



Examples of State Diversion Models

Outline

- Overview of Diversion Models from Other States
- Policy Models
 - Civil Citation/Pre-Arrest
 - Mandatory/Presumptive Diversion
- Assessment & Case Coordination Infrastructure Models
 - Assessment Centers
 - Multi-Disciplinary Review Teams
- Results & Challenges
- Questions & Discussion

Diversion Policy Models

Civil Citation/Pre-Arrest Diversion Programs (FL, DE, SD)

- Can be mandatory, presumptive, or full discretion
- Law enforcement issues citation with notice to appear at assessment center, provider, or court
- Assessment provider develops & monitors diversion plan
- Statewide tracking/coordination → but no “record”

Mandatory/Presumptive Diversion (UT, KY, KS, SD)

- Based on charge type, criminal history, and/or risk assessment score
- Can be mandatory (“shall”) or presumptive (“shall, unless”)
- Typically happens post-arrest/pre-arraignment
- Can be combined with pre-arrest diversion
- Typically sets “low bar” – actors retain discretion to offer diversion in additional cases

Assessment/Case Coordination Infrastructure

State Assessment/Receiving Centers (FL, KY, KS, UT)

- Operate 24/7
- Receive youth from law enforcement and/or via citation/referral
- Conduct screenings/assessments; assess eligibility for diversion
- May also perform other functions, including bail/detention functions, ongoing case coordination, and service referrals

Multi-Disciplinary Review Teams (KY, CT)

- Community-based teams that confer on cases and develop diversion plans
- Can serve as local service coordination entity

Policy & Practice Considerations

1. At what point(s) in the process is the diversion decision made?
2. What kind of screening/assessment is done – if any – to inform the decision? (Eligibility and/or diversion plan conditions)
3. Where and when is the screening/assessment conducted, and by whom?
4. Who makes the diversion decision?
5. How much discretion do decision-makers have about who to offer diversion to?
6. Who monitors/coordinates diversion plan?

DIVERSION POLICY MODELS

Statewide Civil Citation Programs (Pre-Arrest)

Florida

- Misdemeanors only by statute
- County discretion on eligible offenses and other criteria
- Youth referred to Juvenile Assessment Centers

Delaware

- Misdemeanors with no previous referral in last 18 months or for same offense
- Voluntary participation from law enforcement
- State-run hotline for eligibility checks
- Eligible youth referred to community provider who develops & monitors diversion plan

South Dakota

- Specific misdemeanors (petty theft, property damage, underage drinking, truancy)
- Mandatory use of citation for these cases
- Treated like traffic ticket (notice to appear)

Mandatory/Presumptive Diversion

South Dakota

- **Charge:** Non-violent misdemeanors and CHINS violations
- **History:** No prior adjudications, no diversion within the last 12 months
- **Presumptive:** DA can seek to override based on “good cause”; triggers judicial hearing

Utah

- **Risk:** Low or moderate on risk assessment
- **History:** No more than 3 prior adjudications or unsuccessful diversion attempts
- **Charge:** Misdemeanor, infraction, or status offense
 - Certain sexual offenses are exempt
 - Certain Class A misdemeanors exempt if youth is moderate risk

Kentucky

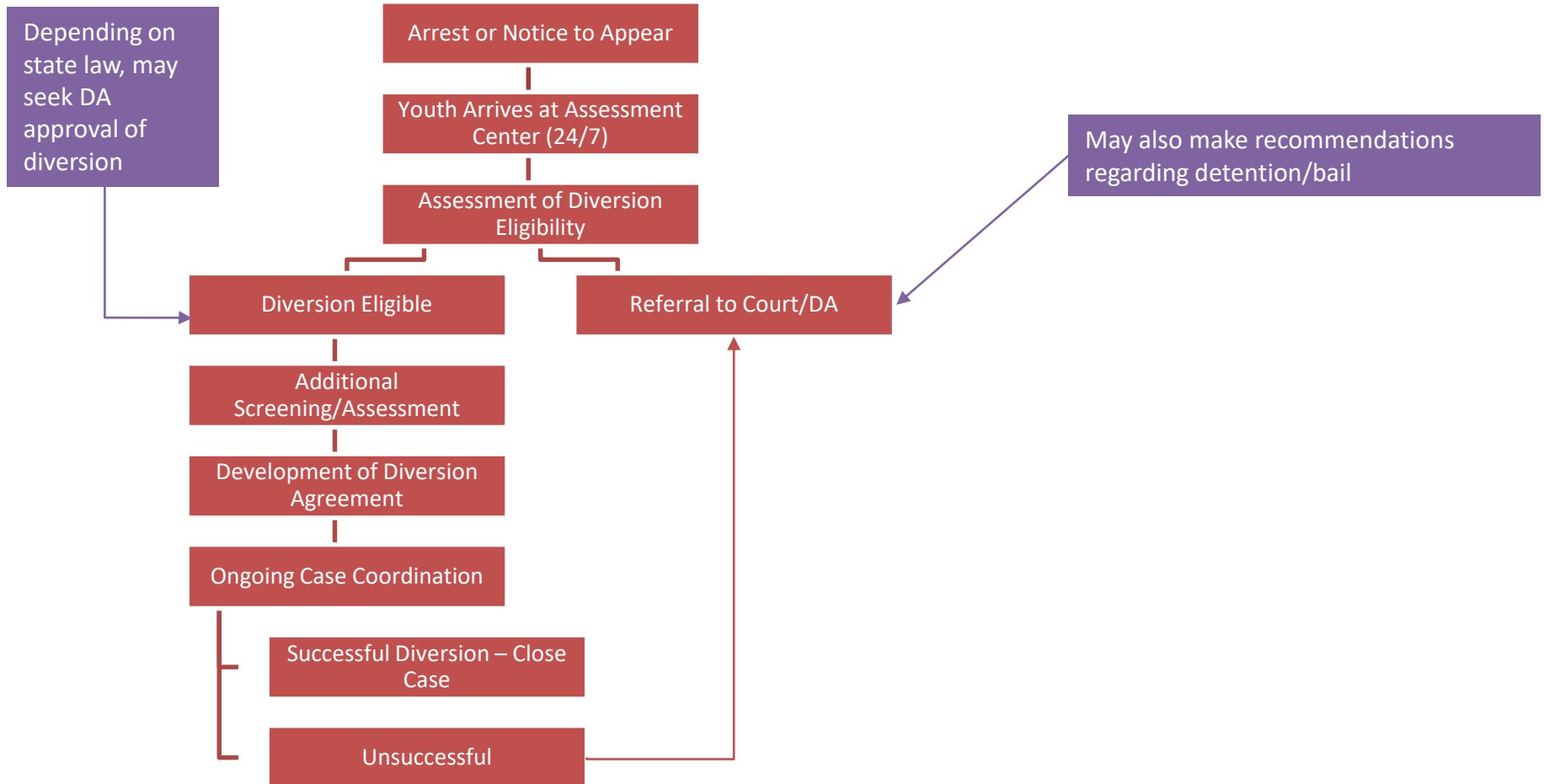
- **Mandatory:**
 - **History:** First offense – no prior adjudications or diversion
 - **Charge:** Misdemeanors
- **Presumptive:** (DA can object)
 - **History:** Up to three times for nonfelony or up to 1 time for felony
 - **Charge:** Sexual offenses & use of deadly weapon excluded

Kansas

- **History:** No prior adjudications
- **Charge:** Misdemeanor

**ASSESSMENT & CASE
COORDINATION INFRASTRUCTURE**

Assessment Centers/Case Coordination



Kentucky:

Court Designated Worker Program

- Implemented 1986 – available in all 120 counties
- All youth delinquency and status complaints processed by CDW
- Determine diversion eligibility
- Screen and assess diversion-eligible youth
 - GAIN SS/GAIN-Q to develop diversion plan
- Develop and supervise diversion agreements
- Assist with referrals to services
- CDWs also perform other functions related to CHINS/Custody Cases (similar to MA Probation)

Kansas: Juvenile Intake and Assessment Center

- Provide intake evaluations/assessments
 - Detention Risk Assessment, MAYSI, supplemental screeners (moving toward YLS/SV)
- Make recommendations regarding eligibility for Intermediate Intervention Program (diversion)
 - DA/Clerk make final determination
- Develop IIP plan (which may be supervised or unsupervised) with community team and make service referrals
- Also make recommendations regarding immediate placement of youth (e.g. detention) and coordinate court appearances for youth placed outside home (e.g. transportation)

Florida: Juvenile Assessment Centers

- Available statewide – began 20+ years ago
- All youth who are arrested are processed at JAC
- Intake and assessment
 - Prevention Assessment Tool (Risk & Need), the GAIN-Q and the Biopsychosocial assessment
- Develops and supervises diversion interventions as part of pre-arrest diversion program
- Some have on-site services (e.g. substance use, mental health, family counseling)
- Also make decisions regarding release/detention

Utah: Receiving Centers & Citation

Diversion Units

Receiving Centers

- Operated by JJS Division
- 11 RCs across the state, with plans to open 3 more
- LE may drop off arrested, delinquent, ungovernable, or runaway youths who do not meet admission guidelines for secure detention
 - Exclusions for active MH/SU issues or aggression
- Assess youth for immediate needs and make referrals for services

Citation Diversion Units

- Operated by Juvenile Probation
- Youth receives Notice to Appear
- Probation administers PRSA Assessment & determines if youth is eligible for NJA
- Probation monitors NJA

Multi-Disciplinary Review Teams

- Community-specific multidisciplinary teams
- Group of local professionals (e.g. police, social work, legal, mental health professionals, education professionals, state agency representatives)
- Oversee diversion process and case coordination
- May help coordinate local services

Connecticut: Juvenile Review Board

- Provides both pre- and post-arrest diversion
- Available to police, schools, Juvenile Court & parents
- JRB Case Manager interviews youth, identifies risk and needs
 - Can be done through validated, evidence-based tool and/or guided interview process
- JRB develops and monitors diversion plan
- Each program unique: local discretion regarding eligibility, operations and services
 - Core components suggested but not mandated
 - In place for 50 years

Kentucky: FAIR Team

- Multi-disciplinary local team provides oversight of and assistance to all diversion cases
- Team reviews CDW decisions on assessments and service referrals; assists with barriers
- Provides more intensive oversight of “high risk” youth
- Team responds to failure to comply with services by youth or family
 - Makes decisions re: whether to terminate the diversion for lack of compliance

Results

- **Increases in the use of diversion**

- UT: Percent of Juvenile Court referrals diverted went from 22% → 55%
- KY: Percent of delinquency cases diverted went from 35% → 46%
- SD: No baseline, but 4800+ have participated in diversion since law change
- KS: No baseline, but 3,200+ youth received diversion in first year

- **Diverting low risk youth**

- UT: Most youths who are low risk to reoffend and are referred for a Misdemeanor or Status Offense received an NJA in FY 2018
- Other states not tracking/reporting by risk level

- **Diversion is by & large successful**

- SD: 77% successfully completed diversion program (FY18)
- KS: 87-90% successfully complete diversion (FY18)
- KY: 92% successfully complete diversion (2017)
- UT: Not reporting diversion success rate yet

Results

- **No discernable impacts on crime**
 - No state has reported a spike in juvenile arrests following diversion reform
- Most states either do not measure recidivism for diversion cases, or insufficient time has passed to measure impact of reforms on recidivism

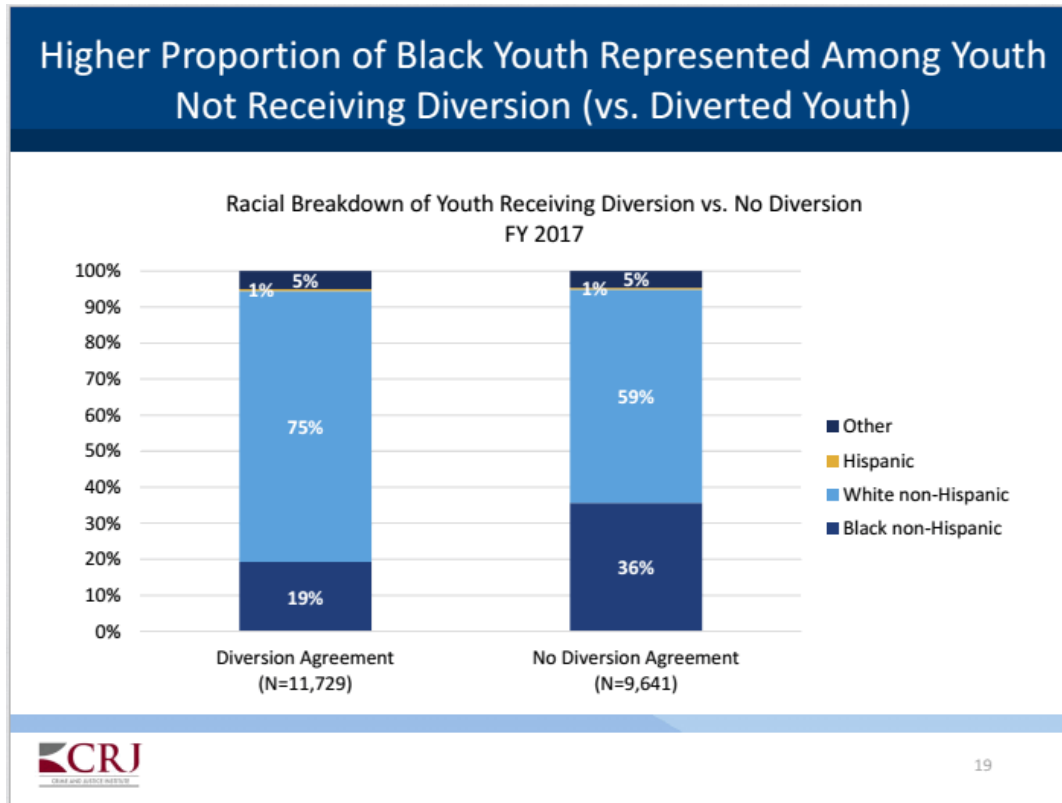
Challenges

- **Racial and ethnic disparities in use of diversion continues to be a challenge in many states**
- Utah:
 - The percent of youths who received an NJA referral increased for all racial and ethnic groups in FY 2018 – and increased more significantly for youth of color.
 - However, white youth continue to receive NJAs at higher rates than youth of color.

Percent of Cases Resolved through NJA			
	FY 2015-2017 % NJA	FY 2018 % NJA	Percent Change
White	30%	56%	86%
Hispanic/Latino	22%	43%	92%
Black/African American	18%	33%	83%
American Indian/Alaskan Native	17%	39%	129%
Asian	27%	51%	39%
Native Hawaiian/Pacific Islander	28%	45%	58%
Multi-Race	23%	39%	69%

Challenges

- Kentucky:
 - Kentucky also reports that the state continues to see racial/ethnic disproportionality with regards to who is offered diversion.
 - The courts have worked across the state to create local action plans focused on reducing disproportionality and increasing diversion opportunities for youth of color.



Putting It All Together

- Four different potential model components
 - Civil Citations
 - Mandatory/presumptive statewide diversion standards
 - 24/7 Assessment Centers
 - Local multi-disciplinary teams
- Model components are not mutually exclusive
 - A state could adopt one, several, or all components
- Statewide infrastructure & standards allows for:
 - Better tracking of how/when diversion is being used
 - Increased coordination among system actors
 - Specialized staffing (assessment, case coordination)
 - Economies of scale to allow for 24/7 coverage
 - Better data for evaluation and tracking of system progress

Questions & Discussion

Policy & Practice Considerations

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Next Meeting

August 13th

10am – 12pm

One Ashburton Place – 10th Floor – Charles River
Conference Room