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

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

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)

- **Low risk**
  - Low Behavioral health: Divert with little to no intervention
  - High Behavioral health: More intensive intervention w/RNR

- **High risk**
  - Low Behavioral health: More intensive intervention w/MH or SA & RNR services
  - High Behavioral health: Divert w/MH or SA services

**Re-offense Risk**

(Adapted from NCMHJJ)
DECIDING WHOM TO DIVERT
Screening vs. Assessment

Screening (triage)

- Screened Out

Assessment

- Doesn’t have problem

- Has problem in question & we have a sense what to do

Information-Sharing Issue?

- Small Issue

- BIG Issue
**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
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)

- Family
- Educ/Employ
- Subs Abuse
- Personality/Beh
- Attitude
- Leisure
- Peer

Peterson-Badali, Skilling, Haqane (2014)
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
transformation through choice

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.
COMMUNITY-BASED DIVERSION

AUG 2011

The original vision was sparked by a brainstorm between founder Doug Wheeler & Processing Attorney Dan Salterberg on how to address the disproportionately high rate of youth in the juvenile justice system.

1ST YOUTH WORKSHOP

2013-2016

The vision grew to encompass community partners and expanding partnerships to reach more young people.

NEW PARTNERSHIP, MAJOR GROWTH

MAR 2017

CHOOSE 180 hired its first Executive Director and began expanding the partnerships to reach more young people.

1ST YOUTH WORKSHOP

JUNE 2018

CHOOSE 180 extends its partnership with King County to launch the CEDAM program, an intervention opportunity for youth charged with their first felony.

CREATING INTERNSHIP OPPORTUNITIES

SEP 2018

CHOOSE 180 begins offering summer youth internships in partnership with King County and Seattle Youth Employment.

FELONY YOUTH INTERVENTION

NOV 2018

CHOOSE 180 partners with the Highline School to offer a 5-week, restorative justice program for youth at risk of incarceration and expulsion.

ADDRESSING CRIMINALIZATION INSIDE SCHOOLS

DEC 2018

To reach youth before justice involvement, CHOOSE 180 partners with the Highline School to offer a 5-week, restorative justice program for youth at risk of incarceration and expulsion.
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.
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
sgoode@choose180.org  |  206.694.3000
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
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.
Police encounter youth who have committed an eligible JCC offense

Police use discretionary power - youth referred to JCC with paperwork through LEISS

JCC Administrative Staff forward youth's information to local community provider

Risks/Needs Screener completed - resources provided - youth complies with all JCC requirements

Youth completes JCC

*NO CRIMINAL RECORD GENERATED*

Youth fails to report for assessment /or fails to comply with JCC requirements

Youth's paperwork forwarded to Family Court - youth arrested and processed through Family Court

Youth is processed through regular Family Court methods

*CRIMINAL RECORD GENERATED*
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

<table>
<thead>
<tr>
<th>Juvenile’s Name:</th>
<th>Complaint #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOB:</td>
<td>Race:</td>
</tr>
<tr>
<td>Home Address:</td>
<td>Sex:</td>
</tr>
<tr>
<td>Referring Officer:</td>
<td>Referring Officer’s Badge #:</td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
</tr>
<tr>
<td>Parent/Guardian Phone #:</td>
<td>Zip:</td>
</tr>
<tr>
<td>Incident Location:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>To Wit:</th>
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</thead>
</table>

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.

## INITIAL CONTACT INFO:

Parents/Guardian MUST CALL OR GO ONLINE within 7 Business Days of Receiving Citation:

You can complete initial intake online: [https://www.delaware.gov/forms/Juvenile-Initial-Contact](https://www.delaware.gov/forms/Juvenile-Initial-Contact)
or call JUVENILE CIVIL CITATION PROGRAM 833-JCC-LINE (833-522-5463)

*Please leave full name of youth, name of person calling, and best contact number to receive a call back.

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.

<table>
<thead>
<tr>
<th>Juvenile’s Name (Signature)</th>
<th>Juvenile’s Name (Print)</th>
<th>DATE</th>
</tr>
</thead>
</table>

Was Parent/Guardian Contacted? Y / N

By accepting and executing 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

<table>
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<tr>
<th>DESCRIPTION</th>
<th>PERCENTAGE</th>
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<tbody>
<tr>
<td>WHITE</td>
<td>42.48%</td>
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<tr>
<td>NON-WHITE</td>
<td>57.52%</td>
</tr>
<tr>
<td>FEMALE</td>
<td>54.87%</td>
</tr>
<tr>
<td>FEMALE NON-WHITE</td>
<td>58.46%</td>
</tr>
<tr>
<td>MALE</td>
<td>45.13%</td>
</tr>
<tr>
<td>MALE NON-WHITE</td>
<td>41.54%</td>
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<tr>
<td>INELIGIBLE</td>
<td>5.31%</td>
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<tr>
<td>ELIGIBLE</td>
<td>94.69%</td>
</tr>
<tr>
<td>COMPLIANT (SUCCESSFUL)</td>
<td>91.00%</td>
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<tr>
<td>NON COMPLIANT (UNSUCCESSFUL)</td>
<td>8.00%</td>
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<table>
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<tr>
<th>RACE</th>
<th>PERCENTAGE</th>
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<td>ASIAN</td>
<td>0.59%</td>
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<tr>
<td>BLACK</td>
<td>54.46%</td>
</tr>
<tr>
<td>HISPANIC</td>
<td>5.31%</td>
</tr>
<tr>
<td>WHITE</td>
<td>39.46%</td>
</tr>
<tr>
<td>UNKNOWN</td>
<td>0.08%</td>
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**Average Age:** 14.5
Statistical Data (cont.)
DATA AS OF 9/12/2019
*other offenses represents addition eligible offenses since 7/1/2019 program expansion*

<table>
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<tr>
<th>OFFENSES</th>
<th>PERCENTAGE</th>
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<tbody>
<tr>
<td>SHOPLIFTING</td>
<td>2.42%</td>
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<tr>
<td>DISORDERLY CONDUCT</td>
<td>60.60%</td>
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<tr>
<td>POSSESSION OF MARIJUANA</td>
<td>27.70%</td>
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<tr>
<td>POSSESSION OF DRUG PARAPHERNALIA</td>
<td>1.03%</td>
</tr>
<tr>
<td>LOITERING</td>
<td>0.34%</td>
</tr>
<tr>
<td>CRIMINAL TRESPASS (3RD)</td>
<td>2.28%</td>
</tr>
<tr>
<td>ALCOHOL OFFENSES</td>
<td>3.9%</td>
</tr>
<tr>
<td>OTHER OFFENSES *</td>
<td>1.73%</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>CALENDAR YEAR OF STUDY</th>
<th>RECIDIVISM</th>
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<tbody>
<tr>
<td>2015</td>
<td>13.16%</td>
</tr>
<tr>
<td>2016</td>
<td>4.65%</td>
</tr>
<tr>
<td>2017</td>
<td>3.19%</td>
</tr>
</tbody>
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Resources

Our website:
https://de.gov/jccprogram

Donna M. Pugh, Esquire
Juvenile Civil Citation Program Director
Community Services - Division of Youth Rehabilitative Services
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| Fax: 302-633-2636
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Questions & Answers
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