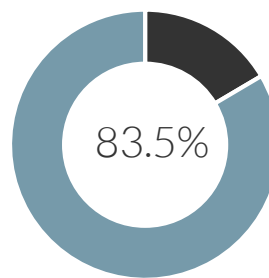
Since 2010, the Juvenile Justice and Delinquency Prevention Council (JJDP Council) and DCJ have contracted with OMNI Institute (OMNI) to design and implement a comprehensive evaluation of the program. This report provides an overview of nine years of data collection (starting July 2011) and highlights key events and insights into the efforts made to divert youth from the justice system.

Nearly 10,000 youth were served in the last 9 years and 85% successfully completed diversion.

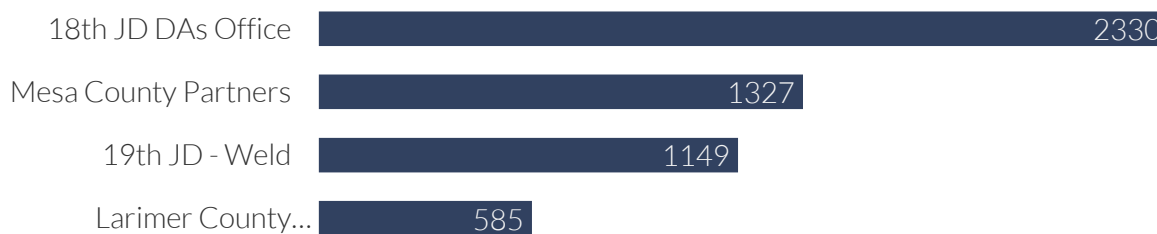
Across all youth served, youth recidivated at a rate of 16.5%, meaning that 83.5% of all youth served by diversion programs did not commit an offense that resulted in a filing during diversion or in the one year after diversion.



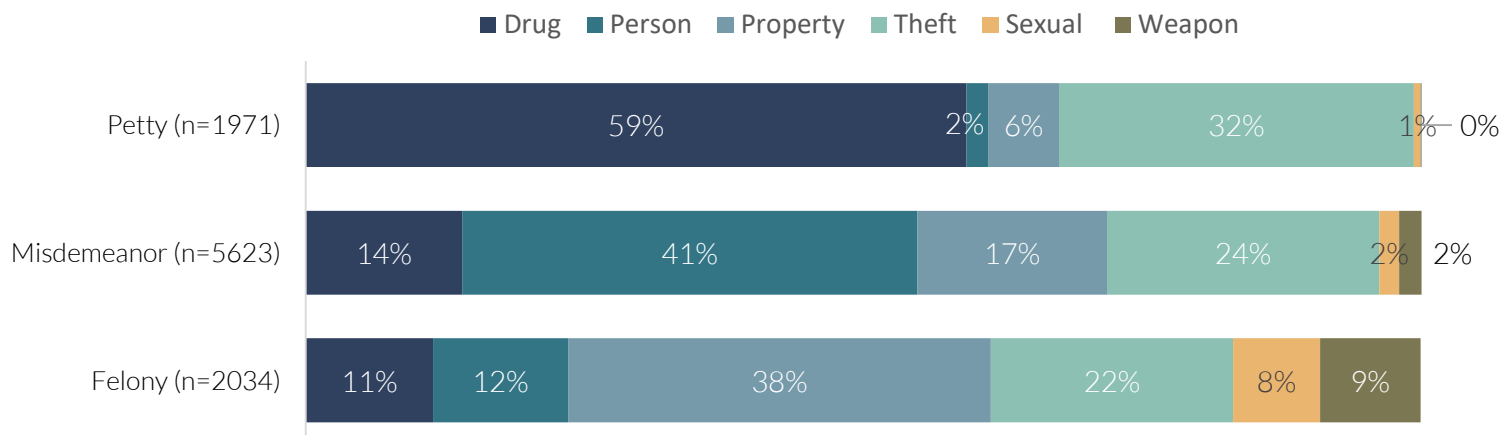
Numbers of Diversion Youth



Twenty programs received juvenile diversion funds through DCJ with 17 of these programs funded through the entire 9-year data collection period. Four of the programs served over half of the entire sample of youth.

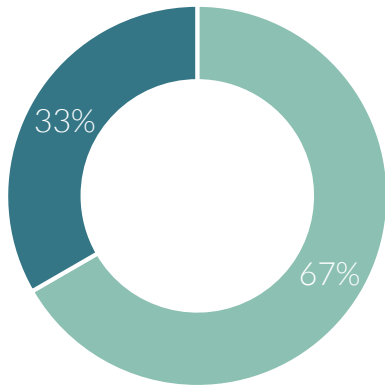


Over half of referred offenses were misdemeanors with drug, person, and property charges making up the majority of all offenses referred to diversion.

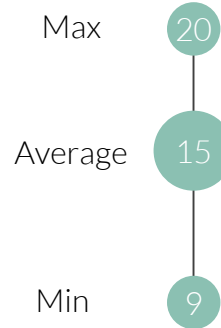


Overall Demographics

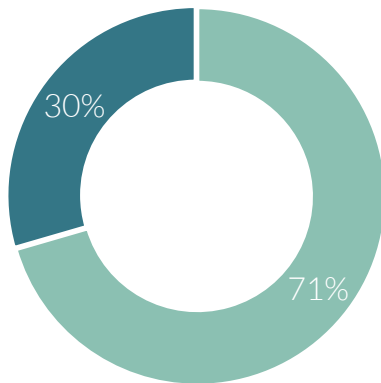
Two thirds of youth identified as **male**.



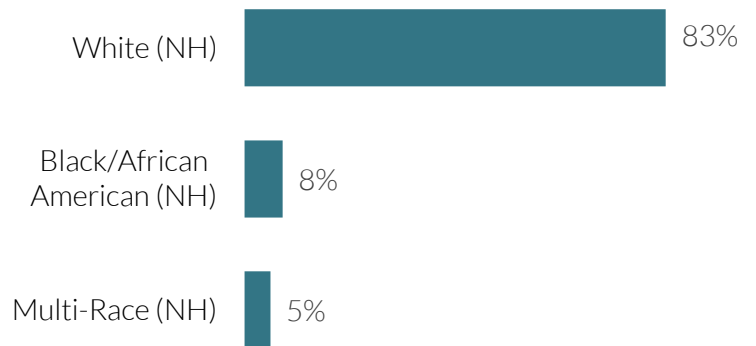
Youth in Diversion were on average **15 years old**.



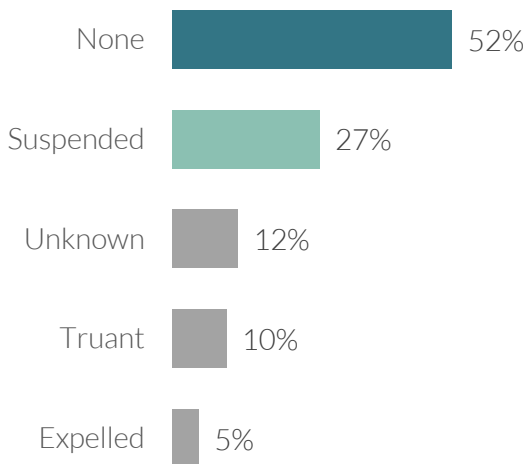
Over two thirds of youth identified as **Non-Hispanic**, while a third identified as **Hispanic**.



Diverted youth were primarily white/non-Hispanic.



Half of youth had **no history of school discipline**, while over a quarter had been **suspended in the past year**.



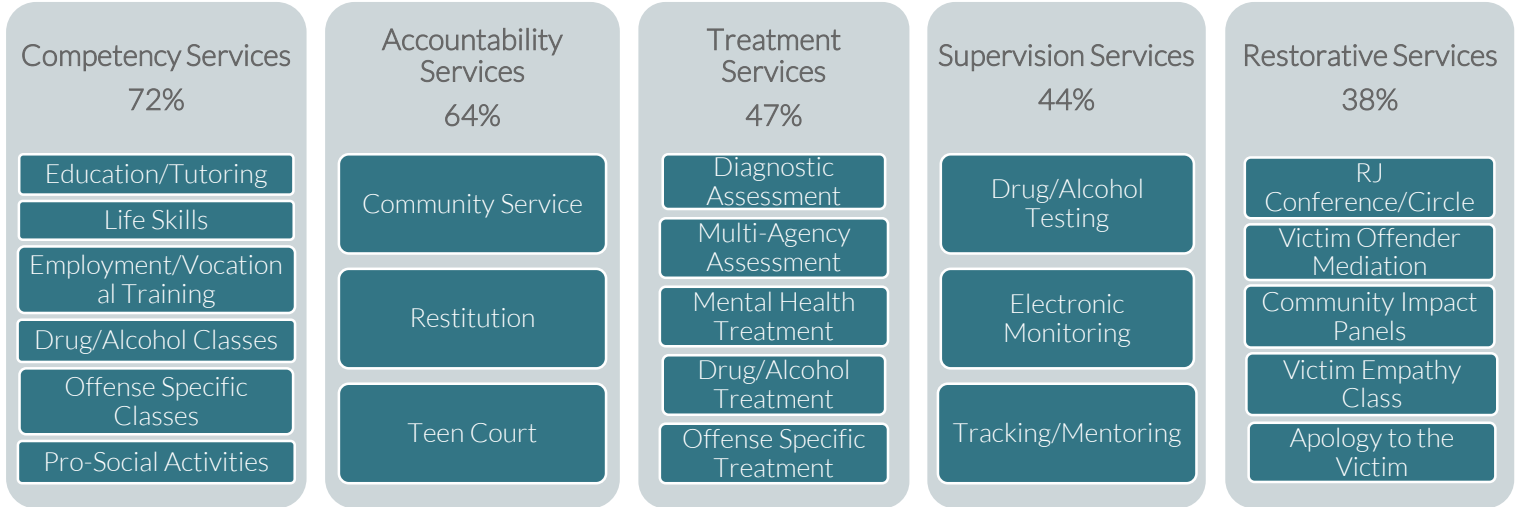
31%

of youth served had a history of police contact prior to their offense and referral to diversion.

Services and Outcomes

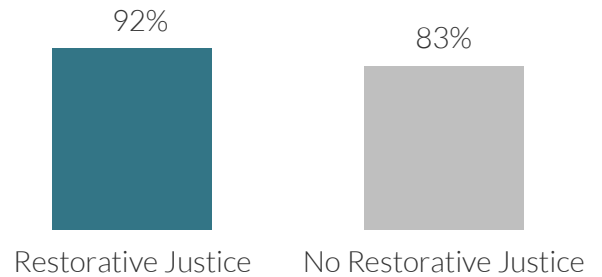
Diversion programs provided or referred youth to needed services to ensure youth were able to successfully complete diversion and refrain from future contact with the criminal justice system. Youth typically received multiple types of services that may be categorized into five main types of services as detailed below.

Nearly three quarters of all youth in diversion received **Competency Services**.

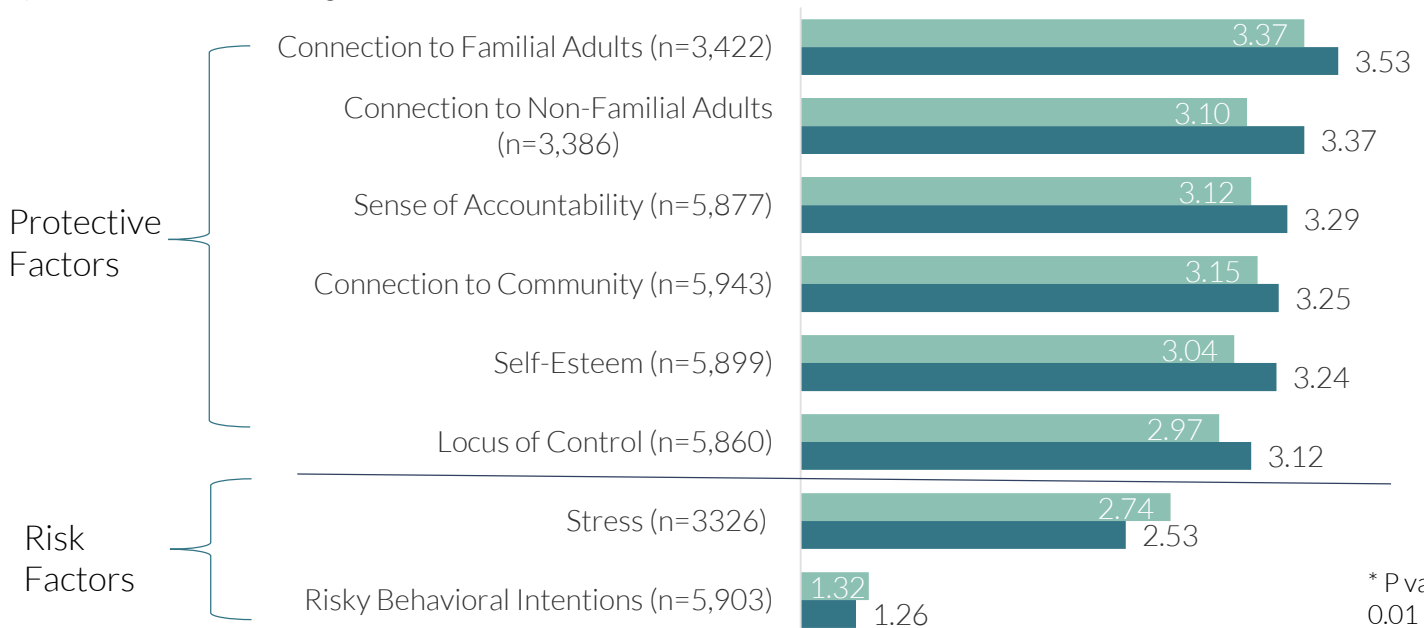


Within the different categories of services provided above, diversion programs offered 28 different types of evidence-based curricula.

Youth who received **Restorative Justice services** had a higher probability of successful program completion. While several services that increase the probability of success in diversion have been identified over the years, restorative justice services appear to be particularly associated with positive outcomes for youth in diversion.



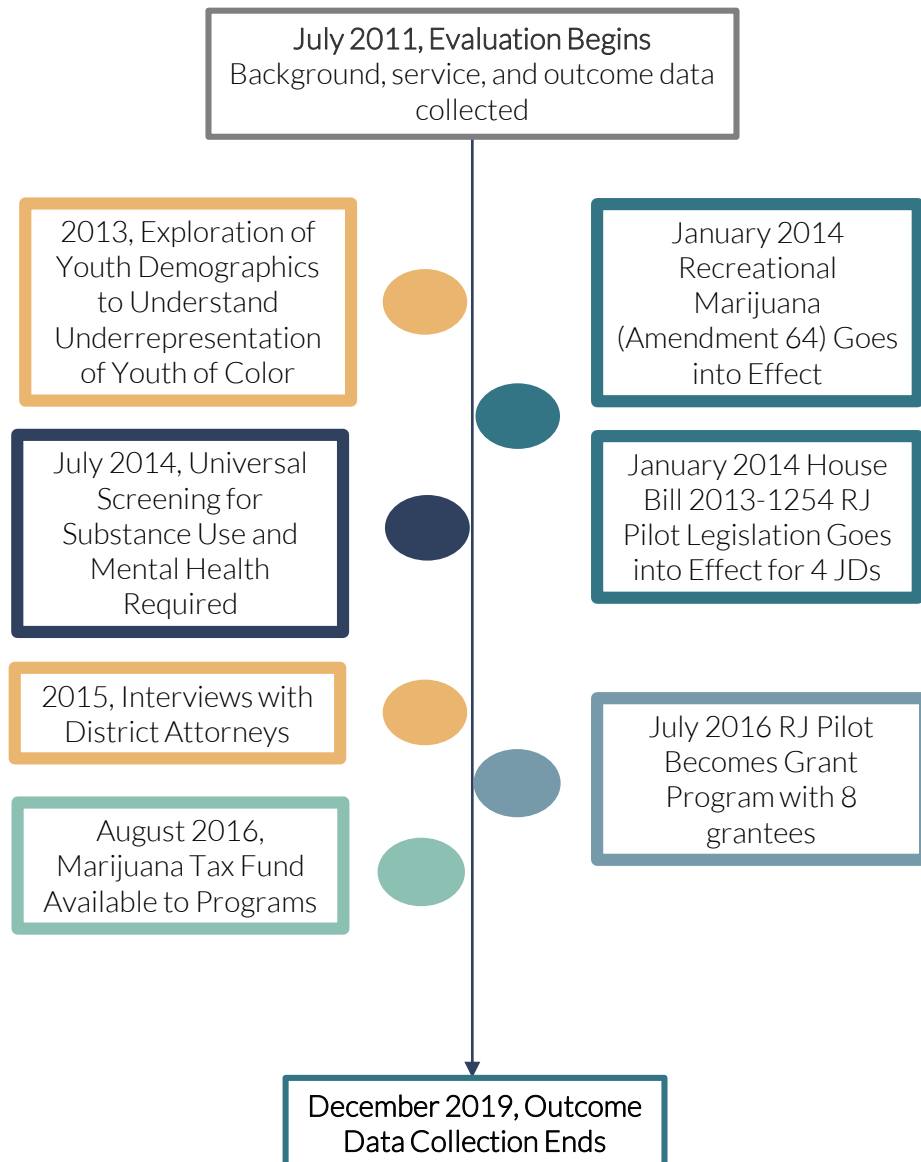
Successful youth who completed the evaluation survey at intake and exit demonstrated significant* increases on protective factors and significant decreases on risk factors from **intake to exit**.



Youths' reported Risky Behavioral Intentions did not decrease during the first two years of data collection. Since then, youth have consistently demonstrated significant decreases each year suggesting that programs adapted their services to address this risk factor.

Turning Points in Colorado and Diversion

Over the course of the past 9 years, key events including changes in grant requirements, new legislation, and emerging evaluation learnings served to evolve the resources, requirements and practices of programs for addressing the needs of youth. As displayed in the graphic below, two areas of profound shift at the state level were increased attention and funding to address behavioral health needs; and a growing investment in restorative justice practices. Additionally, other changes in grant requirements as well as emerging evaluation findings have been applied to improve program and state capacity to respond to youth needs. On the following pages, we further explore the implications and outcomes of these key events, and share other insights gleaned from nearly a decade of data.



Underrepresentation of Youth of Color in Diversion

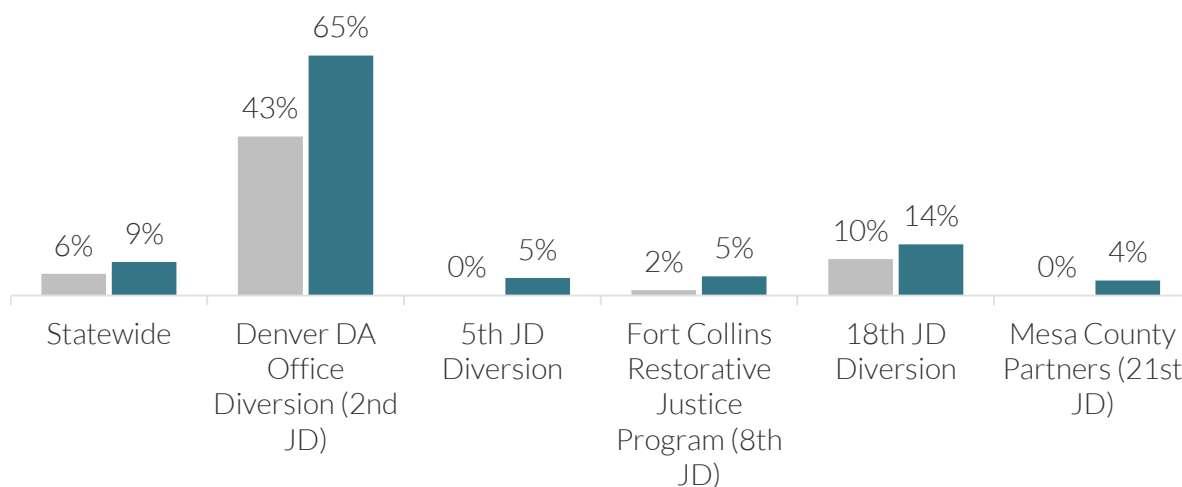
Juvenile diversion provides an opportunity to low-risk youth to receive needed services and avoid deeper penetration into the criminal justice system. Ensuring that all eligible youth are offered that opportunity has been a priority for DCJ over the past nine years. DCJ has invested resources to better understand the characteristics of youth typically referred to diversion and identify underrepresentation of youth of color in diversion, if present.

In 2013, OMNI calculated reverse Relative Rate Index (RRI) scores to measure the representation of youth of color served by diversion as compared to white youth. RRIs are used to quantify where youth of color are over or underrepresented at various touchpoints of the justice system; RRIs greater than 1 indicate overrepresentation, RRIs less than 1 indicate underrepresentation. In this context, juvenile diversion is a more desirable outcome than further penetration into the justice system; therefore, a reverse RRI was calculated such that a number greater than 1 indicated overrepresentation of white youth. Overall, the RRI score was 5, indicating that white youth were 5 times more likely to be referred to diversion than Black youth. Closer examination found that this underrepresentation of Black youth was accounted for by just a few judicial districts.

To better understand potential contributing factors to underrepresentation of Black youth in diversion, DCJ, the evaluation steering committee and an expert panel of professionals in the field sought to document specific criteria used by districts to refer youth. In the spring of 2015, six judicial districts were selected to be interviewed by OMNI. These interviews found that the main criteria used to determine whether to refer youth to diversion included lack of criminal history (diversion is often only offered to first-time offenders) admission of guilt, and no substance use (substance dependency necessitated a referral to the system where more services were available). Additional information taken into consideration in referral decisions included police records, school records, Department of Human Services data, screening results and, at times, informal feedback from various individuals who interacted with or knew the youth (e.g., school personnel). While the criteria are clear, there may be an inadvertent impact on any youths' eligibility to receive diversion based on their needs or other more subjective information accessed. This is of specific import for Black youth, given they are overrepresented in the justice system and thus more likely to have a criminal history.

Since the time of this inquiry, there have been no reported changes in referral protocols, nor have any changes been observed in proportion of youth with any prior history of police contact. However, diversion programs in the five judicial districts that were interviewed have increased the proportion of Black youth served in the years following.

In the **two years following the inquiry**, programs in the Judicial Districts where interviews took place showed an increase in Black youth referrals compared to the two years prior.

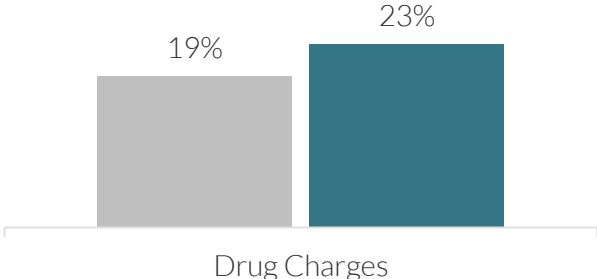


*https://www.researchgate.net/profile/Michael_Leiber2/publication/308911277_Race_and_Juvenile_Justice_Decision-Making/links/5859732608aeabd9a58b4877.pdf

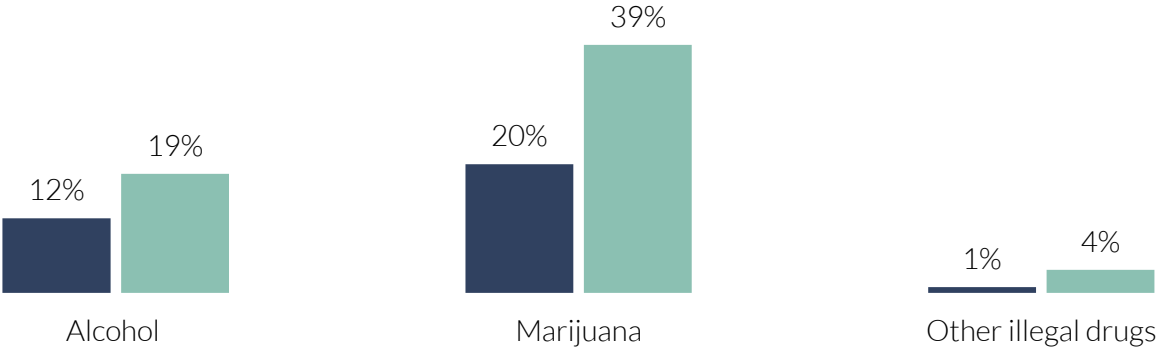
January 2014: Recreational Marijuana Legislation Goes into Effect

Recreational marijuana legislation (Amendment 64) went into effect on January 1st, 2014, allowing adults over the age of 21 to purchase/possess marijuana across the state of Colorado. Anecdotally, programs reported that this event appeared to reduce youth perceptions of stigma associated with the use of marijuana and increased the number of youth using marijuana in their communities.

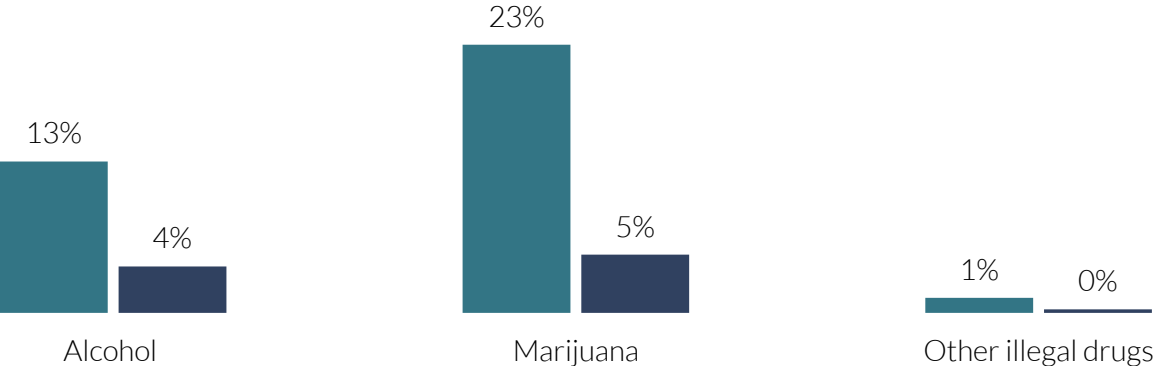
An increase in youth referred to diversion for drug charges* was observed in the **two years after** the legislation took effect as compared to the **two years prior** to January 2014. The increase in drug charges prompted the evaluation and DCJ to seek opportunities to better understand and support programs to address the needs of the youth entering diversion.



Youth who were **successful in diversion** were less likely to report past 30-day substance use at intake** than youth who **did not complete diversion successfully**.




Overall reported substance use declined from **intake** to **exit**.



*Drug charges do not consistently specify exactly what type of drug was involved in the offense.
 ** Past 30-day substance use information began being collected from all youth at intake and exit on the pre and post surveys starting in Spring of 2017

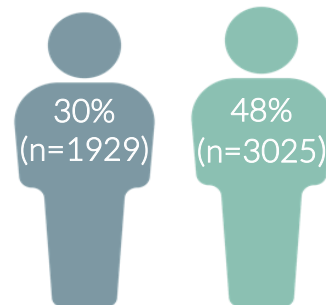
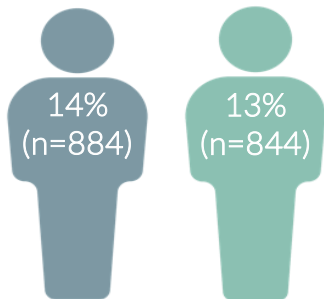
Addressing the Behavioral Health Needs of Diversion Youth

In response to early evaluation findings that indicated youth who received needed mental health and substance use services were less likely to recidivate, in July of 2014, DCJ began to require universal mental health and substance use screening of youth. Most diversion programs began screening processes in-house while others developed data sharing agreements with other entities who screened youth prior to their referral to diversion. After universal screening was instituted, 93% of all youth were screened for substance use and 91% of all youth were screened for mental health needs.

 Nearly all youth who indicated a need for substance use treatment **received it**.



While only one third of youth indicated a need for mental health treatment, almost half **received individual, family, or group mental health treatment**.



Of youth who needed treatment, **29%** of youth needed both substance use and mental health treatment.

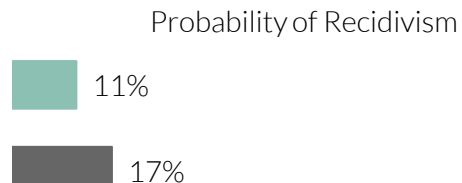
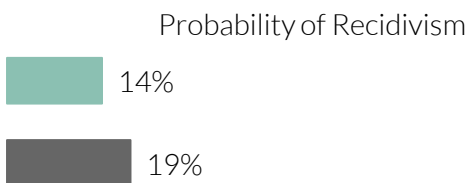
Youth who **received needed substance use treatment** were more likely to be successful compared to those who did not receive needed treatment

Youth who **received needed mental health treatment** were more likely to be successful compared to those who did not receive needed treatment



Among youth who needed substance use treatment, those who **received treatment** were less likely to recidivate than those who did not receive needed treatment.

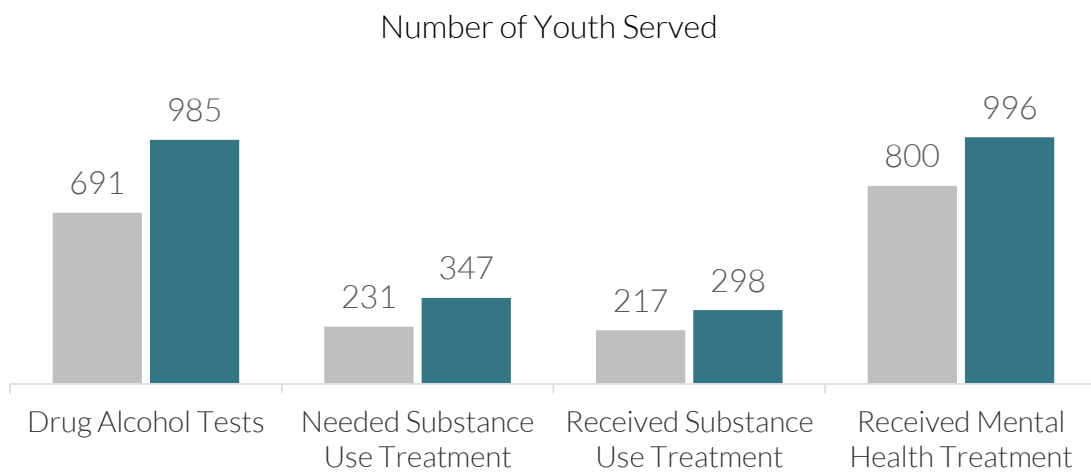
Among youth who needed mental health treatment, those who **received treatment** were less likely to recidivate than those who did not receive needed treatment.



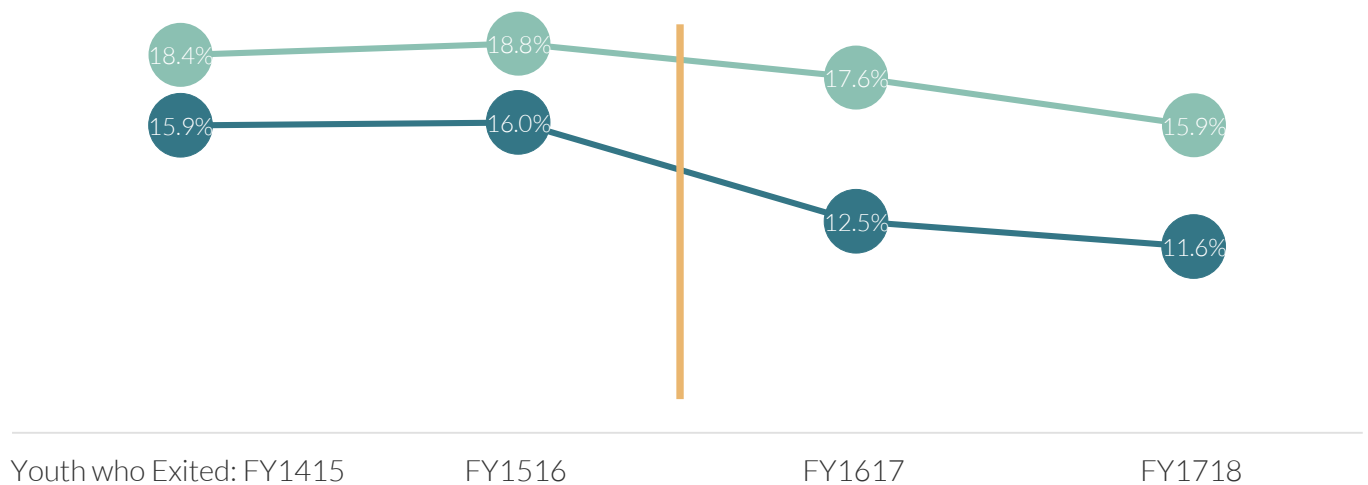
August 2016: Marijuana Tax Cash Fund

Recognizing the importance of addressing substance use among youth, especially following the legalization of recreational marijuana in Colorado, DCJ began to offer additional resources through the Marijuana Cash Tax Fund in August of 2016, to increase programs' capacity to address substance use among youth and improve youth's likelihood of success in diversion. The additional funding was provided to seven diversion programs to be used in a variety of ways including paying for staff training/ certifications, drug testing, treatment, and incentives. As a result of these funds, more youth received needed services, and decreased their likelihood to recidivate.

Programs were able to conduct more drug and alcohol tests, and connect more youth to needed substance use and mental health treatment **after receiving the Marijuana Tax funds** as compared to before receiving the funds.



The recidivism rate for programs receiving Marijuana Tax funds decreased **overall** and, as expected, rates decreased more so **for successful youth** after **receiving Marijuana tax funds**.



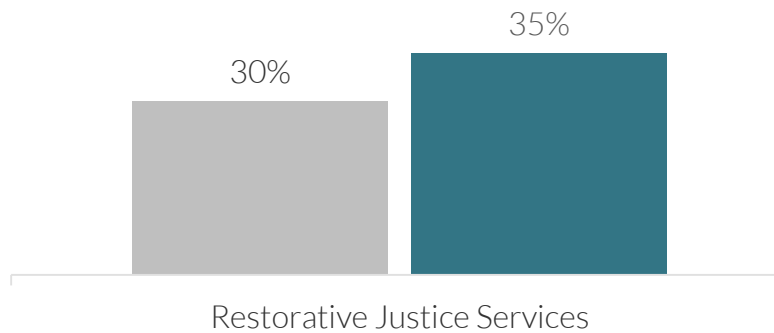
Further in-depth analysis of the work done by Marijuana Tax Fund grantees may be requested from OMNI Institute or the Office of Adult & Juvenile Justice Assistance (<https://www.colorado.gov/pacific/dcj/contact-us-95>).

Restorative Justice Diversion Pilot Legislation Goes into Effect

The state of Colorado invested significant resources into the development of restorative justice programming for youth in diversion through **Restorative Justice Legislation (HB 2013-1254)**. The legislation went into effect in January 2014 requiring restorative justice programs for youth in juvenile diversion to be established in the 10th, 12th, 19th, and 20th Judicial Districts through a pilot process.

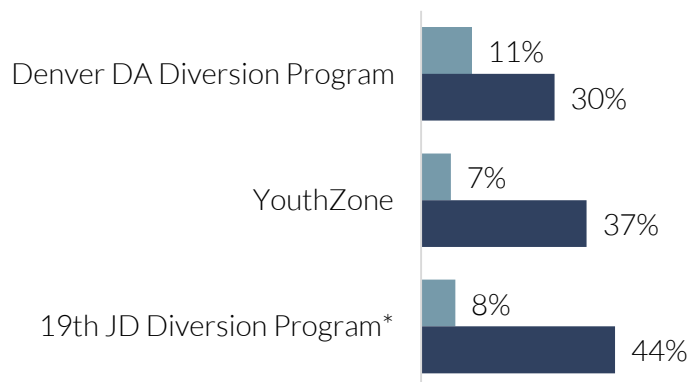
Evaluation findings pointed to promising results for youth such that those receiving restorative justice services had a higher probability of success in diversion. As a result of increased support and endorsement of restorative justice services by DCJ, **restorative justice services provided by DCJ funded diversion programs increased after implementation of the legislation**. Increases were observed for all tracked restorative services involving offenders and victims.

The proportion of diversion youth receiving restorative justice services increased in the **year following the pilot program** compared to the **year prior** to implementation.



DCJ's ongoing support of restorative justice practices and the heightened awareness of restorative justice practices that resulted from the passing of HB 2013-1254 led to a significant increase in the number of youth referred to three restorative justice programs, only one of which was a pilot Restorative Justice program.

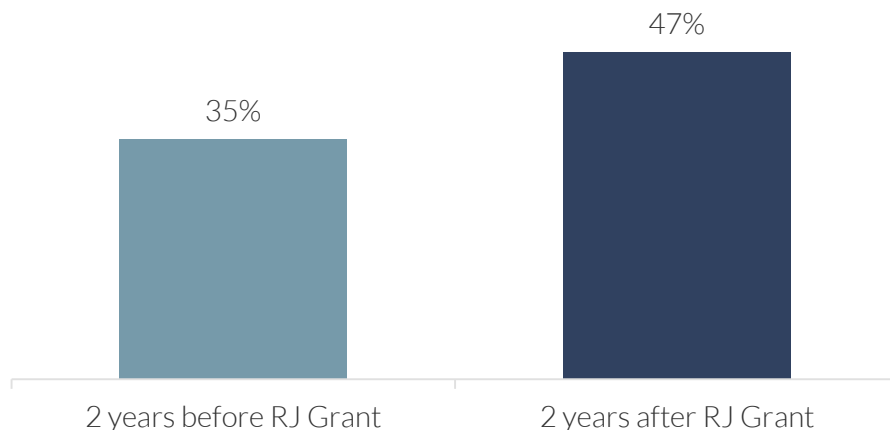
Significantly greater proportions of youth received RJ Services from the Denver DA Diversion Program, YouthZone, and the 19th JD Diversion Program in the one year **after the RJ Pilot Legislation** was passed.



July 2016: Restorative Justice Diversion Pilot Becomes Grant Program

As the Restorative Justice Pilot Legislation sunset, a new grant program was created in July 2016 by the state's Restorative Justice Council. The Restorative Justice Council funded eight diversion programs to integrate Restorative Practices into their programming. Four of the eight restorative justice programs selected were also DCJ diversion grantees. Greater attention to and broader implementation of restorative justice programming for youth in diversion further increased the proportion of youth receiving these restorative services.

The numbers of youth receiving restorative justice services continued to grow **after the RJ Grant** was implemented in July 2016.



In general, increases in the number of restorative justice services offered by diversion programs were observed after the restorative justice diversion pilot and grant programs were implemented. While the vast majority of youth served by diversion are white (83%), Black youth make up the second largest race reported by youth in diversion (9% of all youth served), yet relatively few Black youth have been referred to restorative justice over the years. To ensure that all eligible youth are referred to restorative justice services at similar rates given relevant personal and case characteristics, restorative justice referrals were explored further by offense level, type, and other demographic information.

When all other factors were controlled for (offense level, type, prior offense, age, gender, and program type), **Black** youth in diversion were less likely to be referred to restorative justice services as compared to non-Black youth. This disparity in referrals strongly suggests a need to establish standardized criteria to determine eligible cases for restorative justice.

Probability of Receiving Restorative Justice

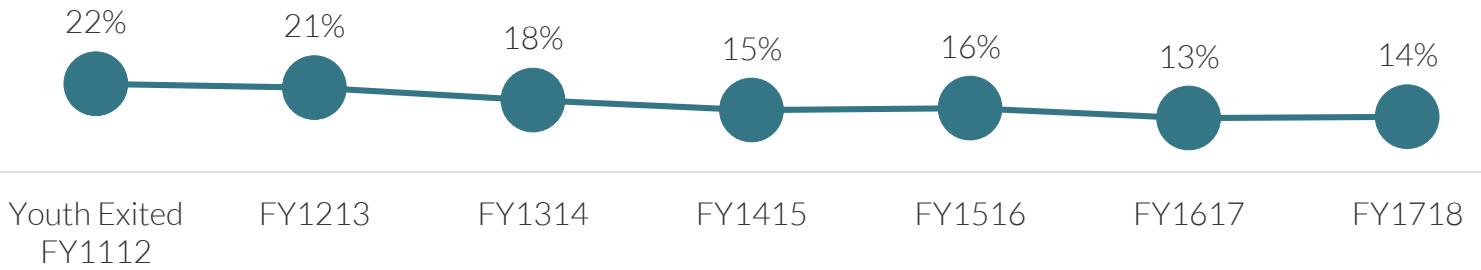


Recidivism

Over the past 9 years, the definition of recidivism has varied across state agencies. Regardless of definition, the recidivism rate has decreased over time and has consistently reflected that the majority of youth who participate in DCJ's diversion program do not recidivate.

DCJ's historical definition of recidivism for diversion was defined as a **filing or filings for a new offense (criminal, misdemeanor, or juvenile delinquency) either while the juvenile was in the program or up to one year after they exited the program**. Using this definition, youth served by diversion programs between July 2011 and June 2018 (n=7,884) recidivated at a rate of 16.5% across the years, meaning that 83.5% of all youth served by diversion programs did not commit an offense that resulted in a filing during diversion or in the one year after diversion.

Overall, **recidivism rates** decreased over time, dropping by 8% from the start of the evaluation.

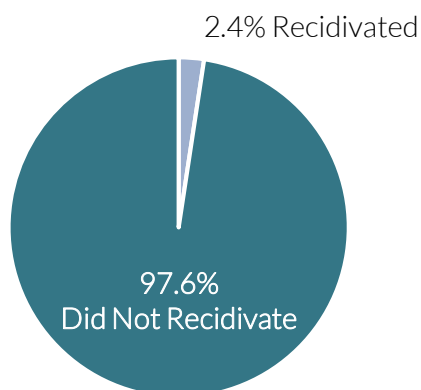


During the final stages of the evaluation in spring 2020, a new definition of recidivism was agreed upon for juvenile diversion, probation, and youth in the Division of Youth Services (DYS):

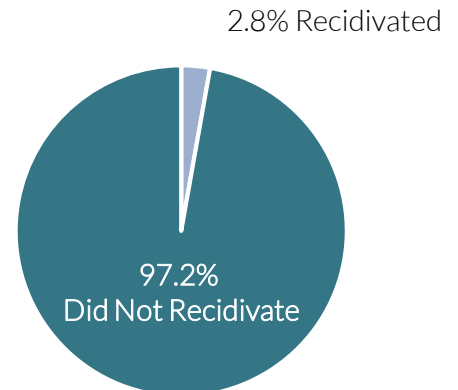
- ❖ *Pre-release recidivism is defined as a new deferred agreement, adjudication or conviction during program participation.*
- ❖ *Post-release recidivism is defined as a new deferred agreement, adjudication or conviction one, two, and three years post-release from diversion, probation, or the Division of Youth Services.*

Post-release recidivism rates show even lower rates of recidivism with fewer than 3% of successful youth recidivating up to two years after completing diversion programming.

One-Year Post Release Recidivism Rate
FY1718 Youth (n = 1100)



Two-Year Post-Release Recidivism Rate
FY1617 Youth (n = 1007)



Learnings

- Addressing the mental health and substance use needs of youth in diversion is fundamental to supporting successful completion of diversion and reducing the likelihood of future criminal system involvement.
- Standardized criteria to establish eligibility for diversion, as is now required by SB19-108, is key to ensuring all youth have equal opportunity to benefit from diversion programming. In particular, there must be continued focus and progress to ensure youth of color have equal opportunity to participate in diversion and receive needed services.
- DCJ and existing diversion programs have been able to target resources, and refine and improve programming through the collection and use of actionable data. The continuation of evaluation efforts informed by the past decade will be critical to sustaining diversion programs' capacity to identify and respond effectively to the evolving needs of the youth they serve, and to assess the effectiveness of specific programming. To continue building upon knowledge of best practices, the following steps are recommended for future evaluation:

Diversion programs report providing a wide range of services. A closer examination of these services in practice, and how they compare across programs, would provide important insights into the evidence base for interventions and fidelity of implementation.

To better understand why more youth are receiving mental health treatment than are assessed as needing mental health treatment, diversion programs may benefit from a closer review of the services considered to be mental health treatment to ensure there is a shared definition and common criteria being used within and across programs.

The collection of more detailed information regarding amount or frequency of services provided to each youth would improve the ability to assess the necessary dosage and effectiveness of specific services. While historically there have not been sufficient resources and staff capacity to collect this level of detail, such an investment would allow for better understanding of the nature, intensity, and duration of programming necessary to achieve positive outcomes.

Summary

Over nearly a decade, Colorado's juvenile diversion grant program has been instrumental in providing youth the services they need to limit their future contact with the criminal justice system. Colorado diversion programs have consistently improved youth's protective factors, addressed risk factors, and ensured youth's access to needed mental health and substance use assessment and treatment. Recidivism rates, using both historical and new definitions, are low, and have steadily declined over the past decade.

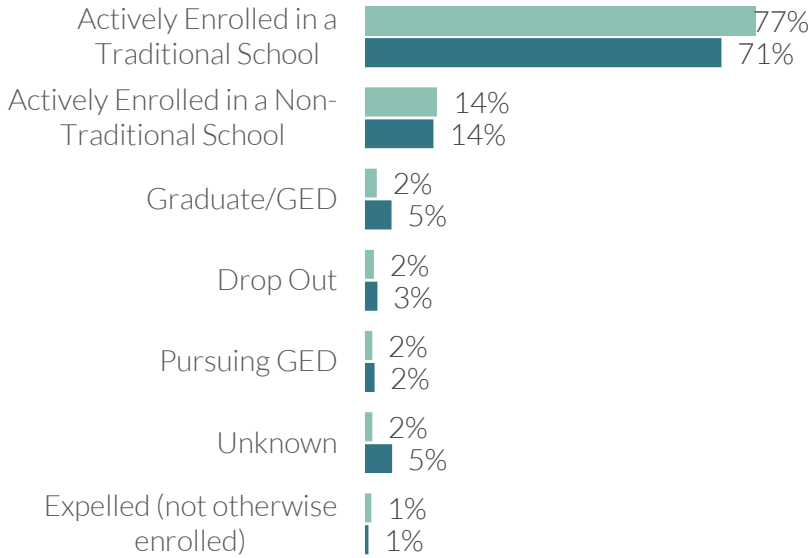
Throughout, DCJ and the funded diversion programs have applied ongoing evaluation findings to inform policy and to adapt grant requirements and programming to ensure youth needs are effectively identified and addressed. The evaluation required significant and sustained investment of time and resources on the part of both DCJ and individual programs, allowing for systematic documentation and understanding of who is served, what services are provided, and how these interventions impact multiple outcomes for youth and the system. In particular, the integration of universal screening and assessment protocols and restorative justice practices into diversion programming reflects the ongoing responsiveness of the state and funded programs to emerging data and learnings, and has resulted in more youth successfully completing diversion, and fewer youth reoffending.

As the implementation of the Juvenile Justice Reform bill (SB19-108) expands juvenile diversion throughout the state, both existing and new diversion programs can continue to apply the learnings of the past decade to ensure responsiveness to youth's needs and achievement of positive long-term outcomes for these youth.

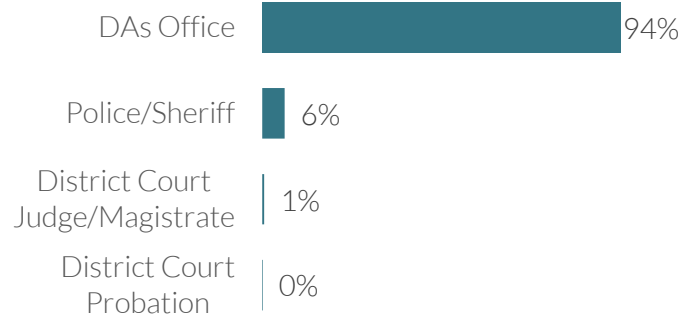
Appendix

Supplementary Referral Data

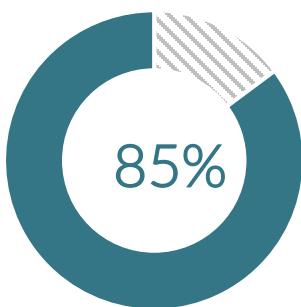
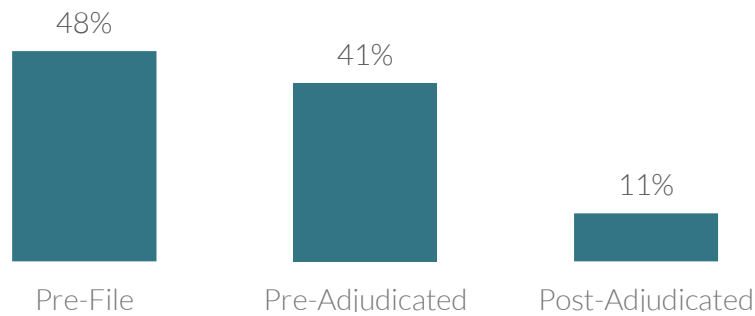
At **intake** and **exit**, the majority of youth were enrolled in a traditional school setting.



The vast majority of **youth** were referred through the DAs Office.



Most youth were referred Pre-File or Pre-Adjudicated.



of youth were served by programs located in mostly **urban** areas*.

*Publicly available 2010 county level census data were used to determine whether DCJ funded juvenile diversion programs were located in an area that was mostly urban or mostly rural. <https://demography.dola.colorado.gov/census-acs/2010-census-data/>