

Juvenile Justice Fact Sheet Series: Diversion

March 2015

Prevention	Diversion	Community-Based Alternatives	Community Corrections Facilities	Detention	Juvenile Correctional Facilities	Parole/ Probation	Reentry	Adult System
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What is Diversion?

Diversion programs are community-based, but differ from more traditional community-based programs because they hold youth accountable while allowing youth to avoid some level of formal processing in juvenile court. For example, successful completion of diversion programs often result in the youths' cases being closed and records being eliminated. Diversion programs vary considerably based on several factors, including:

- Type of youth served (e.g., youth with mental health or substance abuse challenges, first-time offenders, or youth with certain types of offenses, such as status or misdemeanor offenses).
- Who makes the decision to divert the youth (e.g. police, court intake, or juvenile court judge).
- The consequences of not completing a diversion program successfully (e.g. formal filing).
- When the diversion takes place (e.g., before arrest, during intake, or after adjudication, but before disposition).

Improperly implemented or designed diversion programs can cause harm to youth. First, diversion programs may jeopardize youths' legal rights; for example, in some programs youth must admit to committing an offense before formal charges are filed and without consulting an attorney. Second, diversion programs may subject youth – particularly those who have difficulty complying with the program's requirements – to charges for relatively minor offenses. Finally, diversion programs purposefully or inadvertently may exclude particular types of youth who may benefit from services, including youth with higher level offenses or youth of color.

Therefore, it is critical that courts and community stakeholders set up diversion programs very carefully to avoid unintended consequences, including the potential to increase the likelihood that the youth will recidivate.

Research on Diversion:

Diversion programs can reduce recidivism and court costs by keeping youth from the formal juvenile court process while providing them with services aligned to the youth's particular needs. Diversion programs also can reduce negative labeling associated with court-involvement and ensure that the juvenile justice system has a range of options available to properly respond to youth's diverse needs.

Research on diversion programs is varied and program-dependent, with various studies showing different programs having positive, no, or negative impacts on youth. A recent national study found that diverted youth *who had access to programming and services* had lower recidivism rates than formally adjudicated youth, but youth who were simply reprimanded or had their case dismissed did not. Key components to accessing programs include an evaluation and assessment to determine the youth's needs and an availability of appropriate programs.

However, research also shows that some youth who receive treatment within the juvenile court system can still experience increased recidivism. Studies also argue that diversion programs can “widen the net” of youth caught in the juvenile court system, meaning diversion programs actually encourage court involvement when community based services would more effectively address youth needs.

Several independently studied diversion programs with positive results include:

- TeamChild Program (Washington State) – The TeamChild Program addresses non-juvenile justice needs that youth who come to the court's attention may have, including access to education, housing, mental health programming, or other community-based programming.

- Civil Citations (Miami-Dade, FL) – The Civil Citations program allows youth with first or second time misdemeanors to receive a civil citation, without a formal arrest, and to be referred to a juvenile services department instead of formal processing. The youth receive an assessment and a treatment plan with specific interventions, including mental health and substance abuse treatment, family counseling, and mentoring.

Diversion in Ohio:

In Ohio, one popular method of diversion is through specialized dockets, or court procedures designed to address certain issues (e.g. mental health or substance abuse challenges). In addition, in 2012 the Ohio legislature passed a Safe Harbor law for juvenile victims of human trafficking. Under 2152.021(f), youth accused of committing the adult act of solicitation, prostitution, or loitering or charged with offenses related to their trafficking are entitled to participate in a diversion program and receive a guardian ad litem. The juvenile court judge may make orders about the youth's placement and services and if the court finds the youth completes these rehabilitative services, the underlying charges can be dismissed and the youth's record can be expunged.

Very little information is available about diversion programs throughout the state. Diversion programs are typically administered on a county-by-county basis, and no centralized list or database of these programs is currently available. Some known programs include:

- Disproportionate Minority Contact Diversion Program – Montgomery County: This program works with minority youth ages 11-17 who are charged with an unruly offense or have little or no prior court contact. After a youth comes to the attention of the court, the court assesses the youth and links them with appropriate services, including a mediator if a victim was involved.
- Community Support and Diversion – Stark County: Stark County has a program specifically designed for African American youth who live in certain zip codes. After a complaint is filed, a youth can be referred to diversion by the court's intake department, which considers the seriousness of the offense and the youth's prior record. Youth with felonies are eligible, but the program typically serves youth with unruly or misdemeanor charges and first time offenders. Youth can be referred to three options depending on their risk level: 1) high fidelity wraparound services for both youth and families, 2) the Transition to Independence Process (TIP), which focuses mostly on youth, or 3) traditional case management.
- Peace Circles – Summit County: The Peace Circles program allows youth, victims, community members, and volunteers in Summit County to come together and discuss the impact the youth's actions had on the community. The group then agrees to, and monitors, a plan for the youth to remedy the negative impact.

Costs: The average costs of diversion programs are unavailable in Ohio due to their decentralized nature.

Outcomes and Recidivism: No data is available on diversion programs in Ohio; however, some data will become available in the next year through the Ohio Supreme Court's specialized dockets data collection.

Conclusion:

Diversion programs – when implemented correctly – have the potential to have a positive effect for both youth and communities by reducing recidivism, negative stigma for youth, and court costs. However, programs that do not meet rigorous standards can have negative effects on youth and communities, including increasing youth's involvement with the juvenile justice system and recidivism. It is critical that any diversion program be designed carefully with meaningful input from a stakeholders and evaluated regularly to ensure the programs success.

Resources:

Models for Change Juvenile Diversion Workgroup, *Juvenile Diversion Guidebook*, (2011), available at: <http://www.modelsforchange.net/publications/301>

OJJDP, *Model Programs Guide – Literature Review: Diversion*, (2010), available at http://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf.

Team Child, *What We Do*, <http://www.teamchild.org/index.php/whatwedo/> (last accessed March 3, 2015).

National Center for Justice Planning, *The Miami-Dade Civil Citation Program: Diverting Youth from System Involvement*, <http://ncjp.org/content/miami-dade-civil-citation-program-diverting-youth-system-involvement> (last accessed March 3, 2015).

This fact sheet is one of a fact sheet series about Ohio's juvenile justice system by the Ohio Juvenile Justice Association.

If you have any questions, please visit [OJJA's website] or contact Erin Davies with the Juvenile Justice Coalition at edavies@jjohio.org or 614-400-5548.