

Diversion and Juvenile Probation

Youth Offender Demonstration Grant Project Tip Sheet

Tip Sheet 2 – June 3, 2003

WHAT THEY ARE: The term **diversion** refers to either the actions of police officers or juvenile courts in informally handling a juvenile's case prior to referral to court (police) or to the postponement of adjudication and referral of a juvenile to services (court). Law enforcement diversion is generally accomplished by "warn or release" or through a structured police diversion program. Once a youth reaches court, he or she can be diverted at intake, by either the prosecutor or the court itself. In many jurisdictions, a court will place a youth on informal probation under a court order, often referred to as a "consent decree." Rather than the court becoming formally involved with the youth, he or she is referred to a program designed to provide services for the entire family. Diversion is usually used for youth involved in truancy, violation of curfew laws, underage drinking, or minor infractions of the law.

When a youth has been processed by the juvenile court or adjudicated and found "**delinquent**," the most frequently used disposition is **probation**. It refers to the conditions of release placed upon the youth and his or her family under court order. The youth is placed and maintained in the community under the supervision of an agent of the court—a Probation Officer. A probation order may include (in addition to supervision requirements) drug counseling, mandatory school attendance, a curfew or weekend confinement in the local detention center, and community or victim restitution. The term of probation may be for a specified period of time or open-ended. Probationers, depending on the severity of their offense, will be required to contact or meet periodically with their probation officer, or the probation officer may meet them in the community or at school. The more severe the offense, the more frequent the contact meetings will be; this is often referred to as "*intensive probation*." Review hearings are held to monitor the juvenile's progress and to hear reports from probation staff. After the conditions of probation have been successfully met, the judge releases the youth from further court involvement.

WHY THEY ARE IMPORTANT: The two *informal handling options* defined in this tip sheet are important for several reasons. The first has to do with the high numbers of troubled youth receiving diversion or probation. Nearly 6 out of 10 youth brought before the court are placed on probation. Both diversion and probation help the youth avoid the negative effects of confinement in a detention or correctional facility. Keeping the youth in his or her home and community is also a less costly option for the taxpayer. Both offer opportunities for communities to provide positive experiences and offer guidance in and support for staying in school, graduating, or enrolling in vocational education. Recent studies have also shown that the majority of youth brought to the attention of the juvenile court have only one referral, thus proving that the majority of youth will learn from the initial experience. In today's vernacular, one will also hear diversion and probation requirements referred to as part of a *continuum of graduated sanctions*.

BEST PRACTICES. Many of the best practice examples mentioned in *Tip Sheet #1, Prevention and Early Intervention* can be used for at-risk youth diversion referrals. Others are noted below.

DIVERSION. One of the most frequently mentioned effective diversion programs is found in Thurston County, Washington. This "fast track" effort diverts first- and second-time offenders, charged with a misdemeanor or a gross misdemeanor, to a Community Accountability Board. The Board meets with the youth and formulates a diversion agreement that may include community service, restitution, or counseling. Effective diversion programs should hold offenders accountable for the offense, provide swift and certain consequences, and take steps to repair the harm caused by their offense.

JUVENILE PROBATION. Often referred to as the "workhorse of the juvenile justice system," this phase of the juvenile justice system offers an opportunity for courts to provide various services: helping with academics, counseling for drug and alcohol abuse, family therapy, mental health evaluation and follow-up services, employment preparation and job placement services, and community services. One model court that provides all of the above is the Orange County Juvenile Court, with its *8% Early Intervention Program*, a proven effective practice. The program received its name from a study in the county showing that 8% of the youth arrested were responsible for 55% of repeat cases!

Other progressive courts are ordering youth on probation to participate with private service providers who use proven therapeutic interventions. Examples include *Functional Family Therapy* and *Multisystemic*

Therapy, which employ elements of family preservation that have proven effective in treating substance abusers as well as serious and chronic youthful offenders from both urban and rural communities. Another development growing in popularity is *school-based probation*, used instead of the traditional courthouse-based system. This new approach allows for more frequent client contact for observing behavior and interaction in a social setting, and allows for actively enforcing conditions of probation, e.g., school attendance.

Another successful approach, implemented in Milwaukee County, Wisconsin, is called *Milwaukee Wraparound*. The county mental health agency serves as its own HMO. It has forged agreements with several funding sources to blend funds, enabling the agency to support, on a fee-for-service basis, integrated *wraparound services* from more than 150 different providers. A comprehensive case management system assures proper assessment, placement, and accountability of the youth and the service providers. Families are integrally involved in the planning for and delivery of services. This program has enabled Milwaukee County to substantially reduce placement of youth with serious emotional and behavior problems in residential treatment centers.

In the last few years, many communities have begun experimenting with *special purpose courts* that show promise for effectively handling substance abusers, gang members, and others. *Juvenile drug courts*, found in a number of jurisdictions across the county, are intensive treatment programs that provide specialized services for drug-involved youth and their families. They combine a treatment staff with the power of the juvenile court judge to ensure compliance with a treatment plan. Early evaluation results regarding continued drug use, recidivism, and educational achievement show great promise for this probation intervention. Specialized *juvenile gun courts* target youth identified by such risk factors as gang membership, drug dealing, the availability of guns in the home, or arrest with an armed codefendant. These courts offer an array of services including intensive court contact with the offenders for an extended period of time. Anecdotal evidence from the six communities employing this type of juvenile probationary program is very positive.

Finally, a successful experience in Boston should also be mentioned, in which police and juvenile probation officers are paired in an attempt to reduce juvenile firearms crime. One of the results of this effort is that it kept gang members on probation from engaging in planned conflicts.

WEB RESOURCES:

Functional Family Therapy

www.fftinc.com

Juvenile Drug Courts

www.nadcp.org

Multisystemic Therapy

www.mstservices.com

Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice

www.ojjdp.ncjrs.org

The 8% Solution

www.oc.ca.gov/probation/solution/index.asp

Wraparound Milwaukee

http://cecp.air.org/teams/prospectors/wrap_around_milwaukee.htm

PUBLICATIONS:

Cooper, Carolyn. *Juvenile Drug Court Programs*. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Washington, DC, 2001.

Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Washington, DC, 1998.

Kennedy, David M., et al. *Reducing Gun Violence: The Boston Gun Project's Operation Ceasefire*. Office of Justice Programs, U.S. Department of Justice. Washington, DC, 2001.

Kurlychek, Megan, et al. *Focus on Accountability: Best Practices for Juvenile Court and Probation*. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Washington, DC, 1999.

Shepard, David and Patricia Kelly. *Juvenile Gun Courts: Promoting Accountability and Providing Treatment*. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Washington, DC, 2002.

This is a product of the National Youth Offender Demonstration Project developed under contract Number AZ-12908-03-30. Contents of this publication do not necessarily reflect the views or policies of the U.S. Department of Labor, Employment and Training Administration, Office of Youth Services.

This publication was written by F.M. Porpotage II.