

# THE ESSENTIAL ROLE OF JUVENILE DIVERSION

Lessons Learned from the Office of Juvenile Justice and  
Delinquency Prevention's Statewide Juvenile Justice System  
Improvement Initiative

September 23, 2019

# Welcome



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# Today's Presenters



Josh Weber  
Deputy Division Director  
Corrections & Reentry  
Council of State Governments  
Justice Center

Gina Vincent, Ph.D.  
Associate Professor  
University of Massachusetts  
Medical School &  
President  
National Youth Screening and  
Assessment Partners



# Today's Presenters



Sean Goode  
Executive Director  
CHOOSE 180

Donna Pugh, Esq.  
Juvenile Civil Citation  
Program Director  
Division of Youth  
Rehabilitative Services  
Delaware Department of  
Services for Children, Youth  
and Their Families





**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# OJJDP's Statewide Juvenile Justice System Improvement Initiative: Lessons Learned

Josh Weber

Deputy Division Director

Corrections & Reentry

Council of State Governments Justice Center

# About the Council of State Governments Justice Center



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

National nonprofit, nonpartisan, membership association of state government officials that engages members of all three branches of state government Provides practical, nonpartisan research-driven strategies and tools to increase public safety and strengthen communities

## OJJDP's Juvenile Justice System Improvement Initiative focused on supporting states to improve the "front end" of their juvenile justice system

- Goal was to develop a statewide strategic plan for improving diversion and detention outcomes, reducing recidivism, and reducing racial and ethnic disparities.
- OJJDP funded Delaware, Iowa, Washington, and Massachusetts for state planning.
- OJJDP supported the CSG Justice Center as the technical assistance provider, in partnership with the Center for Juvenile Justice Reform and National Youth Screening and Assessment Partners.
- CSG Justice Center conducted "front end" state system assessments, including case level data analysis and extensive focus groups and interviews with key stakeholders.

# Key lessons learned from the Juvenile Justice System Improvement Initiative include:

Most systems continue to supervise and serve a disproportionate number of low-risk youth in at least some manner.



Youth's offenses are not predictive of reoffending; yet, most jurisdictions are not using risk screening tools to make diversion decisions and lack clear diversion policies.



Diversion programs are wide ranging but most jurisdictions are not using needs screening tools to inform service referral decisions.



Data collection on diversion decisions, services, or outcomes is limited.



# Deciding Whom to Divert and to What Services

Gina Vincent, Ph.D.

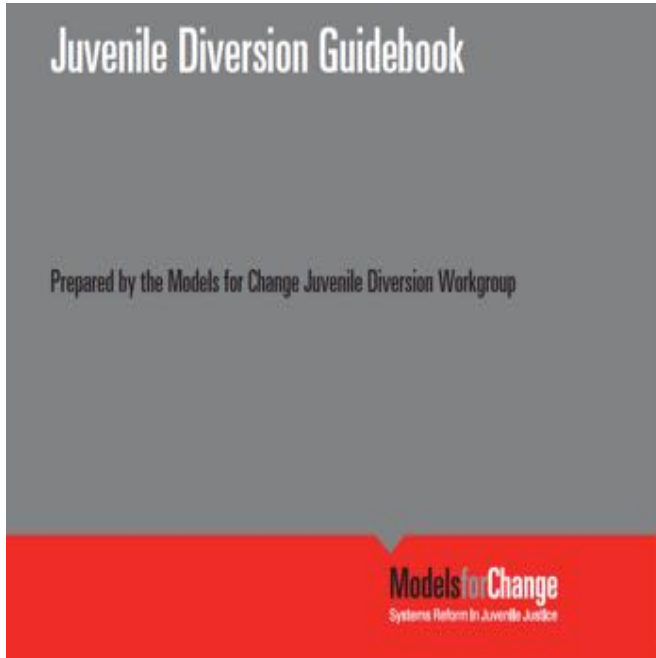
Associate Professor

University of Massachusetts Medical School &

President

National Youth Screening and Assessment Partners

# MacArthur Models for Change Juvenile Diversion Guidebook (2011)



Center for Juvenile Justice Reform

National Center for Mental Health and Juvenile Justice

National Juvenile Defender Center

National Youth Screening and Assessment Partners

Robert F. Kennedy Children's Action Corps

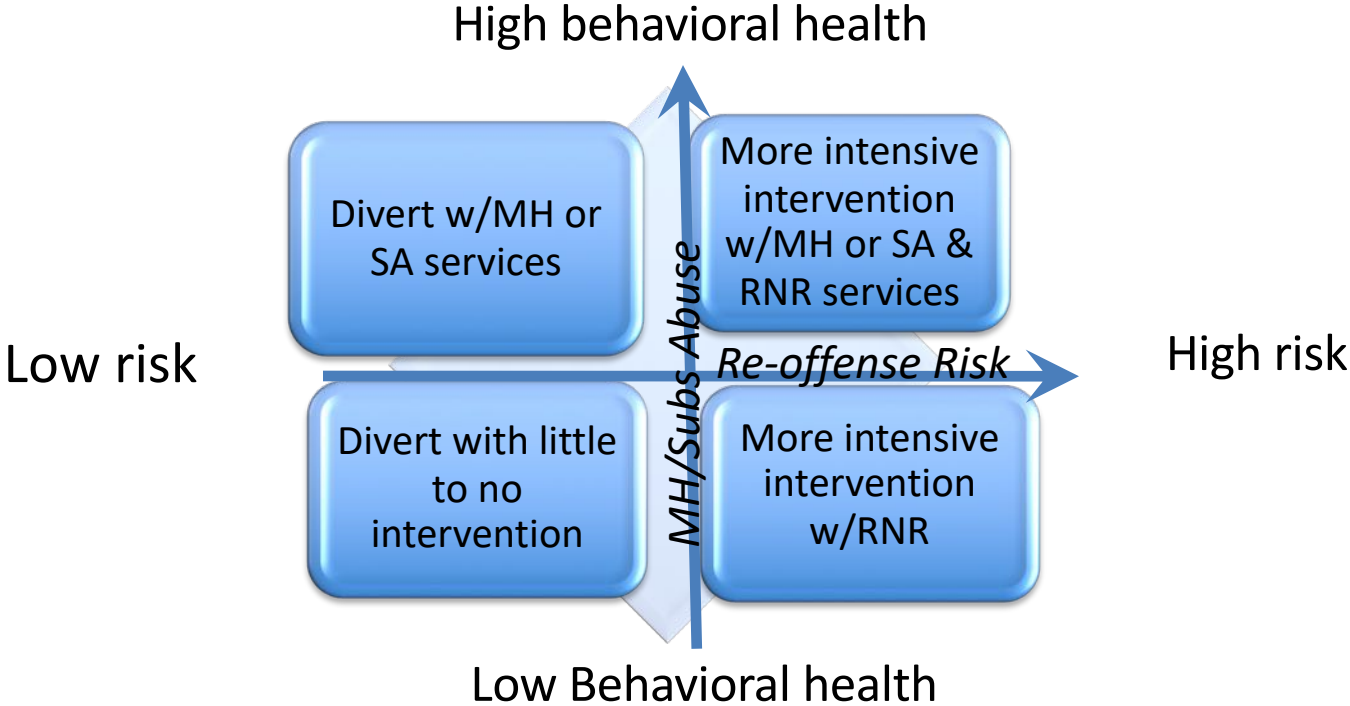
# Step 1: Establish Referral and Eligibility Criteria

- Process for referrals; determination of 'legal sufficiency'
- Develop clear written guidelines for diversion eligibility
- Common eligibility criteria:
  - Number of priors, severity of alleged current offense
- Common de-selection criteria
  - Risk for recidivism screening, youth or caretaker decline

# Important Considerations for Developing Criteria

- Severity of the offense is **not** a strong indicator of the future pattern of offending (Mulvey et al., 2010) or treatment needs. But tested static and dynamic risk factors are.
- Risk screening will be most helpful when eligibility criteria are somewhat liberal

# Decision-Making Model for Diversion vs. Formal Processing (adapted from NCMHJJ)

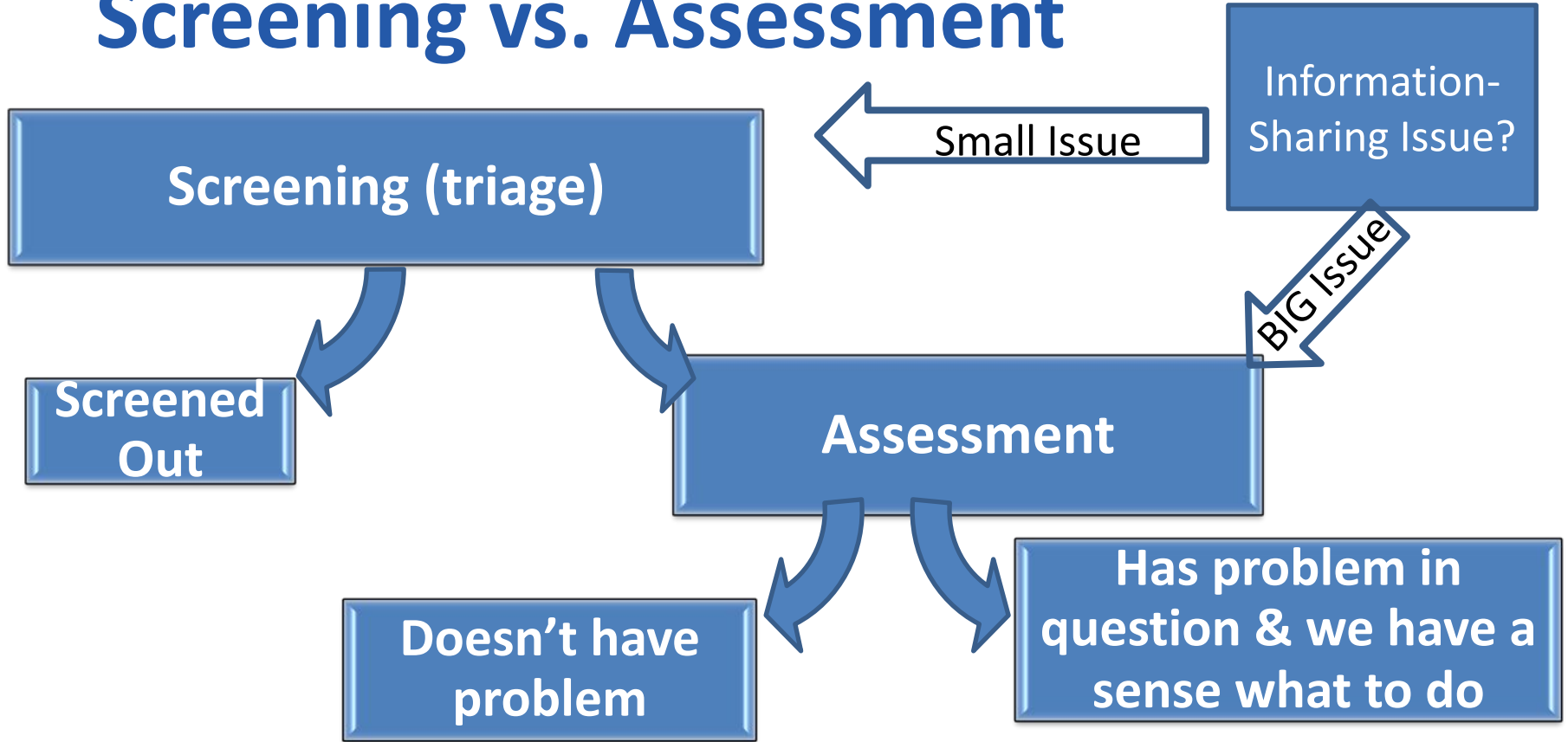




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# DECIDING WHOM TO DIVERT

# Screening vs. Assessment



# Steps in Use of Risk Screening or Assessment For Diversion Decisions

1. Establish youth has met initial eligibility criteria
2. **If yes**, conduct a brief risk screen or a risk assessment. Which one depends on
  - What agency is conducting the S&A? (e.g., probation, prosecutor?)
  - Staff resources
  - Protection of information
  - Whether diversion program is intended to address ‘risk reduction’ needs
3. Develop a decision-rule
  - E.g., “low” or “moderate” risk = appropriate to divert
  - If diverted, conduct behavioral health screening and/or needs screening





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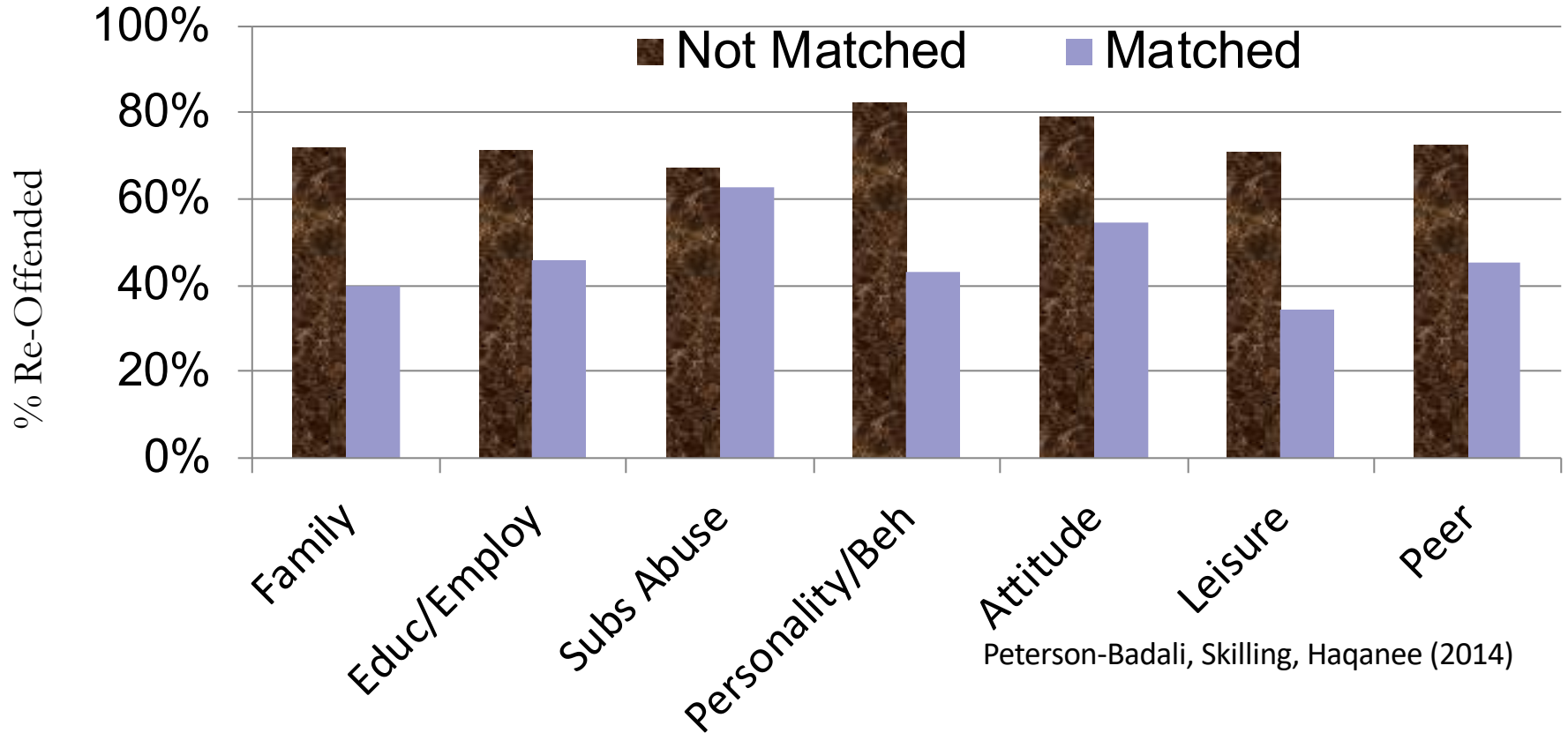
# DECIDING WHAT TO DIVERT THEM TO

# Behavioral Health Screening

## Divert to what?

- ❑ Identifying *potential* need for...
  - *mental health services*
  - *substance use services*
  - Needs (school/family interventions)
- ❑ Is there a need for risk reduction services?.....
  - Makes sense if moderate risk youth are eligible for diversion
  - Requires risk-needs assessment

# Risk Reduction (Risk-Needs Assessment)





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# IMPLEMENTATION CONSIDERATIONS

# Is Risk Screening or Assessment Appropriate?

- What are your initial eligibility criteria?*
- If criteria are not restricted to first time offenders of very minor offenses - risk screening or assessment will be helpful*

## *Feasibility*

- How much information about the youth is available at this decision point?
- What is the level of staff training?
- Is risk assessment conducted at probation intake?
- Length of time – what are your staff resources?

# Is Risk Screening or Assessment Appropriate? (cont.)

## *Self-incrimination & information-sharing*

- Are there protections against self-incrimination in place?
- What will the youth be willing to tell you?
- If a youth is identified as high risk and 'de-selected', how can that information be protected until after the adjudication?

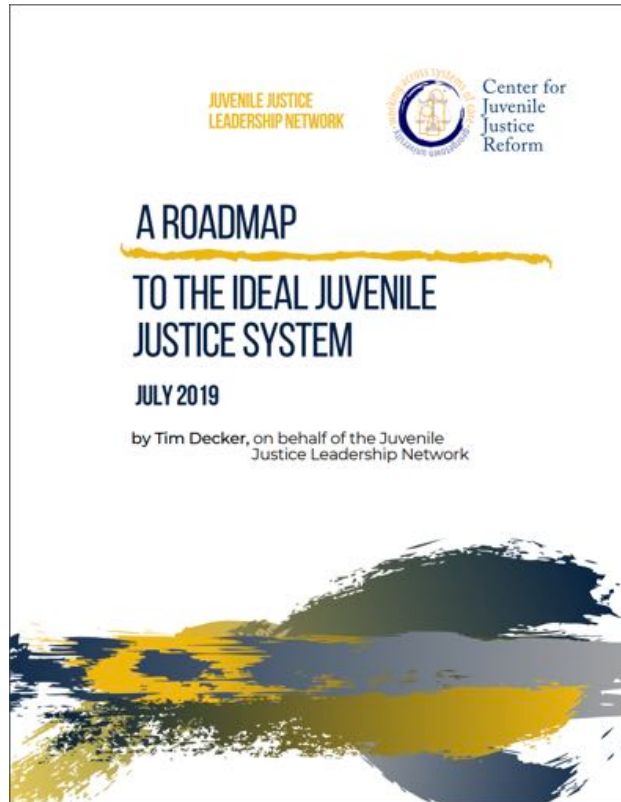
## *Data capacity*

- If you are using a risk screen – will need resources for validating your cutoff scores locally and testing for racial bias.
- If you are using a risk/needs assessment – ensure that this work has been done already

# Delivering Effective Juvenile Diversion Programs and Services

Michael Umpierre, JD  
Deputy Director for Juvenile Justice System  
Improvement and Communications  
Center for Juvenile Justice Reform  
McCourt School of Public Policy  
Georgetown University

# Guiding Principles for Effective Juvenile Justice Services and Approaches



“A Roadmap to the Ideal Juvenile Justice System”  
by Tim Decker, on behalf of the Juvenile Justice  
Leadership Network

- Lays out core operating principles for an effective juvenile justice system

Available at:

<http://cjjr.georgetown.edu/resources/publications>



# Applying the Roadmap's Guiding Principles to Diversion

- Developmentally Appropriate
- Research-Based, Data-Driven & Outcome-Focused
- Fair and Equitable
- Strengths-Based
- Trauma-Informed and Responsive
- Supportive of Positive Relationships and Stability
- Youth- and Family-Centered
- Coordinated

## Spotlight on Innovative Programs

- CHOOSE 180
- Delaware's Juvenile Civil Citation Program



**Sean Goode | Executive Director**

# Our Model

Transforming  
Systems,  
Communities,  
and Lives  
through the  
power of Choice



# Possibilities, not problems



Why I Choose 180...

To grab hold of an opportunity that allows me the best chance at reaching my full potential.

CHOOSE  
180

## COMMUNITY-BASED DIVERSION

CHOICE 180's diversion workshops began to prove successful under the leadership of Dominique Davis and Terrell Duncay, the organization's first staff members.

AUG 2011

### 1<sup>ST</sup> YOUTH WORKSHOP

The original vision was completed by a discussion between founder Doug Wheeler & Prosecuting Attorney Dan Sabharwal on how to address disproportionality in the juvenile justice system.

2013-2016



JAN 2017

### NEW PARTNERSHIP, MAJOR GROWTH

CHOICE 180 hires its first Executive Director and begins expanding partnerships to reach more young people.

## PROVIDING COMMUNITY SUPPORT

CHOICE 180 began offering youth mentorship support, identifying and connecting young people to resources needed to help them stay committed to their goals.

MAR 2017



SEPT 2018

### 1<sup>ST</sup> YOUNG ADULT WORKSHOP

CHOICE 180 begins a partnership with the City of Seattle to offer diversion to young adults 18-24, because science shows that the brain doesn't fully develop until age 25.

## CREATING INTERNSHIP OPPORTUNITIES

CHOICE 180 began offering summer youth internships in partnership with King County and Seattle Youth Employment.

JUNE 2018



NOV 2018

### FELONY YOUTH INTERVENTION

CHOICE 180 partners with King County to launch the CEDM program, an intervention opportunity for youth charged with their first felony.

## ADDRESSING CRIMINALIZATION INSIDE SCHOOLS

To reach youth before justice involvement, CHOICE 180 partners with the Highline Schools to offer a 5-week, restorative justice program for youth at risk of suspension and expulsion.

DEC 2018



# Our Programs

- Diversion Workshops
- Aftercare Coaching
- Felony Intervention
- School-Based Diversion
- Summer Internships



# Workshop Process

Why I Choose 180...

To get joy back in my life by making different choices that keep me in control of my own life.

CHOOSE  
180





# THE IMPACT is new choices...

Instead of court involvement and incarceration...

...A NEW CHOICE HAS BEEN MADE.

Since 2011, **2,524** youth and young adults have participated in CHOOSE 180 workshops relating to a criminal case.

Of those cases, **100%** have been diverted.

**80%** of participating youth have stayed out of the criminal justice system

**97%** of participating young adults have stayed out of the criminal justice system

# Contact Info

Sean Goode, Executive Director

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# Delaware's Juvenile Civil Citation Program



***Donna M. Pugh, Esquire  
Juvenile Civil Citation Director***



# An Overview of the Delaware Court System

- The State of Delaware has a unified statewide court system.
- The Family Court has extensive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.



# Little Engine That Could

## Recommendations for Improvements 2012 Comprehensive Strategy Group

- Civil Citation
- Trauma Informed Care
- Assess & Address Gang Problems
- Comprehensive Strategy – QA related to risk and needs assessment, on-going validation, inter-rater reliability, matching services to identified needs, program evaluation, addressing gaps in measurement, data management and analysis
- Data Development
- Dispositional Matrix / Guidelines
- <http://kids.delaware.gov/yrs/yrs.shtml>

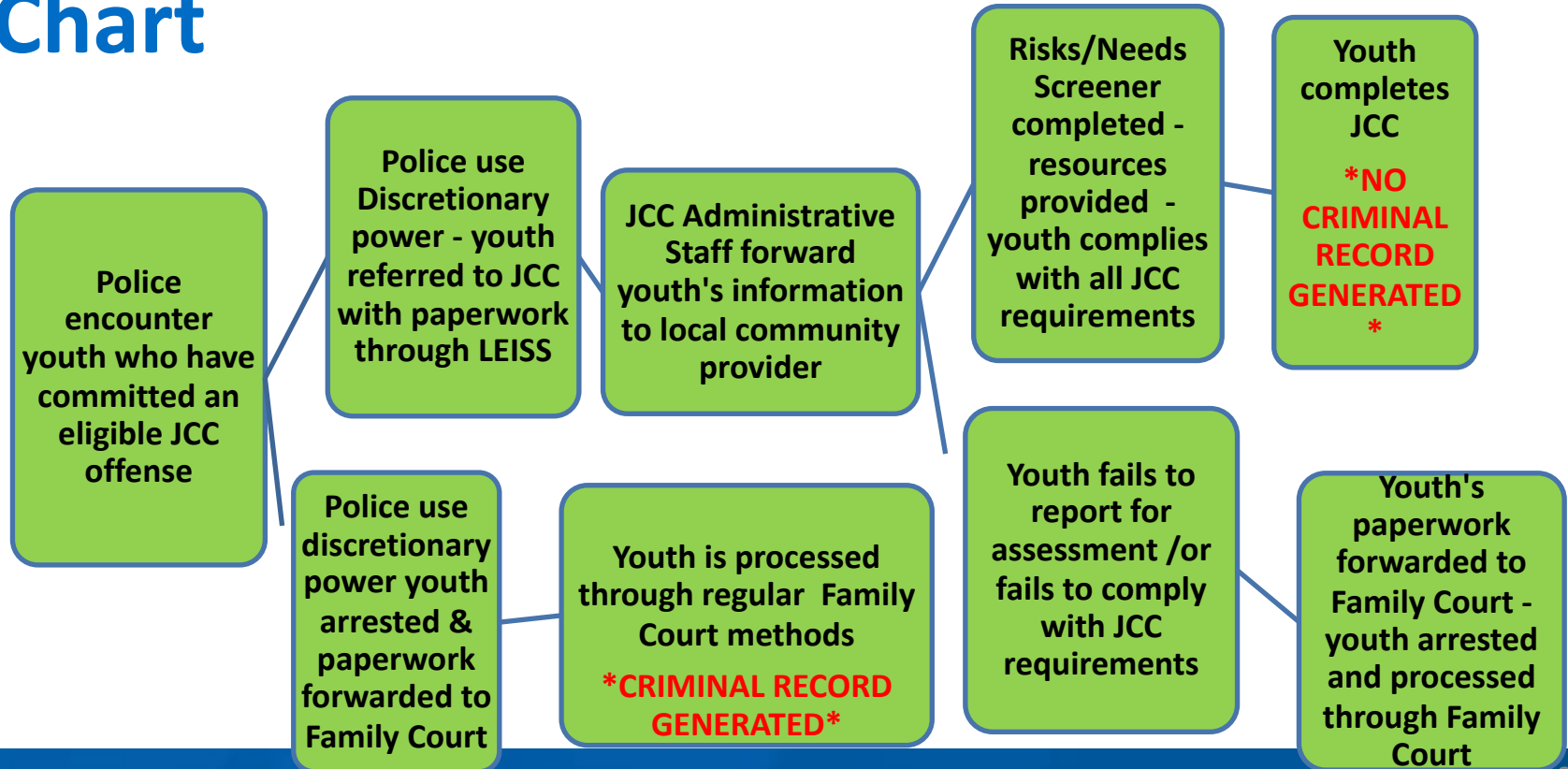
# Civil Citation

Civil Citation is a pre-arrest diversion program that is approved and supported by Juvenile Justice Advisory Group (JJAG) of Delaware's Criminal Justice Council (CJC). It was implemented through the collaboration and agreement between juvenile justice stakeholders such as the Delaware's Department of Justice, local law enforcement agencies, Family Court, and the Office of Defender Services.



The Department of Services for Children, Youth and Their Families Division of Youth Rehabilitative Services graciously accepted the responsibility of the overall coordination, implementation, improvements, collection and analysis of data, and development of program guidelines for the community providers.

# Delaware's Juvenile Civil Citation Flow Chart



# Changes Effective July 1, 2019

## Qualified Offenses

All misdemeanor offenses are eligible for the JCC program.

### Excluding:

- All Title 21 Offenses related to motor vehicle violations
- Unlawful sexual contact in violation of § 767 of Title 11
- Unlawful imprisonment second degree in violation of § 781 of Title 11

## Second Opportunity (Second Bite)

A second opportunity can be granted for a juvenile who meets both of the following:

- a. No prior adjudication of delinquency.
- b. No prior referral to either a diversionary program or Juvenile Civil Citation unless more than 1 year has elapsed since the first referral and the prior referral was for a different offense.





## State of Delaware Juvenile Civil Citation Form

Juvenile's Name:			Complaint #:		
DOB:	Race:	Sex:	Referring Officer:		
Home Address:			Referring Officer's Badge #:		
City:	State:	Zip:	Phone #:		
Parent/Guardian Phone #:					
Incident Location:			Date:	Time:	AM/PM
Offense(s):					
To Wit:					

You ***must*** complete initial intake either online or via telephone within seven (7) business days. Failure to do so may result in criminal charges being filed with the Court, and having an arrest record.

<p><b>INITIAL CONTACT INFO:</b>  <b>Parent/Guardian MUST CALL or GO ONLINE within 7 Business Days of RECEIVING CITATION:</b></p> <p>You can complete initial intake online:  <a href="https://sds.delaware.gov/forms/online-initial-contact-form.shtml">https://sds.delaware.gov/forms/online-initial-contact-form.shtml</a>  or call  <b>JUVENILE CIVIL CITATION PROGRAM</b>  833-JCC-LINE (833-522-5463)</p> <p>*Please leave full name of youth, name of person calling, and best contact number to receive a call back.</p>	<ul style="list-style-type: none"> <li>The DE Juvenile Civil Citation Program provides an alternative to arrest for youths for any act of delinquency classified as a misdemeanor, except any Title 23 misdemeanor, unlawful sexual contact in violation of §767 of Title 11, and unlawful imprisonment second degree in violation of §781 of Title 11—where there is <b>NO CRIMINAL RECORD</b>.</li> <li>Youth Participants <b>will not need to attend Family Court prior to or during participation of this program.</b></li> <li>Youth participation in the DE Juvenile Civil Citation Program will require: <ul style="list-style-type: none"> <li>Assessing risks and needs. [Completion of Formal Needs Assessment.]</li> <li>No further Family Court contact or new arrests during the program period. [Usually 90 days]</li> <li>Completion of five (5) community service hours and a community impact statement.</li> </ul> </li> </ul>
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Solely for the purpose of Juvenile Civil Citation (JCC), I waive my right to appear in court, and agree to have my case handled through the State of Delaware's Juvenile Civil Citation Program. I understand that there may be sanctions assigned by the JCC Coordinator and/ or partner agencies as authorized to complete the program.

Additionally, I understand that I may be arrested and prosecuted for the offense listed above if I do not comply with the following:

- The victim(s) object to my participation in this program.
- I fail to call or complete initial intake online within seven (7) business days.
- I fail to attend my Formal Needs Assessment.
- I am arrested for any other crime prior to completion of the Juvenile Civil Citation Program.
- I fail to comply with the terms and/or conditions of the Juvenile Civil Citation Program.

Juvenile's Name (Signature)	Juvenile's Name (Print)	DATE
Was Parent/Guardian Contacted? Y / N		
By accepting and receiving this printed copy of the Juvenile Civil Citation Form, you (youth and parent/guardian) are agreeing to participate in the State of Delaware's Juvenile Civil Citation Program.		

# Program Requirements



Program requires\*:

## 1. Community Service

- 5 hours of Community service

## 2. Intervention Services

- Must have an initial intake meeting with the community provider
- Must have Risks/Needs Screener completed & a Trauma Screen
- Must complete any initial evaluations recommended by the Risks/Needs Screener

## 3. Other Services

## 4. Victim Consent

**RECEIVE NO NEW CRIMINAL CHARGES WHILE PARTICIPATING IN THE PROGRAM**

*\*\*The program should be completed expeditiously.\*\*\**

# Statewide Improvement Initiative

## Information for Delaware

- Screener- key decision point to identify a youth's strengths and opportunities. Effective approach to assess youth's risk to reoffend, identify needs for service matching, and target positive youth development opportunities.
- Provides ability to identify community based resources that match identified need.
- Shortened version of the assessment tool.
- Requires answers to static questions around criminal history and system involvement
- Captures responses to questions about dynamic needs such as school participation and community relationships.
- Includes a separate screener to measure symptoms of trauma

# Replication / Challenges

## REPLICATION

- We did not “recreate the wheel”
- Collaboration and support between stakeholders
- Support from Legislative Body - “Right time” for Juvenile Justice Reform in the state.

## CHALLENGES

- Transitioning from an “Initial Phase” program to an all inclusive statewide program
- Training all sworn law enforcement officers across the state
- Inherent Bias

# Statistical Data

DESCRIPTION	PERCENTAGE
WHITE	42.48%
NON-WHITE	57.52%
FEMALE	54.87%
FEMALE NON-WHITE	58.46%
MALE	45.13%
MALE NON-WHITE	41.54%
INELIGIBLE	5.31%
ELIGIBLE	94.69%
COMPLIANT (SUCCESSFUL)	91.00%
NON COMPLIANT (UNSUCCESSFUL)	8.00%

AVERAGE AGE	14.5
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RACE	PERCENTAGE
ASIAN	0.59%
BLACK	54.46%
HISPANIC	5.31%
WHITE	39.46%
UNKNOWN	0.08%

# Statistical Data (cont.)

DATA AS OF 9/12/2019

\*other offenses represents addition eligible offenses since 7/1/2019 program expansion\*

OFFENSES	PERCENTAGE
SHOPLIFTING	2.42%
DISORDERLY CONDUCT	60.60%
POSSESSION OF MARIJUANA	27.70%
POSSESSION OF DRUG PARAPHERNALIA	1.03%
LOITERING	0.34%
CRIMINAL TRESPASS (3 <sup>RD</sup> )	2.28%
ALCOHOL OFFENSES	3.9%
OTHER OFFENSES *	1.73%

CALENDAR YEAR OF STUDY	RECIDIVISM
2015	13.16%
2016	4.65%
2017	3.19%

# Resources

**Our website:**

**<https://de.gov/jccprogram>**

**Donna M. Pugh, Esquire**

**Juvenile Civil Citation Program Director**

**Community Services - Division of Youth Rehabilitative Services**

**1825 Faulkland Road, Wilmington, DE 19805**

**Phone: 833-JCC-LINE (833-522-5463) or 302-633-2633**

**| Fax: 302-633-2636**

**[Donna.Pugh@delaware.gov](mailto:Donna.Pugh@delaware.gov)**

# Questions & Answers





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